

**WATER PERMIT NO. 2652A-2**

Name of Applicant: Hills Materials Company

Address: PO Box 2320, Rapid City SD 57709

Phone: 605 394-3300

Amount of Water Claimed: no add'l

Total Acres: NA

Source of Water Supply: groundwater (1 add'l well)

Water to be used for: industrial

County: Fall River

Type of Waste Disposal System: NA

Location: 1 mile north of Hot Springs

PRIORITY

Date Received: 2-1-11

Application/License Fee: \$100

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: Requesting an additional well to that authorized by No. 2652-2. No additional water requested.

Diversion Point: SW ¼ SE ¼ Sec 11-T7S-R5E

Land to be Irrigated: NA

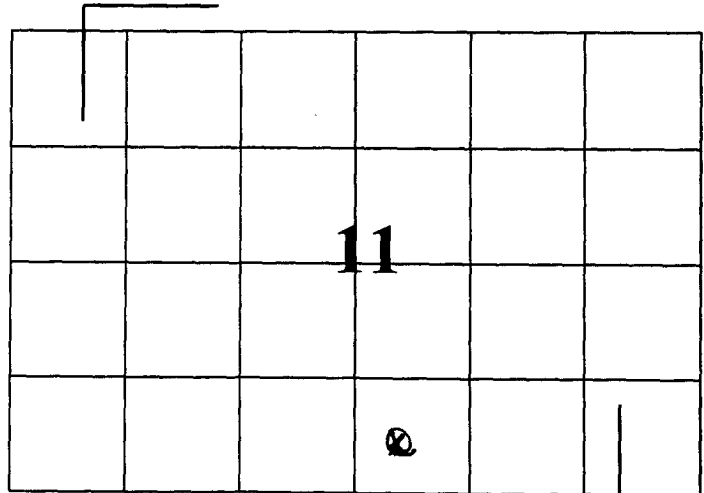
Depth of Well: 400 feet deep

Well Driller:

Remarks:

Type of Map: topo

Prepared by: Roger L Hall, PE



Reviewed and the Number Assigned on: 2-1-11

By: Karen Schlaak

Notice of Hearing - date to intervene: \_\_\_\_\_

Mail to:  
PMB 2020  
DENR - Water Rights  
523 E Capitol Ave  
Pierre, SD 57501-3182  
ph. (605) 773-3352

(office use only)  
No. 2652A-2 Hydrologic Unit 10120109  
Basin Upper Cheyenne  
Newspaper Hot Springs Star PO Box 1000  
605-745-4170 Hot Springs 57747

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

### Check use(s) of water:

|                                                 |                                                |                                          |                                          |
|-------------------------------------------------|------------------------------------------------|------------------------------------------|------------------------------------------|
| <input type="checkbox"/> Municipal              | <input type="checkbox"/> Suburban Housing      | <input type="checkbox"/> Recreational    | <input type="checkbox"/> Institutional   |
| <input type="checkbox"/> Rural Water System     | <input type="checkbox"/> Commercial            | <input type="checkbox"/> Fish & Wildlife | <input type="checkbox"/> Geothermal Heat |
| <input type="checkbox"/> Domestic (over 18 gpm) | <input checked="" type="checkbox"/> Industrial | <input type="checkbox"/> 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. 2652-2

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

It was determined that two wells were needed instead of just one. This amendment is to add an additional well to the existing permit. No additional water use is needed.

- Name of Applicant Hills Materials Company Phone 605-394-3300  
(check one) ☒ Owner ☐ Tenant/lessee  
Mailing Address PO Box 2320 (Address) no add (City) Rapid City (State) SD (Zip Code) 57709
- Amount of water claimed 100 \*CFS or \*\*GPM \*\*\*AF  
(\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*\*Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Minnelusa Formation
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Fall River  
The two wells are in SW 1/4 SE 1/4 Sec 11-T7S-R5E
- County or counties where water will be used Fall River
- Annual period during which water is to be used January 1 - December 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)

There will be two wells approximately 400 feet deep. The two wells combined will never pump more than a total of 50 gpm. The wells described on form 2A to be used in conjunction with Hot Springs Quarry wash plant.

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. Also, attach map and any other technical information. (see instructions)

I, Lynn Kading, 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

Subscribed and sworn to before me this 24 day of JANUARY 20 11

Notary Public signature

**SOUTH DAKOTA  
WATER PERMIT NO. 2652A-2**

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Date of first receipt of application February 1, 2011.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2652A-2 to Hills Materials Company, PO Box 2320, 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. 2652A-2 amends Water Permit No. 2652-2. Water Permit No. 2652-2 authorizes 0.222 cubic feet of water per second from one well completed into the Minnelusa Aquifer (400 feet deep) located in the SW 1/4 SE 1/4 Section 11-T7S-R5E. This permit authorizes an additional existing well also completed into the Minnelusa Aquifer (400 feet deep) located in the SW 1/4 SE 1/4 Section 11-T7S-R5E. This permit does not increase in the authorized diversion rate.
2. The water appropriated shall be used for the purpose of industrial use 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 of approval of Permit No. 2652A-2 is May 9, 2011.
5. The date from which applicant may claim right is May 4, 2010.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

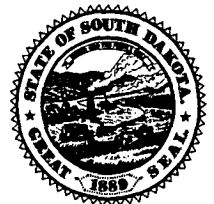
**QUALIFICATIONS**

1. 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.
2. Hills Materials Company shall report to the Chief Engineer annually the amount of water withdrawn from the Minnelusa Aquifer.

**WATER MANAGEMENT BOARD**

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

AUG 22 2011  
date



## Supplemental Information

(type or print in ink)

### 1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8-3/4 inches Depth 400 feet
- b) Casing Type Steel Diameter 7 inch O.D. Thickness 0.317 inch
- c) Screen Type none Diameter N/A Thickness N/A
- d) Gravel Pack N/A Length of Gravel Pack N/A
- e) Depth to Top of Water Bearing Material 300'
- f) Depth to Water (ground surface to water level) 200'
- g) Distance to nearest existing domestic well:
- On applicant's property 1080 feet (approx) 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

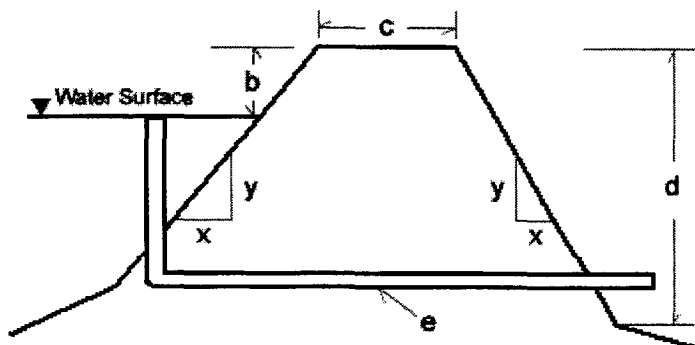
- a) Surface Dimensions \_\_\_\_\_ Depth \_\_\_\_\_
- b) Depth to water (ground surface to water level) \_\_\_\_\_

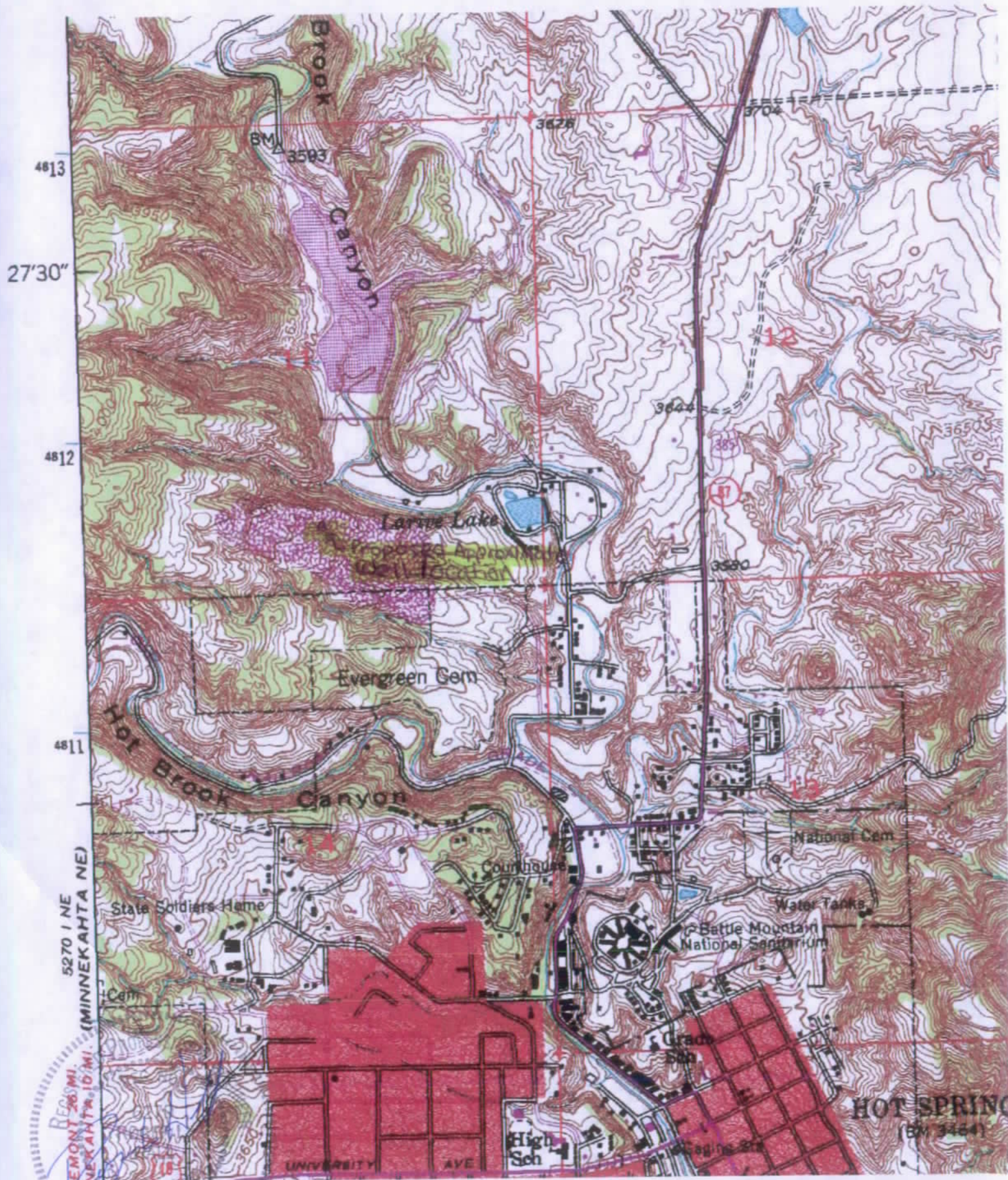
### 4. Water Storage Dams

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 \_\_\_\_\_
- c) Crest Width \_\_\_\_\_  
Crest Length \_\_\_\_\_
- d) Height \_\_\_\_\_
- e) Primary Outlet Capacity \_\_\_\_\_  
If pipe, diameter \_\_\_\_\_
- f) Secondary Spillway Capacity \_\_\_\_\_  
Spillway Width \_\_\_\_\_
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)  
Upstream \_\_\_\_\_  
Downstream \_\_\_\_\_
- h) Surface Area of Impoundment \_\_\_\_\_
- i) Storage \_\_\_\_\_ Acre Feet
- j) Drainage Area Above Dam \_\_\_\_\_ Acres





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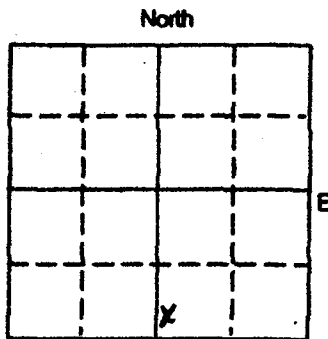
WATER RIGHTS  
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# SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 SE 1/4 Sec 11 Twp 7S Rg 5E

County Fall River



Please mark well location with an "X"

Well completion Date 11/19/2010

Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.) 1000 ft. from Septic (Identify source)

**PROPOSED USE:**

- ☐ Domestic/Stock    ☐ Municipal    ☐ Business    ☐ Test Holes  
☐ Irrigation    ☒ Industrial    ☐ Institutional    ☐ Monitoring well

**METHOD OF DRILLING:**

AIR Rotary

**CASING DATA:**

If other describe

☒ Steel    ☐ Plastic    ☐ Other

| PIPEWEIGHT | DIAMETER | FROM    | TO     | HOLE DIAMETER |
|------------|----------|---------|--------|---------------|
| 17 LB/FT   | 5.5 IN   | +1.5 FT | 420 FT | 7 7/8 IN      |
| LB/FT      | IN       | FT      | FT     | IN            |
| LB/FT      | IN       | FT      | FT     | IN            |

**GROUTING DATA:**

| Grout Type      | No. of Sacks | Grout Weight      | From          | To          |
|-----------------|--------------|-------------------|---------------|-------------|
| <u>PORTLAND</u> | <u>100</u>   | <u>14</u> Lb/sack | <u>420</u> FT | <u>0</u> FT |
|                 |              | Lb/sack           | FT            | FT          |

Describe grouting procedure PRESSURE GROUTED  
through casing

**SCREEN:**

☐ Perforated pipe    ☐ Manufactured

Diameter \_\_\_\_\_ Inches    Length \_\_\_\_\_ Feet

Material \_\_\_\_\_

Slot Size \_\_\_\_\_ Set From \_\_\_\_\_ Feet to \_\_\_\_\_ Feet

Other information \_\_\_\_\_

**WAS A PACKER OR SEAL USED?**

☐ Yes    ☒ No

If so, what material? \_\_\_\_\_

Describe packer(s) and location \_\_\_\_\_

**DISINFECTION:** Was well disinfected upon completion?

☒ Yes, How? Chlorine

☐ No, Why Not? \_\_\_\_\_

Lab sample sent to for water quality analysis \_\_\_\_\_

Well Owner: HOT SPRINGS QUARRY

Business Name: HILLS MATERIALS

Address1: P.O. Box 6320

Address2: \_\_\_\_\_

City, State, Zip: Rapid City SD 57709

WELL LOG: #1

| FORMATION                  | DEPTH      |            |
|----------------------------|------------|------------|
|                            | FROM       | TO         |
| <u>Minnesota limestone</u> | <u>0</u>   | <u>35</u>  |
| <u>Purple siltstone</u>    | <u>35</u>  | <u>60</u>  |
| <u>Deche</u>               | <u>60</u>  | <u>130</u> |
| <u>Minerals</u>            | <u>130</u> | <u>440</u> |
|                            |            |            |
|                            |            |            |
|                            |            |            |

STATIC WATER LEVEL 225 FEET

If flowing: closed in pressure \_\_\_\_\_ PSI

GPM flow \_\_\_\_\_ through \_\_\_\_\_ Inch pipe

Controlled by ☐ Valve    ☐ Reducers    ☐ Other

Reduced flow rate \_\_\_\_\_ GPM

Can well be completely shut in? \_\_\_\_\_

**WELL TEST DATA:**

☐ Pumped    Describe: AIR Developed  
☐ Bailed  
☒ Other

Pumping Level Below Land Surface

320 FT. After 2 Hrs. pumped 60 GPM

\_\_\_\_\_ FT. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

If pump installed, pump rate: \_\_\_\_\_ GPM

**REMARKS**

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**JAN - 4 2011**

**WATER RIGHTS PROGRAM**

This well was drilled under license # 705

And this report is true and accurate.

Drilling firm: Dakota Bice Drilling

Signature of License Representative: Shane Proulx

Signature of Well Owner or Equitable Property Holder: \_\_\_\_\_

Date: \_\_\_\_\_

Please return **WHITE COPY** to: DENR Water Rights, 523 E. Capitol Ave., Pierre SD 57501

2-4-11

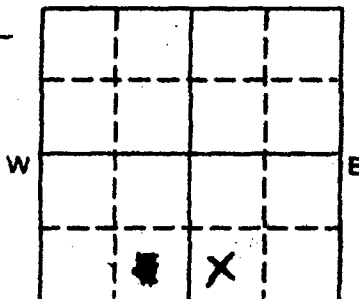
## SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 SE 1/4 Sec 11 Twp 7S Rg 5ECounty Fall River

North

Please mark well location with an "X"



Well completion Date

12/19/2010

1 Mile

Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

1000 ft. from Septic (Identify source)

## PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes  
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

## METHOD OF DRILLING:

AIR Rotary

## CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe

| PIPEWEIGHT      | DIAMETER      | FROM           | TO            | HOLE DIAMETER   |
|-----------------|---------------|----------------|---------------|-----------------|
| <u>17 LB/FT</u> | <u>5.5 IN</u> | <u>16.5 FT</u> | <u>440 FT</u> | <u>7 1/2 IN</u> |
| LB/FT           | IN            | FT             | FT            | IN              |
| LB/FT           | IN            | FT             | FT            | IN              |

## GROUTING DATA:

| Grout Type      | No. of Sacks | Grout Weight      | From          | To          |
|-----------------|--------------|-------------------|---------------|-------------|
| <u>PORTLAND</u> | <u>120</u>   | <u>14 Lb/sack</u> | <u>440 FT</u> | <u>0 FT</u> |
|                 |              | Lb/sack           | FT            | FT          |

Describe grouting procedure pressure grouted through casing

## SCREEN:

☐ Perforated pipe ☐ Manufactured

Diameter \_\_\_\_\_ inches Length \_\_\_\_\_ feet

Material \_\_\_\_\_

Slot Size \_\_\_\_\_ Set From \_\_\_\_\_ feet to \_\_\_\_\_ feet

Other information \_\_\_\_\_

## WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location \_\_\_\_\_

## DISINFECTION: Was well disinfected upon completion?

☒ Yes, How?
Chlorine
☐ No, Why Not?

Lab sample sent to for water quality analysis

Well Owner:

Business Name:

Address1:

Address2:

City, State, Zip:

WELL LOG: # 2

DEPTH

FORMATION

FROM

TO

|                            |           |            |
|----------------------------|-----------|------------|
| <u>Minnesota limestone</u> | <u>0</u>  | <u>15</u>  |
| <u>Purple siltstone</u>    | <u>15</u> | <u>35</u>  |
| <u>Opeche</u>              | <u>35</u> | <u>80</u>  |
| <u>Minelusa</u>            | <u>80</u> | <u>450</u> |

## STATIC WATER LEVEL

217 FEET

If flowing: closed in pressure \_\_\_\_\_ PSI

GPM flow \_\_\_\_\_ through \_\_\_\_\_ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other \_\_\_\_\_

Reduced flow rate \_\_\_\_\_ GPM

Can well be completely shut in? \_\_\_\_\_

## WELL TEST DATA:

☐ Pumped Describe:

☐ Bailed

☒ Other

Pumping Level Below Land Surface

350 Ft. After 2 Hrs. pumped 50 GPM

\_\_\_\_\_ Ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

If pump installed, pump rate: \_\_\_\_\_ GPM

## REMARKS

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This well was drilled under license #

705

And this report is true and accurate.

Drilling firm:

DEKOTA BICE DRILLING

Signature of License Representative:

Frank Country

Signature of Well Owner or Equitable Property Holder:

Date:

Please return WHITE COPY to: DENR Water Rights, 523 E. Capitol Ave., Pierre SD 57501

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/1, 20 11

RECEIVED OF Hills Material Co PO Box 2320 Rapid City SD 57709

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

|                                                                                                                         |       |        |
|-------------------------------------------------------------------------------------------------------------------------|-------|--------|
| Fee for Application for Permit No. <u>2652A-2</u> to Appropriate Water, to construct and to put water to beneficial use | 100   | 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 _____                                                                                                           |       |        |
| 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 | 100 00 |

No.

**04921**

By

Harold Erbe  
Chief Engineer



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 2652A-2, Hills Materials Company**

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. 2652A-2, Hills Materials Company, c/o Lynn Kading, PO Box 2320, Rapid City SD 57709.

The Chief Engineer is recommending APPROVAL of Application No. 2652A-2 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. 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.
2. Hills Materials Company shall report to the Chief Engineer annually the amount of water withdrawn from the Minnelusa Aquifer.

See report on application for additional information.

Garland Erbele, Chief Engineer  
April 8, 2011

REPORT TO THE CHIEF ENGINEER  
ON WATER PERMIT APPLICATION NO. 2652A-2  
HILLS MATERIALS COMPANY  
MARCH 7, 2011

A well was completed into the Minnelusa aquifer on November 19, 2010, to supply water for industrial use at the Hot Springs Quarry as authorized by Water Permit No. 2652-2. It was determined that a second well was needed to meet the applicant's demand and an additional well was completed into the Minnelusa aquifer on December 19, 2010. The completion reports submitted for the wells indicate that the well completed in November produced 60 gallons per minute when it was developed with air, and the well completed in December was air developed at 50 gallons per minute.

Since Water Permit No. 2652-2 only authorized a single well, Water Permit Application No. 2652A-2 has been made to authorize diversions from the second well. The amendment to Water Permit No. 2652-2 proposed by this application would not authorize an increase to the diversion rate or annual appropriation.

SDCL 46-2A-12 requires that an amendment of an existing permit may be granted if the change does not unlawfully impair existing rights and is for a beneficial use and in the public interest.

Water Permit No. 2652-2 was unopposed and approved by the Chief Engineer pursuant to SDCL 46-2A-23. Nothing has changed regarding the beneficial use of the applicant's proposed water use so this amendment is assumed to also be a beneficial use. This report will consider if there is a potential for this amendment to unlawfully impair existing rights; or result in decreased spring discharge or the reduction of base flows to area streams, which would be considered "public interest" issues.

The amount of water appropriated annually by Water Permit No. 2652-2 is defined only by the authorized diversion rate (i.e. continuous diversion of 0.222 cfs equals 160.7 ac-ft/yr). Since diversions will not be made at maximum rate 24 hours a day, 7 days a week, the amount of water that will actually be used will be much less than appropriation. In addition, Water Permit Application No. 2652A-2 requesting the amendment, in describing the project, specifies that "The two wells combined will never pump more than a total of 50 gpm."

Approval of this amendment will not result in an additional appropriation; therefore the aquifer will not be dewatered to any greater extent than was anticipated when Water Permit Application No. 2652-2 was considered. Although the volume of the aquifer permitted to be dewatered will not change with this amendment, the configuration of the dewatered area (i.e. drawdown cone) may change. The drawdown cone resulting from pumping the same volume of water from two wells instead of one well should be shallower at the deepest point and extend over a greater distance. Although both wells this amendment deals with have been constructed, the map submitted with this application identifies only a "proposed approximate well location", and the location of the two wells is not specific. Given the legal location listed for both wells is the SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 11, T7S-R5E, the wells must be

within 1,866 feet of each other. The radius of influence from pumping these two wells may actually be extended by most of the distance between the wells in the direction of the second well. However, given the fact the Minnelusa aquifer is under unconfined conditions in this area, drawdown a short distance from a production well should not be significant. At the distance to existing water rights/permits appropriating water from the Minnelusa aquifer or area springs (Buhler, 2010), the interference should be indistinguishable whether pumping with one well or two.

#### CONCLUSIONS:

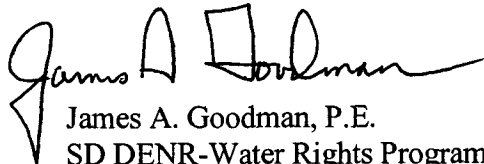
1. Water Permit Application No. 2652A-2 proposes to amend Water Permit No. 2652-2 by authorizing diversions from a second well.
2. The amendment proposed by Water Permit Application No. 2652A-2 does not authorize an increased diversion rate or annual appropriation.
3. This amendment proposes to use water for the same beneficial use as Water Permit No. 2652-2.
4. The amendment proposed by this application will not unlawfully impair existing rights and will not adversely affect spring discharge or streamflow.



Ken Buhler

SD DENR-Water Rights Program

approved by



James A. Goodman, P.E.

SD DENR-Water Rights Program

#### REFERENCE:

Buhler, K.A., 2010, Water Permit Application No. 2652-2, Hills Material Company, June 29, 2010: Report to the Chief Engineer, SD DENR-Water Rights Program,

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AFFIDAVIT OF PUBLICATION

State of South Dakota )  
 ) ss.  
County of Fall River )

Brett Nachtigall of Hot Springs, Fall River County, South Dakota, being duly sworn, upon oath says that he is the publisher of the Hot Springs Star, as a legal newspaper, as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, and is published at Hot Springs, county and state aforesaid; that the advertisement headed –

#212 Notice of  
Application

a true printed copy thereof is hereunto annexed, was published in the said Hot Springs Star, in the regular and entire issue of said paper,

for two

successive issues, beginning with the issue dated

April 19, 2011

and ending with the issue dated April 26, 2011

That the full amount of the fee charged for the publication of said notice is

\$ 49.07, and that no agreement or understanding, for the division thereof, has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever, that the whole amount insures to the benefit of the publishers of said newspaper.

Subscribed and sworn to before me

this 26 day of April

20 11

Notary Public

212  
NOTICE OF APPLICATION  
NO. 2652A-2 to Amend Water  
Permit No. 2652-2

Notice is given that Hills Materials Company, c/o Lynn Kading, PO Box 2320, Rapid City SD 57709 has filed an application to amend Water Permit No. 2652-2. Water Permit No. 2652-2 authorizes 0.222 cubic feet of water per second from one well completed into the Minnelusa Aquifer (400 feet deep) located in the SW 1/4 SE 1/4 Section 11-T7S-R5E. This application requests an additional existing well also completed into the Minnelusa Aquifer (400 feet deep) located in the SW 1/4 SE 1/4 Section 11-T7S-R5E. No increase in the authorized diversion rate is requested by this application. The water is for industrial use at the Hot Springs Quarry wash plant.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2652A-2 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this 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 this 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 May 9, 2011.

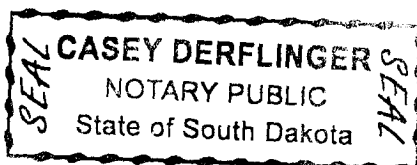
The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.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

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

Published twice at the total  
approximate cost of \$49.07.

Apr. 19, 2011

My Commission Expires  
May 2, 2012





DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

April 8, 2011

Hot Springs Star  
PO Box 1000  
Hot Springs SD 57747

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2652A-2 to Appropriate Water to be published twice. Please publish the first notice on April 19, 2011 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 Hills Material Co., c/o Lynn Kading, PO Box 2320, Rapid City SD 57709 (Ph # 605-394-3300).

**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. 2652A-2

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

Date \_\_\_\_\_

We are in receipt of your letter of April 8, 2011 enclosing Notice to Appropriate Water by Application No. 2652A-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](http://www.state.sd.us/denr)

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

April 8, 2011

Hills Material Co  
Lynn Kading  
PO Box 2320  
Rapid City SD 57709

Dear Mr. Kading:

Water Permit Application No. 2652A-2 for industrial use 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 Hot Springs Star printed at Hot Springs SD (Ph # 605-745-4170). 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 report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice 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  
[eric.gronlund@state.sd.us](mailto:eric.gronlund@state.sd.us)

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.

Instruction to Newspaper - Publish first Notice on April 19, 2011 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

---

NOTICE OF APPLICATION NO. 2652A-2 to Amend Water Permit No. 2652-2

Notice is given that Hills Materials Company, c/o Lynn Kading, PO Box 2320, Rapid City SD 57709 has filed an application to amend Water Permit No. 2652-2. Water Permit No. 2652-2 authorizes 0.222 cubic feet of water per second from one well completed into the Minnelusa Aquifer (400 feet deep) located in the SW ¼ SE ¼ Section 11-T7S-R5E. This application requests an additional existing well also completed into the Minnelusa Aquifer (400 feet deep) located in the SW ¼ SE ¼ Section 11-T7S-R5E. No increase in the authorized diversion rate is requested by this application. The water is for industrial use at the Hot Springs Quarry wash plant.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2652A-2 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this 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 this 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 May 9, 2011.

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

Published twice at the total approximate cost of\_\_\_\_\_.



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

AUG 22 2011

Hills Materials Company  
Lynn Kading  
PO Box 2320  
Rapid City SD 57709

Dear Mr. Kading:

Enclosed is Water Permit No. 2652A-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

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

Water Right/Permit No. 2652A-2Date: 1-1-15I/We request that Water Right/Permit No. 2652A-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:

SW1/4SE1/4 Sec 11, Twn 7S, Rng 5E

☒ I understand that the validity of Water Right/Permit No. 2652A-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.



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

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>2652A-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. 07421

By Jeanne Goodman  
Chief Engineer



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://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](mailto: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

## Report of Examination of Works and/or Application of Water to Beneficial Use For Permits No. 2652-2 / 2652A-2

I have this day, February 1, 2016, made a thorough examination of the water use system constructed by Simon Contractors, 1103 Old Town Lane, Suite 201A, Cheyenne, WY 82009 of Permit Nos. 2652-2 and 2652A-2, bearing the priority of 5/4/2000 authorizing the diversion of .22 cu. ft. per second of the water from X well for Industrial purposes, in Fall River County. 2010 2

Inspection contact & relationship to  
permit holder, if applicable:

**Francis Zemit, Manager, Hot Springs Quarry**  
**605-745-5206**

Correspondence % :

**Hills Materials Company (Division of Simon Contractors)**  
**P.O. Box 2720, Rapid City, SD 57709**  
**% John Krispin**

### A. Works used to divert the water:

#### Well Information:

- 1) Well Drilling Firm: Dakota Bice Drilling
- 2) Well No. 1 (11/19/2010)
- 3) Depth 440 feet
- 4) Well log Yes

- Well Drilling Firm: Dakota Bice Drilling  
Well No. 2 (12/19/2010)  
Depth 450 feet  
Well log Yes

**Comments:** Permit 2652A-2 changed period of use to Jan 1- Dec 31. Permits authorized diversion of .22 cfs from one well. Two wells were installed rather than one.

#### Casing:

- 1) Diameter 5.5 inches
- 2) Length 420 feet
- 3) Type steel

- Diameter 5.5 inches  
Length 440 feet  
Type steel

#### Screen:

- 1) Type N/A
- 2) Length N/A feet
- 3) Static water level 225 feet

- Type N/A  
Length N/A feet  
Static water level 217 feet

#### Pump:

- 1) Make Gould
- 2) Model 45GSZ75
- 3) Size 4"
- 4) Capacity 48 GPM

- Make Gould  
Model 45GSZ75  
Size 4"  
Capacity 49 GPM

## Report of Examination of Works

Permit No. 2652A-2

- 5) Horsepower rating 7.5 hp  
6) Pressure @ well head est. 10 psi

Horsepower rating 7.5 hp  
Pressure @ well head est. 5 psi

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

- 1) Type Flexible Fire Hose  
2) Size 3 inches  
3) Length — feet

### C. Works used to apply water to beneficial use:

Both wells are operated manually and use flexible hose to convey water to points near settling ponds used in the washing operation at the quarry. When the quarry is washing rock, the wells typically run continuously for two to four months.

### D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by See 2)  
2) Exceptions to compliance are: Two wells were completed rather than one. Total capacity of the two wells is .22 cfs as specified in the permits.

### E. Condition and Location:

1. The system is in good condition with the points of diversion located as follows:  
Well # 1 - SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  S 11, T7S, R5E (1,235 ft. east and 176 ft. north of the SW corner),  
N 43.448502° W 103.496274°  
  
Well # 2 - SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  S 11, T7S, R5E (1,796 ft. east and 815 ft. north of the SW corner),  
N 43.450249° W 103.494184°  
2. The works are capable of diverting and conveying to the place of use .22 cu. ft. per second (97 gpm) of water which is to be used for **industrial use** and the license should be issued for .22 cfs.  
3. All structures, wells and lands on map – Yes

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

Permit 2652-2 authorized use May 1 – Aug 31. Permit 2652A-2 changed period of use to Jan 1 – Dec 31 and authorized the additional well.

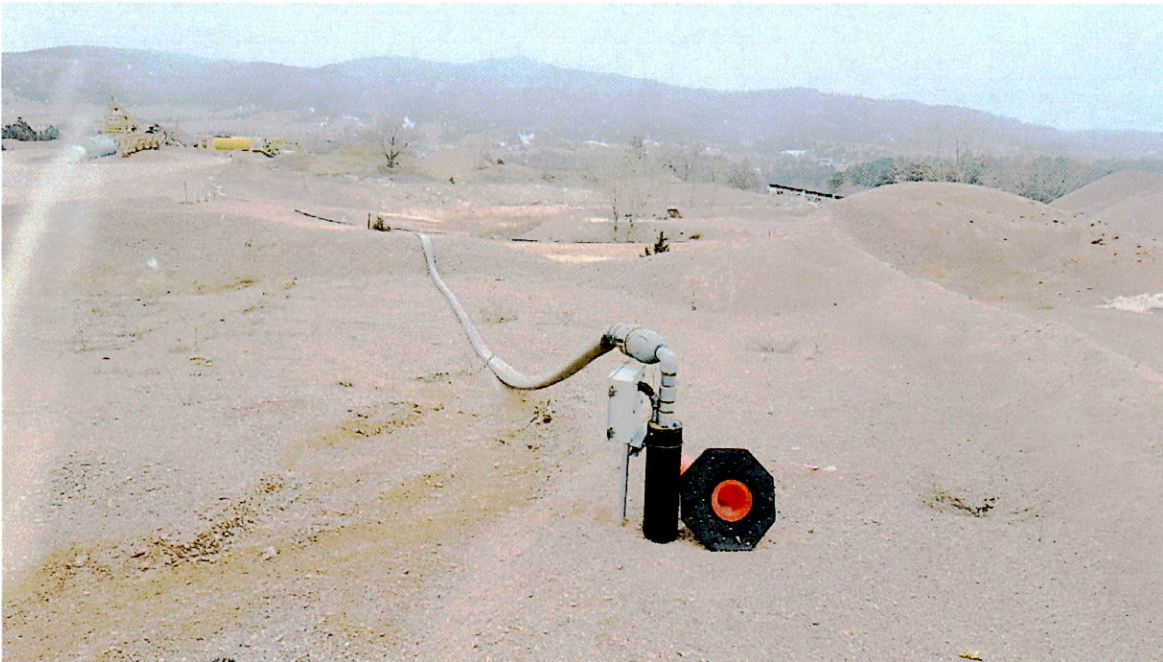


Steven Quissell  
Water Rights Inspector

Date report completed: February 2, 2016

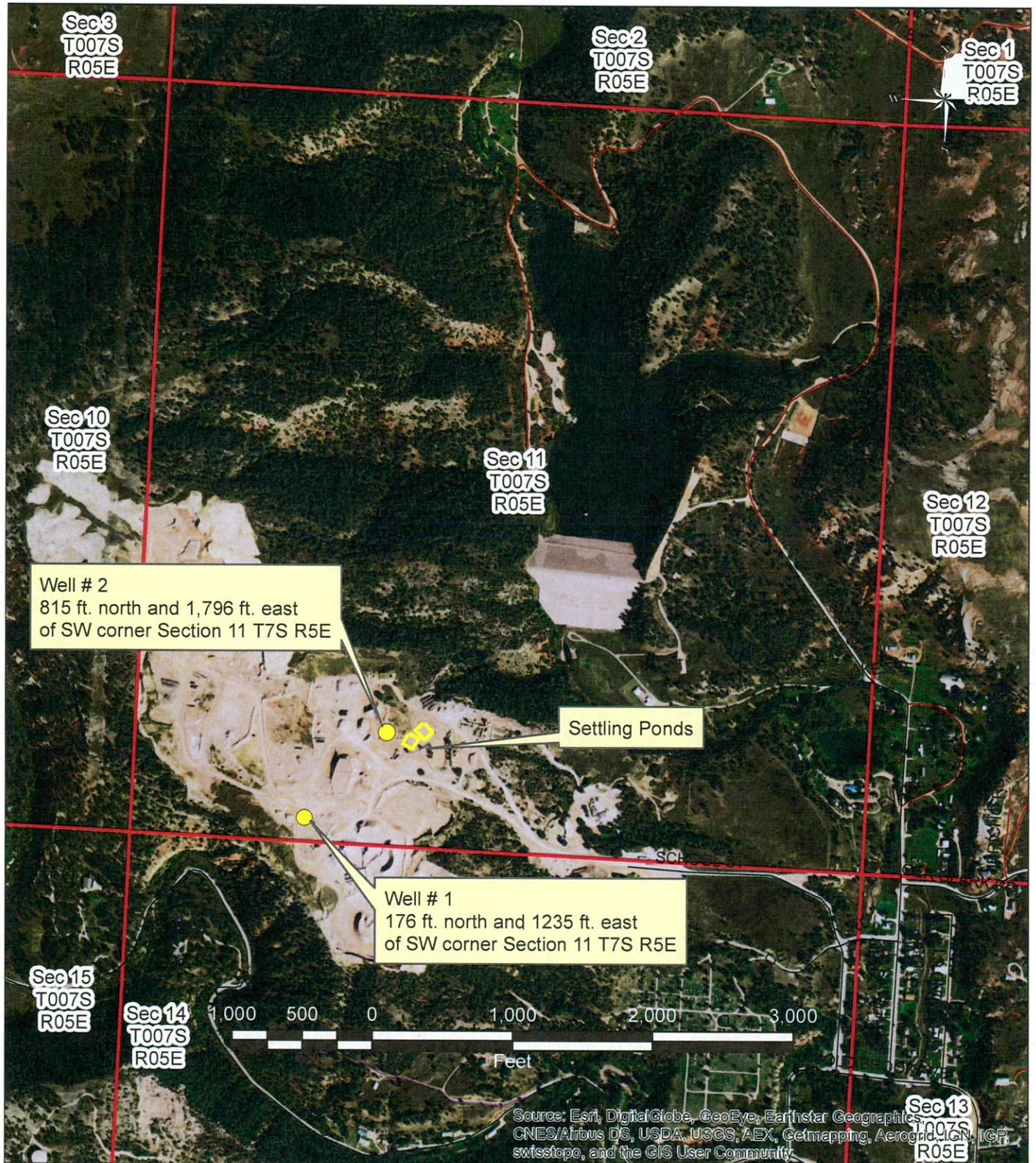


Well # 1



Well # 2

Water Right #2652-2 / #2652A-2  
Simon Contracting  
2/1/2016

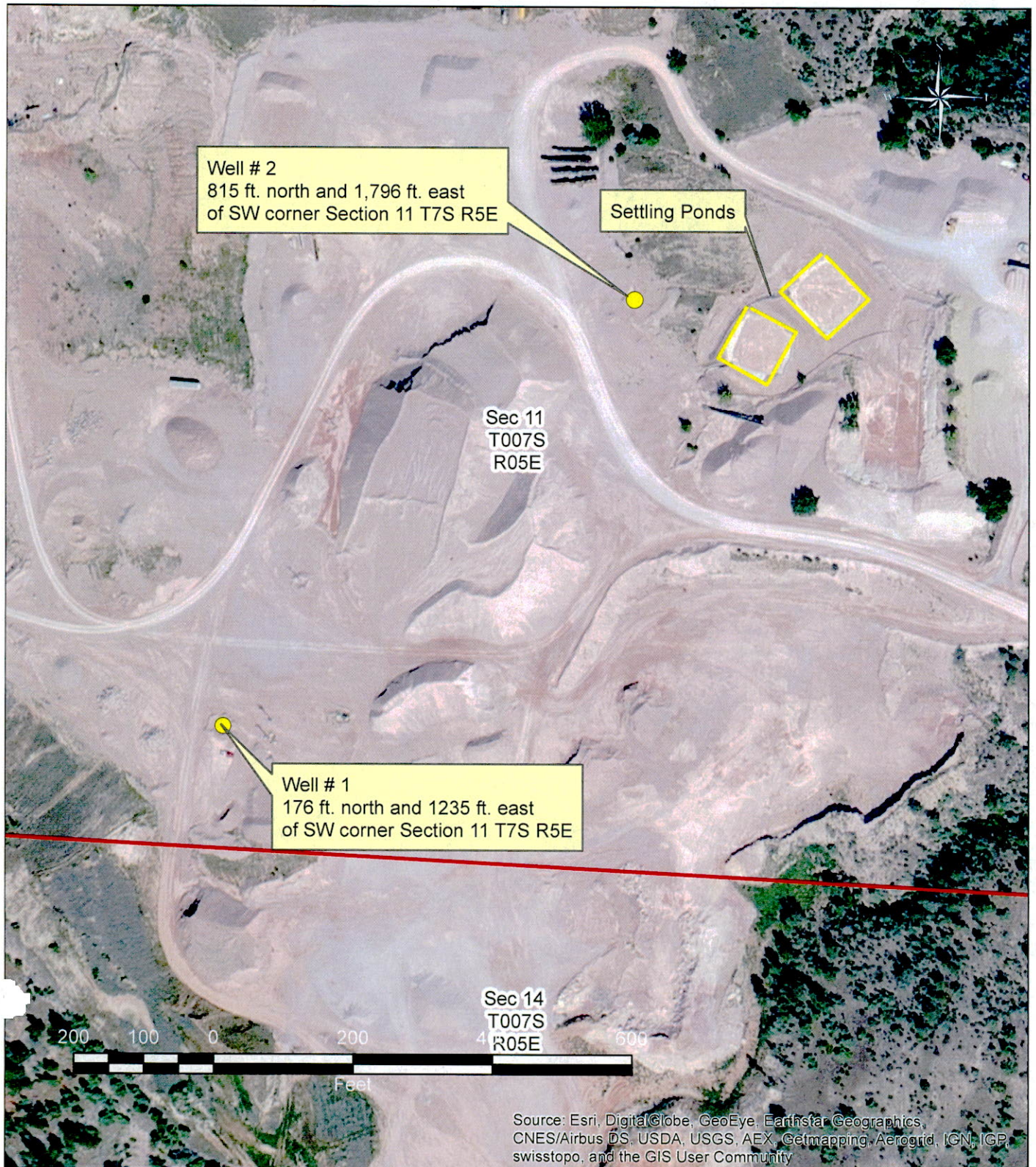


*Steven Quissell*

Steven Quissell  
Water Rights Inspector  
DENR Water Rights Program



Water Right #2652-2 / #2652A-2  
Simon Contracting  
2/1/2016



*Steven Quissell*

Steven Quissell  
Water Rights Inspector  
DENR Water Rights Program



## Approval of Location Change and/or Additional Diversion Point(s)

**NAME:** Simon Contracting

**ADDRESS:** 1103 Old Town Lane, Suite 201A, Cheyenne, WY 82009

**DATE:** February 9, 2016      **COUNTY:** Fall River      **TELEPHONE:** (307) 635-9005

### **AUTHORITY:**

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

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

Same water source - Minnelusa Aquifer

Permit No. 2652-2 authorizes 0.22 cfs from one well located in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 11, T7S, R5E. Well #1 was developed in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 11, T7S, R5E. (1,235 ft. east and 176 ft. north of the SW corner, N 43.448502° W 103.496274°)

Permit No. 2652A-2 for no additional water, authorizes one well located in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 11, T7S, R5E. Well #2 was developed in the SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 11, T7S, R5E. (1,796 ft. east and 815 ft. north of the SW corner, N43.450249° W 103.494184°)

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

Industrial use.

- **Review of Existing Diversions**

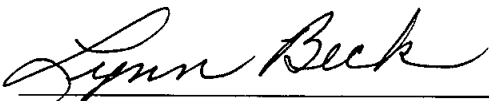
LC 1702-2 authorizes 0.02 cfs from two wells located 4,200' and 4670' SSE

LC 498-2 authorizes 1.10 cfs from two wells located 4,300' and 5,150' SSW

LC 1704-2 authorizes 0.20 cfs from two wells located two miles SW

### **RECOMMENDED ACTION**

Based on the above criteria, it is recommended that the diversion points be licensed as developed.



Lynn Beck, Natural Resources Engineer III  
Water Rights Program

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

This change in location of the diversion points does not increase the potential for adverse effects to existing diversions.



Jeanne Goodman, Chief Engineer  
Water Rights Program



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

2652A-2

MAY 03 2016

Simon Contractors  
1103 Old Town Lane #201A  
Cheyenne WY 82009

Dear Sir:

Enclosed is Water License No. 2652A-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

c: Hills Materials, John Krispin, PO Box 2720, Rapid SD 57709

enclosures

**STATE OF SOUTH DAKOTA**  
**WATER LICENSE NO. 2652A-2**

---

(1) Hills Materials Company, Rapid City SD made Application No. 2652A-2, February 1, 2011 for no addition appropriation of water from one additional well – Minnelusa Aquifer, Fall River County, South Dakota for industrial use purposes. Permit No. 2652A-2, with a priority date of May 4, 2010 was approved May 9, 2011 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

Water Permit No. 2652-2, with a priority date of May 4, 2010 authorizes 0.222 cubic feet of water per second from one well.

An investigation conducted for licensing purposes found the wells under Water Permit Nos. 2652-2 and 2652A-2 were not in the locations authorized by the permits. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the change in location of diversion points does not increase the potential for interference with existing water rights.

The applicable portions of No. 2652-2 are incorporated into No. 2652A-2.

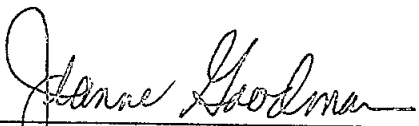
On April 9, 2015, Water Permit Nos. 2652-2 and 2652A-2 were transferred to Simon Contractors, 1103 Old Town Lane, Suite 201A, Cheyenne WY 82009.

(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 Incorporated Water Right No. 2652A-2 is issued a license, bearing a priority date of May 4, 2010 to appropriate 0.22 cubic feet of water per second from two wells – Minnelusa Aquifer for industrial use purposes at the Hot Springs Quarry.

The diversion points are located: Well #1 – 1,235 feet east and 176 feet north of the SW corner of Section 11 (SW 1/4 SW 1/4) and Well #2 – 1,796 feet east and 815 feet north of the SW corner of Section 11 (SE 1/4 SW 1/4); all in T7S-R5E.

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit No. 2652A-2 including the following 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.
- The wells authorized by Permit No. 2652-2 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The wells were drilled by Dakota Bice Drilling in 2010. Copies of the logs are on file with the Water Rights Program.*
- Permit holder shall report to Chief Engineer annually the amount of water withdrawn from the Minnelusa Aquifer. *Yearly water use records are on file with the Water Rights Program.*



Jeanne Goodman, Chief Engineer  
Water Rights Program

Department of Environment and Natural Resources

**MAY 03 2016**

date

