

Mr R.
1014010.

Water Right No., 4512-3

1. Considered May 22, 1980 19 80
 2. Name of Applicant BIRDSALL SAND & GRAVEL Co.
 3. Post Office Address P.O. Box 767 - RAPID CITY 57709
 4. Amount of Water Claimed 1.50 ^{SAND/GRAVEL} (NON-CONSUMPTIVE)
 5. Source of Water Supply 4 wells, 19', 16', 29' & 25' deep
 6. Water to be used for Industrial
 7. Acres to be irrigated _____ maximum acre feet _____
 8. Water to be diverted and used in Sully County
about 5.5, 10.2 miles EAST of ONIDA
 9. PROOF OF PUBLICATION Received (X) 5-21-80
Not Received _____
- APPLICATION Approved 5-22-80
Subject to _____
Not Approved _____
Action deferred _____

Priority Date
Received 4-30-80 Application Complete (yes) no _____ FEE 150.00
Remarks _____

Date information and/or
fee or corrected Application received
Period of Annual use April 1 thru December 1
Received yes _____ no _____ APPROVED/CONDITIONAL (Circle one)
WI-1 Description same as application yes _____ no _____ Remarks _____

WATER
QUALITY
N/A

Disapproved _____ Returned _____

Diversion Point 5 1/2 SW 4 10-113 N-75W

Acres to be irrigated _____

WELL
LOG

Remarks Log no one. others to add for logs do have
Complete Form 2A
Driller HAFF Well Co. Licensed (yes) no _____
Depth 19', 16', 29' & 25' deep

Water Right No. _____

MAP

Map No. 3736-3 Map located in Water Right X Map file _____

Type of Map Aerial Prepared by Eggen & Birdsell
Shaw & Samuel Co.

+++++

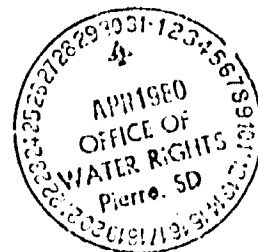
REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 5-24-80.

B. Swartz
(Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date
F.F. & C Final Decision, including F.F. & C of Law were adopted _____
OF LAW, Date
FINAL Final Decision mailed to parties and/or parties notified that Final Decision
DECISIONS was adopted _____
ETC. Remarks _____



No. 4512-3
 Map No. 3736-3 Water Division No. 3 MISSOURI RIVER District
 Above for Office Use 10140103

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New ☒ Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Birdsall Sand & Gravel Co. Phone No. 605-342-9250
 Post Office Address P.O. Box 767, Rapid City State South Dakota 57709
 (Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor3. Name of diversion work Central Sand & Gravel Co.4. Amount of water claimed (cubic feet per second) 1.50 cfs.5. Source of water supply 4 Wells

6. Location of point of diversion S $\frac{1}{4}$, SW $\frac{1}{4}$, Sec 10, T113N, R75W, #1, N 77° 15' W, 2118'; #2;
(See attached aerial photograph) N 76° 20' W, 1854'; #3, N 65° 45' W, 1630';
#4 - N 65° 15' W, 1800' ALL FROM S $\frac{1}{4}$ CORNER County Sully

7. Annual period or periods during which water is to be used April 1 thru December 18. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Industrial

9. For irrigation use, Total number of acres to be irrigated _____

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Completed years. Additional time required to complete application of water to the proposed beneficial use Completed years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Watchman, Onida, S.D.

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.
4 Wells.

B. Works proposed to transport water to place of use.

Pumps & 3 Water Storage Dugouts which are also used as settling ponds in recirculation of process water.

C. Works proposed to apply water to beneficial use.

Aggregate Washing & Processing Plant

Estimated Total Cost \$ 10,000.00

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map. (see instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of Pennington) ss "

I, Birdsall Sand & Gravel Co. the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Walter E. EngelSubscribed and sworn to before me this 23rd day of April, 1980

Patricia M. Becker
 Notary Public (or other qualified officer)
 My Commission Expires April 1, 1981

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4512-3

BIRDSALL SAND & GRAVEL Co. P.O. BOX 767, RAPID CITY
(Applicant) (Post Office Address)
SOUTH DAKOTA 57709 With the following qualifications. % MIKE VIDAL
(State)

The wells approved under this Permit are located near domestic wells which may obtain water from the same aquifer. The well owner, under this Permit, shall control his ~~XXXXXX~~ withdrawals so there is not a reduction of needed water supplies in adequate domestic wells.

Date of first receipt of application April 30, 19 80
Date of return to applicant for correction, amendments or changes required _____, 19 _____
Date of receipt of corrected application _____, 19 _____
Approved May 24, 19 80, Recorded in Book 21 Page 192

WATER RIGHT PERMIT NO. 4512-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4512-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is April 30, 1980
2. The equivalent of at least one fifth of the work above specified is ~~xxx~~ completed ~~xxxxxx~~
.19xx
3. The whole of said work is ~~xxx~~ completed ~~xxxxxx~~ x1x
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is
completed, 19xx
5. The water appropriated shall be used for the purpose of Industrial Use - Sand and Gravel Wash plant (non consumptive use)
6. 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.
7. The amount of the appropriation herein granted shall not exceed 1.50 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses ~~xxxxxx~~ for irrigation purposes and application for other agricultural
cubic foot per acre per year and be limited to not more than one ~~xxxxxx~~ cubic foot of water per second of flow for each acre or fraction thereof to which water is actually and beneficially applied used
for Industrial use
- This Date
xxxxxx on or before .19x; said water to be used during the following described annual period: April 1 to December 1

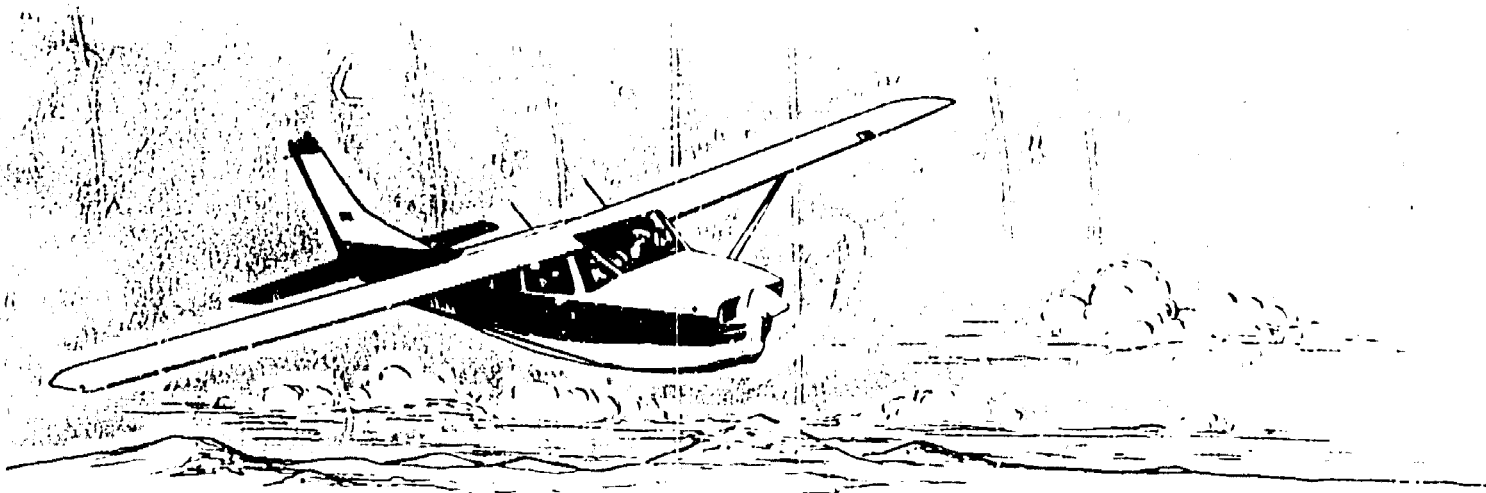
Witness my hand this 4th day of June 19 80

THE WATER MANAGEMENT BOARD

By: John Kaleb
Civil Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____



HORIZONS, INC.

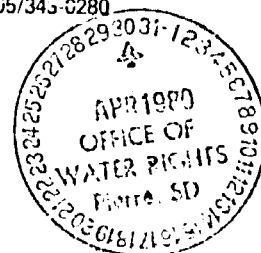
AIRIAL SURVEYS & DIGITAL PHOTOGRAMMETRY

P.O. BOX 3134 / DEADWOOD AVE.
RAPID CITY, SOUTH DAKOTA 57709
TELEPHONE 605/343-0280

Our Job 4904

April 22, 1980

Mr. Mike Vidal
Birdsall Sand & Gravel
Box 767
Rapid City, SD 57701



RE: Well Location at Blunt Plant

Materials: 1-1"=200' 8½"x14"
enlargement

Dear Mr. Vidal:

The following wells were scaled on a 1"=200' enlargement of the Blunt Plant. The photography was taken on January 7, 1980. The wells were located from the S½, Cor. (FN. Cor.) Section 10, T. 113 N., R. 75 W. Assuming a mean bearing of the north/south fence lines to be N 0° 00' E. The Well locations are as follows:

(1) N 77° 15' W	2118'
(2) N 76° 20' W	1854'
(3) N 65° 45' W	1630'
(4) N 65° 15' W	1800'

If you have any questions regarding the above information, please feel free to contact us.

Sincerely,
HORIZONS, INC.

James M. Spell
James M. Spell *etc*

JMS/DB/he

BIRDSALL SAND & GRAVEL CO.
Central-Mix

BOX 767
RAPID CITY, SOUTH DAKOTA 57701
TELEPHONE: AC 605/342-9250

AGGREGATE PLANTS -
Oral and Wasta, SD
READY MIX PLANTS -
Rapid City, Sturgis and Pierre, SD
CONTRACTORS SUPPLY -
Rapid City, SD

April 24, 1980

Department of Water & Natural Resources
Water Rights, Water Management Division
Joe Foss Building
Pierre, South Dakota 57501

Attn: Betty Westlund

Re: Water Right Application for Central Sand & Gravel

Dear Betty:

Enclosed you will find the completed Form 2 and Forms 2A. The well locations and dugouts for storage and circulation are shown on the aerial photograph and located from the quarter section corner by distance and bearing.

Only one of the wells was put in by a commercial driller and the log of that well is included. The other three were put in by the previous owners of Central Sand & Gravel Co., with their own people. Consequently, there are no well logs on these three. The wells are however described on the Form 2A for each well.

In your correspondence, you stated that the filing fee would be \$150.00. Please find enclosed our check for \$150.00.

I hope that everything is in order. Thank you for your help and information.

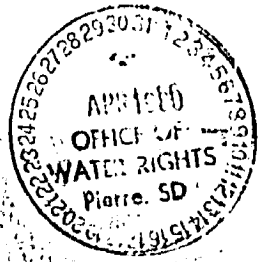
Sincerely,



L.C. "Mike" Vidal
Engineer

Enc.

MV:lmf



ASSOCIATE MEMBER
ASSOCIATED GENERAL
CONTRACTORS OF
SOUTH DAKOTA & NEBRASKA



SDRMCA

WESTERN
S.D.
TRAFFIC
BUREAU



(1) WELL CONSTRUCTION

Well owner Central Land & Mineral Township _____ Range _____
(Name)
Date well drilling completed 10-75 (Address) Phone

Date well drilling completed Aug 75 Purpose of well (domestic, irrigation, municipal, industrial, other)
WELL LOG
Lowers top to top of

WELL LOG

[illegible]

Attach sheet if more space is needed

If a flowing well, flow of completed well G.P.M.

AAA-Well Co.
Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump _____

Type of pump _____ Capacity of installed pump _____ HR _____

Depth of pump placement _____ ft., Date of pump installation _____ G.P.M. _____

WATER SURFACE MEASUREMENT _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____ tube material _____.

Name of Pump Installation Contractor

12 Principal Features of the Proposed Water Supply System (continued)

D Well Information Well #1 & #2

- (1) Drill Hole, Diameter 24 Inches, Depth 19 Feet
- (2) Casing, Type Galv. Steel, Diameter 24 Inches, Thickness 1/4 Inch
(wood, concrete, steel, etc)
- (3) Screen, Type Drilled Casing, Diameter 24 Inches, Length 12 Feet
- (4) Gravel Pack, Thickness 4 Inches, Length of gravel pack 19 Feet

E. Dugout Information or Estimates Pond #1

- (1) Surface dimensions, 2,000 Sq.Yd., Depth 8 Feet

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Attach a copy of test well log)

- Depth to top of water bearing material 3 Feet
- Depth to bottom of water bearing material 19 Feet
- Depth to water (ground surface to water level) 3 Feet

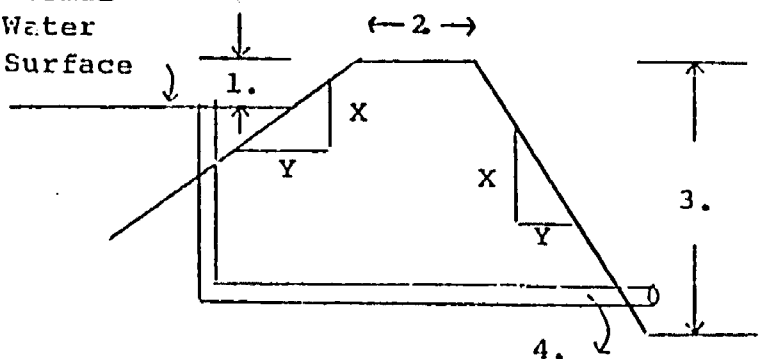
(2) Distance to nearest existing household or livestock watering well.

- On same owner's property 480 rds.
- On property owned by others 640 rds.

G. Water Storage Dams

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.

Normal
Water
Surface



1. Freeboard _____
2. Crest width _____
3. Height of Dam _____
4. Outlet dimensions:
Pipe diameter _____
Spillway width _____
- X & Y slope:
Upstream _____
Downstream _____
Surface area of impoundment _____
Drainage area above dam _____

12 Principal Features of the Proposed Water Supply System (continued)

D Well Information Well #3

- (1) Drill Hole, Diameter 18 Inches, Depth 29 Feet
- (2) Casing, Type Steel (wood, concrete, steel, etc), Diameter 18 Inches, Thickness 1/4 Inch
- (3) Screen, Type Perforated, Diameter 18 Inches, Length On Bottom
- (4) Gravel Pack, Thickness 4 Inches, Length of gravel pack 29 Feet

E. Dugout Information or Estimates Pond #II

- (1) Surface dimensions, 660 Sq. Yd., Depth 6 Feet

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Attach a copy of test well log)

Depth to top of water bearing material 3 Feet

Depth to bottom of water bearing material 29 Feet

Depth to water (ground surface to water level) 13 Feet

(2) Distance to nearest existing household or livestock watering well.

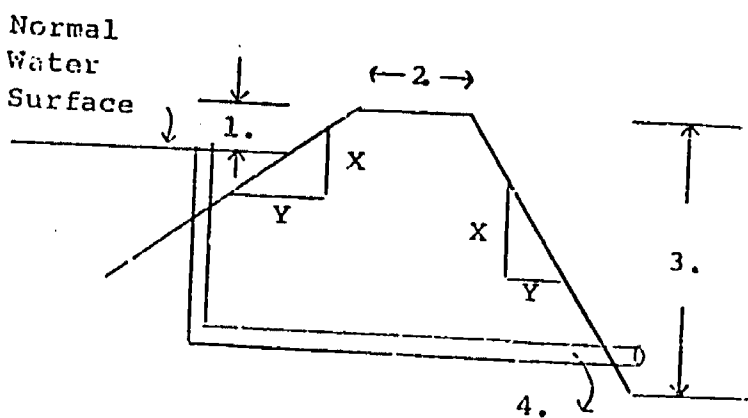
On same owner's property 480 rds.

On property owned by others 640 rds.

G. Water Storage Dams

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, length, maximum water depth, surface area, drainage area, etc. age capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.

Normal
Water
Surface



1. Freeboard _____
2. Crest width _____
3. Height of Dam _____
4. Outlet dimensions:
Pipe diameter _____
Spillway width _____
- X & Y slope:
Upstream _____
Downstream _____
- Surface area of impoundment _____
- Drainage area above dam _____

12 Principal Features of the Proposed Water Supply System (continued)

D Well Information Well #4

- (1) Drill Hole, Diameter 24 Inches, Depth 16 Feet
- (2) Casing, Type Steel, Diameter 24 Inches, Thickness 1/4 Inch
(wood, concrete, steel, etc)
- (3) Screen, Type None, Diameter _____, Length _____
- (4) Gravel Pack, Thickness 4 Inches, Length of gravel pack 16 Feet

E. Dugout Information or Estimates #III

- (1) Surface dimensions, 2200 Sq.Yd., Depth 12 Feet

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials (Attach a copy of test well log)

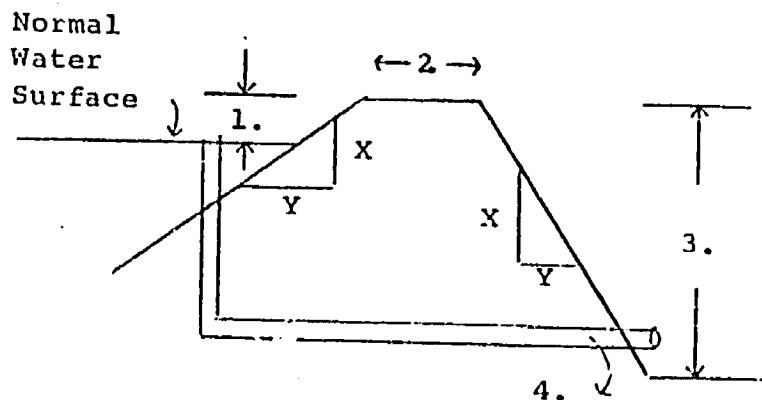
- Depth to top of water bearing material 3 Feet
- Depth to bottom of water bearing material 16 Feet
- Depth to water (ground surface to water level) 3 Feet

(2) Distance to nearest existing household or livestock watering well.

- On same owner's property 480 rds.
- On property owned by others 640 rds.

G. Water Storage Dams

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



1. Freeboard _____
2. Crest width _____
3. Height of Dam _____
4. Outlet dimensions:
Pipe diameter _____
Spillway width _____
- X & Y slope:
Upstream _____
Downstream _____
Surface area of impoundment _____
Drainage area above dam _____

No. 4512-3

Publish first publication, on or before **May 8, 1980**

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 1, 1980

Notice is hereby given that Birdsall Sand & Gravel Co. whose post office

address is Rapid City, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 1.50 cubic feet of water per second of time from groundwater

(four wells) through the Central Sand & Gravel Co., the point(s) of diversion of which ~~are~~(are) to be located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ (non consumptive)

of Section 10, Twp. 113N, Range 75W. Said water to be used for the purpose of providing ~~water for industrial use~~ water for industrial use

This Application No. 4512-3 will be considered by the Water Management Board at
the Civil Defense Room
State Capitol Building, Pierre, South Dakota upon the 22nd day of May, 1980

at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Birdsall Sand & Gravel Co.
Box 767
Rapid City, SD 57709

BETTY WESTLUND
Water Rights Specialist

WNR-806A-7/79
GROUNDWATER

Form 8 • Proof of Publication • Notice of Intent to Appropriate Water

No. 14512-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Sully) ss.

I, Bonnie Zebroski hereby

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

Water was taken from the Orinda Watchman

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

city of Onida

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

May 8, 1980

May 15, 1980

Bonnie L. Zebrowski
(Signature)

Bookkeeper
(Title)

May 19, 1900

(Date Signed)

**NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER**

No. 4512-3
Notice is hereby given that Birdsall Sand & Gravel Co. whose post office address is Rapid City, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14, 46-2-0 thru 46-2-11, 46-2-13, 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-6-1, 46-6-3, 46-6-3.1, 46-6-5, 46-6-9.1, 46-6-10, 46-6-14, and Board Rules ARSD 52.01.01.01 thru 52.01.01.18, for a permit to appropriate for beneficial use 1.60 cubic feet of water per second of time (non consumptive) from groundwater (four wells) through the Central Sand & Gravel Co. the point(s) of diversion of which are to be located in the S 1/4 SW 1/4 of Section 10, Twp. 118N, Range 75W. Said water to be used for the purpose of providing water for industrial use.

This Application No. 4512-3 will be considered by the Water Management Board at the Civil Defense Room, State Capitol Building, Pierre, South Dakota upon the 22nd day of May, 1980 at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-20 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building, Pierre, SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

BETTY WESTLUND
Water Rights Specialist

15-16

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7491

PIERRE, April 30, 1930

RECEIVED OF Dan Chaull; for RIFDSALL SAND & GRAVEL CO.; Box 767; Rapid City, SD 57709
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)	150	00
Fee for Inspecting Construction, and issuing Cert. of Construction No.		
Fee for Inspecting Beneficial Use, and issuing Water License No.		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	150	00

WATER RIGHTS COMMISSION

By *John H. Hatch*
Chief Engineer, Executive Officer
JOHN H. HATCH

4512-3

 **Department of
Water & Natural Resources**

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

October 4, 1989

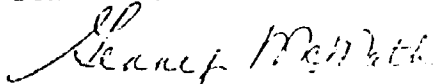
Denny Hengen
Pete Lien & Sons Inc.
PO Box 440
Rapid City, SD 57709

Dear Mr. Hengen:

Enclosed, as you requested, are copies of the water permits or water rights on file for Pete Lien & Sons Inc and Birdsall Sand and Gravel. I was unable to find any permits listed under Dakota Block, Dakota Steel or Central Mix.

If you have any questions, please contact me.

Sincerely,



GENNY McMATH
Natural Resources Analyst
(605) 773-3352

enclosures: Water Right/Permit Nos. 926-2, 1279-2, 1283-2,
1656-2, 1715-2, 1761-2, and 4512-3



STATE OF SOUTH DAKOTA

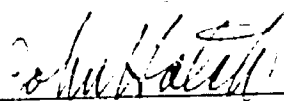
WATER LICENSE NO. 4512-3

(1) Birdsall Sand & Gravel, PO Box 767, Rapid City SD 57709 made Application No. 4512-3, April 30, 1980 for a water permit to divert 1.50 cubic feet of water per second from groundwater (4 wells), Sully County, South Dakota for industrial purposes. Permit No. 4512-3, with a priority date of April 30, 1980 was approved May 24, 1980 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.26 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #2 - 438 feet north and 1802 feet west, Well #3 - 669 feet north and 1486 feet west, and Well #4 - 754 feet north and 1635 feet west; all of the southeast corner Section 10-T113N-R75W.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Birdsall Sand & Gravel, PO Box 767, Rapid City SD 57709 the holder and/or owner of Water Permit No. 4512-3 is issued a license to appropriate water, the right to use 0.26 cubic feet of water per second from groundwater (three wells) with a priority date of April 30, 1980 from the location specified in (2) of this license. The water to be for the purpose of industrial use. This license is subject to any limitations or qualifications listed in Water Permit No. 4512-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 4 1996

date



REPORT ON INSPECTION OF PERMIT NO. 4512-3

DATE: 7-26-95

Other permit(s) associated with the project:

DIVERSION POINT LEGAL LOCATION: Well #2: 438 feet N and 1802 feet W and well #3: 669 feet N and 1486 feet W of the SE corner Section 10, T118N, R75W, which is the SW 1/4 SE 1/4 Section 10.

WELL INFORMATION:

- 1) Well Drilling Firm: Birdsall Sand and Gravel owners dug the well.
- 2) No. of Wells 2
- 3) Depth(s) 19 and 29 feet
- 4) Well log is available N
- 5) Comment: Well #1 is capped and no longer in use.

Casing:

- 1) Diameter 24 and 18 inches
- 2) Length 7 and 16 feet
- 3) Type galvanized steel and steel

Screen:

- 1) Type galvanized steel and steel
- 2) Length 12 and 13 feet
- 3) Static water level 3 and 13 feet

Pump:

- 1) Make both are Grundfos submersibles
- 2) Model
- 3) Size
- 4) Capacity both are 8 GPM

Motor:

- 1) Make
- 2) Model No.
- 3) Horsepower rating 0.5 and 1 hp

Permit No. 4512-3
Missouri River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DENR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Birdsall Sand and Gravel of P.O. Box 767, Rapid City, SD 57709 holder of Permit No. 4512-3, bearing the priority of April 30, 1980 authorizing the diversion of 1.5 cu. ft. per second of the waters of Highmore Blunt Aquifer for industrial purposes, in Sully County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

Well #2: 19 feet deep with 7 feet of 24 inch galvanized steel casing and 12 feet of galvanized steel screen. Grundfos submersible pump with an 8 gpm capacity and a 0.5 hp motor.

Well #3: 29 feet deep with 16 feet of 18 inch steel casing and 13 feet of steel screen. Grundfos submersible pump with an 8 gpm capacity and a 1.0 hp motor.

Well #4: 25 feet deep with 15 feet of 18 inch galvanized steel casing and 10 feet of Johnson stainless steel screen. Cornell pump model no. 3W15-2 with a 100 gpm capacity and a 15 hp motor.

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

75 feet of two inch plastic pipe and approximately 200 feet of 4 inch hose from wells #3 and #4 to the sand and gravel washers.

C. Works used to apply water to beneficial use:

Industrial use for office building and sand and gravel washers.

The system is in the following condition good. The points of diversion are located well #2: 438 feet N and 1802 feet W, well #3: 669 feet N and 1486 feet W, and well #4: 754 feet N and 1635 feet W all of the SE corner Section 10, T118N, R75W. The works are capable of diverting and conveying to the place of use 0.26 cu. ft. per second of water which is to be used for industrial purposes. Water has been put to beneficial use to the maximum extent as follows:

Water supply for an office and wash water for the sand and gravel operation. and the license should be issued for 0.26 cfs.

Applicable permit qualifications have been complied with: ☒ Yes ☐ No

Exceptions to compliance are: none

Date: 8-2-95

Comments: Well #1 is capped and no longer in use. The wash system recycles water and supplements with well water. The slurry water travels in a ditch to a slurry pond and is then pumped to a slough. Sediment

settles out in the slough and water is filtered through a rock and sand dike to pond #2. The cleaned water is then pumped back to the plant and is supplemented with well water for use in the wash process.


Lynn Beck

Natural Resources Engineer
DENR, Water Rights Division

DIVERSION POINT LEGAL LOCATION: Well #4: 754 feet N and 1635 feet W of the SE corner Section 10, T118N, R75W, which is in the SW 1/4 SE 1/4 Section 10.

WELL INFORMATION:

- 1) Well Drilling Firm: AAA Well Company
- 2) No. of Wells 1
- 3) Depth(s) 25 feet
- 4) Well log is available Y
- 5) Comment:

Casing:

- 1) Diameter 18 inches
- 2) Length 15 feet
- 3) Type galvanized steel

Screen:

- 1) Type Johnson stainless steel
- 2) Length 10 feet
- 3) Static water level 12 feet

Pump:

- 1) Make Cornell
- 2) Model 3W15-2
- 3) Size
- 4) Capacity 100 GPM

Motor:

- 1) Make
- 2) Model No. 5K215JN19A
- 3) Horsepower rating 15 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type plastic 2) Size 2 inches 3) Length 75 feet
- 1) Type rubber hose 2) Size 4 inches 3) Length 200 feet

SYSTEM TYPE: Wells #3 and #4 are used in the wash for a sand and gravel operation. The system consists of a sedimentation pond and slough, filters to a reclamation pond and is pumped back to the wash plant. The reclaimed water is supplemented by wells #3 and #4. Well #2 is used for water for the office.

POND INFORMATION: Pond #1, SW 1/4 SE 1/4 Section 10, T118N, R75W.

1) Dimensions 75 feet by 240 feet by 8 feet deep.

2) Approx. storage 2 ac-ft

POND INFORMATION: Pond #2, Sw 1/4 SE 1/4 Section 10, T118N, R75W.

1) Dimensions 95 feet by 250 feet by 12 feet deep.

2) Approx. storage 3.5 ac-ft

PERMIT QUALIFICATIONS AND REGULATIONS:

1) Special qualifications to permit being abided by Y

2) All structures, wells and lands on map Y

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
WATER RIGHTS PROGRAM

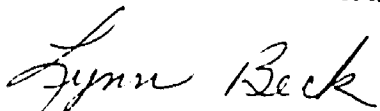
November 29, 1995

RE: CHANGE IN LOCATION OF THE DIVERSION POINTS FOR WATER
PERMIT No. 4512-3, Birdsall Sand and Gravel.

An inspection of Water Permit No. 4512-3 found three diversion points constructed in a location not authorized by Permit No. 4512-3. SDCL 46-5-13.1 provides that a point of diversion may be changed or additional points of diversion may be approved without application or publication of a notice of hearing if the additional point of diversion is from the same source of water, no additional water is appropriated and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversion.

Water Permit No. 4512-3 appropriated 1.5 cubic feet of water per second from the Highmore - Blunt Aquifer from four diversion points to be located in the SW 1/4 Section 10, T113N, R75W for industrial purposes. The inspection found three diversion points located 438 feet north and 1802 feet west, 669 feet north and 1486 feet west, and 754 feet north and 1635 feet west of the SE corner Section 10, T113N, R75W. No additional appropriation of water is required for this diversion. There are no other water rights in T113N, R75W.

If a finding is made that this change does not increase the potential for interference with existing diversions, Water Right No. 4512-3 will be issued for three diversion points located as described above, in the SE 1/4 Section 10, T113N, R75W.



Lynn Beck
Natural Resources Engineer III

The Chief Engineer makes a finding that:

This change in location does not increase the potential for interference with existing diversions. In making this finding "does not increase potential for interference" is interpreted to mean potential for adverse interference.



John Hatch, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

December 8, 1995

4512-3

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

Dear Mr. Schultz:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 4512-3, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

APR 4 1996

4512-3

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

Dear Mr. Schultz:

Enclosed is Water License No. 4512-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414725 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 4512-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

ks
enclosures

4512-3

Gravel shown

SW $\frac{1}{4}$ Sec 10 SE $\frac{1}{4}$ Sec 10

NW $\frac{1}{4}$ Sec 15 NE $\frac{1}{4}$ Sec 15

T 113N, R 75W

BIRDSALL SAND & GRAVEL CO.
Central Sand & Gravel Plant
Scale: 1" = 200'

3786-3

NOT TO SCALE

113-75 C-16
113-75 C-16

~~Mary Adeline Reynolds~~
~~George M. Reynolds~~
~~First National Bank of Nowata~~
~~Don & Darla Rogers~~

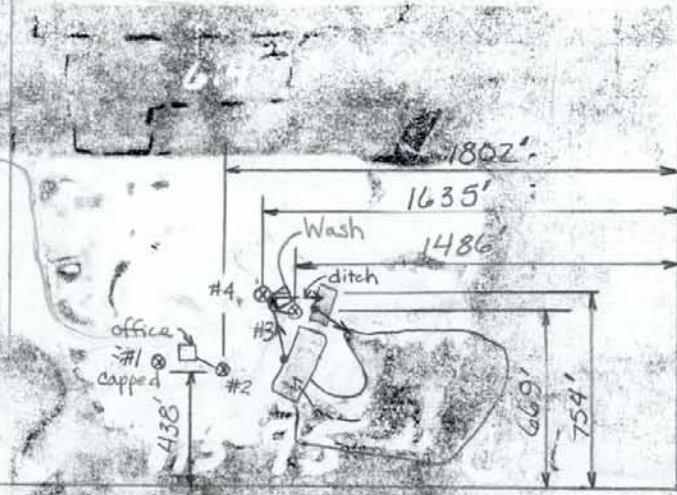
~~George M. Reynolds~~
~~Mary Ann Reynolds~~
~~Heber J. Thompson~~
~~Mary E. McGee~~ 1851

89.5

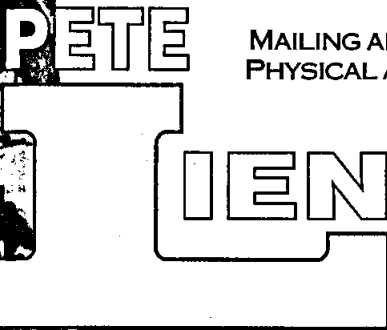
10

Prepared by:

Lynn Beck
Lynn Beck
DENR, Water Rights Program
8-1-95



4512-3



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.

4512-3

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
Creston Sand Plant
Wasta Sand Plant

Blunt, SD
Rapid City, SD
Wasta, SD

Oral Sand Plant
Crook County Sand Plant
St. Barbara Sand Plant

Oral, SD
Hulett, WY
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.


Kyle Frisinger
Sand & Gravel Manager

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FEB 28 2006
WATER RIGHTS
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4512-3

**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.

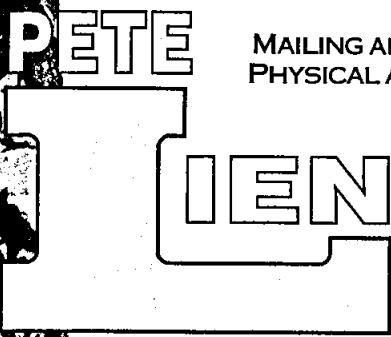
If you have any questions, please contact me.

Sincerely,

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

enclosure

4512-5



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

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

RECEIVED
MAR 13 2006
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 13, 20 06

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>4512-3</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	2.50

No.

02250

By

Harland Elvick

Chief Engineer

gm

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4512-3

Date: 3-10-06

I/We request that Water Right No. 4512-3

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:

3 wells - SE 1/4 Section 10-T113N-R75W (Sully County)

I/We understand that the validity of Water Right No. 4512-3 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.

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MAR 13 2006
WATER RIGHTS
PROGRAM



4512-3

**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