

Considered: _____

WATER PERMIT NO. 1564-1

Phone: 642-2622

Name of Applicant: Livestock Yards Co.

Post Office Address: PO Box 1048, Spearfish SD 57783

Amount of Water Claimed: 0.11 cfs 50 gpm Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Lawrence

About near _____ miles _____ of St. Onge

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F.& C/.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received: 8-21-92 Fee: \$150 Remarks _____

Corrected Application Received 10-28-92 Period of Annual Use Jan 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point: NE 1/4 NE 1/4 Sec 26-T7N-R3E

Land to be Irrigated: _____

		26		

Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 200 to 250' REMARKS log not available

Type of Map: aerial PREPARED BY: Leo E Orme Reviewed and the Number

Assigned on 10-28-92 By Karen Schlaak

**SOUTH DAKOTA
WATER PERMIT NO. 1564-1**

Date of first receipt of application August 21, 1992.

Date of return to applicant for corrections, amendments or changes August 24, 1992.

Date of receipt of corrected application October 28, 1992.

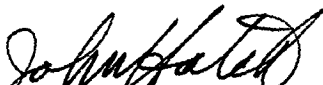
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1564-1 to Livestock Yards Co., PO Box 1048, Spearfish SD 57783 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1564-1 appropriates 50 gallons per minute (0.11 cubic feet of water per second) from one well (Inyan Kara Formation) approximately 250 feet deep located in the NE 1/4 NE 1/4 Section 26-T7N-R3E.
2. The water appropriated shall be used for the purpose of supplying water to the livestock yards and may not exceed the amount of water needed for beneficial use for commercial purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date of approval of Permit No. 1564-1 is December 21, 1992.
5. The date from which applicant may claim right is October 28, 1992.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

MAR 17 1993

date

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 778-3352

No. 1564-1 Hydrologic Unit 10/20203
Map No. _____ Basin Belle Fourche
Newspaper Queen City Mail, Box 7, Spearfish

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

Check use of water: Industrial ☐ Commercial ☒ Municipal ☐ Other Common Distribution System ☐
Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐

☐ Amend Permit No. _____ with old priority date retained

Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____

☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____

☐ Construction to use water reserved by Future Use Permit No. _____

1. Name of Applicant Livestock Yards Co. Phone No. 642-2622

Post Office Address P.O. Box 1048 Spearfish State SD 57783
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) 50 gallons per minute (0.11 cfs)

3. Source of water supply well on site

4. Location of point of diversion ~~NE 1/4~~ NE 1/4 of Section 26, T7N R3E, B.H.M., west
of salesbarn.

_____ County Lawrence

5. Counties where water will be used Lawrence

6. Annual period during which water is to be used yearly Jan 1 - Dec 31

7. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

This application is to permit an existing well which was drilled in the early 1960s.

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

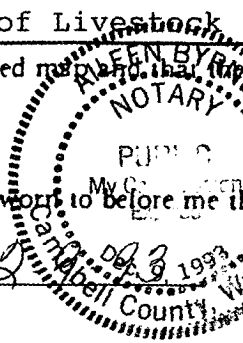
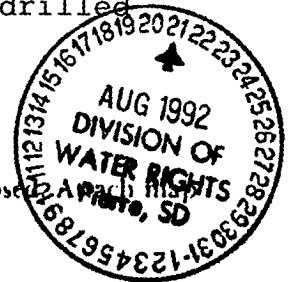
STATE OF WYOMING
County of CAMPBELL

I, Doyle Hayden, President of Livestock Yards Co., the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Doyle Hayden
Doyle Hayden, President

Subscribed and sworn to before me this 24th day of July 19 92

4-87 My commission expires: Dec 3, 1993



Supplemental Information

Early 1960's well

Well located NE 1/4 NE 1/4 Sec 26 - T7N-R3E
(type or print in ink)

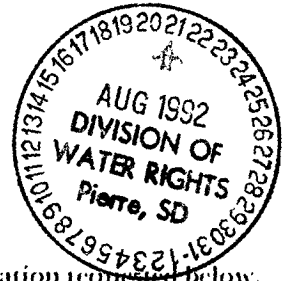
1. Well Information - Proposed construction

- a) Drill Hole Diameter 6" (est.) Depth 200-250' (est.)
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well: 300 yards (est.)
- On applicants property _____ On property owned by others X



2. Dugout Information Estimates

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



3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

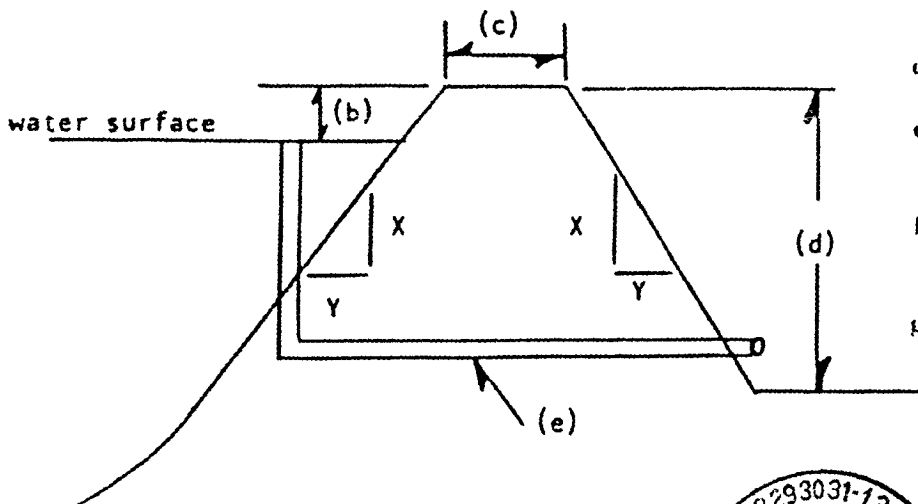
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

RECEIPT

413431

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ September 17, 19 92

RECEIVED OF Livestock Yards Co., PO Box 1048, Spearfish, SD 57783

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

Fee for Application for Permit No. <u>1564-1</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	150 00

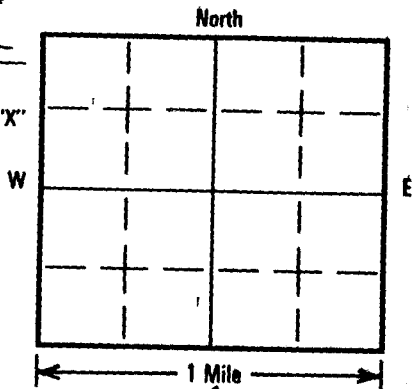
By John Hatala
Chief Engineer

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location E 1/2 NE 1/4 Sec 26 Twp 7 Rg 3E
NE 1/4
 County Lawrence

Please mark well location with an "X"

Well Completion Date 4-23-96

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 100 ft. from old well (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

7 1/2" Rotary
Mud.

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>28</u> LB/FT	<u>8 1/8</u> IN	<u>0</u> FT	<u>21</u> FT	<u>13</u> IN
<u>17</u> LB/FT	<u>5 1/2</u> IN	<u>21</u> FT	<u>439</u> FT	<u>7 3/8</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>1-2</u>	<u>60</u>	_____ lb./gal	<u>0</u> ft	<u>439</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure 60 lb water to 15 lb cement pumped down with Halliburton plug to cement shoe set 245 ft

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information Drilled out 4 1/2" hole to 480'

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION:

Was well disinfected upon completion? ☒ YES, How: 19.6 chlorine

NO, Why Not? _____

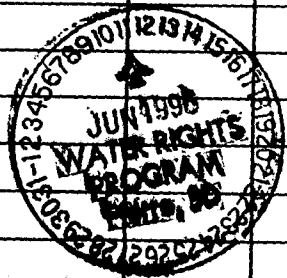
Rapid City
Deerwood Ave

Laboratory sent to for water quality analysis _____

Well Owner: STONGER LIVESTOCK salesBusiness Name: STONGER S.Dak.Address: 1101 Center ST.57783

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Surface	0	5
Shale - clay	5	85
Hard sandy clay pines	85	210
Tan white clay sand	210	230
White Red Maroon clay	230	245
Sand clay & clay tan	245	260
Clay clay to coal	260	325
White clay	325	335

STATIC WATER LEVEL 25 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: Gould 3hp
☐ Bailed 19 stage pump
☐ Other 3 RHR 230 volt

Pumping Level Below Land Surface

400 ft. After 24 Hrs. pumped 12 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 18 G GPM

REMARKS

About 15:1 PM Rite test
at 480' Logged Well shot
20 shots in sand
will send log

This well was drilled under license # 327

And this report is true and accurate.

Drilling firm Greg DrillingSignature of License Representative: Joe W. GrefSignature of Well Owner or Equitable Property Holder: Livestock Yards CO. by CO.Date: 4-24-96

SOUTH DAKOTA WELL AND TEST HOLE PLUGGING REPORT

10-85

Location NE 1/4 NE 1/4 Sec 26 Twp 7 Rg 3E

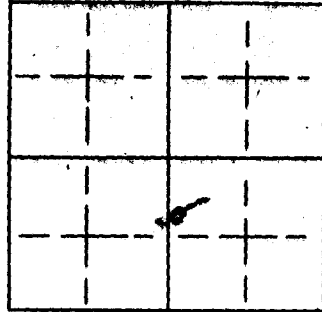
County Lawrence

North

W

E

Please mark well location with an "X"



1 mile

Well Owner:

Name Livestock Yards Cd.

Address STonge S.Dak.

Plugging completion Date 4-29-96

CHECK APPROPRIATE BOX

EXISTING WELL



TEST HOLE



Well depth

150'

Hole depth

Casing material

5" Iron

Hole size

Casing size(s)

Reduced Down ?
PUMP IN BOTTOM
OF CASING PULLED

Casing condition

IN TD

Describe plugging procedure:

Plugged with Thru Tube To 150'

691 Water per SK Cement 15 SKS #2 Cement

Describe grout or plugging material:

Cement

Type of non-slip plug:

Cement to TOP of casing

This well or test hole was plugged under license #

327

And this report is true and accurate.

Drilling firm

Gett Rilling

Signature of Licensed Representative

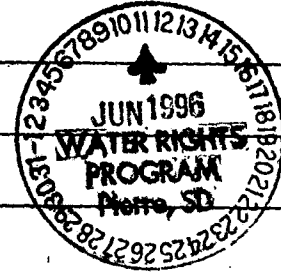
Joe W. Graft

Signature of Well Owner

Livestock Yards Cd. by Cd.

Date

4-29-96





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 16, 1992

Chance Davis
St Onge Livestock Cafe
HC 62 Box 44
Belle Fourche SD 57717

Dear Mr. Davis:

I am contacting you regarding the possibility that you may need a permit to appropriate water for use in your facility. We have reviewed our records after receiving information from the Office of Drinking Water and can not locate a water permit for your facility.

Pursuant to South Dakota Codified Laws 46-1-15 and 46-5-10, a water permit is required to use water from any water source, except for private domestic use. Examples of commercial use that require permits for private water supplies are: truckstops, motels, restaurants, tourist attractions, bars, clubs, commercial campgrounds and any other business operation. Examples of noncommercial use that require permits for private water supplies are: churches, hospitals and nursing homes (any amount of water) and schools that pump more than 18 gallons per minute or use water outside of the school building. A vested water right can be claimed for water uses beginning on or prior to February 28, 1955, for ground water or March 2, 1955, for surface water.

An existing business without a water permit has no legal right to the use of water. Water users without a water permit are not protected if their water use is interfered with by someone who has a water right. If you believe you already have a water permit or if you have a permit issued under another name, please contact us.

Enclosed are water permit application forms and an instruction sheet. Please complete and return the application with the required fee to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by July 16, 1992. If you have questions or need assistance contact Don Frye, Natural Resources Analyst (605-773-3352).

Very truly yours,

Ron Duvall, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 21, 1992

Chance Davis
St Onge Livestock Cafe
HC 62 Box 44
Belle Fourche SD 57717

Dear Mr. Davis:

I am writing to follow-up to my June 16, 1992 letter regarding the legal requirement that you obtain a permit to appropriate water for use in your facility. We have reviewed our records and can not locate a water permit for your business. **A Business without a water permit has no legal right to the use of water. The Chief Engineer can issue a shut off order, if the illegal use of water continues.**

Please complete and return the application that was sent to you with my June 16, 1992 letter. Send the application, with the required fee, to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by August 21, 1992. If you believe you already have a water permit, have a permit issued under another name, or need assistance, contact Don Frye, Natural Resources Analyst (605-773-3352).

Very truly yours,

RON DUVAL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division

HARLAN A. SCHMIDT
ATTORNEY AT LAW
1230 NORTH AVENUE - SUITE 8
P.O. BOX 1048
SPEARFISH, SOUTH DAKOTA 57783-7048
TELEPHONE (605) 642-2622
TELECOPIER (605) 642-2623

August 20, 1992



Water Rights Division
523 East Capitol
Pierre, South Dakota 57501

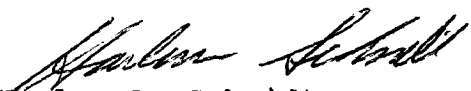
Re: Livestock Yards Co.

Dear Sirs:

Enclosed please find two applications for water permits
together with two checks to cover each application's filing fee.

Thank you.

Yours truly,


Harlan A. Schmidt

jh
Enclosure

South Dakota

GREAT FACES. GREAT PLACES.

August 24, 1992

Harlan A. Schmidt, Attorney
PO Box 1048
Spearfish SD 57783-7048

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

RE: Water Permit Applications for Livestock Yards Co.
Dear Mr. Schmidt:

In regard to the two water permit application received on August 21, 1992 for the Livestock Yards Co, the following information needs to be submitted and clarified in order to process the applications.

1. The map is being returned. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office). Also, the map must reference a section corner.
2. The Supplemental Information sheet must be completed with as much information as can be obtained for the well drilled in the early 1960's. It is our assumption that a well log is not available for this well.

If the depth of the well drilled in the early 1960's is located in the same water source formation (approximately the same depth) as the well drilled in 1982, both wells may be included on one application. The enclosed application forms combine the information for both wells. The application must be signed and notarized. The filing fee for this application will be \$225.00. If the well depths are into different water source formations, the two separate applications will be required with the filing fees as originally submitted.

Upon receipt of the above, further processing of the Livestock Yards Co. applications will continue. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosures

cc: Livestock Yards Co.

South Dakota

GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 2, 1992

Chance Davis
St Onge Livestock Cafe
HC 62 Box 44
Belle Fourche SD 57717

Dear Mr. Davis:

I am writing to follow-up to my June 16, 1992 and July 21, 1992 letters regarding the legal requirement that you obtain a permit to appropriate water for use in your facility. A business without a water permit has no legal right to the use of water and the Chief Engineer can issue a shut off order if the illegal use of water continues.

Enclosed are water permit application forms and an instruction sheet. Please complete and return the application with the required fee to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by October 1, 1992. If you have questions or need assistance contact Don Frye, Natural Resources Analyst (605-773-3352).

Very truly yours,



RON DUVAL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
enclosure

HARLAN A. SCHMIDT

ATTORNEY AT LAW
1230 NORTH AVENUE - SUITE 8
P.O. BOX 1048
SPEARFISH, SOUTH DAKOTA 57783-7048
TELEPHONE (605) 642-2622
TELECOPIER (605) 642-2623



September 10, 1992

Ron Duvall, Natural Resources Engineer
Department of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Re: St. Onge Livestock Cafe

Dear Ron:

I am responding to your letter of September 2, 1992 to Chance Davis, regarding the St. Onge Livestock Cafe.

Enclosed please find correspondence from Karen Schlaak, Natural Resources Analyst, two application fees and our original applications.

Would you please pick up Karen's file as it should have been directed to your file and then advise me as to your requirements?

Yours truly,

Harlan A. Schmidt

HAS/tk
Enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 22, 1992

Harlan A. Schmidt, Attorney
PO Box 1048
Spearfish SD 57783-7048

RE: Water Permit Applications for Livestock Yards Co.

Dear Mr. Schmidt:

We received your letter dated September 10, 1992. From your letter, the assumption is being made that the Livestock Yards Co. is the same as St. Onge Livestock Cafe. Is this correct? Enclosed are the Form 2A's. Please complete as much of the information pertaining the well drilled in the 1960's, particularly the well depth. On both Form 2A's please complete Item No. 1 g), the distance to nearest existing domestic well.

The map is being returned again. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office). Also, the map must reference a section corner.

Upon receipt of the above, further processing of the Livestock Yards Co. applications will continue. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosures

cc: Livestock Yards Co.

HARLAN A. SCHMIDT
ATTORNEY AT LAW
1230 NORTH AVENUE - SUITE 8
P.O. BOX 1048
SPEARFISH, SOUTH DAKOTA 57783-7048
TELEPHONE (605) 642-2622
TELECOPIER (605) 642-2623

October 26, 1992



Karen Schlaak, Natural
Resources Analyst
Department of Environment
and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Re: Livestock Yards Co. Water
Permit Applications

Dear Ms. Schlaak:

This is in response to your letter of September 22, 1992. Enclosed please find the supplemental information Form 2As for the two wells. I have completed as much information on these two forms as I could.

The property on which the St. Onge Livestock Cafe is located is owned by Livestock Yards Co., a South Dakota corporation.

Also enclosed please find the map you returned with your September 22nd letter. I have had the map signed by Leo Orme of the Lawrence County Extension Office. I have also referenced a section corner on the map as per your request.

Yours truly,

Harlan A. Schmidt

jh
Enclosures

FROM: Eric Gronlund

TO: Cheryl Frost

DATE: 11-04-92

TIME: 08:50

CC:

SUBJECT: Printing

PRIORITY:

ATTACHMENTS:

Please print out. Thank you.

FORWARDED FROM: Eric Gronlund

FROM: Kent Woodmansey

TO: Eric Gronlund

DATE: 11-04-92

TIME: 08:35

CC:

SUBJECT: Livestock Yards Co., ie St. Onge Livest

PRIORITY:

ATTACHMENTS:

Rodger told me that he believes we received a complaint on them last year. He thinks that Gary Stephenson went out and inspected them and told us that he doesn't believe runoff would reach surface waters.

REPLY FROM: Kent Woodmansey FROM: Eric Gronlund

TO: Kent Woodmansey

DATE: 11-03-92

TIME: 09:58

CC:

SUBJECT: Livestock Yards Co., ie St. Onge Livest

PRIORITY:

ATTACHMENTS:

Kent, we received an application for two wells located in the NE1/4 NE1/4 Section 26, T7N, R3E for use at St. Livestock. Use has been existing since 1960's. Do you have any info whether there waste disposal system for a feed lot is adequate? (ie. - I assume this would be similar to that Stockman's Livestock deal down in Yankton)

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1564-1, Livestock Yards Company

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 1564-1, Livestock Yards Company, c/o Doyle Hayden, PO Box 1048, Spearfish, SD 57783.

The Chief Engineer is recommending APPROVAL of Application No. 1564-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

See report on application for additional information.



JOHN HATCH, Chief Engineer
November 16, 1992

REPORT ON APPLICATION NOS. 1564-1 & 1565-1
for Livestock Yards Co.
November 4, 1992

Water Permit Application No. 1564-1 proposes to appropriate 50 gpm (0.11 cfs) from one well approximately 250 feet deep located in the NE 1/4 NE 1/4 of section 26, T7N R3E in Lawrence County. The water is for commercial use.

Water Permit Application No. 1565-1 proposes to appropriate 100 gpm (0.33 cfs) from one well approximately 390 feet deep located in the NE 1/4 NE 1/4 of section 26, T7N R3E in Lawrence County. The water is for commercial use.

AQUIFER - INYAN KARA (INKR)

The Inyan Kara Group is an assemblage of shale, siltstone and sandstone approximately 250 feet thick in this area (Allen, 1984). The Inyan Kara Group underlies 36,480 acres and contains an estimated 601,920 acre feet of recoverable water in storage in Lawrence County (Allen, 1984). The aquifer is areally extensive around the entire Black Hills. The Inyan Kara Group is typically broken into three formations, the Fall River, Fuson and Lakota Formations in descending order. Typically the Fall River is interbedded sandstone and shale, the Fuson is mostly shale and the Lakota, sandstone and shale. The Lakota Formation is the primary water source utilized from this group. The Inyan Kara Group is confined and under artesian conditions at this site.

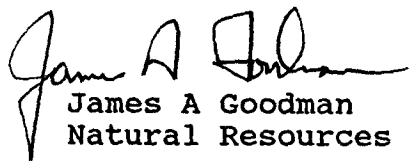
The Division of Water Rights monitors one observation well LA-90B located in this area. This monitor well is completed into the upper sandstone of the Inyan Kara Group. Water levels for this well do fluctuate in apparent response to climatic conditions and possibly area pumping. The period of record is not sufficient to evaluate the data but the record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1992).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing Water Right No. 927-1 located about 1/2 mile west of these applications which obtains water from the Inyan Kara Group. This right was issued for 0.08 cfs (35 gpm). Interference is not expected to be a problem. Drawdown will occur as a result of pumping, but because of the intermittent usage and the distance between diversions, this should not be adverse. These wells have been in existence for many years with no apparent problems. Also because the two wells for these applications and the well for St. Onge are at different depths, the water source may be Fall River for the shallower wells and Lakota for the deeper wells.

CONCLUSIONS

1. Water is available from the Inyan Kara Group.
2. The Inyan Kara Group is confined and under artesian conditions at this site. Drawdown will result from pumping at the rates requested by these applications. This is not expected to be significant or cause adverse effects.
3. These are existing wells and have been in use for many years. The requested diversions appear to be high. It is doubtful that the wells are really producing the amount of water requested by these applications.
4. There is no information available for the 250 feet deep well in the application. The well construction can not be evaluated. The information provided for the 390 feet deep well indicates the well was cemented in and may be built in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Allen, J.C., D.L. Iles, A.K. Petres, 1984, Analysis of Groundwater and Streamflow data Western Dakotas Region of South Dakota, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 1992, Unpublished Observation Well Data for Inyan Kara Aquifer in Black Hills Area, SD DENR, Division of Water Rights, Pierre, SD, 57501.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

November 17, 1992

Harlan A. Schmidt, Attorney
PO Box 1048
Spearfish, SD 57783

RE: Water Permit Applications for Livestock Yards Company

Dear Mr. Schmidt:

Water Permit Application Nos. 1564-1 and 1565-1 for commercial use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Queen City Mail printed at Spearfish, SD (Ph # 642-2761). For your information, a copy of the notice, the recommendations of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of the Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the applications.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 17, 1992

Queen City Mail
Box 7
Spearfish, SD 57783

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 1564-1 and 1565-1 to be published twice. Please publish the first notice on November 24, 1992, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Livestock Yards Company, PO Box 1048, Spearfish, SD 57783 (Ph # 642-2622).

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit applications until proof of publication has been received.

Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

File No. 1564-1
1565-1

Water Rights Division - DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Livestock Yards Company

ADDRESS: COUNTY:

DATE: 12-14-92 TELEPHONE:

RE: Publication Notice

COMMENTS:

The Queen City Mail published this notice on November 24 and December 1, 1992. On November 30, 1992, I called the paper to have them make a correction. The last paragraph did not include "46-5-13 thru". On December 14, 1992 we received the Affidavit of Publication which showed the correction had not been made. I verified this with the paper.

Statutes 46-5-13, 46-5-13.1 and 46-5-14 (those which were left out of the notice) pertain to the diversion rate and amount allowed by permit, change of location of diversion point and water which may be reclaimed. None of these statutes apply to these commercial use applications which have been in existence for several years. Therefore, we will not readvertise the notices.

Karen Schlaak

Karen Schlaak
Natural Resources Analyst

Instruction to Newspaper - Publish first Notice on November 24, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application Nos. 1564-1 and 1565-1 to Appropriate Water

Notice is given that Livestock Yards Company, PO Box 1048, Spearfish, SD 57783 has filed applications for water permits.

Water Permit Application No. 1564-1 appropriates 50 gallons per minute (0.11 cubic feet of water per second) from one well (Inyan Kara Formation) approximately 250 feet deep located in the NE 1/4 NE 1/4 Section 26-T7N-R3E. The water is for commercial use.

Water Permit Application No. 1565-1 appropriates 100 gallons per minute (0.33 cubic feet of water per second) from one well (Inyan Kara Formation) 390 feet deep located in the NE 1/4 NE 1/4 Section 26-T7N-R3E. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 1564-1 and 1565-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations, the Water Management Board will NOT CONDUCT a HEARING to consider the applications and the chief engineer will issue the permit as recommended. Petitions filed in support of the applications will NOT require the Board to hear the applications.

Any person interested in opposing or supporting the applications must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by December 11, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application Nos. 1564-1 and 1565-1 and 2) the chief engineer's recommendations, a meeting at the Division of Water Rights office to hear the applications is scheduled for December 21, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If the applications are opposed or the recommendations are contested, the December 21, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The December 21, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the applications. The request for an automatic delay must be filed by December 11, 1992.

If a hearing is held, the Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny the applications based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by December 11, 1992, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LAWRENCE

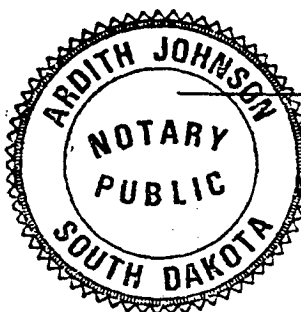
SS.

Billy T. Masterson, Jr. of said County and State being first duly sworn, on his oath says: That The QUEEN CITY MAIL is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Billy T. Masterson, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and That I, Billy T. Masterson, Jr., the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

Notice of Hearing

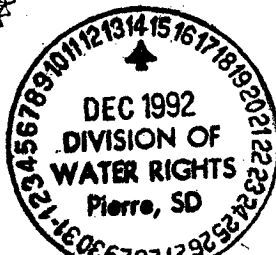
a printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive and consecutive weeks, the first publication being made on the 24 day of Nov 19 92 and the last publication on the 1 day of Dec 19 92 that the full amount of fees charged for publishing same, to-wit: The sum of \$11.84 insures solely to the benefit of the publisher of the QUEEN CITY MAIL, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Subscribed and sworn to before me this 1 day of Dec 19 92.



Ardith Johnson
Notary Public, Lawrence County, South Dakota

My commission expires: 10-24-96



NOTICE OF HEARING on Application Nos. 1564-1 and 1565-1 to Appropriate Water

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Water Permit Application No. 1565-1 appropriates 100 gallons per minute (0.33 cubic feet of water per second) from one well (Inyan Kara Formation) 390 feet deep located in the NE 1/4 NE 1/4 Section 26-T7N-R3E. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 1564-1 and 1565-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations, the Water Management Board will NOT CONDUCT a HEARING to consider the applications and the chief engineer will issue the permit as recommended. Petitions filed in support of the applications will NOT require the Board to hear the applications.

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(over)

scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The December 21, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the applications. The request for an automatic delay must be filed by December 11, 1992.

If a hearing is held, the Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny the applications based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by December 11, 1992, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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

Robert E. Roberts, Secretary
Department of Environment and
Natural Resources.

S-844

Nov. 24, Dec. 1

134



MAR 17 1993

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Harlan A. Schmidt, Attorney
Livestock Yards Co.
PO Box 1048
Spearfish, SD 57783

Dear Mr. Schmidt:

Enclosed are Water Permit Nos. 1564-1 and 1565-1 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

We will schedule an inspection so that Water Licenses may be issued to you, thus completing your acquisition of Water Rights.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 20, 1998

1564-1
1565-1

Curt Olson
St. Onge Livestock
Box 290
St. Onge SD 57779

Dear Mr. Olson:

The investigation of the water use system, including the extent of application of water to beneficial use, as developed under Water Permit Nos. 1564-1 and 1565-1, was completed by Ken Buhler on November 21, 1996. The final water right document, the Water License, can now be issued.

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

Also, enclosed is are *Notice of Transfer of Ownership* forms. The forms needs to be completed, signed by the owner, notarized and returned with a \$2.50 filing fee for each transfer form. You indicated to Mr. Buhler that the permits should be listed in the name of St. Onge Livestock. If this is not the case, please disregard the forms and submit the \$50.00 license fee only.

Please submit \$55.00 to: Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Sincerely,

Karen Schlaak
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

May 20, 1998

Permit Nos. 1564-1
1565-1

REMINDER NOTICE

TO: Curt Olson
St. Onge Livestock
Box 290
St. Onge, SD 57779

FROM: John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Water License/Investigation Fee Requirement

On February 20, 1998, we advised you that a \$50.00 fee is due for the completed investigation of Water Permit No. 1565-1. The fee also covers issuance of your water license which is the final document in obtaining and perfecting a water right. Also, partially completed Notice of Transfer of Ownership forms were sent to you to be completed, which were to be returned to our office with the required filing fee of \$2.50 per transfer (\$5.00 total for the transfers). Enclosed are additional forms.

To date, we have not received the \$52.50 fee; therefore, we can not issue nor transfer the water license. Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by any permit requirements.

Please remit the fee as soon as possible to transfer and obtain your water license. In addition, South Dakota water law does not allow water to be diverted until the license fee is paid. To avoid jeopardizing your ability to use water, please send the fee to the following address:

Department of Environment and Natural Resources
Water Rights Program
523 E Capitol
Pierre SD 57501-3181

Thank you for your prompt response. If you have any questions or believe our records are in error, please contact Genny McMath at (605) 773-3352.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Curt Olson
St. Onge Livestock
Box 590
St. Onge, SD 57779

1564-3
1565-3

4a. Article Number

7 119 141 527

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

5-21-98

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *Robin Olson*

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

June 12, 1998

1565-1

Livestock Yards Company
% Jesse Marty
HC 1 Box 118
Prairie City, SD 57649

Dear Mr. Marty:

This will acknowledge receipt of your check in the amount of \$52.50. The actual amount due for the investigation and licensing of Nos. 1564-1 and 1565-1 is \$50.00. Our original letters to you requested the additional amount to cover the cost of filing an ownership change with the permits.

On June 3rd, Jeff Olson contacted our office and indicated an ownership change was not necessary and requested the permits remain in the name of Livestock Yards Company. With the transfers no longer needed, the only fee due would be \$50.00 for the investigation and licensing.

I am returning your check for \$52.50 and requesting a new check for \$50.00. Upon receipt of the fee, a water license will be issued for No. 1565-1 which will incorporate the applicable portions of No. 1564-1. The water license is the final document needed in the process of obtaining and perfecting a water right.

Thank you in advance for your assistance in this matter. If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosure: check #1131 in the amount of \$52.50



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

SEP 4 1998

1565-1

Livestock Yards Company
%Jesse and William Marty, Treasurer
HC 1, Box 118
Prairie City, SD 57649

Dear Sirs:

Enclosed is Water License No. 1565-1. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415804 in the amount of \$50.00 which you paid for the investigation 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. 1565-1, 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

NOTE: The applicable portions of Water Permit No. 1564-1 are incorporated into Water License No. 1565-1.