

WATER PERMIT NO. 1650-1

Name of Applicant: Melvin Delzer

Address: PO Box 1045, Spearfish, SD 57783

Phone: 642-3734

Amount of Water Claimed: 0.89 cfs (400 gpm)

Total Acres:

Source of Water Supply: one well

Water to be used for: cattle feedlot and irrigation

County: Butte

Type of Waste Disposal System:

Location: approximately 4 1/2 miles south & 4 1/2 west of Nisland

PRIORITY Date Received: 04/03/97

Fee: 325

Corrected Application Received: 05.23.97

Period of Annual Use: Jan 1 - Dec. 31 (feedyard) &
irrigation season for irrigation

Remarks: ~~XX~~ Water from well will be used directed for the feedlot operation, to the ~~XX~~ dam used as a lagoon and for irrigation under WR No. 1231-1 or directly for ~~XX~~ thru the irrigation system

Diversion Point: NE1/4 SW1/4 Section 33,

T8N, R4E

Land to be Irrigated: See WR No. 1231-1

~~XX~~

~~XX~~

~~XX~~

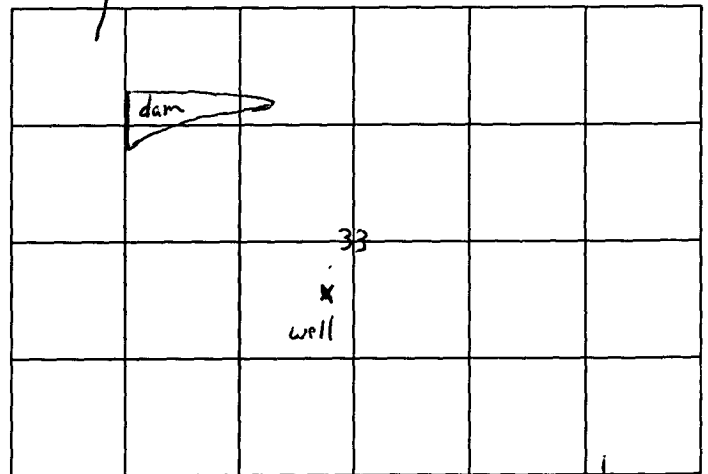
Depth of Well: 3370 feet

Well Driller: Taylor Drilling

Remarks: ~~XX~~

Type of Map: ASCS Aerial

Prepared by: Ron Duvall



Reviewed and the Number Assigned on: 052797

By: Eric Gronlund

Notice of Hearing - date to intervene: _____

FORM 2: Application for uses other than irrigation
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>1650-1</u> Hydrologic Unit <u>10/20202</u>
	Basin <u>Belle Fourche River</u>
	Newspaper <u>Belle Fourche Post, Belle Fourche, SD</u>



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

Check use(s) of water:

☐ Municipal ☐ Suburban Housing ☐ Recreational ☐ Institutional
☐ Rural Water System ☒ Commercial ☐ Fish & Wildlife ☐ Geothermal Heat
☒ Domestic (over 18 gpm) ☐ Industrial ☐ Other _____

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

1. Name of Applicant Melvin Delzer Phone 642-3734
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address Box 1045, Spearfish 57783 State SD
(Street, Rte. or Box) (Zip Code)

2. Amount of water claimed 0.89 *CFS or 400 (peak) **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply well

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) NE 1/4 SW 1/4
sec 33 - T8N - R4E; Feed lot S 1/2 sec. 28; SE 1/4 sec. 29;
all in T8N-R4E Dam SW 1/4 NW 1/4, N 1/2 NW 1/4 sec. 33 County Butte

5. County or counties where water will be used Butte

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

7. Give a description of the 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)
Water from the well is used to supply a livestock confinement operation
capable of housing 25,000 head of cattle and a calving shed.

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

SS

County of Lawrence

I, MELVIN DELZER, 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 Melvin Delzer

Subscribed and sworn to before me this 2 day of April 19 97

Elmer M. Prueger
Notary Public

**SOUTH DAKOTA
WATER PERMIT NO. 1650-1**

Date of first receipt of application April 3, 1997.

Date of return to applicant for corrections, amendments or changes April 18, 1997.

Date of receipt of corrected application May 23, 1997.

The Water Management Board approved Water Permit Application No. 1650-1 on July 9, 1997 for Melvin Delzer, PO Box 1045, 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. 1650-1 appropriates 0.89 cubic feet of water per second (cfs) from one well (Madison Formation) 3370 feet deep located in the NE 1/4 SW 1/4 Section 33-T8N-R4E for commercial and irrigation use. Water from the well will be used to supply a livestock confinement operation. The permit also allows diversion of water from the well directly for irrigation of land authorized by Water Right No. 1231-1 or to a dam authorized by Water Right No. 1231-1 for irrigation. Water Right No. 1231-1 appropriates 1.91 cfs from a storage dam (110 acre-feet storage capacity) to irrigate 134 acres located in the S 1/2 NW 1/4, SW 1/4 Section 33-T8N-R4E. The dam is located in the N 1/2 NW 1/4, SW 1/4 NW 1/4 Section 33-T8N-R4E.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: January 1 - December 31 for commercial use and April 1 - September 30 for irrigation.
3. The date from which applicant may claim right is April 3, 1997.
4. One-fifth of the construction is to be completed on or before January 9, 2000.
5. All construction is to be completed on or before July 9, 2002.
6. Water is to be put to beneficial use on or before July 9, 2006.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 1650-1 is issued for a twenty year term. Pursuant to SDCL 46-2A-21, the twenty year term may be deleted at any time during the twenty year period or following its expiration. If the twenty year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 1650-1 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1, and ARSD 74:02:01:37.
2. 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.

(continued)

3. Permit No. 1650-1 is subject to compliance with requirements of the Division of Environmental Services' review and approval of the plans and specifications for the animal waste management system.
4. Operation of the disposal systems to dispose of waste and wastewater shall be in a manner that prevents runoff from the disposal sites and from entering the waters of the State.
5. The wastewater storage lagoon and feedlot area shall be designed so that it does not receive surface runoff from the surrounding area.
6. Design, construction and management of the lagoons shall be sufficient to maintain seepage rate of less than 10^{-7} centimeters per second. Compaction of the soils within the wastewater lagoon must be at least ninety five percent of the Standard Procter Density (ASTM D6980-70).
7. Permit No. 1650-1 is subject to compliance with the existing and applicable Water Management Rules:
 - a) Chapter 74:03:15 Ground Water Quality Standards,
 - b) Chapter 74:03:16 Ground Water Discharge Permit,
 - c) Chapter 74:03:02 Surface Water Quality Standards,
 - d) Chapter 74:03:04 Uses Assigned to Streams, and
 - e) Chapter 74:03:17 through 74:03:26 Surface Water Discharge Provisions.
8. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.

WATER MANAGEMENT BOARD

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

NOV 12 1997

date



Supplemental Information

(type or print in ink)

1. Well Information - ~~Proposed Construction~~

Constructed See well completion report

- a) Drill Hole Diameter _____ Depth _____
- 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:

On applicants property over 15 mi On property owned by others ~ 7 mi (*Madison well*)

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ c) Year Constructed _____
- d) Connected to the City of _____ Sanitary System.

3. Dugout Information

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



4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to 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

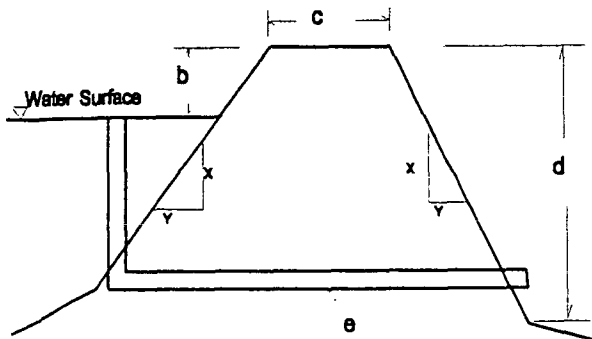
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



RECEIPT

Division of Water Rights

415305

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 3, 1997

RECEIVED OF Melvin E. or Gloria Delzer, P.O. Bo 1045, Spearfish, SD 57783

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

Fee for Application for Permit No. <u>1650-1</u> to Appropriate Water, to construct and to put water to beneficial use _____	325	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	325 00

By John Hatch
Chief Engineer



Ron Davall
Natural Resources Engineer
Water Rights Program

4/4/97

SOUTH DAKOTA WATER WELL COMPLETION REPORT

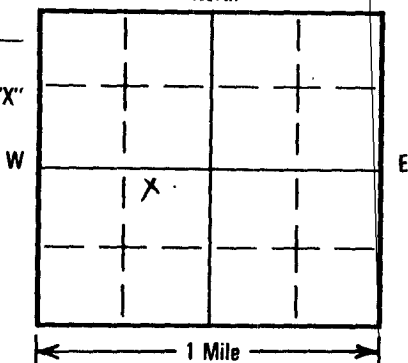
07-92

Location NE 1/4 SW 1/4 Sec 33 Twp 8 N Rg 4 E

County

Butte

North



Please mark well location with an "X"

Well Completion Date October 1980

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1/4 mi ft. from feedlot (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Air Rotary & Mud rotary

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
24 LB/FT	8 5/8 IN	0 FT	1695 FT	10 5/8 IN
LB/FT	12 IN	0 FT	40 FT	16 IN
23 LB/FT	7 IN	1679 FT	2835 FT	7 7/8 IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
cement	?	lb./gal	0 ft	40 ft
cement (approx)	400	lb./gal	0 ft	1695 ft

Describe grouting procedure Pressure grouted through casing. 7" casing was pressure grouted through

2 "CEMENTING PERFS IN CASING ABOVE PACKER (TO 2640). CASING WAS
TEMPORARILY PLUGGED WITH CEMENT BETWEEN "CEMENTING PERFS AND
CASING PERFORATED PRIOR TO INSTALLATION. CEMENT PLUG LATER

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED? ☒ YES ☐ NOIf so, what material? rubberDescribe packer(s) and location? rubber at 2640' Butler-Lark

DISINFECTION: open hole formation packer

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

NO, Why Not? _____

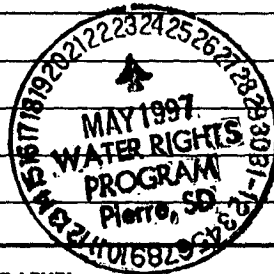
ratory sent to for water quality analysis ?

Well Owner: Melvin DelzerBusiness Name: Golden Plains Feedlot, Inc.

Address: _____

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Black Shale	0	550'
Sandstone & shale (Newcastle, Skull Creek, Fall River & Lakota)	550'	1150'
Morrison	1150'	1170'
Sundance	1170'	1680'
Spearfish	1680'	2210'
Minnekahta	2210'	2250'
Oreche	2250'	2290'
Minnelusa	2290'	2970'
Madison	2970'	3370'



STATIC WATER LEVEL _____ Feet

If flowing: closed in pressure 175 PSI
(approx) _____ inch pipe

GPM flow _____ through _____ inch pipe

Controlled by ☒ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? yes

WELL TEST DATA:

☐ Pumped Describe: _____☐ Bailed _____☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

Production Perfs. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

Perforations-2665-2710, 2710-2731, 2793-2803

Lead Packer at top of 7" casing

(Data provided from the only information that was available.)

This well was drilled under license # 331

And this report is true and accurate.

Drilling firm Taylor Drilling

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____



March 20, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Melvin Delzer
PO Box 1045
Spearfish, SD 57783

Dear Mr. Delzer:

I have been asked to contact you regarding water right permitting for a livestock confinement facility in Section 33, T8N, R4E of Butte County. A review of water rights records found an existing irrigation water right in this section. Water Permit No. 1231-1 appropriates water from an existing dam for irrigation. Enclosed is a copy of this water permit. I am also enclosing a listing of water rights held in your name.

Currently, there is no record of a water right permit for a livestock facility. A water right permit is required under state law for the use of water at a confinement facility if that use exceeds reasonable domestic use. Reasonable domestic use is defined as the use of water not exceeding 25,920 gallons per day with a maximum pump capacity of 25 gallons per minute.

It is my understanding that an artesian well is used at the confinement facility and for irrigation. I am enclosing application forms for filing for two types of water right permits (non-irrigation & irrigation). If the well is used for irrigation and confinement facility, the irrigation application form can include that water is also used for the confinement facility. If the well is solely for the confinement facility, the proper form is the non-irrigation application.

Obtaining a water right permit is required by state law and protects your right to use water. The facility and/or irrigation system does not have a legal right to the use of water with a water right permit. Please contact me if you have questions on completing an application.

If you believe a permit is not needed or you have the necessary water right permits in place, or just have questions on permitting requirements, do not hesitate to contact me. I want to assist you in making sure all necessary water right permits are in place.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 18, 1997

Melvin Delzer
PO Box 1045
Spearfish SD 57783

Dear Mr. Delzer:

Thank you for submitting the *Application for a Permit to Appropriate Water* for your livestock confinement operation.

Before we can continue processing the application a copy of the well completion report is required. We have contacted Taylor Drilling and requested this report. As of today, we have not received it.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 14, 1997

Melvin Delzer
PO Box 1045
Spearfish, SD 57783

Dear Mr. Delzer:

I am writing regarding your *Application for a Permit to Appropriate Water* for your livestock confinement facility southeast of Fruitdale. Submittal of the well completion report for the existing well is necessary to complete the application.

It is my understanding that Taylor Drilling constructed this well. As of today, we still have not received the report. Once we receive this completion report we will process the application.

Please contact me if you have any questions or are having trouble obtaining a completion report.

Sincerely,


Eric Gronlund
Water Rights Program
(605) 773-3352

WATER PERMIT APPLICATION NO. 1650-1

MELVIN DELZER

MAY 29, 1997

Water Permit Application No. 1650-1 proposes to appropriate 0.89 cubic feet of water per second from one well (Madison Formation) 3370 feet deep located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, T8N-R4E for commercial and irrigation use. Water from the well will be used to supply a livestock confinement operation. The application also proposes to allow diversion of water from the well directly for irrigation of land authorized by Water Right No. 1231-1 or to a dam authorized by Water Right No. 1231-1 for irrigation. Water Right No. 1231-1 appropriates 1.91 cfs from a storage dam (110 acre foot storage capacity) to irrigate 134 acres located in the S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ Section 33, T8N-R4E. The dam is located in the N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, T8N-R4E.

AQUIFER: Madison Aquifer (MDSN)

GENERAL:

The Madison Aquifer is a massive, carbonate (limestone and dolomite) aquifer that underlies most of western South Dakota. It is estimated that the aquifer contains at least 640 million acre-feet of recoverable water in storage in the State (Allen, 1984). The importance of the Madison as an aquifer is largely due to randomly distributed zones of secondary porosity and permeability formed by weathering of exposed surfaces, groundwater solution, and fracturing. These zones also play an important role in determining the hydraulic behavior of the Madison aquifer system and the response of the system to stress. Recharge to the Madison aquifer occurs through streamflow losses and direct infiltration of precipitation at the outcrop area. Recharge for the entire Madison Aquifer in South Dakota has been estimated to range from 140,000 to 400,000 acre-feet per year (Woodward Clyde, 1981). The Madison is generally considered an excellent aquifer both in terms of quality and quantity, especially near the outcrop (recharge area). The Madison outcrop is located within approximately 14 miles south of this well site (DeWitt, 1989) and the top of the Madison is reported to be 2,970 feet below ground surface. This well site is located along the crest of the Whitewood Anticline, the secondary porosity and permeability has probably been enhanced by the folding.

The well for this application was constructed in 1980 and a Completion Report is included with the application. The well construction is less than ideal but is acceptable. The effectiveness of the grout job on the 7 inch casing is suspect due to the extremely small annulus (7.875" borehole ID x 7" casing OD), and the wellbore is open to both the lower Minnelusa Formation and the Madison Limestone. The relationship between the Minnelusa Aquifer, the beds of the lower Minnelusa Formation, and the Madison Aquifer is not fully understood. Measurements taken in the Water Rights' Observation Wells indicate the water level of the Madison is generally higher than the water level of the Minnelusa, thus a hydraulic separation exists between the aquifers and a potential exists for the Madison to contribute recharge to the Minnelusa. Generally the lower Minnelusa formation is considered confining beds separating the Madison Aquifer from the Minnelusa Aquifer (Kyllonen, 1987). Therefore, the lower Minnelusa Formation and the Madison Limestone will be considered as an aquifer (Madison Aquifer) and the sands of the upper Minnelusa Formation will be considered a separate aquifer (Minnelusa Aquifer). This appropriation will be considered from the Madison Aquifer. The Completion Report indicates that this well flows 900 gallons per minute and has a shut in pressure of 175 psi. The elevation of this potentiometric surface matches fairly closely with the elevation of the potentiometric surface of a "Minnelusa Well" located in Section 33, T8N-R3E (Winter, 1994). The similar water levels could be due to: 1) a good hydraulic connection between the Minnelusa and Madison in this area; 2) the mixing because it is open to the Minnelusa Formation and the Madison Limestone; or 3) the miss identification of formations at one or both sites.

WATER AVAILABILITY:

Although the Water Rights Program does monitor 22 observation wells completed into the Madison aquifer in the Black Hills, this well site is approximately 10 miles from the nearest Water Rights' Observation Well. Records from the observation wells indicate the potentiometric surface of the Madison Aquifer fluctuates 30-40 feet per year near the recharge area, in response to seasonal and climatic variations. The limited period of record available from observation wells completed into the Madison Aquifer, (all but one of the wells were installed after 1986), is not easily interpreted. Long term water-level declines are not apparent from any of the hydrographs. Observation well data suggest that at

the existing level of development, natural influences dominate the water level of the aquifer and the effects of pumping as yet are not obvious.

The high cost of Madison wells, except very near the outcrop, and the availability of groundwater from shallower aquifers, has limited domestic development and generally restricted usage from the Madison to those uses which require water rights. There are 104 permits/rights which appropriate water from the Madison aquifer in South Dakota.

The majority of the water rights/permits from the aquifer are from Butte(14), Lawrence(23), Meade(16), Pennington(32) and Fall River(7) Counties. The Madison supplies water for irrigation, geothermal, industrial, commercial, recreational, and commercial use. However, by far the major use of the aquifer is for common distribution systems (suburban housing development and municipal use). The cities of Spearfish, Belle Fourche, Whitewood, Sturgis, Rapid City, Box Elder, and Edgemont all depend on water from the Madison Aquifer.

If the worst case assumptions are made that (1) permits/rights with an annual withdrawal limitation (ac-ft/yr) will use the maximum allowable; and (2) permits/rights that are limited by a diversion rate only, will use 60% of the maximum allowable (considered reasonable for water distribution systems); the total water use from the Madison would be approximately 50,000 acre-feet per year. The actual amount of water used from the Madison is considerably less than this estimate. Two Future Use Permits, (2086-2 and 1833-2) reserve another 5,835 acre feet annually from the Madison Aquifer for future use. Comparison of the estimated annual recharge to the Madison with the water use estimated from the aquifer, indicates unappropriated water is available from the Madison aquifer.

AFFECTS ON EXISTING RIGHTS:

A potential obstacle to development of the Madison Aquifer is consideration of the affects pumping may have on existing water rights. In this area, the use of groundwater is fairly limited. Domestic wells on file with the Water Rights Program are completed into shallower aquifers. The nearest groundwater appropriation to this well is from the Inyan Kara Aquifer and is approximately 2 miles away. The closest Madison appropriation is Permit No. 1610-1, (the City of Whitewood), it is approximately 9 miles away. Any well interference this proposed use would have on these or other water rights/permits is not expected to be adverse due to the distance between wells, and the apparent hydraulic separation between the Madison and shallower aquifers in this area

If the cumulative affect of development from the Madison Aquifer, (i.e., an affect that cannot be attributed directly to a single diversion), requires the lowering of pumps in existing wells or reduces flows of area streams, unlawful impairment of existing rights questions may need to be answered. SDCL 46-6-6.1 authorizes the Water Management Board to protect domestic water use by controlling large capacity wells without the necessity of requiring maintenance of artesian head pressure in a domestic use well. The statute also provides for the lowering of a water lift mechanism to a depth near the bottom of the groundwater supply or, in artesian aquifers to a substantial depth below the geological formation confining the ground water. Considering this statute, although water levels may be affected, the affect may not be unlawful impairment.

TERM LIMITATION:

SDCL 46-2A-20 requires that "... no water permit for construction of works to withdraw water from the Madison formation in Butte, Fall River, Custer, Lawrence, Meade and Pennington counties may be issued for a term of more than twenty years, unless the water management board determines, based upon the evidence presented at the hearing that:

- (1) Sufficient information is available to determine whether any significant adverse hydrologic effects on the supply of water in the Madison formation would result if the proposed withdrawal were approved; and
- (2) The information, whether provided by the applicant or by other means, show that there is a reasonable probability that issuance of the proposed permit would not have a significant adverse effect on nearby Madison formation wells and springs."

Evidence is not available to justify issuing this permit without a term limitation of 20 years.

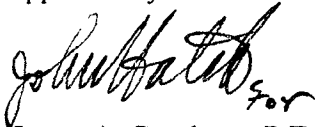
CONCLUSIONS:

1. The Madison Aquifer is a viable aquifer in this area, and water is available for this appropriation.
2. Well interference should not be a problem in this area.
3. Adverse impacts on area water levels, due to this increased appropriation from the Madison Aquifer are not expected.
4. Information is not available to justify issuing this permit without a term limitation of 20 years.
5. A Waste Management System has not been approved for this facility. The Air and Surface Water Program is working with the applicant to address this issue.
6. This is an existing well. The well construction is not ideal but acceptable.



Ken Buhler
Natural Resources Engineer

approved by



James A. Goodman, P.E.
Natural Resources Engineer

REFERENCES:

- Allen, J.C., D. Iles, A. Petres, 1984, Analysis of Groundwater and Streamflow Data, Western Dakotas Region of South Dakota, Task 3 & 4: Groundwater Resources Inventory, US Army Corps of Engineers Contract DAWC 45-82-C-015, SD DENR-Division of Geological Survey, Vermillion SD
- DeWitt, E., J. Redden, D. Buscher, A. Burbach Wilson, 1989, Geologic Map of the Black Hills Area, South Dakota and Wyoming, U.S. Geological Survey, Map I-1910,
- Kyllonen, D.P., K. Peter, 1987, GeoHydrology and Water Quality of the Inyan Kara, Minnelusa, and Madison Aquifers of the Northern Black Hills, South Dakota and Wyoming, and Bear Lodge Mountains, Wyoming, U.S. Geological Survey, Water Resources Investigations Report 86-4158, Rapid City, SD
- Water Rights Program, 1996, "Domestic Well Log Files, Observation Well Files, and Water Permit Files," DENR-Water Rights Program, Joe Foss Building, Pierre, SD
- Winter, D.R., 1994, Water Levels Through 1989 in Bedrock Aquifers in South Dakota, U.S. Geological Survey Open-File Report 94-320, Rapid City, SD
- Woodward Clyde Consultants, 1981, Well Field Hydrology Technical Report, for the ETSI Coal Slurry Pipeline Project, U.S. Dept. of Interior, Bureau of Land Management

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1650-1, Melvin Delzer

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. 1650-1, Melvin Delzer, PO Box 1045, Spearfish, SD 57783.

The Chief Engineer is recommending APPROVAL of Application No. 1650-1 for a 20 year term pursuant to SDCL 46-1-14 and 46-2A-20 because 1) although evidence is not available to justify issuing this permit without a 20 year term limitation, there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be 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 qualifications:

1. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 1650-1 is issued for a twenty year term. Pursuant to SDCL 46-2A-21, the twenty year term may be deleted at any time during the twenty year period or following its expiration. If the twenty year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 1650-1 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1, and ARSD 74:02:01:37.
2. The wells 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.
3. Permit No. 1650-1 is subject to compliance with requirements of the Division of Environmental Services' review and approval of the plans and specifications for the animal waste management system.
4. Operation of the disposal systems to dispose of waste and wastewater shall be in a manner that prevents runoff from the disposal sites and from entering the waters of the State.
5. The wastewater storage lagoon and feedlot area shall be designed so that it does not receive surface runoff from the surrounding area.
6. Design, construction and management of the lagoons shall be sufficient to maintain seepage rate of less than 10^{-7} centimeters per second. Compaction of the soils within the wastewater lagoon must be at least ninety five percent of the Standard Procter Density (ASTM D6980-70).
7. Permit No. 1650-1 is subject to compliance with the existing and applicable Water Management Rules:
 - a) Chapter 74:03:15 Ground Water Quality Standards,
 - b) Chapter 75:03:16 Ground Water Discharge Permit,
 - c) Chapter 74:03:02 Surface Water Quality Standards,
 - d) Chapter 74:03:04 Uses Assigned to Streams, and
 - e) Chapter 74:03:17 through 74:03:26 Surface Water Discharge Provisions.

See report on application for additional information.


JOHN HATCH, Chief Engineer

June 9, 1997



**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.

June 9, 1997

Melvin Delzer
P.O. Box 1045
Spearfish, SD 57783

*File Date
547-2503
Mailed to him*

Dear Mr. Delzer:

Water Permit Application No. 1650-1 for cattle feedlot and irrigation use has 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 Belle Fourche Post printed at Belle Fourche, SD (Ph # (605) 892-2528). For your information, a copy of the notice, the recommendation 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 your 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 application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, 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 application.

c: Arman Miller, 1855 Karol Kay Blvd., Seward, NE 68434.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 9, 1997

Belle Fourche Post
Box 400
Belle Fourche, SD 57717-0400

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1650-1 to be published twice. Please publish the first notice on June 11, 1997, 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 Melvin Delzer, P.O. Box 1045, Spearfish, SD 57783 (Ph # (605) 642-3734).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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 application 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 Program
Joe Foss Building
Pierre SD 57501-3181

No. 1650-1

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

Instruction to Newspaper - Publish first Notice on June 11, 1997, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1650-1 to Appropriate Water

Notice is given that Melvin Delzer, PO Box 1045, Spearfish, SD 57783 has filed an application for a water permit to appropriate 0.89 cubic feet of water per second (cfs) from one well (Madison Formation) 3370 feet deep located in the NE1/4 SW1/4 Section 33, T8N, R4E for commercial and irrigation use. Water from the well will be used to supply a livestock confinement operation. The application also proposes to allow diversion of water from the well directly for irrigation of land authorized by Water Right No. 1231-1 or to a dam authorized by Water Right No. 1231-1 for irrigation. Water Right No. 1231-1 appropriates 1.91 cfs from a storage dam (110 acre foot storage capacity) to irrigate 134 acres located in the S1/2 NW1/4, SW1/4 Section 33, T8N, R4E. The dam is located in the N1/2 NW1/4, SW1/4 NW1/4 Section 33, T8N, R4E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1650-1 for a 20 year term pursuant to SDCL 46-1-14 and 46-2A-20 because 1) although evidence is not available to justify issuing this permit without a 20 year term limitation, there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, and 4) it is in the public interest.

Any person interested in opposing or supporting this application 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 recommendation. The Chief Engineer's address is "Water Rights Program, 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 June 30, 1997. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application at 10:00 a.m. (CST), July 9, 1997, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The July 9, 1997, 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 application. The request for an automatic delay must be filed by June 30, 1997.

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 June 30, 1997, at the above Water Rights Program 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.

This application is 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. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.



AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF BUTTE

Faye D. Pate, being duly sworn, says: That the Belle Fourche Post, is and, during all the times hereinafter mentioned, was a legal newspaper as defined in SDCL 17-2-2, as amended, published at Belle Fourche, Butte County, South Dakota, by Allison Publishing, Inc.; that affiant is and, during all of said times, was employed as an accountant by the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper for successive issues, bearing the following dates:

June 11 1997	199
June 18 1997	199
199	199
199	199
199	199

that the full amount of the fee charged for publishing the same, to-wit, the sum of \$ 32.54, inures solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Jaeger O. Poole

Subscribed and sworn to before me this

18 day of June, 199 7

Melinda S. Gifford
Notary Public, South Dakota

Maureen S. Griffin
Notary Public
Commission Expires July 8, 2002



NOTICE OF HEARING
on Application No. 1650-1
to Appropriate Water

Notice is given that Melvin Delzer, PO Box 1045, Spearfish, SD 57783 has filed an application for a water permit to appropriate 0.89 cubic feet of water per second (cfs) from one well (Madison Formation) 3370 feet deep located in the NE1/4 SW1/4 Section 33, T8N, R4E for commercial and irrigation use. Water from the well will be used to supply a livestock confinement operation. The application also proposes to allow diversion of water from the well directly for irrigation of land authorized by Water Right No. 1231-1 or to a dam authorized by Water Right No. 1231-1 for irrigation. Water Right No. 1231-1 appropriates 1.91 cfs from a storage dam (110 acre foot storage capacity) to irrigate 134 acres located in the S1/2 NW1/4, SW1/4 Section 33, T8N, R4E. The dam is located in the N1/2 NW1/4, SW1/4 NW1/4 Section 33, T8N, R4E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1650-1 for a 20 year term pursuant to SDCL 46-1-14 and 46-2A-20 because 1) although evidence is not available to justify issuing this permit without a 20 year term limitation, there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, and 4) it is in the public interest.

Any person interested in opposing or supporting this application 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 recommendation. The Chief Engineer's address is "Water Rights Program, 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 June 30, 1997. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application at 10:00 a.m. (CST), July 9, 1997, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualification, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The July 9, 1997, 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 application. The request for an automatic delay must be filed by June 30, 1997.

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

preme Court as provided by law. Contact Eric Gronlund by June 30, 1997, at the above Water Rights Program 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.

This application is 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.

Nettie H. Myers,
Secretary
Department of
Environment and
Natural Resources

P216/11-18



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 12 1997

Melvin Delzer
P.O. Box 1045
Spearfish, SD 57783

Dear Mr. Delzer:

Enclosed is Water Permit No. 1650-1 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 27, 2001

857-1
1231-1
1276-1

Gloria Delzer
PO Box 1045
Spearfish, SD 57783-7045

Dear Ms. Delzer:

Thank you for following up on the ownership changes for Water Right Nos. 857-1, 1231-1 and 1276-1. The transfers have been completed. Water Right Nos. 1231-1 and 1276-1 are now listed in your name. Water Right No. 857-1 is listed as being owned by Gloria and Roger O. Delzer.

Enclosed are your Receipt Nos. 416951, 416952 and 416953 in the amounts of \$2.50 each. You may keep these for your records.

Upon doing the transfers for Nos. 857-1, 1231-1 and 1276-1, I found an additional water permit listed in the name of Melvin Delzer. Water Permit No. 1650-1 authorizes use of ground water for a livestock confinement operation. Enclosed is a copy of the permit for your review.

I am assuming that Permit No. 1650-1 should also be transferred to your name. Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing the ownership change. Please review the form and complete as needed. Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

Thank you in advance for your help. I apologize for not including the transfer form with the forms for transferring the rest of the water rights.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1650-1

Date: 12-8-01

I/We request that Water Permit No. 1650-1

formerly owned by: Melvin Delzer

be transferred to: (name & address) Gloria Delzer

PO Box 1045, Spearfish, S.D. 57783 Telephone No. 605-642-5172

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

well located in the NE 1/4 SW 1/4 Section 33, T8N, R4E

I/We understand that the validity of Water Permit No. 1650-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

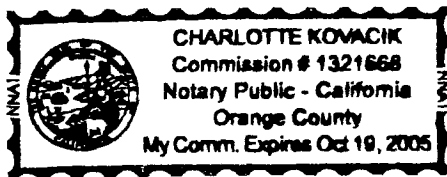
STATE OF SOUTH DAKOTA)

County of Laurence)

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

Gloria Delzer
(Signature of new owner)

Subscribed and sworn to before me this 13th day of December, 2001.



Charlotte Kovach
(Notary Public)



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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NP 417028

Pierre, DECEMBER 19, 20 01

RECEIVED OF Gloria Delzer, PO Box 1045, Spearfish, SD 57783

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

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

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 1650-1

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

Darlan S. Ebel

Chief Engineer

gm



December 28, 2001

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

1650-1

Gloria Delzer
PO Box 1045
Spearfish, SD 57783-7045

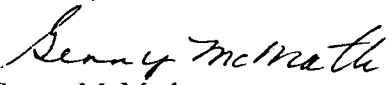
Dear Ms. Delzer:

Thank you for following up on the ownership change for Water Permit No. 1650-1. The transfer has been completed and the water permit is now listed in your name.

Enclosed is your Receipt No. 417028 in the amount of \$2.50. You may keep this for your records.

If you have any questions concerning any of your water permits or rights, please get in touch with me.

Sincerely,


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

enclosure

1650-1

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit No. 1650-1

ADDRESS: COUNTY: Butte

DATE: March 4, 2004 TELEPHONE:

RE: Discussion with Scott Fredrickson

COMMENTS:

Mr. Fredrickson and his son stopped in the office months ago when they were investigating purchasing the Delzer feedlot in Butte County. Gloria Delzer holds Water Right No. 1650-1 from the commercial use of water at the feed lot. There is also irrigation right from a dam (No. 1231-1) that is also affiliated with the water right.

Mr. Fredrickson called back to day saying he was getting closer to making deal to take ownership of the facility. We discussed the water permit and explained the forfeiture for nonuse. He said that there have been cattle kept at the facility and that irrigation had taken place.

He was concerned about some of the qualifications on Permit No. 1650-1 dealing with compliance with DENR's animal waste management system. He indicated that he has been working with Jason Roggow of the Surface Water Quality Program regarding the Water Pollution Control Permit for a concentrated animal facility. I told him that if he purchased the facility and as long as he was actively pursuing compliance with the requirements, that the Water Right Program would not take enforcement action against the water permit because of this issue. I did tell him that if a complaint was filed we'd have to investigate the matter.

We discussed the process for him to apply for additional water for the facility and to conduct irrigation. I got the impression he'd like to apply irrigation directly from the well instead of diverting first to the dam.

I reminded transfer of ownership forms will need to be completed if the purchase the property.

I also reiterated that they need to work with the Surface Water Quality Program regarding the General Permit administered through the Surface Water Quality Program. He said they understand the obligation to obtain coverage under this permit as well.

NAME:

Eve Hansen



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 18, 2007

1650-1

Paul Ringling
Foothills Properties LLC
18977 Black Angus Ln
Belle Fourche SD 57717

Dear Mr. Ringling:

I am writing in follow up to our phone conversation concerning Water Permit No. 1650-1, currently listed in the name of Gloria Delzer. I have included a copy of the permit for your records.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

As soon as we receive the completed form and filing fee from you, Water Permit No. 1650-1 will be transferred to reflect the new ownership. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

RECEIVED

OCT - 5 2007

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1650-1

Date: 10-4-07

I/We request that Water Permit No. 1650-1

formerly owned by: Gloria Delzer

be transferred to: (name & address) Foothills Properties LLC

% Paul Ringling, ~~18977 Black Angus Lane~~, Belle Fourche SD 57717

11166 Stafford Loop

Telephone No. 892-2112 or 680-3337

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

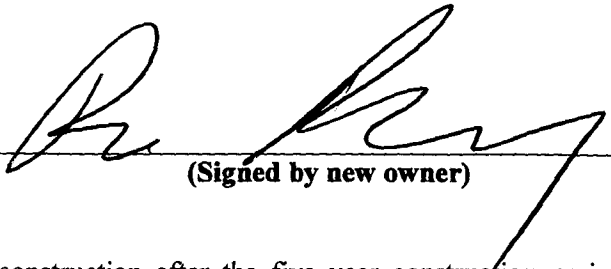
Well location: NE ¼ SW ¼ Section 33, T8N, R4E

I/We understand that the validity of Water Permit No. 1650-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Foothill Properties LLC the new owner, certify that the above information is true and correct.


(Signed by new owner)

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

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

Foothill Feeders new address is:

**11166 Stafford Loop
Belle Fourche, SD 57717**

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/5, 20⁰⁷

RECEIVED OF Foothills Feeders LLC 11166 STAFFORD LOOP Belle Fourche SD 57717

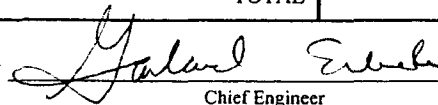
The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____ 1650-1		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
	2	50

No.

03178

By


Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 9, 2007

1650-1

Paul Ringling
Foothills Properties LLC
11166 Stafford Loop
Belle Fourche SD 57717-7242

Dear Mr. Ringling:

I am writing to acknowledge receipt of the ownership change you filed for Water Permit No. 1650-1. The transfer has been completed. The water permit, formerly held by Gloria Delzer is now listed in the name of Foothills Properties LLC.

Enclosed is your Receipt No. 03178 in the amount of \$2.50. You may keep this for your records.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure

RECEIVED
OCT 19 2015
WATER RIGHTS
PROGRAM

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 1650-1

Date: _____

I/We request that Water Right/Permit No. 1650-1 formerly owned by:
Foothill Properties, LLC be transferred to:

New Owner Name: Foothill Land and Cattle, LLC
Address: Box 73
City, State, Zip Northville SD 57465 Telephone No. 715 416 1501

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

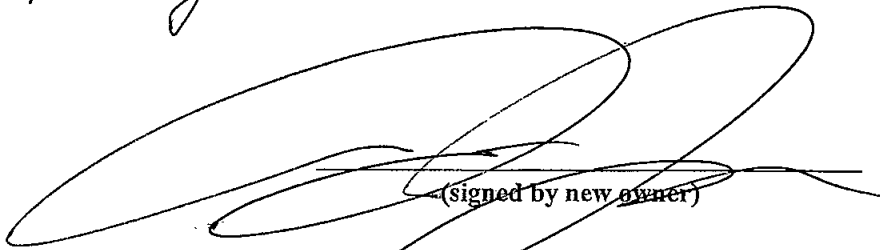
Well Location: NE1/4 SW1/4 Section 33, T8N, R4E

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

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Jason Sparling, the new owner, certify that the above information is true and correct.


(signed by new owner)

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

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

McMath, Genny

From: Jan Betten <jbetten@spearfishlaw.com>
Sent: Monday, October 19, 2015 10:05 AM
To: McMath, Genny
Subject: Re: Foothill Feeders, LLC

Hi Genny--

Per our telephone call this morning, be advised that Foothill Feeders, LLC was organized September 21, 2015. The Articles of Organization were signed and filed by Thomas E. Brady as organizer and he will also serve as the initial registered agent. Jason R. Sparling is the managing member of the entity.

If you need anything else, let me know. Thanks.

Jan Betten, CP
Certified Paralegal

Brady Pluimer, P.C.
135 Colorado Blvd.
Spearfish, SD 57783
jbetten@spearfishlaw.com
Phone (605) 722-9000
Fax (605) 722-9001

Confidentiality notice: the email and any attached documents contain information from the law firm of Brady Pluimer, a professional corporation, which may be confidential and/or legally privileged. These materials are intended only for the personal and confidential use of the addressee identified above. If you are not the intended recipient or an agent responsible for delivering these materials to the intended recipient, you are hereby notified that any review, disclosure, copying, distribution or the taking of any action in reliance on the contents of this transmitted information is strictly prohibited. If you have received this email in error, please immediately notify the sender of this message. Thank you.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/19, 20 15

RECEIVED OF Black Hills Title PO Box 459 Spearfish SD 57783

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	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 1650-1		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
	50	00

No. 07510

By

Jeanne Gosman
Chief Engineer



1650-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

October 19, 2015

1231-1
1650-1

Jason Sparling
Foothill Land & Cattle LLC
Box 73
Northville SD 57465

Dear Mr. Sparling:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted to change ownership on Water Right No. 1231-1 and Water Permit No. 1650-1.

The ownership changes have been completed. Both Nos. 1231-1 and 1650-1, formerly held by Foothill Properties LLC are now listed in the name of Foothill Land & Cattle LLC.

The receipts for the filing fees are being forwarded by copy of this letter to Black Hills Title & Abstract in Spearfish SD.

If you have any questions, please let me know.

Sincerely,

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

c: Black Hills Title & Abstract, Inc., PO Box 459, Spearfish SD 57783
Thomas Brady, Brady Pluimer, PC, 135 Colorado Blvd, Spearfish SD 57783

Permit Nos. 1650-1
Upper Cheyenne 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 on this day, **November 19, 2015**, made a thorough examination of the water use system constructed by **Foothill Feeders LLC., c/o Jason Sparling, 415 Park St., PO Box 73, Northville, SD 57465** holder of Permit No. **1650-1** which proposes bearing the priority of **April 3, 1997**, authorizes the diversion of **0.89** cubic foot of water per second (cfs), of the waters of the **Madison Aquifer** for **cattle feedlot and irrigation purposes**, in **Butte County**.

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

Contact: **Serena Jensen, Ranch Manager**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Taylor Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **3370** feet
- 4) Well log is available? **Y**

Casing:

- 1) Diameter **12, 8⁵/₈, 7** inches
- 2) Length **40, 1695, 1156** feet
- 3) Type **Steel**

Screen:

- 1) Type **Open hole**
- 2) Static water level **Flowing well with 175 psi shut-in pressure capable of producing 900 gpm valved down to 200 gpm**

B. Works used to transport/apply water to beneficial use:

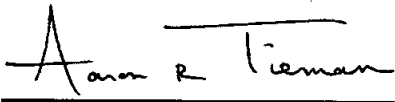
Water from the well will be used to supply a livestock confinement operation and also allows water from the well to be diverted to a dam authorized by Water Right No. 1231-1 for irrigation.

The system is in the following condition **good**. The point of diversion is located **1775 feet N and 2440 feet E from the SW corner of Section 33, T8N-R4E (NE¹/₄SW¹/₄), Lat/Lon N44.609211/W-103.639234**. The works are capable of diverting and conveying to the place of use **0.89** cfs which is to be used for **cattle feedlot and irrigation purposes**. Water has been put to beneficial use to the maximum extent and the license should be issued for **0.89** cfs.

All structures, wells and lands on map **Y**

Exceptions to compliance are: **none**

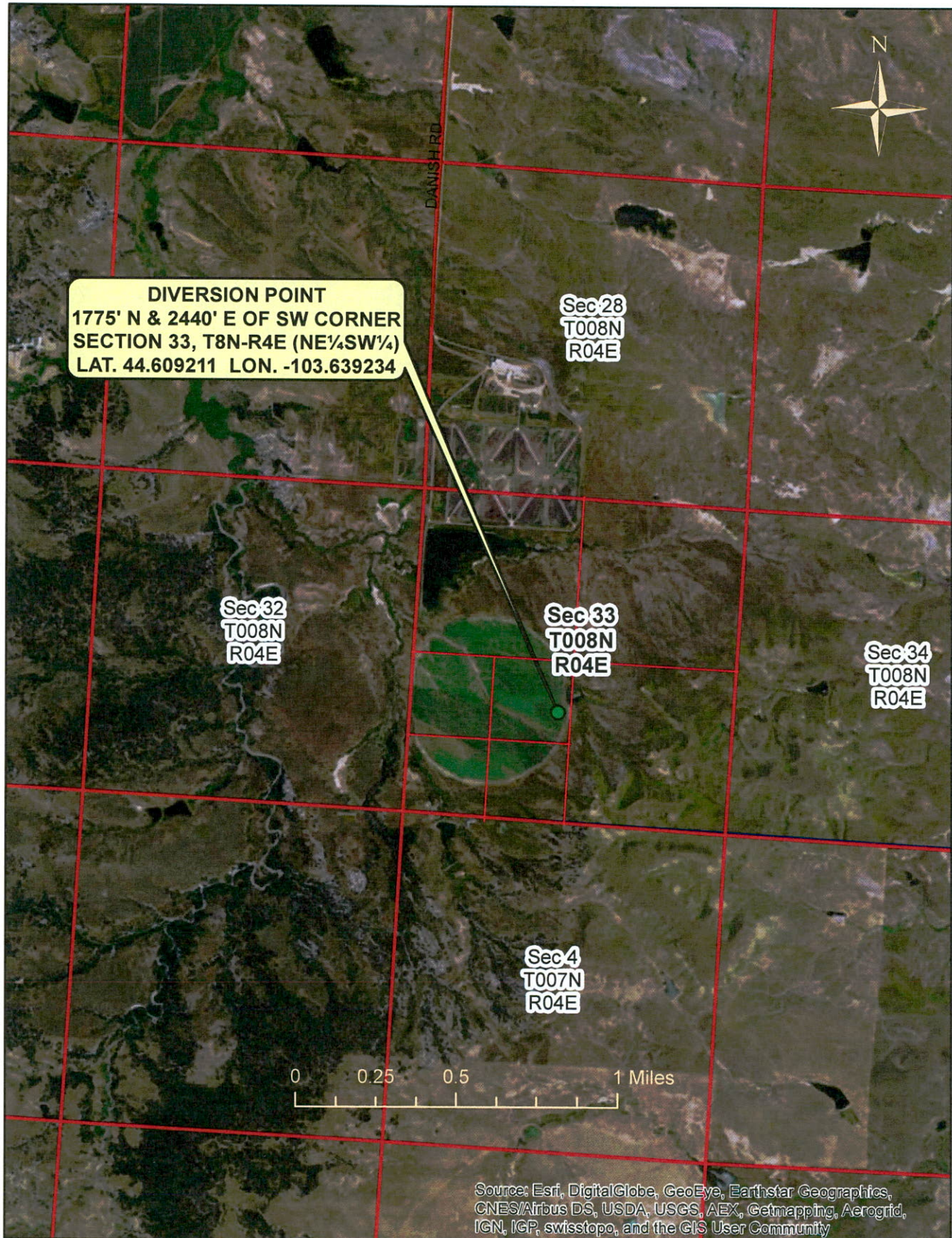
Comments: The well approved under this permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used.

A handwritten signature in black ink that reads "Aaron Tieman". The signature is written in a cursive style with a horizontal line above the name.

Aaron Tieman
Natural Resources Engineer II
DENR Water Rights Program

Date Report Completed: **June 28, 2016**

WATER PERMIT NO. 1650-1
JUNE 28, 2016



Aaron R. Tieman

Aaron Tieman
Natural Resources Engineer II
DENR Water Rights Program





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

July 14, 2016

1650-1

Jason Sparling
Foothill Land & Cattle LLC
PO Box 73
Northville SD 57465

Dear Mr. Sparling:

On November 19, 2015 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 1650-1, was completed by Aaron Tieman, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

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 the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 7/22, 20 16

RECEIVED OF Foothills Feeders LLC PO Box 7 Northville SD 57465

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	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. <u>1650-1</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **07861**

By *James Goodman*
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1650-1

(1) Melvin Delzer, Spearfish SD made Application No. 1650-1, April 3, 1997 for a water permit to divert 0.89 cubic feet of water per second from one well - Madison Aquifer, Butte County, South Dakota for commercial use to supply a livestock confinement operation and irrigation purposes. Permit No. 1650-1, with a priority date of April 3, 1997 was approved July 9, 1997 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 9, 2002 and for the application to beneficial use of water on or before July 9, 2006.

On October 19, 2015, Water Permit No. 1650-1 was transferred to Foothill Land and Cattle, LLC, c/o Jason Sparling, PO Box 73, Northville SD 57465.

Water Right No. 1231-1 authorizes irrigation of 134 acres from a dam. No. 1650-1 allows diversion of water from the well to the dam (110 acre-feet storage capacity) for irrigation of the land authorized by Water Right No. 1231-1. Water is also used to supply a livestock confinement operation.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 1650-1 is issued a license, bearing a priority date of April 3, 1997 to appropriate 0.89 cubic feet of water per second from one well - Madison Aquifer for commercial use to supply a livestock confinement operation and for supplemental water for irrigation of land described in Water Right No. 1231-1.

The diversion point is located: 1,775 feet north and 2,440 feet east from the SW corner of Section 33-T8N-R4E (NE 1/4 SW 1/4).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1650-1 including the following qualifications:

1. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 1650-1 is issued for a twenty year term. Pursuant to SDCL 46-2A-21, the twenty year term may be deleted at any time during the twenty year period or following its expiration. If the twenty year term is not deleted at the end of the term, the Permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 1650-1 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1, and Board Rule ARSD 74:02:01:37.
2. 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.
3. Permit No. 1650-1 is subject to compliance with requirements of the Division of Environmental Services review and approval of the plans and specifications for the animal waste management system.
4. Operation of the disposal systems to dispose of waste and wastewater shall be in manner that prevents runoff from the disposal sites and from entering the waters of the State.

(continued)

5. The wastewater storage lagoon and feedlot area shall be designed so that it does not receive surface runoff from the surrounding area.
6. Design, construction and management of the lagoons shall be sufficient to maintain seepage rate of less than 10-7 centimeters per second. Compaction of the soils within the wastewater lagoon must be at least ninety five percent of the Standard Proctor Density (ASTM D6980-70).
7. Permit No. 1650-1 is subject to compliance with existing and applicable Water Management Rules:
 - a) Chapter 74:03:15 Ground Water Quality Standards,
 - b) Chapter 74:03:16 Ground Water Discharge Permit,
 - c) Chapter 74:03:02 Surface Water Quality Standards,
 - d) Chapter 74:03:04 Uses Assigned to Streams, and
 - e) Chapter 74:03:17 through 74:03:26 Surface Water Discharge Provisions.
8. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04. ***Well is capable of producing 900 gallons per minute and is valved to 200 gallons per minute.***



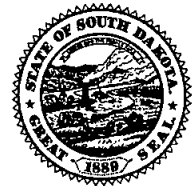
Jeanne Goodman, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

SEP 06 2016

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

SEP 06 2016

1650-1

Foothills Land & Cattle LLC
Jason Sparling
PO Box 73
Northville SD 57465

Dear Mr. Sparling:

Enclosed is Water License No. 1650-1. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 07881 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

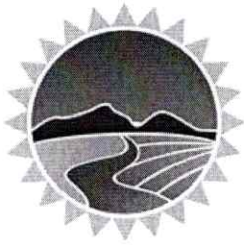
For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1650-1, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or 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.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

February 24, 2021

1231-1

1650-1

1982-1

Dennis Miller
395 North Heptner
Rozet WY 82727

Dear Mr. Miller:

As stated in our phone conversation, enclosed are copies of the water rights held by Foothill Land and Cattle LLC. These copies are for your records. Also enclosed are partially completed "Notice of Transfer" forms for use in filing ownership changes on the water rights.

The transfer forms should be completed, checked over for accuracy, and **signed by the new owner**. Upon completion, return the forms to our office with a required filing fee of \$50.00 each (\$150.00 total).

Also included is the 2020 Water Management Board Irrigation Questionnaire for Water Right No. 1231-1. This form is sent out yearly in the fall. Please complete the form for this past year and return it to us. It is important that the form be returned. If you have questions regarding completing the form, please contact Genny McMath, with this office.

Regarding Water Permit No. 1982-1, Qualification No. 4 requires you report annually the amount of water withdrawn from the Inyan Kara Aquifer (back up well). A letter is sent out at the beginning of each year requesting this amount. Unless you indicate otherwise, I will report zero use from the Inyan Kara well for 2020. In the past, Mr. Sparling reported the amount of water withdrawn from the Madison well. It is not required but is useful information for our records.

A postage prepaid envelope is enclosed for returning the Irrigation Questionnaire, transfer forms and fee. If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

PAID

MAR 15 2021

Ck# 8198

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

RECEIVED

MAR 15 2021

WATER RIGHTS
PROGRAM

No. 1650-1

Date: 3-5-21

I/We request that Water Right/Permit No. 1650-1

formerly owned by: Foothill Land and Cattle LLC

be transferred to: (name & address) X Dennis L. Miller
395 N. Hyptner Rd. Rozet, WY 82727
Telephone No. 307-391-1474

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

well (Madison Aquifer) - NE 1/4 SW 1/4 Section 33-T8N-R4E

I/We understand that the validity of Water Right/Permit No. 1650-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

X I/We Dennis L. Miller, the new owner, certify that the above information is true and correct.

X Dennis Miller
(Signed by new owner)

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

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

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date March 15, 2021RECEIVED OF Miller Cattle Co. 395 N. Heptner Rd. Rozet WY 82727

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. _____ after period of seven years.	\$
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$
Fee for Filing Transfer Form <u>1650-1</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$50.00

By Eric Gronlund
 Chief Engineer
 VM

16501



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

March 18, 2021

1231-1
1650-1
1982-1

Dennis L Miller
395 N Heptner
Rozet WY 82727

Dear Mr. Miller:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right Nos. 1231-1 & 1650-1 and Water Permit No. 1982-1.

The ownership changes have been completed. The above listed water rights and water permit formerly held by Foothill Land and Cattle LLC are now listed in your name.

Enclosed for your records are receipts for the filing fees that were paid. If you have any questions, please let me know.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures