

**WATER PERMIT NO. 1914-1**

Name of Applicant: NW Ranches LLC

Address: PO Box 66, Pierre SD 57501

Phone: 605 224-8851

Amount of Water Claimed: 0.444

Total Acres: NA

Source of Water Supply: Belle Fourche River

Water to be used for: livestock watering system

County: Butte

Type of Waste Disposal System: NA

Location: approximately 10 miles southeast of Newell

PRIORITY

Date Received: 4-16-10

Application/License Fee: \$1050

Corrected Application Received:

Period of Annual Use: April 1 – November 1

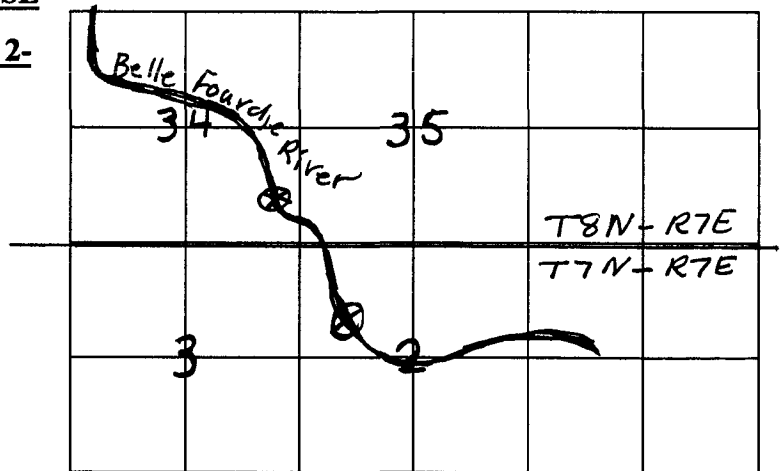
Remarks:

Diversion Point: between a point located in the SE

¼ SE ¼ Sec34-T8N-R7E and SW ¼ NW ¼ Sec 2-

T7N-R7E

Land to be Irrigated: NA



Depth of Well: NA

Well Driller:

Remarks:

Type of Map: topo

Prepared by: Matthew Odden, NRCS

Reviewed and the Number Assigned on: 4-20-10

By: Karen Schlaak

Notice of Hearing - date to intervene: \_\_\_\_\_

## SD EForm - 1585LD V3

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

RECEIVED

APR 16 2010

WATER RIGHTS  
PROGRAM

|                                                                                                                 |                                  |                                                      |
|-----------------------------------------------------------------------------------------------------------------|----------------------------------|------------------------------------------------------|
| Mail to:<br>PMB 2020<br>DENR - Water Rights<br>523 E Capitol Ave<br>Pierre, SD 57501-3182<br>ph. (605) 773-3352 | No. <u>1914-1</u>                | (office use only)<br>Hydrologic Unit <u>10120202</u> |
|                                                                                                                 | Basin <u>Belle Fourche River</u> |                                                      |
|                                                                                                                 | Newspaper <u>Butte Co. Post</u>  |                                                      |
|                                                                                                                 | <u>605-892-2528</u>              | <u>Belle Fourche</u>                                 |

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

## Check use(s) of water:

- |                                                 |                                           |                                                                     |                                          |
|-------------------------------------------------|-------------------------------------------|---------------------------------------------------------------------|------------------------------------------|
| <input type="checkbox"/> Municipal              | <input type="checkbox"/> Suburban Housing | <input type="checkbox"/> Recreational                               | <input type="checkbox"/> Institutional   |
| <input type="checkbox"/> Rural Water System     | <input type="checkbox"/> Commercial       | <input type="checkbox"/> Fish & Wildlife                            | <input type="checkbox"/> Geothermal Heat |
| <input type="checkbox"/> Domestic (over 18 gpm) | <input type="checkbox"/> Industrial       | <input checked="" type="checkbox"/> Other livestock watering system |                                          |

## Type of Application:

(check one)

- ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
- ☐ 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 NW Ranches, LLC Phone 605-224-8851  
(check one) ☐ Owner ☐ Tenant/lessee
- Mailing Address PO Box 66 Pierre SD 57501  
(Address) (City) (State) (Zip Code)
2. Amount of water claimed 0.444 \*CFS or 200 \*\*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 Belle Fourche River
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Butte  
between a point 1155 ft N 90 degrees E of SW Corner Section 35, T8N R7E and a point 1715 ft S 90 degrees E of NW Corner Section 2, T7N R7E  
between a point SE1/4 SE1/4 Sec 34 T8N R7E & SW1/4 NW1/4 Sec 2 T7N R7E
5. County or counties where water will be used Butte
6. Annual period during which water is to be used April 1 - November 1
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 needed to supply a livestock watering system. The system will benefit not only the applicant but two other landowners who are cost sharing the system with the application pursuant to an NRCS program.

STATE OF SOUTH DAKOTA )

County of Mead ) SS

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

I, Neal Wankless, President, 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.Applicant's signature Neal Wankless, PresidentSubscribed and sworn to before me this 15th day of April 20 10WILLIAM VAN CAMP, Notary Public  
My Commission Expires  
March 21, 2011

Notary Public signature

**SOUTH DAKOTA  
WATER PERMIT NO. 1914-1**

---

Date of first receipt of application April 16, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1914-1 to NW Ranches LLC, c/o Bill VanCamp, PO Box 66, Pierre SD 57501 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. 1914-1 authorizes 0.444 cubic feet of water per second (cfs) from the Belle Fourche River located between a point in the SE 1/4 SE 1/4 Section 34-T8N-R7E and the SW 1/4 NW 1/4 Section 2-T7N-R7E.
2. The water appropriated shall be used for the purpose of a livestock watering system and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: April 1 – November 1.
4. The date of approval of Permit No. 1914-1 is July 5, 2010.
5. The date from which applicant may claim right is April 16, 2010.
6. One-fifth of the construction is to be completed on or before January 5, 2013.
7. All construction is to be completed on or before July 5, 2015.
8. Water is to be put to beneficial use on or before July 5, 2019.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

**QUALIFICATIONS**

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. Diversion under this permit shall be in accordance with any written order issued by the Chief Engineer.
3. Permit No. 1914-1 authorizes diversion of water from the Belle Fourche River only to the extent necessary to supply the livestock water system. Diversion of water shall be reduced to the amount needed so that overflow from stock tanks is kept to a minimum and if dams or dugouts are utilized, diversion shall not take place when they are full and overflowing.

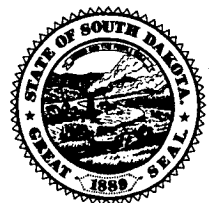
**WATER MANAGEMENT BOARD**

By: Garland Erbele

Garland Erbele, Chief Engineer  
Water Rights Program  
Department of Environment and Natural Resources

AUG 09 2010

date





# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4-16, 20 10

RECEIVED OF Mc Intosh LLC PO Box 178 Pierre SD 57501

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

|                                                                                                                        |       |         |
|------------------------------------------------------------------------------------------------------------------------|-------|---------|
| Fee for Application for Permit No. <u>1914-1</u> to Appropriate Water, to construct and to put water to beneficial use | 050   | 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>1914-1</u>            | 200   | 00      |
| 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 | 1050 00 |

No. **04532**

By Gale E. Erskine

LAW OFFICES  
OLINGER, LOVALD, McCAHREN & REIMERS, P.C.  
117 EAST CAPITOL  
P.O. BOX 66  
PIERRE, SOUTH DAKOTA 57501-0066  
www.olingerlaw.net

RECEIVED

APR 16 2010

WATER RIGHTS  
PROGRAM

RONALD D. OLINGER  
LEE C. "KIT" McCAHREN  
WADE A. REIMERS  
WILLIAM M. VAN CAMP

April 16, 2010

JOHN S. LOVALD - Of Counsel

TELEPHONE: 605-224-8851

FAX: 605-224-8269

TOLL FREE: 877-225-5548

HAND DELIVERED

PMB2020 Department of Environmental and Natural Resources  
Water Rights Program  
523 E. Capitol  
Pierre SD 57501

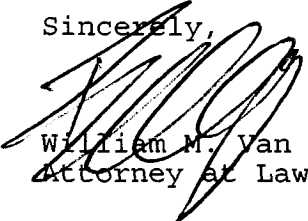
**Re: Application for Permit to Appropriate Water Within the State  
of South Dakota  
Livestock Watering System**

To Whom It May Concern:

Attached please find an Application for the Appropriation of Water for a livestock watering system in Butte County, South Dakota. It is signed by Neal Wanless who is the President of NW Ranches, LLC. Attached to the application is a Water Right Location Map showing a location of a diversion point for Water Permit #910-1. It is intended that the pump for this livestock watering system will be placed in the Belle Fourche River immediately adjacent to the existing pump for #910-1 using some of the same electrical facilities.

If you need anything else from my client or myself, please advise. A check was submitted for this application along with modifications to existing Permits #910-1 and #1852-1.

Sincerely,



William M. Van Camp  
Attorney at Law

WVC:lrd

enclosure

cc: client



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 1914-1, NW Ranches, LLC**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 1914-1, NW Ranches, LLC, c/o Bill Van Camp, PO Box 66, Pierre SD 57501-0066

The Chief Engineer is recommending APPROVAL of Application No. 1914-1 because 1) 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 qualification:

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. Diversion under this permit shall be in accordance with any written order issued by the Chief Engineer.
3. Permit No. 1914-1 authorizes diversion of water from the Belle Fourche River only to the extent necessary to supply the livestock water system. Diversion of water shall be reduced to the amount needed so that overflow from stock tanks is kept to a minimum and if dams or dugouts are utilized, diversion shall not take place when they are full and overflowing.

See report on application for additional information.

Garland Erbele, Chief Engineer  
June 4, 2010

NOTE: The Belle Fourche River may not be a reliable source of water, especially during periods of drought. As the permit holder you will need to limit your withdrawals so downstream prior rights are not impaired. The permit may be subject to periodic shut-off orders issued by the Chief Engineer.

**REPORT ON WATER PERMIT APPLICATION NO. 1914-1**  
**NW Ranches, LLC**  
**May 26, 2010**

Application No. 1914-1 proposes to appropriate 0.444 cubic feet of water per second (cfs) or 200 gallons per minute (gpm) from the Belle Fourche River located between a point in the SE¼ SE¼ Section 34, T8N-R7E and the SW¼ NW¼ Section 2, T7N-R7E. The water is for a livestock watering system.

**Review of the Water Source – Belle Fourche River**

The water source for this proposed project is the Belle Fourche River in the SW¼ SE¼ Section 34, T8N-R7E in Butte County. The Belle Fourche River rises in the northeast Wyoming and flows northeast around the northern edge of the Black Hills then east to the Cheyenne River confluence north of Wasta, SD, a total of 290 river miles. Belle Fourche Dam is part of the U.S. Department of the Interior, Bureau of Reclamation, Belle Fourche Project completed in 1914 that includes a diversion dam, storage dam and a system of canals that irrigate 57,068 acres located in southern Butte County in western South Dakota.

Since 1945 the United States Geological Survey (USGS) has maintained a stream flow gaging station near on the Belle Fourche River near Sturgis, SD located approximately 20 miles downstream of this proposed project. This gage is located downstream of several Belle Fourche Project wasteways and tributaries such as Owl and Horse Creeks. Historical data from this gaging station indicate there is 50 percent probability the median flow rate could range from 236 to 231 cfs or greater during any given year. There is a 75 percent probability the median flow rate could range from 77 to 211 cfs or greater for this same period of time. (Table 1)

**Table 1. Belle Fourche River near Sturgis, SD Median Flow Percentiles in cfs.**

| Probability | Jan | Feb | Mar | Apr | May  | Jun  | Jul | Aug | Sep | Oct | Nov | Dec |
|-------------|-----|-----|-----|-----|------|------|-----|-----|-----|-----|-----|-----|
| 90%         | 9   | 15  | 30  | 42  | 49   | 94   | 142 | 142 | 78  | 38  | 37  | 20  |
| 75%         | 19  | 25  | 52  | 56  | 77   | 172  | 211 | 208 | 167 | 56  | 47  | 28  |
| 50%         | 28  | 39  | 98  | 133 | 236  | 281  | 266 | 270 | 248 | 65  | 56  | 36  |
| 25%         | 40  | 90  | 408 | 473 | 650  | 659  | 364 | 330 | 299 | 88  | 77  | 50  |
| 10%         | 89  | 300 | 942 | 927 | 1372 | 1555 | 556 | 427 | 345 | 174 | 149 | 90  |

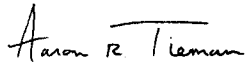
A portion of the water in the river is return flows from the Belle Fourche Irrigation District. This would be reflected in the flows increasing during the summer months as shown in Table 1 corresponding to irrigation return flows coming from the District. Because the amount or method of irrigation can change, return flows cannot be counted upon to provide a reliable supply of water.

**Review of the Project and Existing Water Rights**

Downstream of this project to the confluence of the Belle Fourche and Cheyenne Rivers there are 29 existing water rights appropriating 93.73 cfs. Based upon historic flow data, the existing water rights downstream of this project would have a high probability that they will not be adversely affected if this application is approved.

## **Conclusions**

1. Water Permit Application No. 1914-1 proposes to appropriate 0.444 cfs (200 gpm) from the Belle Fourche River for livestock watering purposes.
2. Approval of this request would not be expected to adversely affect existing water rights.



Aaron R. Tieman  
Natural Resources Project Engineer

Approved by



Mark D. Rath  
Natural Resources Engineering Specialist

## **Bibliography**

USGS National NWISWeb Water Information System 2010, Historical Stream Flow for South Dakota.

Water Right, 2010, Unpublished Water Rights Data, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS  
PROGRAM**

**MY COMMISSION EXPIRES NOV. 28, 2013**

## NOTICE OF APPLICATION

NOS. 910A-1, 1913-1 and 1914-1 to Amend and Appropriate Water

Notice is given that NW Ranches, PO Box 66, Pierre SD 57501 has filed the following applications for a water permit.

Application No. 910A-1 proposes to change the location of the Belle Fourche River diversion points authorized for Water Right/Permit Nos. 910-1, 1122-1, 1821-1 and 1889-1. Water Right No. 910-1 appropriates 2.5 cubic feet of water per second (cfs) to irrigate 175 acres; Water Right No. 1122-1 appropriates 4.49 cfs to irrigate 314 acres; Water Permit No. 1821-1 appropriates 0.89 cfs to irrigate 60 acres; and Water Permit No. 1889-1 appropriates no additional water to irrigate an additional 57.37 acres utilizing the diversion point and diversion authority authorized by Water Right No.

1122-1. The applicant is proposing to change the current diversion points locations so these four permits divert from the same pump station. The proposed Belle Fourche River diversion will be located between a point in the SE 1/4 SE 1/4 Section 34-T8N-R7E and the SW 1/4 NW 1/4 Sec 2-T7N-R7E. The applicant is also requesting a uniform annual period of use for the four permits of May 1 to October 15.

Application No. 1913-1 proposes to appropriate 1.49 cfs from the Belle Fourche River utilizing the existing diversion point authorized by Water Permit No. 1852-1 located in the SW 1/4 NW 1/4 Section 34 to irrigate 59 additional acres located in the E 1/2 SE 1/4 Section 33-T8N-R7E. Permit No. 1852-1 currently appropriates 1.74 cfs from the river to irrigate 121.9 acres located in the NE 1/4 Section 33, T8N, R7E. The existing permit and this application combined will appropriate 3.23 cfs to irrigate 180.9 acres, therefore, the applicant is also requesting authorization for a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 1914-1 proposes to appropriate 0.444 cfs from the Belle Fourche River located between a point in the SE 1/4 SE 1/4 Section 34-T8N-R7E and the SW 1/4 NW 1/4 Section 2-T7N-R7E. The water is for a livestock watering system.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 910A-1, 1913-1 and 1914-1 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 July 5, 2010.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications.

/s/ Steven M. Pirner, Secretary

Department of Environment and Natural Resources  
Published twice at the total approximate cost of \$71.57.

**Published Wed., June 16  
and Wed., June 23, 2010  
Butte County Post**



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
denr.sd.gov

June 7, 2010

Butte County Post  
614 State St  
Belle Fourche SD 57717

ATTENTION: Legal Public Notice

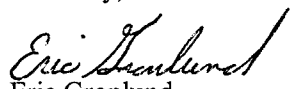
Enclosed is a Notice on Application Nos. 910A-1, 1913-1 and 1914-1 to Appropriate Water to be published twice. Please publish the first notice on June 16, 2010 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 NW Ranches, LLC, c/o William Van Camp, PO Box 66, Pierre SD 57501 (Ph # 605-224-8851).

**Please send the Water Rights Program the first publication immediately.** The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

  
Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

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

Nos. 910A-1, 1913-1 & 1914-1

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

Date \_\_\_\_\_

We are in receipt of your letter of June 7, 2010 enclosing Notice to Appropriate Water by Application Nos. 910A-1, 1913-1 & 1914-1 which was first published in our issue of \_\_\_\_\_. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[denr.sd.gov](http://denr.sd.gov)

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

June 7, 2010

NW Ranches LLC  
c/o William Van Camp  
PO Box 66  
Pierre SD 57501

Dear Mr. Van Camp:

Water Permit Application Nos. 910A-1, 1913-1 & 1914-1 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Butte County Post printed at Belle Fourche SD (Ph # 605-892-2528). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications 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 and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also 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  
[eric.gronlund@state.sd.us](mailto:eric.gronlund@state.sd.us)

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.

Instruction to Newspaper - Publish first Notice on June 16, 2010 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

---

NOTICE OF APPLICATION NOS. 910A-1, 1913-1 and 1914-1 to Amend and Appropriate Water

Notice is given that NW Ranches, PO Box 66, Pierre SD 57501 has filed the following applications for a water permit.

Application No. 910A-1 proposes to change the location of the Belle Fourche River diversion points authorized for Water Right/Permit Nos. 910-1, 1122-1, 1821-1 and 1889-1. Water Right No. 910-1 appropriates 2.5 cubic feet of water per second (cfs) to irrigate 175 acres; Water Right No. 1122-1 appropriates 4.49 cfs to irrigate 314 acres; Water Permit No. 1821-1 appropriates 0.89 cfs to irrigate 60 acres; and Water Permit No. 1889-1 appropriates no additional water to irrigate an addition 57.37 acres utilizing the diversion point and diversion authority authorized by Water Right No. 1122-1. The applicant is proposing to change the current diversion points locations so these four permits divert from the same pump station. The proposed Belle Fourche River diversion will be located between a point in the SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  Section 34-T8N-R7E and the SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  Sec 2-T7N-R7E. The applicant is also requesting a uniform annual period of use for the four permits of May 1 to October 15.

Application No. 1913-1 proposes to appropriate 1.49 cfs from the Belle Fourche River utilizing the existing diversion point authorized by Water Permit No. 1852-1 located in the SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  Section 34 to irrigate 59 additional acres located in the E  $\frac{1}{2}$  SE  $\frac{1}{4}$  Section 33-T8N-R7E. Permit No. 1852-1 currently appropriates 1.74 cfs from the river to irrigate 121.9 acres located in the NE  $\frac{1}{4}$  Section 33, T8N, R7E. The existing permit and this application combined will appropriate 3.23 cfs to irrigate 180.9 acres, therefore, the applicant is also requesting authorization for a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 1914-1 proposes to appropriate 0.444 cfs from the Belle Fourche River located between a point in the SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  Section 34-T8N-R7E and the SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  Section 2-T7N-R7E. The water is for a livestock watering system.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 910A-1, 1913-1 and 1914-1 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 July 5, 2010.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.  
Published twice at the total approximate cost of \_\_\_\_\_.



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
denr.sd.gov

AUG 09 2010

NW Ranches LLC  
Bill Van Camp  
PO Box 66  
Pierre SD 57501

Dear Mr. Van Camp:

Enclosed are Water Permit Nos. 910A-1, 1913-1 & 1914-1 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses may be issued, thus completing the acquisition of a water right.

An informational sheet ? *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Garland Erbele, Chief Engineer  
Water Rights Program  
(605) 773-3352

enclosures

## **Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 1914-1**

I have this day **June 19, 2019** made a thorough examination of the water use system constructed by **NW Ranches LLC** of Permit No. **1914-1**, bearing the priority of **4/16/2010** authorizing the diversion of **.444** cu. ft. per second of the water from the Belle Fourche River for **livestock** purposes in **Butte** County.

Inspection contact & relationship to permit holder : **Adam Karrels, ranch manager**  
**605-490-1701 (cell)**  
Correspondence to: **Wm. Van Camp, Attorney**  
**PO Box 66, Pierre SD 57501-0066**

### **A. Works used to divert the water:**

Water is diverted from the Belle Fourche River via gravity flow through twin 36" concrete pipes approximately 430' long extending to a concrete pumping gallery of approximately 20' depth. This gallery is used for irrigation (License No. 910A-1) and livestock use. The livestock pump is a conventional submersible pump hanging inside a PVC casing located in the gallery.

#### **Pump:**

- 1) Make Gould
- 2) Model 95L20
- 3) Size 6"
- 4) Capacity 124 GPM
- 5) Horsepower rating 20 hp

Note: The pump is rated at 95 gpm and is producing 124 gpm as installed.

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

The pump is controlled with a variable frequency drive set to deliver water to the storage tanks located approximately 3 miles distant and 340 feet higher in elevation through 6" PVC pipe. The steel storage tanks have a total volume of 80,000 gallons ( four 20,000 gallon) and gravity feed to supply 50+ miles of pipeline.

### **C. Works used to apply water to beneficial use:**

The system supplies water to NW Ranches and two adjoining land owners with total livestock numbers of approximately 3,800 cattle and 1,000 horses.

### **D. Compliance with Permit Requirements:**

- 1) Permit qualifications being abided by: Yes
- 2) Exceptions to compliance are: none

**E. Condition and Location:**

1. The system is in good condition with the point of diversion located as follows:  
**184' N and 1,318' E of the SW corner Section 35 T8N R7E (44.605037, -103.241206)**
2. The works are capable of diverting and conveying to the place of use **0.28** cu. ft. per second (124 gpm) of water which is to be used for **livestock** use and the license should be issued for **0.28 cfs**.
3. All structures, wells and lands on map: **No – diversion, pumping gallery and pump house only.**

**F. Comments or other permit(s) associated with the project: none**



Steven Quissell  
Water Rights Inspector  
DENR Water Rights Program

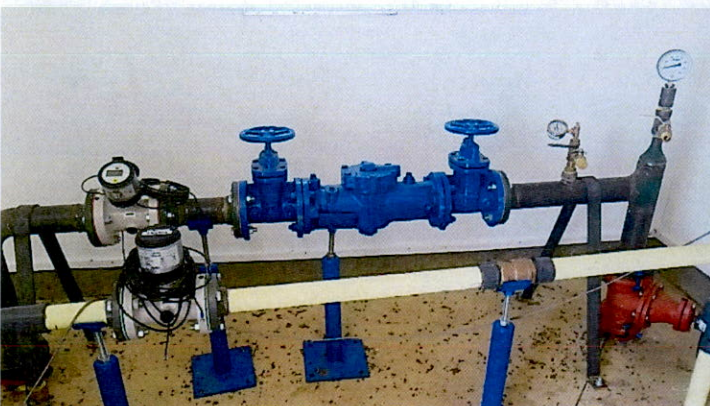
Date Report Completed: **June 21, 2019**



Belle Fourche River diversion 6/19/2019



Steel vault in foreground is access location to pumping gallery used for the submersible pump for the livestock system. (also used for irrigation license No. 910A-1)



Pump house manifold (water meter at center left)



36" concrete pipe used for twin diversion intakes

## Belle Fourche River Diversion – License Nos. 910A-1 and 1914-1



Belle Fourche River diversion location. Water is diverted to the pumping gallery through twin 36" concrete pipes approximately 430' long.

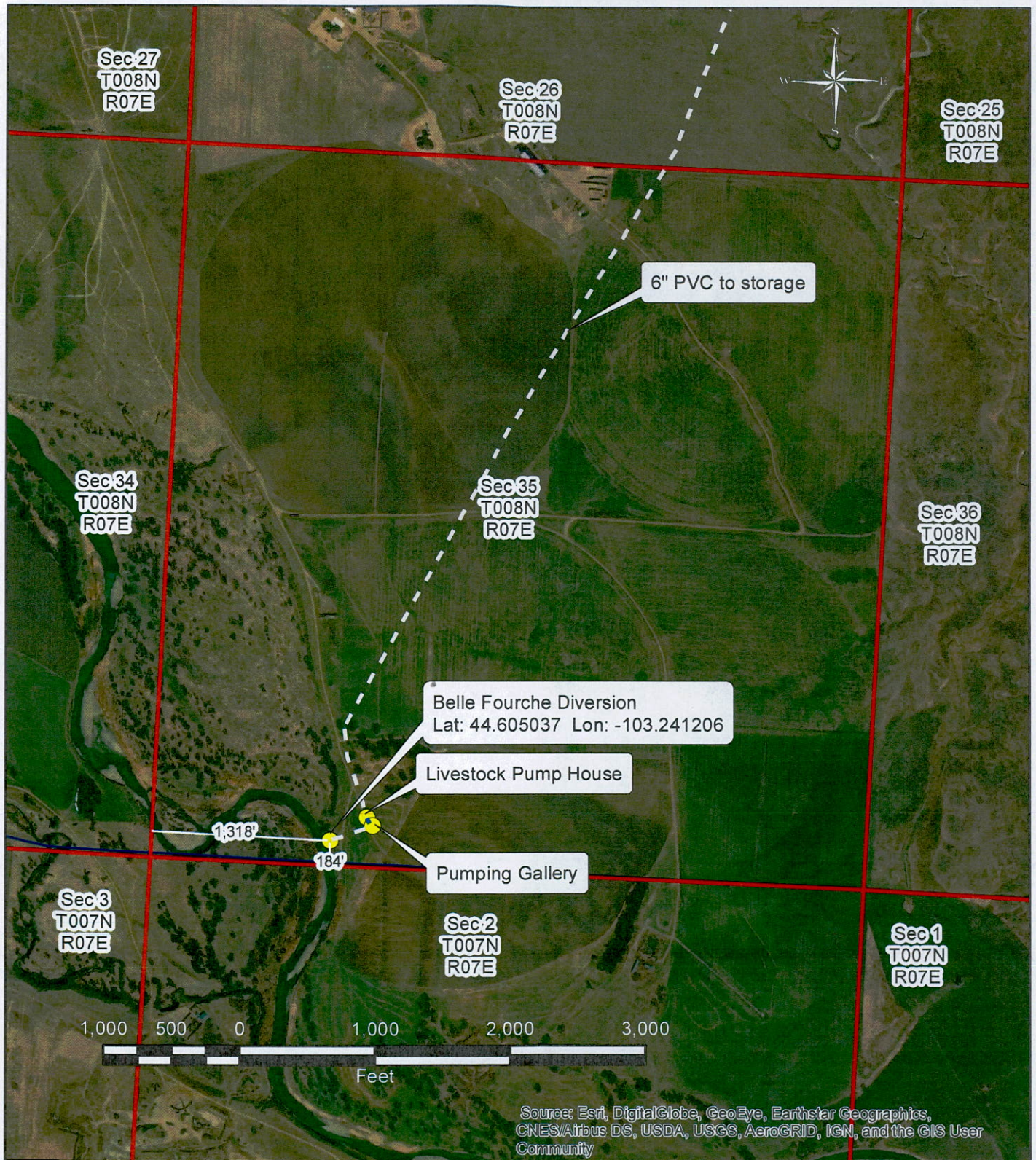


Steel vault in foreground is access location to pumping gallery for 3 turbine pumps serving License No. 910A-1 and the submersible pump serving livestock License No. 1914-1.



14" steel manifold and valves for sprinkler irrigation License No. 910A-1

Water Right #1914-1  
NW Ranches LLC  
6/19/2019



*Steven Quissell*

Steven Quissell  
Water Rights Inspector  
DENR Water Rights Program





DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

[denr.sd.gov](http://denr.sd.gov)

JUN 28 2019

1914-1

Bill Van Camp, Attorney  
NW Ranches LLC  
PO Box 66  
Pierre SD 57501

Dear Mr. Van Camp:

Enclosed is Water License No. 1914-1. This is the final water right document completing the process of obtaining a Water Right. Included with the license is a map prepared by the staff engineer who conducted the field investigation.

As long as the water is beneficially used for the purpose it was appropriated, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures

# STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 1914-1

(1) NW Ranches LLC., % Bill VanCamp, PO Box 66, Pierre SD 57501 made Application No. 1914-1, April 16, 2010 for a water permit to divert 0.444 cubic feet of water per second from the Belle Fourche River, Butte County, South Dakota for domestic (livestock watering system) purposes. Permit No. 1914-1, with a priority date of April 16, 2010 was approved July 5, 2010 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 5, 2015 and for the application to beneficial use of said water on or before July 5, 2019.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 0.28 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 184°N and 1,318°E of the SW corner of Section 35, T8N, R7E (SW ¼ SW ¼)  
Latitude 44.605037, Longitude -103.241206

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 NW Ranches LLC., % Bill VanCamp, PO Box 66, Pierre SD 57501 the holder and/or owner of Water Right No. 1914-1 is issued a license to appropriate water, the right to use 0.28 cubic feet of water per second from the Belle Fourche River with a priority date of April 16, 2010 from the location specified in (2) of this license for domestic use (livestock watering system) purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1914-1 and subject to the following qualifications:

- Low flows as needed for downstream domestic use including livestock water and prior water rights must be bypassed.
- Diversion under this water right shall be in accordance with any written orders issued by the Chief Engineer.
- Water Right No. 1914-1 authorizes diversion of water from the Belle Fourche River only to the extent necessary to supply the livestock water system. Diversion of water shall be reduced to the amount needed so that overflow from the stock tanks is kept to a minimum and if dams or dugouts are utilized, diversion shall not take place when they are full and overflowing.



Jeanne Goodman, Chief Engineer  
Water Rights Program  
Department of Environment and Natural Resources

JUN 28 2019

date



1914-1

RECEIVED

DEC 21 2022

OFFICE OF  
WATER

## MUETING ENGINEERING

612 Community Drive

Seneca, Kansas 66538

785-334-6044

[mueting-eng@rainbowtel.net](mailto:mueting-eng@rainbowtel.net)

---

December 13, 2022

Chief Engineer  
Department of Agriculture & Natural Resources  
Water Rights Program  
523 East Capitol  
Pierre, South Dakota 57501-3181

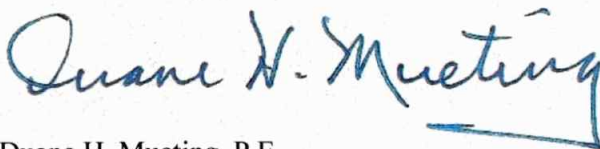
RE: Notice of Transfer of Ownership  
Water Right #'s: 910A-1 / 1913-1 / 1924-1 / 1914-1

Please find enclosed four (4) applications for Transfer of Ownership of the above noted water rights. Also enclosed is a check for \$200.00 (\$50.00 per Water Right) for the transfer filing fee.

Should you have any questions or require additional information, please contact this office.

Sincerely,

MUETING ENGINEERING



Duane H. Mueting, P.E.  
Licensed Professional Engineer #16142 (SD)

DHM/alm

cc: Dan Gerety, J-Six Enterprises, LLC  
File

1914-1

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date December 21, 2022

RECEIVED OF J-Six Farms 604 Nemaha Street Seneca, KS 66538

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

|                                                                                                                   |                 |
|-------------------------------------------------------------------------------------------------------------------|-----------------|
| Fee for Application for Permit No. _____ to Appropriate Water, to<br>construct and to put water to beneficial use | \$ _____        |
| Fee for Application for Permit No. _____ to Appropriate Water for<br>Future use                                   | \$ _____        |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                            | \$ _____        |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing<br>Water License No. _____            | \$ _____        |
| Fee for Filing Transfer Form <u>1914-1</u>                                                                        | \$ <u>50.00</u> |
| 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                                                                                                             | \$ <u>50.00</u> |

By Eric Gronlund  
Chief Engineer  
*vm*

PAID

DEC 21 2022

Ck# 550337

**NOTICE OF TRANSFER OF OWNERSHIP** Rec't# \_\_\_\_\_

To: Chief Engineer  
Water Rights Program, DANR  
523 East Capitol  
Pierre, South Dakota 57501-3181

No.: 1914-1

Date: December 15, 2022

I/We request that Water Right No. 1914-1

formerly owned by: NW Ranches, LLC

be transferred to: J-Six South Dakota Land Holdings, LP  
604 Nemaha Street, Seneca, Kansas 66538  
785-336-1499

RECEIVED

DEC 21 2022

OFFICE OF  
WATER

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

Diversion point location: Southwest One-Quarter of Section 35, Township 8 North, Range 7 East of Butte County, South Dakota (this is a water right for livestock watering).

I/We understand that the validity of Water Right No. 1914-1 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.**

I/We Dan Gerety, President — J-Six South Dakota Land Holdings, LP, the new owner, certify that the above information is true and correct.

  
Signed by New Owner

**NOTE:** Water permits may be cancelled for non-construction after the five year construction period has expired. Once a water permit is developed and water used, the permit becomes a right. A water right may be lost for three (3) 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.

# State of South Dakota

Office of the Secretary of State

## Certificate of Registration

Foreign Limited Partnership

I, **Steve Barnett**, Secretary of State of the State of South Dakota, hereby certify that the Application for Registration of Foreign Limited Partnership to transact business in this state for

**J-Six South Dakota Land Holdings, L.P.**

BUSINESS ID# FP239852

with an effective date of: December 6, 2022, duly signed and verified, has been received in this office and is found to conform to law.

**ACCORDINGLY**, and by virtue of the authority vested in me by law, I hereby issue this Certificate of Registration and attach hereto a duplicate of the Application for Registration of Foreign Limited Partnership.



**IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of South Dakota, in Pierre, the Capital City, this day, December 6, 2022.

*Steve Barnett*

**Steve Barnett**  
Secretary of State

12/06/2022 4:02 PM

Secretary of State Office  
500 E Capitol Ave  
Pierre, SD 57501  
(605)773-4845  
[corpinfo@state.sd.us](mailto:corpinfo@state.sd.us)

## APPLICATION FOR REGISTRATION FOREIGN LIMITED PARTNERSHIP

**FILING FEE: \$125**  
Make check payable to SECRETARY OF STATE

1. The Name of the limited partnership:

J-Six South Dakota Land Holdings, L.P.

*Note: The name shall contain the words "Limited Partnership" or the initials "L.P." or "LP".*

2. If different, the name which it proposes to register and transact business in South Dakota:

3. The name of the state or other jurisdiction under whose laws it is incorporated: Kansas

4. The date of its formation: 12-05-2022

5. The street address of the office required to be maintained in the State of its organization by the laws of that state or, if not so required, of the principal office of the foreign limited partnership:

|                   |               |           |              |
|-------------------|---------------|-----------|--------------|
| <u>604 Nemaha</u> | <u>Seneca</u> | <u>KS</u> | <u>66538</u> |
| Street Address    | City          | State     | ZIP+4        |

|                                                  |      |       |       |
|--------------------------------------------------|------|-------|-------|
| Mailing Address if different from street address | City | State | ZIP+4 |
|--------------------------------------------------|------|-------|-------|

Email Address (Optional)

6. The South Dakota Registered Agent's name:

South Dakota law permits the registered agent to be either: **A)** noncommercial registered agent (this may be an individual), **B)** a commercial registered agent, or **C)** an office holder. **Complete only one below, either (a) or (b) or (c).**

**(a)** The South Dakota Noncommercial Registered Agent's name Danny R. Smeins

|                                     |                |           |              |
|-------------------------------------|----------------|-----------|--------------|
| <u>755 7th. Street, Suite 106</u>   | <u>Britton</u> | <u>SD</u> | <u>57430</u> |
| Actual Street Address in this State | City           | State     | ZIP+4        |

|                                                                 |                |           |              |
|-----------------------------------------------------------------|----------------|-----------|--------------|
| <u>P.O. Box A</u>                                               | <u>Britton</u> | <u>SD</u> | <u>57430</u> |
| Mailing Address in this State, if Different from Street Address | City           | State     | ZIP+4        |

Email Address (Optional)

- (b)** When listing a Commercial Registered Agent, please state their CRA#. This number can be obtained from the Commercial Registered Agent.

|                                  |      |
|----------------------------------|------|
| Commercial Registered Agent Name | CRA# |
|----------------------------------|------|

(c) Title of the office or other position with the business \_\_\_\_\_

|                                                       |      |       |       |
|-------------------------------------------------------|------|-------|-------|
| Business Office's Actual Street Address in this State | City | State | ZIP+4 |
|-------------------------------------------------------|------|-------|-------|

|                                                                 |      |       |       |
|-----------------------------------------------------------------|------|-------|-------|
| Mailing Address in this State, if Different from Street Address | City | State | ZIP+4 |
|-----------------------------------------------------------------|------|-------|-------|

Email Address (Optional) \_\_\_\_\_

7. The name and business address of each general partner. Any foreign corporation acting as the general partner in a limited partnership shall comply with the foreign corporation registration laws of this state.

|                                                   |                |        |       |       |
|---------------------------------------------------|----------------|--------|-------|-------|
| Five Star Land Series - J-Six Enterprises, L.L.C. | 604 Nemaha     | Seneca | KS    | 66538 |
| General Partner                                   | Street Address | City   | State | ZIP+4 |

|                 |                |      |       |       |
|-----------------|----------------|------|-------|-------|
| General Partner | Street Address | City | State | ZIP+4 |
|-----------------|----------------|------|-------|-------|

|                 |                |      |       |       |
|-----------------|----------------|------|-------|-------|
| General Partner | Street Address | City | State | ZIP+4 |
|-----------------|----------------|------|-------|-------|

|                 |                |      |       |       |
|-----------------|----------------|------|-------|-------|
| General Partner | Street Address | City | State | ZIP+4 |
|-----------------|----------------|------|-------|-------|

8. The address of the office at which is kept a list of the names and addresses of the limited partners and their capital contributions, together with an undertaking by the foreign limited partnership to keep those records until the foreign limited partnership's registration in this state is canceled or withdrawn:

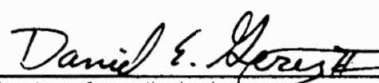
|                |        |       |       |
|----------------|--------|-------|-------|
| 604 Nemaha     | Seneca | KS    | 66538 |
| Street Address | City   | State | ZIP+4 |

|                                                  |      |       |       |
|--------------------------------------------------|------|-------|-------|
| Mailing Address if different from street address | City | State | ZIP+4 |
|--------------------------------------------------|------|-------|-------|

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a criminal penalty (SDCL 22-39-36).

This document must be signed by a general partner.

Dated 12/5/2022 \_\_\_\_\_

Email rhonda@fairviewmills.com  
(Optional) \_\_\_\_\_


Signature of an authorized person

Daniel E. Gerety, II, Pres, JAK#1, LLC, Manager  
Printed Name



1914-1

**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 E. CAPITOL AVE  
PIERRE SD 57501-3182  
danr.sd.gov

December 21, 2022

910A-1  
1913-1  
1914-1  
1924-1

Dan Gerety  
J-Six South Dakota Land Holdings LP  
604 Nemaha St  
Seneca KS 66538

Dear Mr. Gerety:

I am writing to acknowledge receipt of the transfer forms and filing fees sent to us by Mueting Engineering.

The ownership changes have been completed. Water Right Nos. 910A-1, 1913-1, 1914-1 and 1924-1 formerly held by NW Ranches LLC are now listed under J-Six South Dakota Land Holdings LP.

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

Sincerely,

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

enclosures

c: Duane H Mueting, Mueting Engineering