

Water Right Number 1144-1

1. Considered 10-6, 19 77
2. Name of Applicant LIVESTOCK ENERGY SYSTEMS, INC.
3. Post Office Address WHITEWOOD
4. Amount of water claimed 13
5. Source of water supply 460' WELL (MINNELUSA)
6. Water to be used for INDUSTRIAL

Acres to be irrigated \_\_\_\_\_

7. Water to be diverted and used in LAWRENCE County  
about IN CITY OF WHITEWOOD Miles \_\_\_\_\_ of \_\_\_\_\_

8. Proof of Publication

Received 10-4-77

Not received \_\_\_\_\_

Approved \_\_\_\_\_

Subject to \_\_\_\_\_

Not approved \_\_\_\_\_

Action deferred \_\_\_\_\_

10. Remarks:

**DELETED**

No. 1144-1Map No. 955-1 Water Division No. 1 BELLE FOURCHE RIVER District \_\_\_\_\_  
(Blanks to be Filled by the Engineer for the W. R. C.)

## APPLICATION FOR PERMIT

## To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant Livestock Energy Systems, Inc.  
 Postoffice address P.O. Box 37 Whitewood, State South Dakota  
 If a corporation show date and place of incorporation Deadwood, South Dakota January, 1977
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Water Well
4. Amount of water claimed (cubic feet per second) .13 50 gal./per minute \* (we will use 30 gal./per min.)
5. Source of water supply Minnelusha sand
6. Location of point of diversion South Street and Laurel Whitewood, S.D.  
N 12° 32' E, 782.8 FEET FROM THE S 1/4 CORNER SECTION 21,  
T 6 N, R 4 E County Lawrence
7. Annual period or periods during which water is to be used year around
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) industrial
9. ~~For irrigation use~~ N/A Total number of acres to be irrigated N/A

\*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. |
|------------------|----------------|------------------|----------------|
| <u>N/A</u>       |                |                  |                |
|                  |                |                  |                |
|                  |                |                  |                |
|                  |                |                  |                |

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 2 ~~years~~ years. Additional time required to complete application of water to the proposed beneficial use 30 days years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Sturgis Tribune
12. Principal Features of the Proposed Water Supply System.

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

Pump

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

At source

C. Works proposed to apply water to beneficial use.

PumpEstimated Total Cost \$ 9000Attachments: 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 Lawrence ) ss.

I, \_\_\_\_\_ 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 \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 1977\_\_\_\_\_  
Notary Public (or other qualified officer)

\*0.1327 cubic feet per second

# WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1144-1  
LIVESTOCK ENERGY SYSTEMS, INC. Box 37, WHITEWOOD  
 (Applicant) (Post Office Address)  
SOUTH DAKOTA 57793 With the following modifications:  
 (State)

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

Date of first receipt of application SEPTEMBER 6, 1977  
 Date of return to applicant for correction, amendments or changes required — 19 —  
 Date of receipt of corrected application — 19 —  
 Approved OCTOBER 6, 1977 Recorded in Book 19 Page 93

## WATER RIGHT PERMIT NO. 1144-1

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1144-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is SEPTEMBER 6, 1977
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before OCTOBER 6, 1978
3. The whole of said work is to be completed on or before OCTOBER 6, 1979
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 6, 1979
5. The water appropriated shall be used for the purpose of INDUSTRIAL
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 .13 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 ~~domestic use~~ USE FOR INDUSTRIAL PURPOSES ~~and if the irrigation project appropriation must be limited to not more than 2 cubic feet per second for a temporary supply limited to not more than 1170 cubic feet of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before~~ NOVEMBER 6, 1979 said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 31<sup>ST</sup> day of OCTOBER 19 77

WATER RIGHTS COMMISSION

By: John Hatch  
 Chief Engineer, Executive Officer

Certificate of Construction Issued DECEMBER 27, 1978

Water License Issued DECEMBER 27, 1978

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 7, Depth 460
- (2) Casing, Type Steel Diameter 5 O.D. Thickness .317  
(wood, concrete, steel, etc.)
- (3) Perforated Screen.  
Type Open hole, Diameter 5, Length 470
- (4) Gravel Pack Thickness N/A, Length of gravel pack N/A

E. Dugout Information or Estimates.

- (1) Surface dimensions N/A, Depth N/A

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

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials Minnetusha Sand

Depth to top of water bearing material 440

Depth to bottom of water bearing material 460

Thickness of water bearing material 20

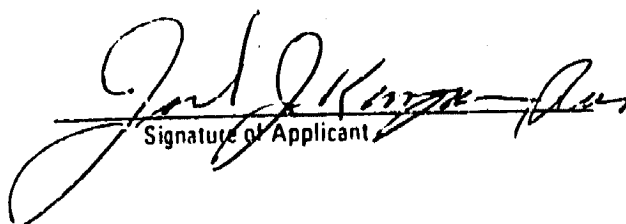
Depth to water (ground surface to water level) 280

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

On same owner's property None rds. Or property owned by others  $\frac{1}{4}$  mile 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, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

  
Signature of Applicant

## STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 1144-1

(1) WHEREAS, On the 6th day of September A. D. 1977  
the Livestock Energy Systems, Inc.

made Water Right Application No. 1144-1 for a permit to use .13 cubic feet per second of the waters  
 of groundwater (one well)

County of Lawrence, State of South Dakota, for Industrial  
 purposes; and

(2) WHEREAS, On the 6th day of October A. D. 1977  
 Permit No. 1144-1, with a date of priority of September 6, 1977

was issued to said applicant s for the diversion of said water, and provided for the completion of construction of the water  
 supply system therein described on or before the 6th day of October A. D. 1979 and for the  
 application to beneficial use of said water on or before the 6th day of November A. D. 1979

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota  
 relating to completion of the construction of the water supply system and is entitled to divert .13 cubic feet  
 per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota  
 relating to the application of water to beneficial use of the following extent.

water to be used for industrial purposes.

(5) 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 the Livestock Energy Systems, Inc.

\_\_\_\_\_ of Whitewood, SD  
the holder s and owners \_\_\_\_\_ of said permit No. 1144-1 a water right, dating from September 6, 1977  
to use of .13 cubic feet per second of the waters

of groundwater (one well)  
in the County of Laurence and State of South Dakota, or so much thereof as may be necessary for the  
purposes hereinbelow mentioned, to be diverted xx North 12° 32' East, 782.8 feet from the  
SW corner, Section 21, T6N - R4E

and conduct to and upon conducted through their distribution system  
XXXXXXXXXXXXXX

for the purpose of industrial use.

Subject to any limitations listed in Water Right Permit No. 1144-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota  
this 27th day of December A. D.

Nineteen Hundred and Seventy-eight  
**WATER RIGHTS COMMISSION**  
WATER RESOURCES COMMISSION

By:

John Hatch  
Chief Engineer, Executive Officer

JOHN HATCH

Permit No. 1144-1

Water Diversion No. 1 Belle Fourche River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the Livestock Energy Systems, Inc.

\_\_\_\_\_ the holder \_\_\_\_\_ of  
Permit No. 1144-1, issued upon Application No. 1144-1, bearing date of priority of September 6,  
1977 authorizing the diversion of .13 cu. ft. per second of the waters of \_\_\_\_\_  
groundwater (one well) County of Lawrence, State of South Dakota by \_\_\_\_\_  
North 12° 32' East, 782.8 feet from the S. Corner, Section 21,  
T6N - R4E

\_\_\_\_\_, for industrial

\_\_\_\_\_ purposes, have 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 .13 cu. ft. per second of water.

Date December 27, 1978

By: **WATER RIGHTS COMMISSION**  
*John Hatch*  
JOHN HATCH, Chief Engineer

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

No. \_\_\_\_\_

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Lawrence ) ss.

I, Verron J. Allison hereby  
certify that the annexed printed copy of Notice of Intent to Appropriate  
Water was taken from the Whitewood Centennial

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

Whitewood, SD of \_\_\_\_\_

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

September 16, 1977

September 23, 1977

Verron J. Allison  
(Signature)

Director  
(Title)

10/1/77  
(Date Signed)

NOTICE OF HEARING ON  
APPLICATION TO  
APPROPRIATE WATER

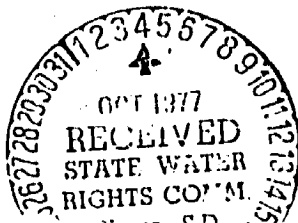
Pierre, SD 57501  
September 8, 1977

Notice is hereby given that  
Liveslock Energy Systems, Inc.,  
whose post office address is  
Whitewood, South Dakota, has  
made an application in accor-  
dance with the provisions of  
SDCL 46-1-1 thru 46-1-8; 46-2-1  
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, 46-6-5, 46-6-8.1, 46-6-18,  
46-6-14 and Commission Rule  
ARSD 52:01:01 thru 52:01:12,  
for a permit to appropriate for  
beneficial use 0.13 cubic feet of  
water per second of time from  
ground water through the Well  
No. 1, the point of diversion of  
which is to be located in the  
SW 1/4 SE 1/4 of Section 21, Twp. 3N,  
Range 4E. Said water to be used  
for the purpose of providing  
irrigation on portions of the  
following described land: water  
supplies for industrial needs.

This Application No. 1144-1  
will be considered by the Water  
Rights Commission at the Holl-  
day Inn, Spearfish, SD, upon the  
6th day of October, 1977, at 11  
a.m. The Commission is author-  
ized to make a determination on  
this application at the hearing.  
All interested persons may ap-  
pear and be heard. Any person  
who may be affected by a  
Commission decision who desires  
to present evidence or cross-  
examine witnesses according to  
SDCL 1-26 may notify the Com-  
mission in writing prior to the  
hearing or orally at the hearing.

Water Rights Commission  
James Winterton  
Water Rights Specialist

Pub. Sept. 16 - 23, 1977.



Publish first publication, on or before September 15, 1977

NOTICE OF HEARING ON  
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

September 8, 1977

Notice is hereby given that Livestock Energy Systems, Inc. whose post office address is Whitewood, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-3, 46-5-10 thru 46-5-22, 46-5-41, 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 0.12 cubic feet of water per second of time from ground water through the Wall #1, the point of diversion of which is to be located in the SW 1/4

of Section 21, Twp. 6N Range 4E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

water supply for industrial needs

This Application No. 1142-1 will be considered by the Water Rights Commission at The Holiday Inn, Spearfish, SD upon the 6 day of October, 1977 at 10 A.M. The Commission 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 Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

WATER RIGHTS COMMISSION

JAMES WHITELICH  
Water Rights Specialist

cc: Livestock Energy Systems, Inc., Whitewood, SD 57793

NOTE: Final Proof of Publication must be received by hearing date for the for the Commission to take action.

Permit No. 1144-1Water Division 1 Belle Fourche River Water District

**REPORT OF EXAMINATION OF WORKS  
AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Livestock Energy Systems Inc. of Box 37, Whitewood, S.Dak 57773 holder of Permit No. 1144-1, bearing date of priority of September 6, 1977 authorizing the diversion of .13 cu. ft. per second of the waters of one Well for Industrial purposes, in Lawrence County.

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

The Water Use System consists of,

A. Works used to divert the water:  
Submersible Pump (Size unknown)  
Pumping 60 gpm.

B. Works used to transport water to place of use,  
pipe to Processing Plant

C. Works used to apply water to beneficial use.  
Processing Plant.

The system is in the following condition: Excellent

The point of diversion is located N 12° 32' E. 782.8 ft from the S ¼ corner  
Section 21, T6N, R4E.

The works are capable of diverting and conveying to the place of use .13  
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:

comprising a total of \_\_\_\_\_ acres of land.

Well 570' deep est.  
static water 60 ft est  
Pumping 60 gpm.

Date November 16, 1978  
LeRoy J. McNaught  
(Signature)

**OVERSIZE**

**DOCUMENT IS**

**SUPPLEMENTARY**

**TO MICROFILM FILE**

*South Dakota*



GREAT FACES. GREAT PLACES.

October 10, 1991

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

1144-1

Hubbard Milling Company  
% Jeff Westberg  
Box 431  
Whitewood SD 57793

Dear Mr. Westberg:

Enclosed is a partially completed "Notice of Transfer" form. Please use in filing an ownership change on Water Right No. 1144-1. The water right is currently listed in the name of Livestock Energy Systems.

The transfer form should be checked over for accuracy and 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.

If you have any questions, please contact me.

Sincerely,

*Genny McMath*

Genny McMath  
Natural Resources Analyst  
(605) 773-3352

enclosure

1144-1



WATER USE FOR 1990

1144-1

\* LIVESTOCK ENERGY SYSTEMS  
POB 37  
WHITEWOOD, SD 57793

SOURCE OF WATER (PLEASE CHECK):

GROUND WATER X, NUMBER AND DEPTH OF WELLS \_\_\_\_\_

1 well  
480' Deep  
(our plant expansion is complete)

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 6,000,000 GALLONS

\*\*\*\*\*

NAME OF CONTACT PERSON Jeff Westberg

TELEPHONE NO. 605-269-2248

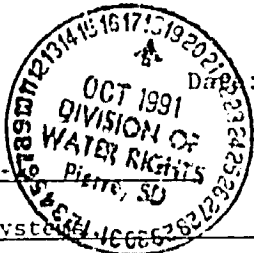
ADDRESS CORRECTION Hubbard Milling Company  
Box 431  
Whitewood SD 57793

Please take Livestock Energy Systems  
off your mailing list and replace with  
Hubbard Milling Company. Livestock  
Energy Systems is no longer in Business.  
Thank You:  
Jeff Westberg

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1144-1



I/We request that Water Right No. 1144-1  
formerly owned by: Livestock Energy Systems  
be transferred to: (name & address) Hubbard Milling Company, Box 431, Whitewood SD 57793  
(Telephone No.) 605-269-2248

Title to the following described land(s)/property has been transferred as described above:  
(diversion point) SW 1/4 SE 1/4 Section 21-T6N-R4E

I/We understand that the validity of Water Right No. 1144-1 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 Lawrence )

I/We Jeffery A. Westberg 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.

Managing Director-Crystal Lake Division  
Hubbard Milling Company  
Jeffery A. Westberg  
(Signed)

Subscribed and sworn to before me this 17th day of October, 1991.

JAMIE MCKAY, Notary Public  
My Commission Expires August 22, 1993

Jamie McKay  
(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 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.

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

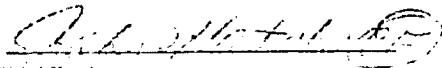
412851

Pierre, \_\_\_\_\_ October 12, 19 01

RECEIVED OF Hubbard Milling Company, Box 431, Whitewood, SD 57703

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 <u>Water Right No. 1144-1</u>                                                                 | 2     | 50   |
| 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 | 2 50 |

By   
Chief Engineer



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

1144-1

November 5, 1991

Hubbard Milling Company  
Box 431  
Whitewood, SD 57793

Dear Sir:

Enclosed is Receipt No. 412881 in the amount of \$2.50 which you paid for transfer of Water Right No. 1144-1.

Our records now reflect you as the owner of this Water Right.

Sincerely,

A handwritten signature in cursive script that reads "Jaci R. Konop".

JACI R. KONOP  
Senior Secretary  
Water Rights Division  
(605) 773-3352

enclosure

1144-1

Lawrence  
8-15-77

Energy Livestock Systems

Whitewood, S.D.

750-FSL-2500-FEL (21-6N-4E)

Total Depth 480' Static 140'  
450' 5 1/2" O.D. Casing 60 GPM

0-14" yellow shale  
14-265 red siltstone 100 GPM  
265-285 broken limestone  
285-415 red shale  
415-425 red sandstone  
425-432 hard broken limestone and sandstone  
432-443 loose white sandstone  
443-480 yellow and white broken sandstone

BICE AND TAYLOR DRILLING, INC.

122 Creek Drive  
Rapid City, South Dakota 57701