

Considered: _____

WATER PERMIT NO. 1565-1

Phone: 642-2622

Name of Applicant: Livestock Yards Co.

Post Office Address: PO Box 1048, Spearfish SD 57783

Amount of Water Claimed: 0.33 cfs 100 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: \$225 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

			10	
		26		

Land to be Irrigated: _____

Well Log: Driller: Materi Exploration Licensed YES X NO _____

Depth of Well: 390' REMARKS _____

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

Assigned on 10-28-92 By Karen Schlaak

REISSUED

**SOUTH DAKOTA
WATER PERMIT NO. 1565-1**

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. 1565-1 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. 1565-1 appropriates 100 gallons per minute (0.22 cubic feet of water per second) from one well (Inyan Kara Formation) approximately 390 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. 1565-1 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
John Hatch, Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

JUN 11 1993
date

**SOUTH DAKOTA
WATER PERMIT NO. 1565-1**

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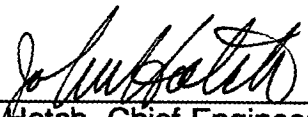
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1. Water Permit No. 1565-1 appropriates 100 gallons per minute (0.33 cubic feet of water per second) from one well (Inyan Kara Formation) approximately 390 feet deep located in the NE 1/4 NE 1/4 Section 26-T7N-R3E.
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4. The date of approval of Permit No. 1565-1 is December 21, 1992.
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WATER MANAGEMENT BOARD

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

MAR 17 1993
date

No. 1565-1 Hydrologic Unit 10/20203
Map No. _____ Basin Belle Fourche
Newspaper Queen City Mail, Box 7, Spearfish

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

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.) 100 gallons per minute (0.33 cfs)

3. Source of water supply well on site

4. Location of point of diversion NE 1/4 on the southwest corner of yard in
Section 26, T7N R3E, B.H.M.

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 1982. See attached.

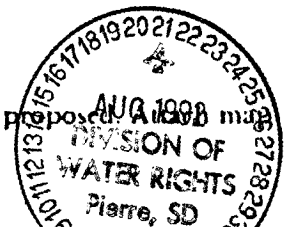
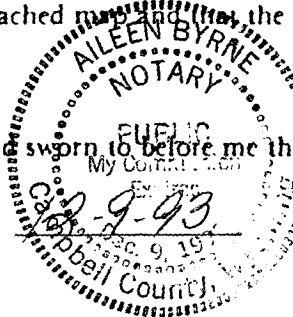
Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF WYOMING- _____
County of CAMPBELL)⁵⁵

I, Doyle Hayden, President of Livestock Yards Co., the applicant, certify that I have read this application, have examined the attached map and (if any) 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 29th day of July 19 92

My commission expires: 9-93



Notary Public

Supplemental Information

Well located E 1/2 NE 1/4 Sec 26-T 7N-R 3E

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 8 3/4" Depth 390'
- b) Casing Type P.V.C. Diameter 5" Thickness Class 200
- c) Screen Type N/A Diameter Thickness
- d) Gravel Pack Thickness N/A Length of Gravel Pack
- e) Depth to Top of Water Bearing Material 210' (est.)
- f) Depth to Water (ground surface to water level) 100' (est.)
- g) Distance to nearest existing domestic well: 600-700 yards (est.)
- On applicants property On property owned by others X

2. Dugout Information Estimates

- a) Surface Dimensions N/A 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

N/A

b) Freeboard

c) Crest Width

Crest Length

d) Height

e) Primary Outlet Capacity
If Pipe, diameter

f) Secondary Spillway Capacity
Spillway width

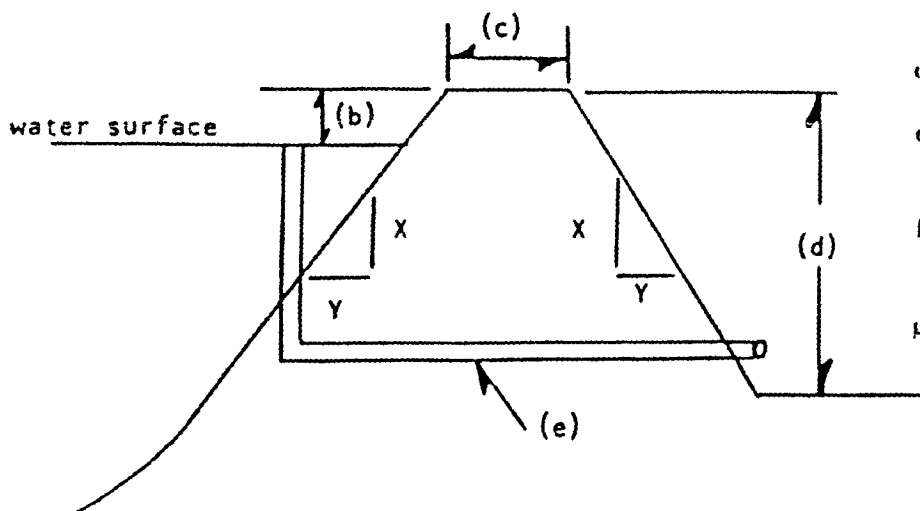
g) X & Y Slope
Upstream

Downstream

Surface Area of Impoundment

Storage acre feet

Drainage area above dam



Signature of Applicant

RECEIPT

413430

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ September 17, 1992

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>1565-1</u> to Appropriate Water, to construct and to put water to beneficial use _____	225	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	225 00

By John Hatch
Chief Engineer

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26 25

WHEEL

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73.1

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MATERI EXPLORATIK

P. O. BOX 151

PHONE 468-2663

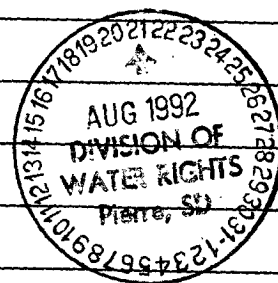
UPTON, WYOMING

LOG OF WELL

(METHOD OF DRILLING)

(DATE STARTED)

(DATE COMPLETED)

[illegible]

Madden Livestock
(Name of Operator)

(Farm No.)

(County)

St. Onge South Dakota
(Location of Well)

390
(Total Depth of Well)

390
(Depth of Casing)

Cased: 0 ft. to 390 ft. Type P.V.C. Size 5" Wt. Casing - Lbs./ft. Class 200

Cased: _____ ft. to _____ ft. Type _____ Size _____ Wt. Casing - Lbs./ft. _____

Cased: _____ ft. to _____ ft. Type _____ Size _____ Wt. Casing - Lbs./ft. _____

Perforated: ft. _____ to _____ ft.; ft. 350 to 390 ft.

Type of Perforation Slotted

Artesian Well ☐

Flow _____ GPM. Was cut-off device installed _____

Pump Well ☒

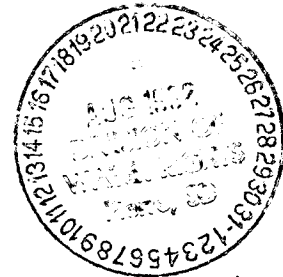
Type pumping equipment provided Owner Supplied

Model No. _____ Serial No. of Pump _____ Serial No. of Motor _____

Static Water Level _____ Pumping or Bailing Water Level _____ ft. at _____ GPM yield.

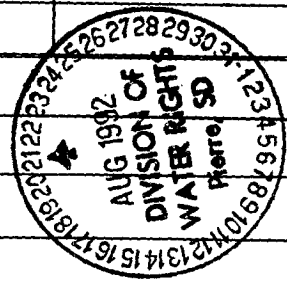
How Tested _____ Length of Test _____

Describe Quality of Water (taste, odor, color, fitness, etc.) O.K.



DAILY DRILLING REPORT

Hole No.	DEPTH			BITS USED				Other Materials Used
	From	To		Type	Size	Condition	After Use	
	6:00	7:30	Repair AIR hoses on Rig	Hughes	8 ³ / ₄	Relap		
	7:30	10:00	Drive from uplan to St. Orge					11 Gel
	10:00	11:30	Rig & Drill - Haul water ect.					
	11:30	12:15	wait on water					3 Loads water
	12:15	3:00	Drill - not using any pull down.					
	3:00	3:15	Trip out for muding 190'					
	3:15	5:00	Drill & pull					
	5:00	5:30	Trip out & Drain pumps ect					
Total Footage								

[illegible]

DAILY DRILLING REPORT

[illegible]

Equipment Used On Highway

Reason For Down Time

Remarks:

Supervisor

DAILY DRILLING REPORT

Hole No.	DEPTH			BITS USED				Other Materials Used
	From	To		Type	Size	Condition	After Use	
1	5:30	7:30	Drive to Bell Fouches					400' PVC 1 Load water 8 Cement
	7:30	9:00	Load PVC pipe & Drive to St Onge					
	9:00	10:30	Prime pump trip In Circulata					
	10:30	1:30	Run 5' PVC pipe					
	1:30	2:00	Trip In - Flush hole - go into					
	2:00	2:30	wait on water					
	2:30	3:00	FLASH hole - Trip out to 180'					
	3:00	5:00	Blow on hole to clean @ 180'					
	5:00	6:00	Cement - Suck mud out of pits - Clean pumps ect...					
	6:00	9:00	Drive Rig home - Tow #61 into Belle Fouches					
Total Footage								
Equipment Used On Highway			Return For					

[illegible]

South Dakota

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

August 24, 1992

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

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.

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)

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



November 19, 1992

Eric Gronlund, Natural Resources Engineer
Department of Environment & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Re: Water Permit Applications for
Livestock Yards Company

Dear Eric:

Why do you show both of the Livestock Yard wells to be in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26? One of them appears to be right on the boundary line between the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$. Do you have some information which I don't have?

Best regards,

Harlan A. Schmidt

HAS/jh

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Livestock Yards Co., WP Appl. No. 1565-1

ADDRESS: P.O. Box 1048, Spearfish, SD COUNTY: Lawrence

DATE: 11/20/92 TELEPHONE: _____

RE: Conversation with Harlan Schmidt's office

COMMENTS:

I contacted Mr. Schmidt's office (he's an attorney acting on behalf of Livestock Yards in obtaining the necessary water permits) to respond to his November 19, 1992 letter. I stated that we usually try to advertise the location of a diversion point to the quarter-quarter and that by our measurements of the submitted map the well was just barely located into the NE1/4 NE1/4 Section 26, T7N, R3E. I further stated that if the well was not located exactly where marked on the map, that my intrepertation of SDCL 46-5-13.1 allowed 660 feet of flexibility in the well location.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Harlund

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.

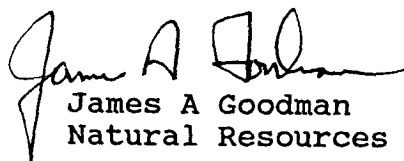
The Division of Water Rights monitors one observation well LA-90B located in this area. This monitor well is completed into the upper sandstone of the Inyan Kara Group. Water levels for this well do fluctuate in apparent response to climatic conditions and possibly area pumping. The period of record 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.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1565-1, 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. 1565-1, Livestock Yards Company, c/o Doyle Hayden, PO Box 1048, Spearfish, SD 57783.

The Chief Engineer is recommending APPROVAL of Application No. 1565-1 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



**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

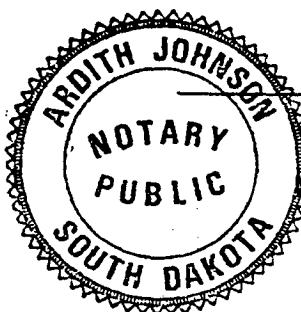
SS.

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:

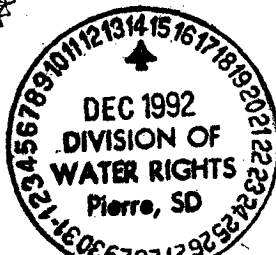
Notice of Hearing

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

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

(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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 17 1993

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

JUN 11 1993

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

Dear Mr. Schmidt:

Enclosed is Reissued Water Permit No. 1565-1. The permit is being reissued because of an error on the original permit dated March 17, 1993.

Item No. 1 of the permit, states "Water Permit No. 1565-1 appropriates 100 gallons per minute (0.33 cubic feet of water per second) from one well...". The correct amount should be 0.22 cubic feet of water per second. Therefore, the permit is being reissued to correct this figure.

If you have any questions, please contact this office.

Very truly yours,

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

enclosure



**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.

South Dakota Department of Environment and Natural Resources

N2 415804

Pierre, June 18, 1998

Fee for Application for Permit No. _____ to Appropriate Water, to construct
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.

License No. 1665-1

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

50 00

By

Chief Engineer

McMath, Genny

From: Gronlund, Eric
To: McMath, Genny; Schlaak, Karen
Cc: Frost, Cheryl
Subject: Livestock Yards Co.
Date: Wednesday, June 03, 1998 1:09PM

I received a call from Mr. and Mrs. Jeff Olson regarding the licensing of Permit Nos. 1564-1 and 1565-1. We send a reminder notice to them on May 20th. With that we included a partially completed transfer of ownership and requested the appropriate fee.

They were confused whe the transfer of ownership. I reviewed the file and it appears when Ken conducted the licensing investigation, a Chuck Olson indicated the permits should be transferred to the name of St. Onge Livestock. Jeff Olson stated they still own the livestock yard under the name of Livestock Yards Co. I told him to then ignore the transfer of ownership issue.

He will be sending in the licensing fee immediately.



**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

Permit Nos. 1564-1 and 1565-1
Belle Fourche River - Water District

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

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

I have this day, November 21, 1996, made a thorough examination of the water use system constructed by Saint Onge Livestock of Saint Onge, SD holder of Permit Nos. 1564-1 and 1565-1, bearing the priority of October 28, 1992 authorizing the diversion of 0.11 cu. ft. per second and 0.33 cu. ft per second (respectively) of the waters of groundwater for commercial purposes, in Lawrence County.

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

A. Works used to divert the water:

One well 480 feet deep, cased with 439 feet of 5-inch diameter steel casing, located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.26, T7N-R3E, pumped with a three horsepower Goulds Pump capable of producing 18 gallons per minute. One well 390 feet deep, cased with 390 feet of 5-inch diameter PVC casing, located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.26, T7N-R3E, pumped with a five horsepower Red Jacket Pump capable of producing 50 gallons per minute.

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

Water is transported to three 5,000 gallon storage tanks located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.26, T7N-R3E, through approximately 2,300 feet of 1 $\frac{1}{2}$ -inch diameter Polyethylene pipe; and to a 100 gallon pressure tank through approximately 50 feet of 3-inch diameter Polyethylene pipe.

C. Works used to apply water to beneficial use:

Water is pumped from three storage tanks with a 1 $\frac{1}{2}$ horsepower jet pump, through approximately 16,000 feet of 1 $\frac{1}{2}$ -inch diameter Polyethylene pipe, to the livestock yards where it is distributed with 170 hydrants. Water from the pressure tank is used inside the sale barn. Water is also used at a stock tank located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 26, T7N-R3E.

The system is in the following condition good. The points of diversion are located 365 feet south and 1215 feet west; and 1260 feet south and 330 feet west of the NE corner of Sec.26, T7N-R3E. The works are capable of diverting and conveying to the place of use 0.15 cu. ft. per second of water which is to be used for commercial use. The license should be issued for 0.15 cfs.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none



Ken Buhler
Natural Resources Engineer
DENR, Water Rights Program

2/10/98

Date

REPORT ON INSPECTION OF PERMIT NO. 1564-1 and 1565-1

Other permit(s) associated with the project:

NAME & ADDRESS OF INSPECTION CONTACT: Curt Olson,
St. Onge Livestock
Box 290
St. Onge, SD 57779

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: Livestock Forman

NAME & ADDRESS OF PERMIT HOLDER: St. Onge Livestock Co., LTD
Box 290
St. Onge, SD 57779

DATE OF INSPECTION: November 21, 1996

DIVERSION POINT LEGAL LOCATION: Well #1: 365' south and 1215' west of the NE corner of
Sec.26, T7N-R3E (SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.26,
T7N-R3E)
Well #2: 1260' south and 330' west of the NE corner of
Sec.26, T7N-R3E(SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 26,
T7N-R3E)

WELL INFORMATION:

Well #1	Well #2
1) Well Drilling Firm: <u>Graf Drilling</u>	1) Well Drilling Firm: <u>Materi Exploration</u>
2) Depth <u>480</u> feet	2) Depth(s) <u>390</u> feet
3) Well log is available <u>yes</u>	3) Well construction info available <u>yes</u>
Casing:	Casing:
1) Diameter <u>5 1/2</u> inches	1) Diameter <u>5</u> inches
2) Length <u>439</u> feet	2) Length <u>350</u> feet
3) Type <u>steel</u>	3) Type <u>PVC</u>

Screen:	Screen:
1) Type: <u>none- open hole Completion</u>	1) Type: <u>slotted PVC</u>
2) Length: <u>41</u> feet open hole	2) Length: <u>40</u> feet
3) Static Water Level: <u>25</u> feet	3) Static Water Level: <u>150</u> feet
Pump:	Pump:
1) Type: <u>Goulds Submersible</u>	1) Type: <u>Red Jacket 13FC</u>
2) Horsepower rating <u>3</u> HP	2) Horsepower rating <u>5</u> HP
2) Size: <u>5 inch</u>	2) Size: <u>5 inch</u>
3) No. of stages: <u>19</u>	3) No. of stages: <u>?</u>
4) Capacity <u>18</u> GPM	4) Capacity <u>50</u> GPM

DISTRIBUTION LINES:

- 1) Type Polyethylene 2) Size 1.5 inches 3) Length approximately 2,300 feet
1) Type Polyethylene 2) Size 3 inches 3) Length approximately 50 feet

SYSTEM SUMMARY:

Well No.1 pumps directly to a 100 gallon pressure tank inside the building via 3 inch diameter polyethylene pipe. A separate line (1 ½ inch polyethylene) extends approximately 660 feet north east of the well to a stock tank in the pasture. A third line (1 ½ inch polyethylene) extends approximately 1600 feet from the well to the storage tanks where it is distributed to the yards.

Well No.2 pumps to three 5000 gallon, concrete storage tanks near the well. A 1 ½ horsepower jet pump diverts water from the storage tanks to the yards. There are 20 lines of 1 ½ inch pipe buried across the yards (approximately 16,000 feet) with a total of 170 hydrants for use in the yards.

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
2) All structures, wells and lands on map yes

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1565-1

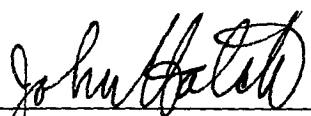
(1) Livestock Yards Company, PO Box 290, St. Onge SD 57779 made Application No. 1565-1, August 21, 1992 for a water permit to divert 0.22 cubic feet of water per second (cfs) from groundwater (one well), Lawrence County, South Dakota for commercial purposes. Permit No. 1565-1, with a priority date of October 28, 1992 was approved December 21, 1992 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.

Water Permit No. 1564-1 authorizes 0.11 cfs from one well with a priority date of October 28, 1992. The applicable portions of Water Permit No. 1564-1 are incorporated into Water License No. 1565-1

(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 0.15 cubic feet of water per second for beneficial use. The location of the diversion points are: Well # 1 -365 feet south and 1,215 feet west; and Well #2 - 1,260 feet south and 330 feet west of the northeast corner of Section 26-T7N-R3E (NE 1/4 NE 1/4).

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

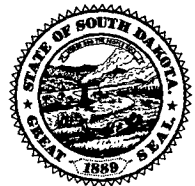
(4) Pursuant to South Dakota Water Law 46-5-30.1 Livestock Yards Company, PO Box 290, St. Onge SD 57779 the holder and/or owner of Incorporated Water Permit No. 1565-1 is issued a license to appropriate water, the right to use 0.15 cfs from groundwater (two wells) with a priority date of October 28, 1992 from the location specified in (2) of this license for the purpose of commercial use. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 1565-1 and subject to South Dakota State Law.



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

SEP 4 1998

date





**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.