

WATER PERMIT NO. 2547-3

Name of Applicant: Croell Redi-Mix, Inc.

Address: PO Box 1352, Sundance WY 82729

Phone: 307 283-2221

Amount of Water Claimed: 2.22 cfs (200 acre-feet)

Total Acres: NA

Source of Water Supply: Cheyenne River

Water to be used for: industrial use

County: Butte Pennington

Type of Waste Disposal System:

Location: 4 miles south of Wasta

PRIORITY

Date Received: 1-18-05

Application/License Fee: \$275

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: SW ¼ NW ¼ Sec 29-T1N-R14E

Land to be Irrigated: NA

Depth of Well: NA

Well Driller:

Remarks:

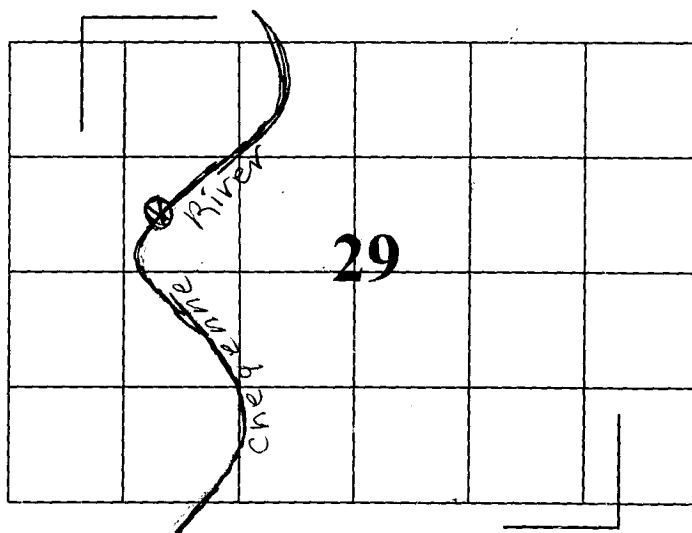
Type of Map: aerial

Prepared by: Thomas G Quinn, NRCS

Reviewed and the Number Assigned on: 1-18-05

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>2547-2</u> (office use only) Hydrologic Unit <u>1012011</u>
	Basin <u>Upper Cheyenne</u>
	Newspaper <u>Rapid City Journal, Rapid City</u>

RECEIVED

JAN 18 2005

WATER RIGHTS
PROGRAM

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:
(check one)

☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☐ 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.)

N/A

- Name of Applicant CROELL RED-MIX, INC. Phone 307-283-2221
 (check one) ☒ Owner ☐ Tenant/lessee
 Mailing Address PO BOX 1352 SUNDANCE State WY 82729
 (Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.22 *CFS or 1000 **GPM 200 ***AF
 (*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply CHEYENNE RIVER
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County PENNINGTON
(SW1/4 of NW1/4)
W 1/2 SECTION OF SECTION 29, TOWNSHIP 1N, RANGE 14E, 500' EAST OF
REFERENCE POINT
- County or counties where water will be used PENNINGTON
- Annual period during which water is to be used 2005 Jan 1-Dec 31?
- 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)

PLEASE SEE ATTACHED

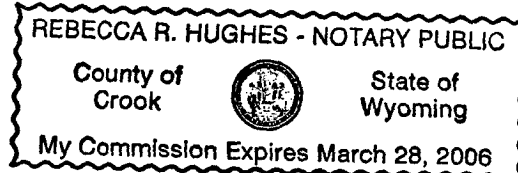
STATE OF SOUTH DAKOTA)

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, Brian Marchant, 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.
Applicant's signature B Marchant for Croell R/MSubscribed and sworn to before me this 13 day of January 20 05Notary Public signature Rebecca R. Hughes

4-2000



SOUTH DAKOTA
WATER PERMIT NO. 2547-2

Date of first receipt of application January 18, 2005.

The Water Management Board approved Water Permit No. 2547-2 on May 4, 2005 for Croell Redi-Mix, Inc., PO Box 1352, Sundance WY 82729 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. 2547-2 appropriates 2.22 cubic feet of water per second (200 acre-feet annually) from the Cheyenne River located in the SW ¼ NW ¼ Section 29-T1N-R14E.
2. The water appropriated shall be used for the purpose of industrial use in a sand and gravel washing operation and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date from which applicant may claim right is January 18, 2005.
5. One-fifth of the construction is to be completed on or before November 4, 2007.
6. All construction is to be completed on or before May 4, 2010.
7. Water is to be put to beneficial use on or before May 4, 2014.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed. This permit does not authorize diversion of water from the Cheyenne River at any time when the river flow is low, unless written orders have been issued by the Chief Engineer. Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.
2. Permit No. 2547-2 authorizes diversion of water from the Cheyenne River only to the extent necessary to replenish the holding/settling ponds for losses due to evaporation and dust control purposes. Water shall be re-circulated through the holding/settling ponds and reused to minimize the need to make Cheyenne River diversions.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

MAY 17 2005
date



(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

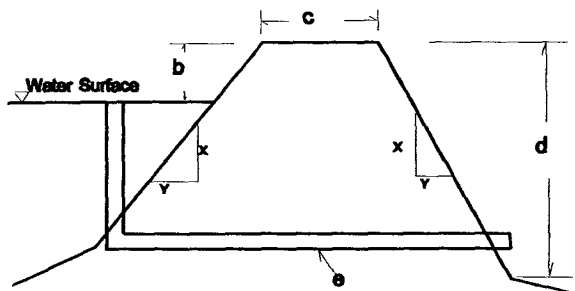
3. Dugout Information

- a) Surface Dimensions 100' x 100' Depth 15'
- b) Depth to water (ground surface to water level) 10'

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 _____
- 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 _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 18, 2005

RECEIVED OF Groell Radi-Mix Inc., PO Box 1352, Sundance WY 82729

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

Fee for Application for Permit No. <u>2547-2</u> to Appropriate Water, to construct and to put water to beneficial use	225	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2547-2</u>	50	00
Fee for Filing Transfer Form _____		
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	275.00

No.

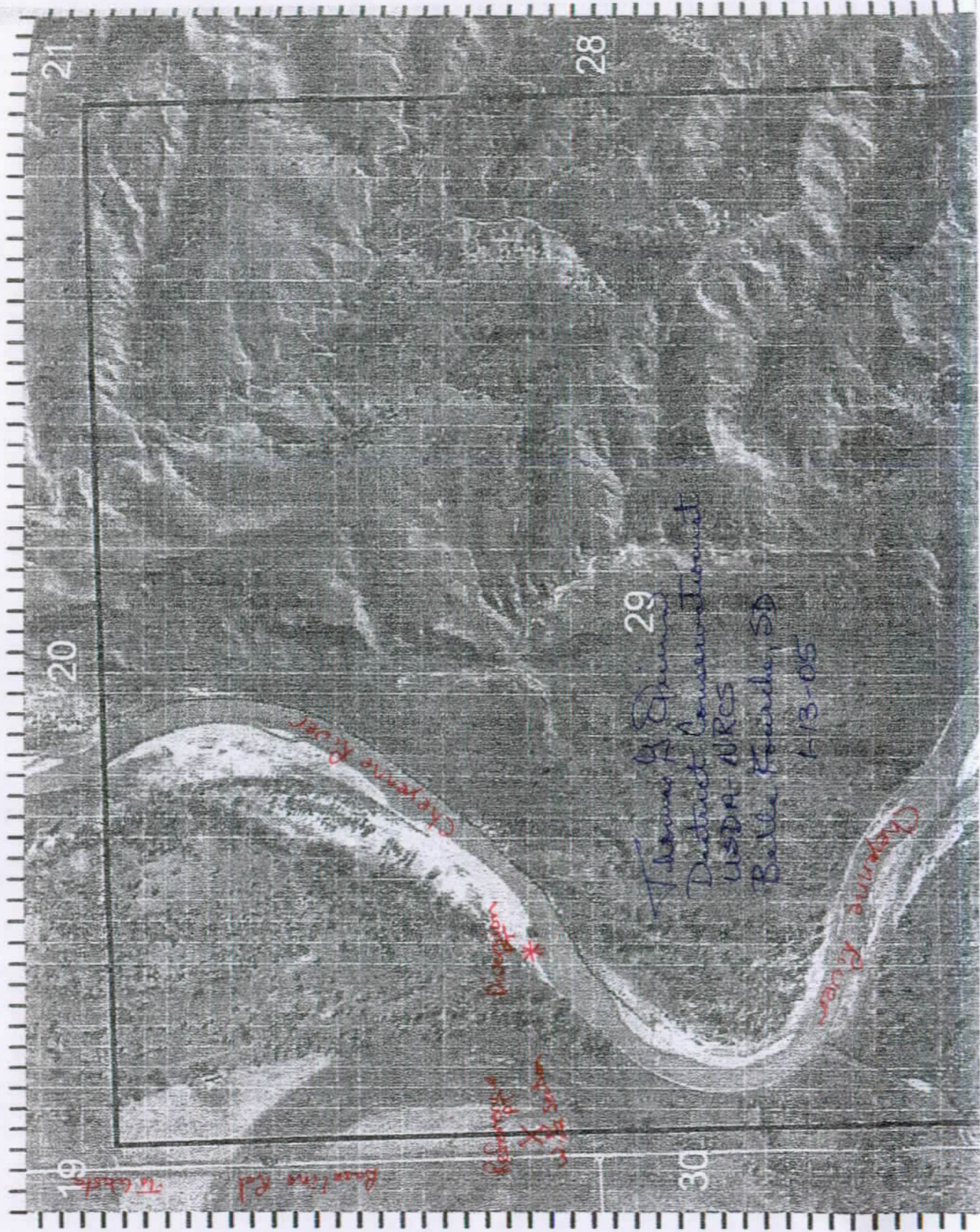
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By

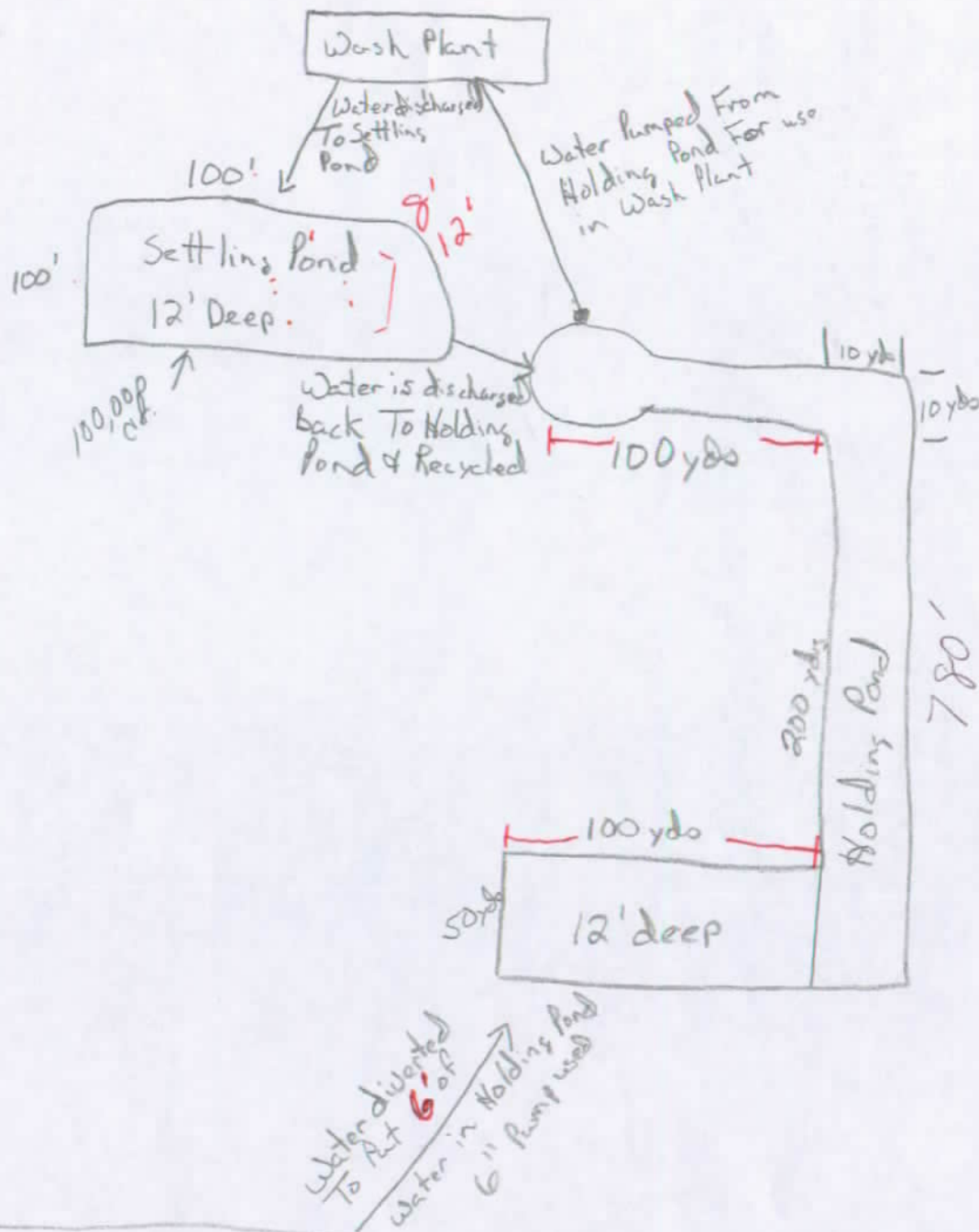
Darlene Elbe
Chief Engineer
gm

OPERATOR: CROELL REDI-MIX, INC. Antelope - Spring/Sun

Legal Description: Sections 19, 29, 30, & 31; T1N-R14E, Pennington



Wasta Pit



Cheyenne River

January 12, 2005

To Whom It May Concern:

We are applying for a permanent water permit for a sand washing plant in the Wasta SD area. We intend to use a 6" centrifugal water pump to transfer water from the Cheyenne river to a portable wash plant located nearby. The discharge water will be collected in a large settling pond before returning to the river.

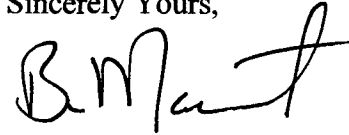
We expect to operate for 3-4 months out of the year during the summer months. We expect to use 150 to 200 acre feet of water a year. The majority of the water will be returned to the river after the solids have settled out of it.

If you have any question feel free to call 307-283-2221.

Julie

8-10 hrs/day 4-10 hr day

Sincerely Yours,

A handwritten signature in black ink, appearing to read 'B Marchant', with a stylized flourish at the end.

Brian Marchant
Regional Manager
Croell Redi-Mix

Croell Redi-Mix, Inc.
2719 South Highway 585
PO Box 1352
Sundance, WY 82729

RECEIVED
JAN 25 2005
WATER RIGHTS
PROGRAM

Phone: 307.283.2221

Fax: 307.283.1450

January 20, 2005

South Dakota DENR
Foss Building
523 East Capitol
Pierre, SD 57501

RE: Water Permit Applications

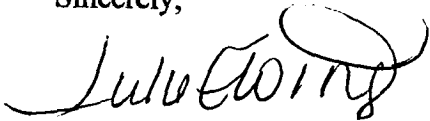
Dear Don Stroup:

Please find enclosed two copies of our intended operations for the Cheyenne and Belle Fourche Rivers.

In you need any further information or have any questions regarding these maps, please contact myself or Brian Marchant at the above regional office.

Thank you in advance for your assistance in this matter.

Sincerely,



Julie Ewing
Safety and Health Director
Croell Redi-Mix, Inc.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 8, 2005

Brian Marchant
Croell Redi-Mix Inc.
PO Box 1352
Sundance WY 82729

Dear Mr. Marchant:

Please find enclosed the reports, recommendations and public notices for the three applications submitted by Croell Redi-Mix. Each application has a separate cover letter instructing you to review the material and contact the newspaper to authorize publication of the notice. Since the applications are in different counties a separate public notice is needed and you will need to contact the newspapers as set forth in the cover letter for each application.

Please pay close attention to Application No. 1831-1 which proposes to appropriate water from the Belle Fourche River. The Chief Engineer's recommendation is for denial of this application.

If you have any questions, please feel free to contact me.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
(605) 773-3352

enclosure

REPORT ON WATER PERMIT APPLICATION 2547-3

Croell Redi-Mix, Inc.

P.O. Box 1352

Sundance, WY 82729

(307) 283-2221

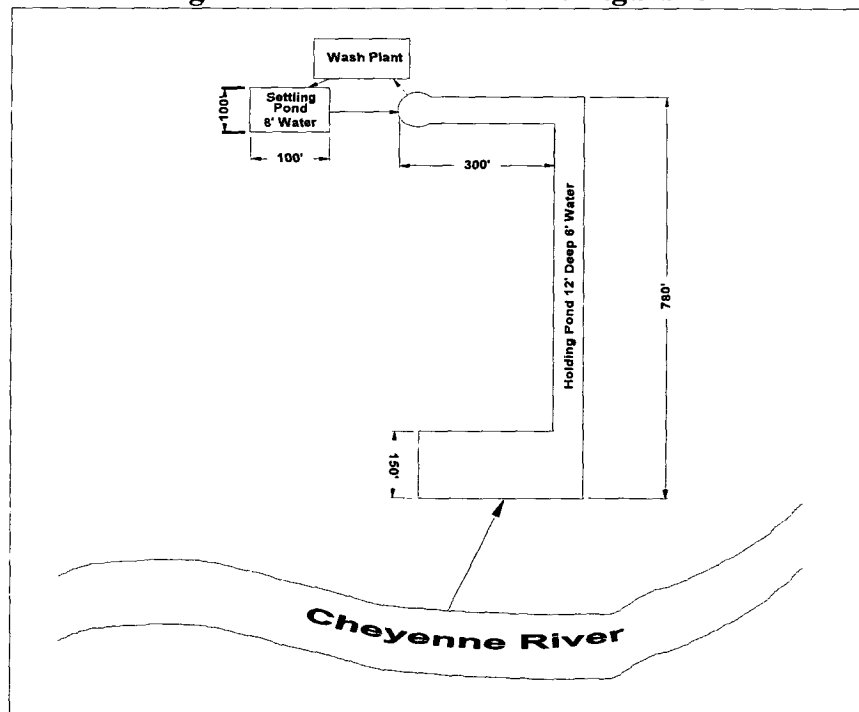
January 31, 2005

Water Permit Application No. 2543-3, Croell Redi-Mix Inc., proposes to appropriate 2.22 cubic feet per second (cfs) of water from the Cheyenne River approximately 3 miles upstream from Wasta, SD in Pennington County for a sand and gravel washing operation. The wash water will be diverted directly to the holding pond to be used for the washing operation after the sediments have settled out. The holding pond water will be pumped to the wash plant and then to the settling pond after the washing procedure. Water will be re-circulated through holding and settling ponds and replenished with river water as needed to replace losses due to evaporation and dust control. The annual requested period of use is from January 1 through December 31.

Proposed Project

The applicant proposes to construct a 1.84 acre-feet (150,000 cubic foot (ft³)) settling pond and a 10.66 acre -feet (928,800 ft³) holding pond. Initially, water will be diverted from the Cheyenne River at the proposed rate of 2.22 cfs using a 6 inch pump into the holding and settling ponds. The holding pond water will then be pumped to the wash plant and then to the settling pond during the washing procedure. After the sediments have settled out, the water will be recycled to the holding pond for further use. The water in the holding will be replenished with Cheyenne River water as needed to replace evaporation losses and water used at the site for dust control. The applicant estimates 200 acre-feet of water will be used annually. (Figure 1)

Figure 1. Generalized Site Configuration



Review of Water Source and Existing Water Rights

The water source for the proposed project is the Cheyenne River. The diversion point is located in the SW1/4 NW1/4 Section-29-T1N-R14E, downstream of the confluence of Rapid Creek-Cheyenne River, and approximately 3 miles upstream of Wasta, SD in Pennington County. There are 3 existing water rights authorized to divert 8.16 cfs located downstream of this proposed project to Wasta, SD and 24 water rights from Wasta, SD to the confluence of Cheyenne-Belle Fourche Rivers authorized to divert 95.55 cfs of water for irrigation purposes.

The U.S. Geological Survey (USGS) operates a stream flow gaging station on the Cheyenne River near Wasta, SD. The historical data from 1950 through 2002 (Table 1) indicate that for the interval June through August, there is a 75-percent probability the median flow will range from 65 to 92 cfs or greater. There is a 50-percent probability the median flow rate will range from 102 to 259 cfs or greater for the same time period at this location.

The presumption can be made that the stream flow rates recorded at the Wasta gaging station are post withdrawal of the majority of those Water Rights located upstream of the gage's location during the normal irrigation season.

Junior Water Rights in this reach of the Cheyenne River were subject to shut-off orders by the Chief Engineer in 1989 and 1990 due to severe drought conditions.

Except during severe drought conditions in the Upper Cheyenne River Basin, historical USGS stream flow data indicate this project's proposed intermittent pumping of Cheyenne River water at the rate of 2.22 cfs to replenish the holding pond should not adversely impact any of the existing water rights or domestic water use along this reach of the Cheyenne River.

Table 1. Cheyenne River Median Flow Percentiles, Wasta, SD

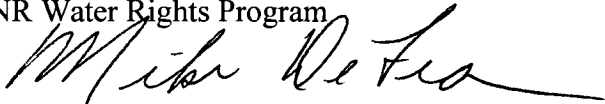
Plot Data	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10 Percentile	30	52	102	79	61	53	48	48	52	63	70	45
25 Percentile	50	80	149	119	96	92	70	65	74	85	94	75
50 Percentile	85	110	240	218	231	259	139	102	101	115	120	100
75 Percentile	140	186	466	374	617	890	332	176	160	165	160	135
90 Percentile	216	340	869	822	1558	2049	719	406	325	272	284	226

Conclusions

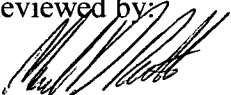
- 1) Water Permit Application No. 2547-3, Croell Redi-Mix Inc., proposes to appropriate 2.22 cfs of water from the Cheyenne River in Pennington County, SD for a sand and gravel washing operation. The water will be re-circulated through holding and settling ponds and replenished with Cheyenne River water as needed due to evaporation losses and dust control as needed.

- 2) Except for extreme drought conditions in the Upper Cheyenne River Basin, historical USGS stream flow data indicate this project's proposed intermittent diversion of Cheyenne River water at the rate of 2.22 cfs to replenish the holding pond should not adversely impact any of the current water rights or domestic water use along this reach of the Cheyenne River from the project's location to Wasta, SD.
- 3) Under extremely dry conditions, the availability of water for domestic use and senior water rights may be limited. During such conditions the applicant may be required by the Chief Engineer to limit or stop diversions from the Cheyenne River in order to protect senior water rights and domestic use.

Michael A. DeFea
Natural Resources Engineer
DENR Water Rights Program



Reviewed by:



Mark Rath
Natural Resources Engineering Specialist
DENR 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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2547-2, Croell Redi-Mix, 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. 2547-2, Croell Redi-Mix, Inc., c/o Brian Marchant, PO Box 1352, Sundance WY 82729.

The Chief Engineer is recommending APPROVAL of Application No. 2547-2 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 qualification:

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed. This permit does not authorize diversion of water from the Cheyenne River at any time when the river flow is low, unless written order have been issued by the Chief Engineer. Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.
2. Permit No. 2547-2 authorizes diversion of water from the Cheyenne River only to the extent necessary to replenish the holding/settling ponds for losses due to evaporation and dust control purposes. Water shall be re-circulated through the holding/settling ponds and reused to minimize the need to make Cheyenne River diversions.

See report on application for additional information.

Garland Erbele, Chief Engineer
March 7, 2005

NOTE: This water permit, if approved, will be a junior water right subject to shut-off orders. Dry conditions can result in low flows in the Cheyenne River that will require Croell Redi-Mix to cease pumping. It is in Croell Redi-Mix's interest to fill the ponds in the spring when high flows generally occur in order to have water to recirculate from the ponds in the event that a Cheyenne River shut-off order are issued.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SSCounty of Pennington)I, Patricia K. Van Pattencertify that the attached printed Notice was
takenfrom the Rapid City Journalprinted and published in Rapid CityCounty of Pennington and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

March 16, 2005March 23, 2005Cost of Printing One hundred thirty-nine
and thirty-two cents (\$139.32)
(Signature)Legal Advertising Rep.
(Title)03/24/05
(Date Signed)RECEIVED
MAR 25 2005
WATER RIGHTS
PROGRAM

March 16, 23 L1900658

NOTICE OF HEARING
ON APPLICATION NO. 2547-2
TO APPROPRIATE WATER

Notice is given that Croell Redi-Mix Inc., P.O. Box 1352, Sundance, WY 82729, has filed an application for a water permit to appropriate 2.22 cubic feet of water per second (200 acre-feet annually) from the Cheyenne River located in the SW¼ NW¼ Section 29-T1N-R14E. The water is for industrial use in a sand and gravel washing operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2547-2 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.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. 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 April 22, 2005. The petition may be informal but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application at 9:00 a.m., May 4, 2005, in the Matthew Training Center, Foss Building, 523 E. Capitol, Pierre, S.D. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The May 4, 2005, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 22, 2005.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by April 22, 2005, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

Since this application does not involve a monetary controversy in excess of \$2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case need not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by April 22, 2005.

This application is, made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9; 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Steven M. Pirner, Secretary
Department of Environment
and Natural Resources

Instruction to Newspaper - Publish first Notice on March 16, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2547-2 to Appropriate Water

Notice is given that Croell Redi-Mix, Inc., PO Box 1352, Sundance WY 82729 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second (200 acre-feet annually) from the Cheyenne River located in the SW ¼ NW ¼ Section 29-T1N-R14E. The water is for industrial use in a sand and gravel washing operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2547-2 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.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 22, 2005. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application at 9 a.m. May 4, 2005 in the Matthew Training Center, Foss Building, 523 E Capitol, Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The May 4, 2005 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 22, 2005.

Any hearing may be an adversarial proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by April 22, 2005, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

March 8, 2005

Croell Redi-Mix Inc
%Brian Marchant
PO Box 1352
Sundance WY 82729

Dear Mr. Marchant:

Water Permit Application No. 2547-2 for industrial use in Pennington County has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Rapid City Journal printed at Rapid City SD (Ph# 605-394-8300). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and the report on this application is enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notices once each week for two consecutive weeks. The newspaper has also 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

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

March 8, 2005

Rapid City Journal
PO Box 450
Rapid City SD 57709-0450

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2547-2 to Appropriate Water to be published twice. Please publish the first notice on March 16, 2005 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Croell Redi-Mix Inc., % Brian Marchant, PO Box 1352, Sundance WY 82729 (Ph # 307-283-2221).

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

-----CUT HERE-----

No. 2547-2

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

Date _____

We are in receipt of your letter of March 8, 2005 enclosing Notice to Appropriate Water by Application No. 2547-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 17 2005

Croell Redi-Mix Inc
PO Box 1352
Sundance WY 82729

Dear Sir:

Enclosed are Water Permit Nos. 2547-2 & 2548-2 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

Croell Redi-Mix, Inc.
2719 South Highway 585
PO Box 1352
Sundance, WY 82729

Phone: 307.283.2221

Fax: 307.283.1450

May 25, 2005

Department of Environment and Natural Resources
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3182

RECEIVED
MAY 31 2005
WATER RIGHTS
PROGRAM

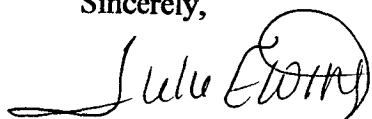
RE: Notice of Completion

Dear Garland Erbele:

Please find enclosed a Notice of Completion form for our Croell Redi-Mix, Inc. Cheyenne River locations near Wasta and Hot Springs. Please note that these plants have been constructed and have been operating with temporary water permits until the permanent permits were approved. At this time, we plan to be operating at these plants later this fall. Feel free to contact me later this summer if you require a more definite date.

In you need any further information or have any questions regarding these forms, please contact me at the above regional office.

Sincerely,



Julie Ewing
Safety and Health Director
Croell Redi-Mix, Inc.

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date 5/25/05

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED
MAY 31 2005
WATER RIGHTS
PROGRAM

FROM: Croell Redi mix Inc.
(name)

PO Box 1352
(address)

Sundance WY 82729
(city, state, zip)

307-283-2221
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 2547-2 states that the water use system is to be constructed by

August 2003, and water is to be put to beneficial use by Sept. 2003.
(date) (date)

The water use system was completed on August 2003.
(date)

Applying the water to beneficial use was completed on Sept. 2003.
(date)

You may schedule an investigation so that the water license may be issued.

Julio Garcia
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 30, 2006

NOTICE OF SHUTOFF ORDER

TO: CROELL REDI-MIX INC
BRIAN MARCHANT
PO BOX 1352
SUNDANCE WY 82729

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. 2548-2 (2547-2)

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.

Water Rights Program - DENR

File Documentation

File No. 2547-2

County: Pennington

Name of Person: *Croell Redi-Mix Inc*

Address: *PO Box 135, Sundance Wyoming*

Date: *8-3-06*

RE: *Investigation of shutoff water rights along the Cheyenne River*

Comments:

On 8-2-06, Mike DeFea and I flew the Cheyenne River from the Belle Fourche confluence to Angostura Reservoir, to verify shutoff order compliance. We identified and GP'ed a location of gravel wash plant Croell Redi-Mix Inc that appeared to having been run very recently because water was running away from a sand pile..

On 8-3-06, Mike DeFea and I made a personal visit to the Croell Redi-Mix Inc wash site. There was a gravel truck driver at the wash plant site. We explained who we were and why we were there. The driver said we needed to talk to the plant foreman who was in Rapid City. The driver called the foreman and let me talk to him. He told me that they removed the river pump and wash plant from the site over two week before. I asked if it was ok for us to make a visible site inspection for ourselves which he agreed to. We drove to the pump site and found the pump had been removed with only the intake pipe remained. We then drove around the gravel wash site. The wash plant was not at the site. There was a washed sand pile that had water still seeping out of it. It appears this was the water we had seen the previous day. There was no indication Croell Redi-Mix had violated the shutoff order.



Mark D Rath

Natural Resources Engineering Specialist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 5, 2006

2547-2 2548-2

CROELL REDI-MIX INC - BRIAN MARCHANT
PO BOX 1352
SUNDANCE WY 82729

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
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 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

NOTICE OF SHUTOFF ORDER

June 27, 2007

TO: CROELL REDI-MIX INC
BRIAN MARCHANT
PO BOX 1352
SUNDANCE WY 82729

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. 2547-2 2548-2

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.

**Water Rights Program - DENR
Conversation File Documentation**

NAME OF PERSON OR FILE: Kristi Chamley / Kyle Frisinger
Croell Redi-Mix Inc.
P.O. Box 1352
Sundance, Wy 82729

ADDRESS: Wasta sand & gravel washing operation
3 ½ miles south of Wasta

COUNTY: Pennington County

DATE: April 15 & 18, 2016 **TELEPHONE:** 307-283-2221

RE: Licensing for permit #2547-2

COMMENTS: I spoke with Kristi Chamley, Environmental Coordinator for Croell Redi-Mix on April 15th concerning an appointment for a site inspection for licensing for their Wasta operation. She said Croell was operating on a year to year lease for the Wasta sand and gravel washing operation but Croell was no longer processing material at that location. The stockpile of gravel is nearly depleted and Croell is still hauling but have ceased operations there. Chamley said the land owner is Joel Deering and she thought he was looking for another operation to lease the property. Since I was uncertain whether the permit would be submitted for cancellation or if the permit would be held for possible transfer, I said I would respond back with additional information. I received a call from Kyle Frisinger and Kristi Chamley on April 18. Kyle explained that Croell used a portable sand and gravel washing plant at Wasta and that the plant had been removed. There is still a substantial volume of material available for processing at the site and depending on demand for gravel and future needs, they may be activating this location in the future. **They wish to retain the water permit.** I explained the purpose of DENR making the inspection for licensing, but without any equipment or pumps located onsite, the inspection would be best made at such time as the operation is active. I suggested they contact DENR in Pierre at such time as they resume operations in Wasta and we would make an inspection at that time, and I would make reference to our discussion in the Croell file. Frisinger confirmed the owner of the property where the gravel operation is located is Soderquist Family Ranch Ltd. and that Joel Deering is one of the Soderquist Family partners

NAME: Steven Quissell, Water Rights Inspector

