

1. Considered Feb. 5, 1959 Appl. No. 506-2
2. Name of Applicant Base Central Mex
3. Post Office Address Barro Colorado S. D. K.
4. Amount of water claimed 10.34 cfs
5. Source of water supply ground water
6. Water to be used for Industrial
Acres to be irrigated _____
7. Water to be diverted and used in Pennsylvania County about
miles of Barro Colorado
8. Proof of Publication Received ☒
Not Received _____
9. Application Approved ☒
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

No. 506-2Water Division No. 2 Rapid Creek District 2-304-01
(Blanks to be filled by the Engineer for the W. P. C.)STATE WATER RESOURCES COMM.
SOUTH DAKOTA**APPLICATION FOR PERMIT
To Appropriate Water within the State of South Dakota**

(NOTE—Draw a line through items not applicable.)

1. Name of applicant BASE CENTRAL-MIX
Postoffice address Box 767 Rapid City County Pennington, State S. Dak.

I. If a corporation

(a) Name of same BASE CENTRAL-MIX
(b) Date and place of incorporation Oct. 30, 1951, Box Elder, S. Dak.
(c) Amount of capital stock \$100,000.00
(d) Amount paid in \$100,000.00
(e) Names and addresses of directors C. H. Keown, Box 672; J. L. Robbins, Box 672, Clifton R. Stearns, Box 672; Cecil Urban, Box 672; and K. D. Lynn, Box 767, all of Rapid City, S. Dak.

(NOTE—A certified copy of articles of incorporation must accompany this application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)
Contract(b) Cash on hand, \$75,000.00(c) Treasury stock, \$100,000.00(d) Bonds to be issued, \$ none(e) Other resources, Ready-Mix Plant, Box Elder, S. Dak.2. Name of diversion work Dandy #13. Amount of water claimed 150 g.p.m. cubic feet per second .344. Source of water supply Minnelusa Sand upper strata5. Location of point of diversion 549.0 feet east and 154 feet north of the S. Dak. Cor., Common to Sec's. 33 & 34, T2N, R7E County.6. Annual period or periods during which water is to be used year around use

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? where water is to be used(a) Number of acres to be irrigated 7.36 ± acres(b) Legal subdivisions to be irrigated Part of the S. 1/4, N. 1/4, Sec. 34, T2N, R7E

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.)

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use Industrial to be used for Ready-Mix Plant
Name any of the above uses claimed(b) Amount of power to be generated horse power.

Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

499-2
Map No.

8. Estimated cost of work:

(a) Head Gates, \$..... (b) Pumping plant, \$.....
 (c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
 (e) Other structures \$..... Total, \$.....

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Well

II. Dimensions of works:

(a) Dam: Height.....feet; length at bottom feet; length at topfeet; thickness at bottomfeet; thickness at topfeet; slope at front water face; slope at back face
 material used in construction
 (b) Reservoir: Capacity when filledacre feet. Surface area at highwater mark.....acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	ACRE-Feet CAPACITY

(c)* Head gate: Width.....feet; heightfeet;
 Material

(d) Canal: Total lengthmiles,

LOCAT- ION	TOW	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At	Mile	feet	feet	feet	feet
At	Mile	feet	feet	feet	feet
At	Mile	feet	feet	feet	feet
At	Mile	feet	feet	feet	feet
At	Mile	feet	feet	feet	feet
At	Mile	feet	feet	feet	feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 20 Days years.
 11. Time required for complete application of water to the proposed beneficial use years.
 12. Choice of newspaper for publication of notice of intention to appropriate

Rapid City Journal

STATE OF SOUTH DAKOTA

County of Pennington ss.

I, Edmund Lee, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

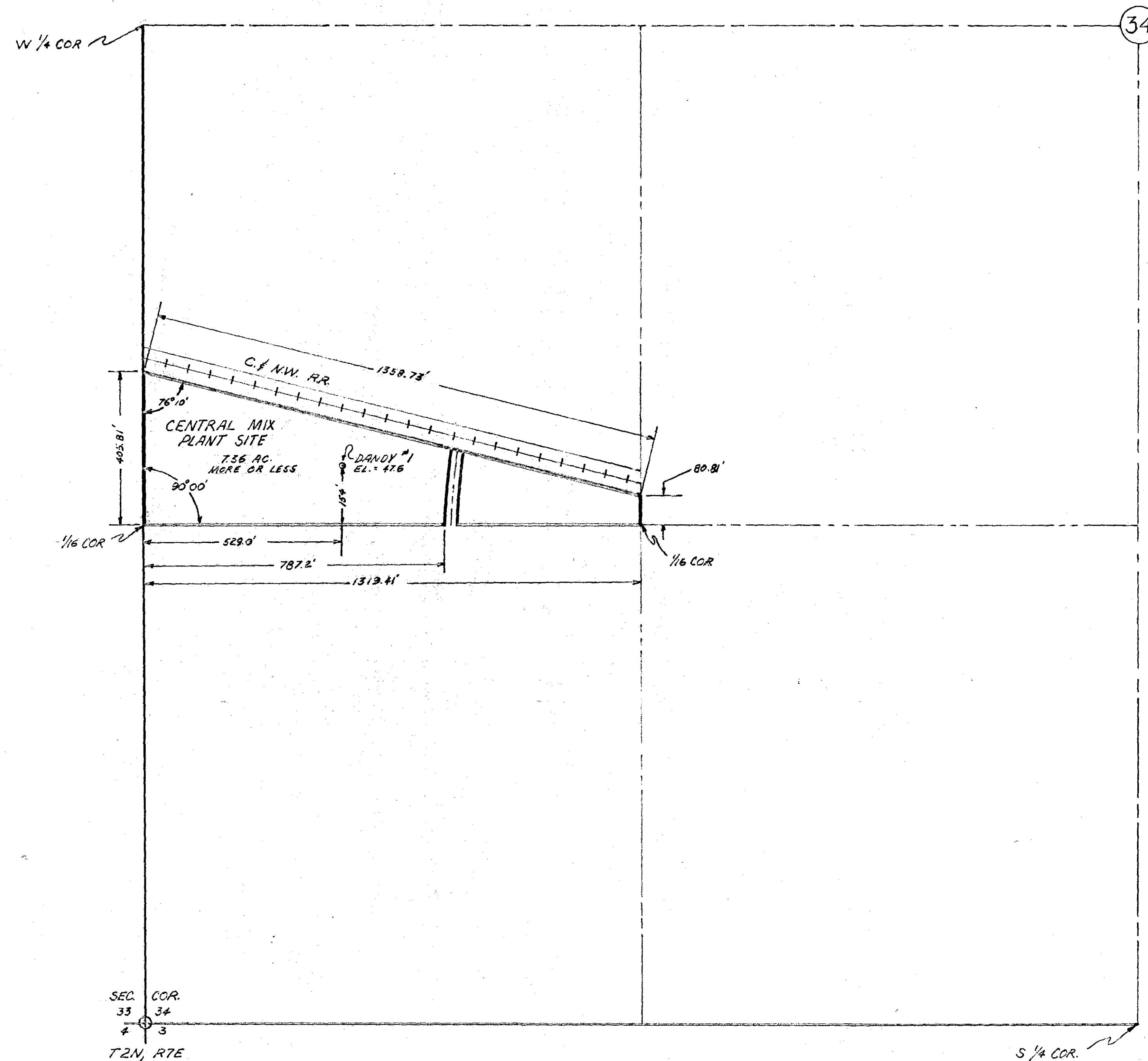
Signed

BASE CENTRAL-MIX

Subscribed and sworn to before me this 24 day of November 1954

Edmund Lee
 Notary Public (or other qualified officer.)

*Each diversion must have a headgate or means device



SURVEYOR'S CERTIFICATE

I, DONALD O. FLAHART, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT, AT THE REQUEST OF THE PROPERTY OWNER, BASE CENTRAL MIX, I HAVE SURVEYED THE TRACT OF LAND AS SHOWN IN THE ABOVE PLOT AND FOUND THE LOCATION OF THE WELL, DANDY NO. 1, TO BE AS SHOWN IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL, THIS FIFTH DAY OF NOVEMBER, A.D., 1938.

Donald O. Flahart
REGISTERED LAND SURVEYOR

ACKNOWLEDGEMENT OF SURVEYOR

STATE OF SOUTH DAKOTA SS
COUNTY OF PENNINGTON

ON THIS DAY, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR THE STATE AND COUNTY AFORESAID, PERSONALLY APPEARED DONALD O. FLAHART, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME. WITNESS MY HAND AND SEAL THIS FIFTH DAY OF NOVEMBER, 1938.

Ernest M. Dunne
NOTARY PUBLIC
MY COMMISSION EXPIRES MAY 21, 1939

FLAHART & COLGAN			
CONSULTING ENGINEERS			
607 1/2 ST. JOE ST. RM. 1		RAPID CITY, SO. DAKOTA	
PROJECT			
BASE CENTRAL MIX			
TITLE			
DANDY #1			
DRAWN BY:	DESIGNED BY:	SCALE:	DRAWING NUMBER:
D.M.T.		200'	
CHECKED BY:	TRACED BY:	DATE:	SHEET 1 OF 1
		10/31/38	

Map No. 497-9

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA

County of

Gluehes

ss.

Pierre, South Dakota,

November 21, 1958

This is to certify that the foregoing application was received by the Commission at 9:30 o'clock

8 a.m. upon the 8 day of November, 1958

State Water Resources Commission

By:

Jeff Rimmer

Chief Engineer, Executive Officer

Number of permit

506-2

Date of first receipt of application

November 8, 1958

Date of return to applicant for correction, amendments or changes required as follows:

November 24, 1958

Date of receipt of corrected application

December 1, 1958

Date from which applicant may claim right

November 8, 1958

Approved

February 4, 1959

Recorded in Book

5

Page

102

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before

August 4, 1959

2nd. The whole of said work is to be completed on or before

February 4, 1960

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

February 4, 1961

4th. The water appropriated shall be used for the purpose of

industrial use

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 0.34 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before February 4, 1961, said water to be used during the following described annual period:

Continuously

Witness my hand this

19

day of

February, 1959

State Water Resources Commission

By:

Jeff Rimmer

Chief Engineer, Executive Officer

Certificate of Construction Issued

September 29, 1959

Water License Issued

September 29, 1959

Form 2A — Wells (Supplement to Form 2)

8. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 10" to Minnekata Lime Depth 470'
8" to Water Bearing
Type of casing Steel Strata - 6 1/2" into Minnelusa Sand
(wood, concrete, steel, etc.)

Size of casing 8" - 7-O.D. Thickness of casing 25.55 3/8"
6 1/2" - I.D.

Length of casing 450 If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen

Size of perforated screen (diameter) (length)

Thickness of gravel pack length of gravel pack

(c) Water Bearing Materials

Distance to water 450' Character of water bearing materials Minnelusa
Sand - Good

Thickness of water bearing material 20'

(d) Pump and Motor

Type of pump if necessary - Pamona Type
(centrifugal, prop. ter. mixed flow, etc.)

Name of pump size

Kind of motor (gasoline, electric, diesel, etc.)

Horsepower Name of Motor

(e) Complete well

Capacity at drawdown of Estimated cost

(f) Owner of land upon which well is located BASE CENTRAL-MIX
Name

P.O. Box 767, Rapid City, South Dakota
Address

(g) Distance to nearest existing wells

On same owner's property NONE rods. On property owned by others 48 rods

Permit No. 506-2Water Division No. 2-Rapid-Creek Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That base Central Mixof Rapid City, County of Pennington, and State of South Dakota, the holder of Permit No. 506-2, issued upon Application No. 506-2, bearing date of priority of November 3, 1958, authorizing the diversion of .34 cu. ft. per second of the waters of ground waterCounty of Pennington, State of South Dakota, at a point 529.01 E and 154.11 N of the S 1/16 corner common to Section 33 and 34 T 2N R 7Efor industrial

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use .34 cu. ft. per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit:

Witness my hand this 1 th September A. D. 1959

State Water Resources Commission

By:

J.W. GRIMES,

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 506-2

WHEREAS, On the 8th day of November A. D. 1958
Base Central Mix

of Rapid City County of Pennington and State of
South Dakota duly made application (No. 506-2) to us for a permit to use .34
cubic feet per second of the waters of ground water
County of Pennington, State of South Dakota, for industrial
purposes; and

WHEREAS, On the 19th day of February A. D. 1959
Permit No. 506-2 was issued to said applicant for the diversion of said water, and providing for the
completion of the works of diversion therein described on or before the 4th day of
February A. D. 1960 and for the application to beneficial use of said
water on or before the 4th day of February A. D. 1961
and,

WHEREAS, On the 26th day of May A. D. 1959
the holder of said permit duly made proof of the completion of adequate works for the diversion of .34
cubic feet per second of said waters, as evidenced by our Certificate No. 506-2
dated September 29, 1959 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use .34 cubic feet per second of water, with date of
priority of November 8, 1958 ~~xx~~ ~~xxx~~

WHEREAS, On the 26th day of May A. D. 1959
proof was duly made of the application to beneficial use of .34 cubic feet per second of said water;
for industrial use in ready mix concrete plant.

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
 We hereby grant and confirm to Base Central Mix
 of Rapid City the holder and owner of said permit No. 506-2
 a water right, dating from November 8, 1958 to the use of .34
 cubic feet per second of the waters of ground water
 in the County of Pennington and State of South Dakota, or so much thereof as may be
 necessary for the purposes hereinbelow mentioned, to be diverted at a point 529.0' E and 154' N of
The S 1/16 line corner common to Section 33 and 34 T 2N R 7E
 and conducted to and upon ~~xxxxxxx~~ where water is to be used
 for the purpose of Industrial use in ready mix concrete plant

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
 this 29th day of September A. D. Nineteen
 Hundred and fifty-nine

State Water Resources Commission

By:

J.W. GRIMES,

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Pennington } ss.

----- E. H. Lighter ----- being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the -----
Rapid City Daily Journal ----- a newspaper which during the whole time of publication of said notice hereinafter stated, has been and is printed and published in the -----
 city ----- of ----- Rapid City ----- County of -----
Pennington ----- and State of South Dakota; that the said notice was published in said newspaper on the following dates:

----- Dec 8 -----
 ----- Dec 15 -----
 ----- Dec 22 -----
 ----- Dec 29 -----

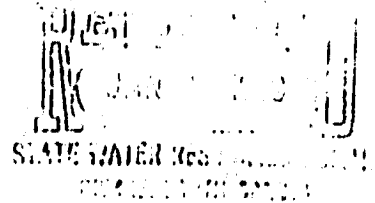
In each and every issue of the full number thereof, the first publication being made on the 8th day of December 1958 and the last publication on the 29th day of December 1958, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Business Manager the printer and publisher of the said newspaper.

E. H. Lighter

Subscribed and sworn to before me this 29th day of December A. D. 1958

[Signature]

Notary Public Pennington County, S. D.



Dec. 8, 15, 22, 29, 1958
 OFFICE OF STATE WATER RESOURCES COMMISSION
 Pierre, S. D.
 Notice is hereby given that State Engineer, Rapid City, S. D., has made an appropriation of water under the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 224 cubic feet of water per second of time from ground water through the land of No. 1, the point in that part of the SW 1/4 Sec. 16, T. 3 N. R. 1 E., lying southwesterly from the O. & N. W. R. R.
 Said water to be used for industrial purposes in that part of the SW 1/4 Sec. 16, T. 3 N. R. 1 E. lying southwesterly from the O. & N. W. R. R.
 This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 4th day of February, 1959, at 2:00 P.M. All interested persons may appear and be heard.
 Appropriate action will be taken by the Water Resources Commission after said time has elapsed for the consideration of any or all information presented.
 State Water Resources Commission
 By: Lea Wyborny, Water Rights Engineer.

STATE OF SOUTH DAKOTA



DEPARTMENT OF STATE

United States of America, { Secretary's Office
State of South Dakota,

*This is to certify that the attached instrument of writing
is a true, correct and examined copy of*

Articles of Incorporation BASE CENTRAL MIX, as filed November 13, 1951

*and the whole thereof, and has been carefully compared with
the original now on file in this office and found correct.*

*The within document, book, instrument, paper or law
shall not be received in evidence in any court of this state
unless this certificate is countersigned by the state treasurer
with a statement of the fees received.*

In Testimony Whereof, I, we hereunto
set my hand and affix the Great
Seal of The State of South Dakota
at the City of Pierre, the Capital, on
this 8th day of November, 1956

FEES, \$ 2.50

COUNTERSIGNED BY

W. J. Elmer

State Treasurer.

Clara Hall

Secretary of State.

ARTICLES OF INCORPORATION

OF

BASE CENTRAL MIX

These Articles of Incorporation made and entered into this 30th day of October, 1951, by and between the incorporators whose signatures are affixed hereto, WITNESSETH:

That said incorporators have joined together for the purpose of forming a corporation under and by virtue of the laws of the State of South Dakota in accordance with the provisions thereof, as follows, to-wit:

I.

The name of the corporation shall be Base Central Mix.

II.

The place where the principal office of the corporation is to be located and the principal business of the corporation which is to be transacted, is Box Elder, Pennington County, South Dakota.

III.

The purpose for which the corporation is formed and the nature of the business which it is authorized to transact is as follows:

- (a) To purchase or otherwise acquire real and personal property of every kind and description and to have, own, hold, lease, let, mortgage, pledge, sell and otherwise dispose of said property.
- (b) To subscribe for and to purchase or otherwise acquire, to hold, have, invest, sell, assign, transfer, mortgage, pledge, exchange, distribute or otherwise dispose of the shares of the capital stock, bonds, coupons, mortgages, deeds, trusts, debentures, securities, obligations, notes and other evidences of indebtedness of any corporation, stock company or association, and to exercise all the rights and powers and privileges of ownership thereof.
- (c) To loan money and to take and hold securities therefor, mortgages, trust deeds, debentures, securities, obligations, notes and other evidences of indebtedness.

- (d) To engage in the sale and distribution of ready-mix concrete of any kind or character whatsoever, and to that end to acquire, hold, own and dispose of any and all property, assets, bonds and rights of any and every kind.
- (e) To carry on any business whatsoever related to the sale and distribution of ready-mix concrete which the corporation may deem proper or convenient in connection with the foregoing purposes or otherwise or which may be calculated directly or indirectly to promote the interests of the corporation or to enhance the value of its property.
- (f) To operate and own or lease a ready-mix concrete plant at Box Elder, South Dakota, or in the vicinity thereof.
- (g) To manufacture ready-mix concrete for sale and delivery at wholesale to any contractor, individual, corporation or government (state, national or county) desirous of purchasing the same.

IV.

The corporation is to have perpetual existence.

V.

The number of directors of the corporation shall be three, and the names and residences of those persons who are to serve as directors until other directors are selected and qualified, are as follows, to-wit:

K. D. Lynn	Rapid City, South Dakota
Charles H. Keown	Rapid City, South Dakota
Clifton R. Stearns	Rapid City, South Dakota

VI.

The amount of the capital stock of the corporation shall be One Hundred Thousand Dollars (\$100,000.00), divided into 1000 shares of the par value of \$100.00 per share.

VII.

The liability of each stockholder in the corporation shall be limited to the amount remaining unpaid on his subscription to the capital stock in said corporation.

IN WITNESS WHEREOF the incorporators have hereunto set their hands and affixed their seals this 30th day of October, A.D. 1951.

K. D. LYNN

CHARLES H. KEOWN

CLIFTON R. STEARNS

STATE OF SOUTH DAKOTA)

SS.

COUNTY OF PENNINGTON)

On this the 30th day of October, 1951, before me, John B.

Wilson, the undersigned officer, personally appeared K. D. Lynn,

Charles H. Keown and Clifton R. Stearns, known to me or satis-

In witness whereof I have hereunto set my hand and official

JOHN D. WILSON

Notary Public - South Dai.

(SEAL)

STATE OF SOUTH DAKOTA)

SS.

COUNTY OF PENNINGTON)

K. D. Lynn, Charles N. Keown and Clifton R. Stearns, being

That he is one of the persons described in and who signed

the foregoing Articles of Incorporation as an incorporator therein

and that he has read said Articles and knows the contents thereof

and that the incorporators intend in good faith to form a corpora-

tion for the purpose of the promotion of the lawful business as

set forth in said Articles, and not for the purpose of enabling

any corporation or corporations to avoid the provisions of Chapter

13.18 of the South Dakota Code of 1939, of the State of South

Dakota, relating to unlawful trusts and combinations and laws

amendatory thereto.

K. D. LYNN

CHA. N. KEOGH

CLIFTON R. STEARNS

Subscribed and sworn to before me this 30th day of October,

1951.

JOHN D. WILSON

(SEAL)

State of South Dakota }
Office of Secretary of State }

I hereby certify that the within instrument
was filed for record on the

day of November A.D. 1958

at 10 o'clock A. M., and recorded in

Vol. 142 on Page 597 Record

Domestic Corporations in

Charles O. O'Neil

Secretary of State.

Assistant Secretary of State.

RECEIVED
MAR 25 1959

Permit No. 506-2

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Water Division No. Water District

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) Box 757, Rapid City, South Dakota(Date) March 23, 1959

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of 0.34
cu. ft. per second of the waters of the state from
through the Dandy N. 1
for Industrial purposes

In accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is BASE CENTRAL-MIX

2. The postoffice address of said person or the place of business of such corporation is Rapid City,
County of Pennington State of South Dakota

3. The number of such permit is 506-2 and the date set for the completion of such work is
April 23, 1959

4. Said water to be used for Production of Ready-Mix Concrete purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 0.34 cubic feet per second.

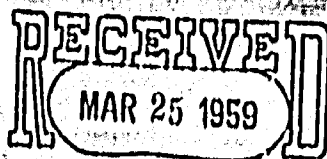
6. The amount of land for which said water is available is _____ acres,
particularly described as follows: _____

I hereby certify that the facts set forth in the above notice are true.

(Signature of Owners)

Base Central Mix
R. H. Lynn, Sec.

Permit No. 506-2


 Water Division No. Water District STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.) Rapid City, South Dakota

(Date) March 23, 1959

TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the 23 day of April 1959, at Rapid City County of Pennington State of South Dakota, before (Examining Engineer or Officer) proof will be submitted of the application to beneficial use

of 0.34 cubic feet per second of the waters of Dandy No. 1

in accordance with the terms and conditions of Permit No. 506-2 heretofore issued by the Water Resources Commission of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are BASE CENTRAL-MIX, P.O. Box 767, Rapid City, South Dakota

2. The use to which said water has been applied is Industrial

3. The amount applied to beneficial use is 0.34

4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated)

Lot 1, a part of NW $\frac{1}{4}$, SW $\frac{1}{4}$, and Lot 2 a part of the NE $\frac{1}{4}$, SW $\frac{1}{4}$
 All in Sec. 34, T 2N, R 7 E, B.H.M.

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is

6. The right to take the water from such works is based upon permit No. 506-2

7. The source of supply from which such water is diverted is Minnelusa Sand

8. The date of priority which said user is prepared to establish is February 26, 1959

(Sign)

Base Central Mix
 W. J. Ford, Sec

Permit No. 506-2Water Division No. 2 Rapid Creek Water District**Certificate of Examination of Works****Report of Examining Engineer**

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sir: I hereby certify that in accordance with your letter of authorization dated

10.1.58, I have this day made a thorough examination of the diversion works constructed by

Basco Central Mixof Rapid CityPenningtonCounty, South Dakota, holder of Permit No. 506-2

, issued

upon Application No. 506-2, bearing date of priority of November 8

, 1958, authorizing the

diversion of 34 cu. ft. per second of the waters of ground water for industrial

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

The diversion works comprise: a well 150' deep with 8" casing with 37 PSI constant pressure, equipped with valve and emergency pump.and the system is in the following condition: excellentThe point of diversion is located 529.0' E and 154.1' N of the S1/16 corner common to Sec. 33 and 34, T 2N R 7EThe works are capable of diverting and conveying to the place of use 34 cu. ft. per second of water, which is to be used for industrial use-ready-mix concrete plantThe legal sub-divisions to be irrigated are: N/A

comprising a total of _____ acres of land.

The domestic use intended comprises None

The utilization for power, mining, or other beneficial uses comprises: _____

Witness my hand, this 26th day of May, A. D. 19 59

—SEAL—

Les W. Jorny

BFJ

Examining Engineer.

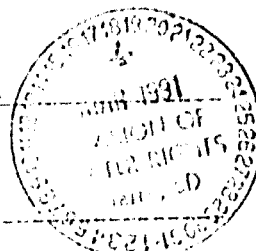
Buster Jorny

NOTICE OF TRANSFER OF OWNERSHIP

No. _____

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: March 15, 1991



I/We request that Water ~~Permit~~/Right No. 506-2

formerly owned by: Base Central Mix

be transferred to: (name & address) Birdsall Sand & Gravel

P.O. Box 767 Rapid City, SD 57709-0767 (telephone No.) (605) 342-9250

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

Lot A of Lot 1, in the NW1 SW1, Section 34, T2N, R2E, B1M,

Pennington County, South Dakota

I/We understand that the validity of Water Permit/Right No. 506-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Pennington)

I/We L.C. Mike Vidal being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Birdsall Sand & Gravel

By L.C. Mike Vidal

(Signed)

Subscribed and sworn to before me this 15th day of March, 19 91.

(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water 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.

WATER USE FOR 1990



506-2

* BASE CENTRAL-MIX
BOX 767
RAPID CITY, SD 57701

SOURCE OF WATER (PLEASE CHECK):

GROUND WATER X, NUMBER AND DEPTH OF WELLS 1
371 Feet

SURFACE WATER _____, NAME OF STREAM OR LAKE _____

TYPE OF WATER USE (PLEASE CHECK):

INDUSTRIAL X COMMERCIAL _____ INSTITUTIONAL _____
GEOTHERMAL _____ POWER _____ MINING _____

ESTIMATED TOTAL 1990 WATER USE 3,000,000 GALLONS
(60,000 cubic yard @ 50 Gals.)

NAME OF CONTACT PERSON Mike Vidal

TELEPHONE NO. (605) 342-9250

ADDRESS CORRECTION Birdsall Sand & Gravel

P.O. Box 767

Rapid City, SD 57709



DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

GREAT FACES. GREAT PLACES.

March 13, 1991

506-2

Mike Vidal
Birdsall Sand & Gravel
PO Box 767
Rapid City, SD 57709-0767

Dear Mr. Vidal:

I am contacting you in regard to ownership of Water Right No. 506-2, currently listed in the name of Base Central Mix. It is our understanding that the well and business in question is now owned by Birdsall Sand & Gravel.

Enclosed is a "Notice of Transfer" form for use in filing an ownership change on Water Right No. 506-2. The transfer form should be completed and then signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

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

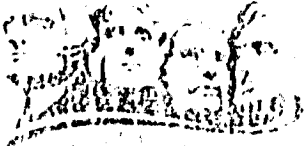
I have enclosed a copy of the water right for your records. If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 8, 1991

No. 506-2

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

Dear Sirs:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 506-2.

Our records now show you as the owner of Water Water Right No. 506-2.

Sincerely,

Cheryl F. Frost

Cheryl F. Frost
Secretary
Water Rights Division
605 773-3352

enclosure

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

Pierre, _____, 19____

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____

Fee to retain Future Use Permit No. _____ after period of seven years. _____

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

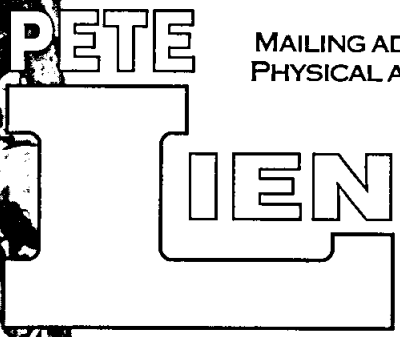
Fee for _____

(Any Other Work Provided by Law)

Total

[Handwritten signature and stamp]

506-2



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

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

PETER C. LIEN
1898-1969 FOUNDER

BRUCE H. LIEN
FOUNDER

CHARLES H. LIEN
FOUNDER
CHAIRMAN

PETER C. LIEN
PRESIDENT

& Sons, Inc.

February 9, 2006

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

RE: Water Permit – Change of name

Permit 1283-2 – Hermosa
Permit 2531-2 – Oral

Permit 1715-2 – Creston
Permit 4512-3 - Blunt

Permit 926-2 – Wasta

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

The operations affected by this transfer are as follows:

Blunt Sand Plant	Blunt, SD	Oral Sand Plant	Oral, SD
Creston Sand Plant	Rapid City, SD	Crook County Sand Plant	Hulett, WY
Wasta Sand Plant	Wasta, SD	St. Barbara Sand Plant	Pueblo CO

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

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

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

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

Sincerely,

PETE LIEN & SONS INC.

A handwritten signature in black ink, appearing to read "Kyle Frisinger".

Kyle Frisinger
Sand & Gravel Manager

RECEIVED
FEB 28 2006
WATER RIGHTS
PROGRAM



506-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 1, 2006

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

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

Dear Ms. Erickson:

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

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

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

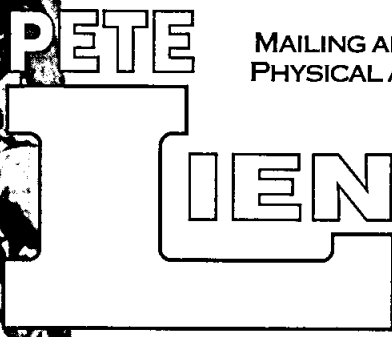
If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
email: karen.schlaak@state.sd.us

enclosure

306-2



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

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

PETER C. LIEN
1898-1969 FOUNDER

BRUCE H. LIEN
FOUNDER

CHARLES H. LIEN
FOUNDER
CHAIRMAN

PETER C. LIEN
PRESIDENT

& Sons, Inc.

March 10, 2006

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

RECEIVED
MAR 13 2006
WATER RIGHTS
PROGRAM

RE: Notice of Transfer Forms

Dear Karen Schlaak,

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

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

Thank you,
Pete Lien & Sons, Inc

Shelly Erickson

Shelly Erickson
Permitting Engineer

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 506-2

Date: 3-10-06

I/We request that Water Right No. 506-2

formerly owned by: Birdsall Sand & Gravel

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

PO Box 440, Rapid City SD 57709

Telephone No. 605 342-7224

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

one well – SW ¼ Section 24-T2N-R7E (Pennington County)

I/We understand that the validity of Water Right No. 506-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

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

I/We Pete Lien & Sons, Inc., the new owner, certify that the above information is true and correct.



(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIVED
MAR 13 2006
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 13, 2006

RECEIVED OF Pete Lien & Sons Inc., PO Box 440, Rapid City SD 57709

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>506-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

02854

By

Darland Eibele

Chief Engineer

gm



506-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 14, 2006

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

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

Dear Ms. Erickson:

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

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

Sincerely,

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

enclosures

DeFea, Michael

506-2

From: Trevor Schmelz [TSchmelz@petelien.com]

Sent: Friday, December 01, 2006 2:32 PM

To: DeFea, Michael

Cc: Scott Landguth

Mike,

As you had suggested when Scott Landguth, Mitch Nachtigall, and I met with you, I have verified the location of the well for Water License No. 506-2. The following is the location of the well:

The legal description is NW1/4NW1/4 of Section 34 T2N R7E

The Lat/Long is 44.094877 N, -103.271874 W

Let me know if you have any questions,

Trevor R. Schmelz

Project Engineer
Pete Lien & Sons, Inc.
Phone (605)342-7224 ext. 2697
Fax (605)342-6979

12/05/2006