

WATER PERMIT NO. 1982-1

Name of Applicant: Foothill Land and Cattle LLC

Address: PO Box 73, Northville SD 57465 Phone: 715 416-1501

Amount of Water Claimed: 0.33 3 cfs (120 AF) Total Acres: NA

Source of Water Supply: 1 well

Water to be used for: commercial County: Butte

Type of Waste Disposal System:

Location: 5 miles southwest of Nisland

PRIORITY Date Received: 6-8-18 Application/License Fee: \$ 700

Corrected Application Received: Period of Annual Use: January 1 – December 31

Remarks: Serves as a back-up supply to Wae rRight No. 1650-1

Diversion Point: NW 1/4 SW 1/4 Sec 28-T8N-R4E

Land to be Irrigated: NA

Depth of Well: 1141 feet deep

Well Driller: Tyvo LLC

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 6-11-18

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 1982-1**

Date of first receipt of application June 8, 2018.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1982-1 to Foothill Land and Cattle LLC, PO Box 73, Northville SD 57465 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. 1982-1 appropriates 120 acre-feet of water annually at a maximum pump rate of 0.333 cubic feet of water per second (cfs) from one well completed into the Inyan Kara Aquifer (1,141 feet deep) located in the NW 1/4 SW 1/4 Section 28-T8N-R4E. This well will serve as a back-up supply for commercial use at a livestock confinement operation located in the SW 1/4 Section 28, SE 1/4 SE 1/4 Section 29 and N 1/2 NW 1/4 Section 33; all in T8N-R4E. Water Right No. 1650-1 appropriates 0.89 cfs from one well completed into the Madison Aquifer well located in the NE 1/4 SW 1/4 Section 33-T8N-R4E to supply the livestock confinement operation and supplemental water for irrigation of land authorized by Water Right No. 1231-1. Water Right No. 1650-1 will serve as the main water source for the operation with this permit being maintained as a back-up supply. The well and facility are located approximately 11 miles southeast of Belle Fourche SD.
2. The water appropriated shall be used for the purpose of commercial use 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: January 1 – December 31.
4. The date of approval of Permit No. 1982-1 is August 27, 2018.
5. The date from which applicant may claim right is June 8, 2018.
6. One-fifth of the construction is to be completed on or before February 27, 2021.
7. All construction is to be completed on or before August 27, 2023.
8. Water is to be put to beneficial use on or before August 27, 2027.
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. 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.
2. Water Permit No. 1982-1 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.

(continued)

3. Water Permit No. 1982-1 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a. Chapter 74:54:01 Ground Water Quality Standards,
 - b. Chapter 74:54:02 Ground Water Discharge Permit,
 - c. Chapter 74:51:01 Surface Water Quality Standards,
 - d. Chapter 74:51:02 Uses Assigned to Lakes,
 - e. Chapter 74:51:03 Uses Assigned to Streams, and
 - f. Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions
4. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Inyan Kara aquifer.
5. Water Permit No. 1982-1 authorizes a total annual diversion of 120 acre feet of water.
6. 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: _____

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

SEP 04 2018

date



RECEIVED

JUN 08 2018

WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>1982-1</u> (office use only)
	Hydrologic Unit <u>10120202</u>
	Basin <u>Belle Fourche River</u>
	Newspaper <u>Black Hills Pioneer, Spearfish</u>

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

Check use(s) of water:

☐ Municipal	☐ Water Distribution System	☐ Recreational	☐ Institutional
☐ Rural Water System	☐ Commercial	☐ Fish & Wildlife	☐ Geothermal
☐ Domestic (over 18 gpm)	☐ Industrial	☒ Other <u>back up cattle water</u>	

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.)

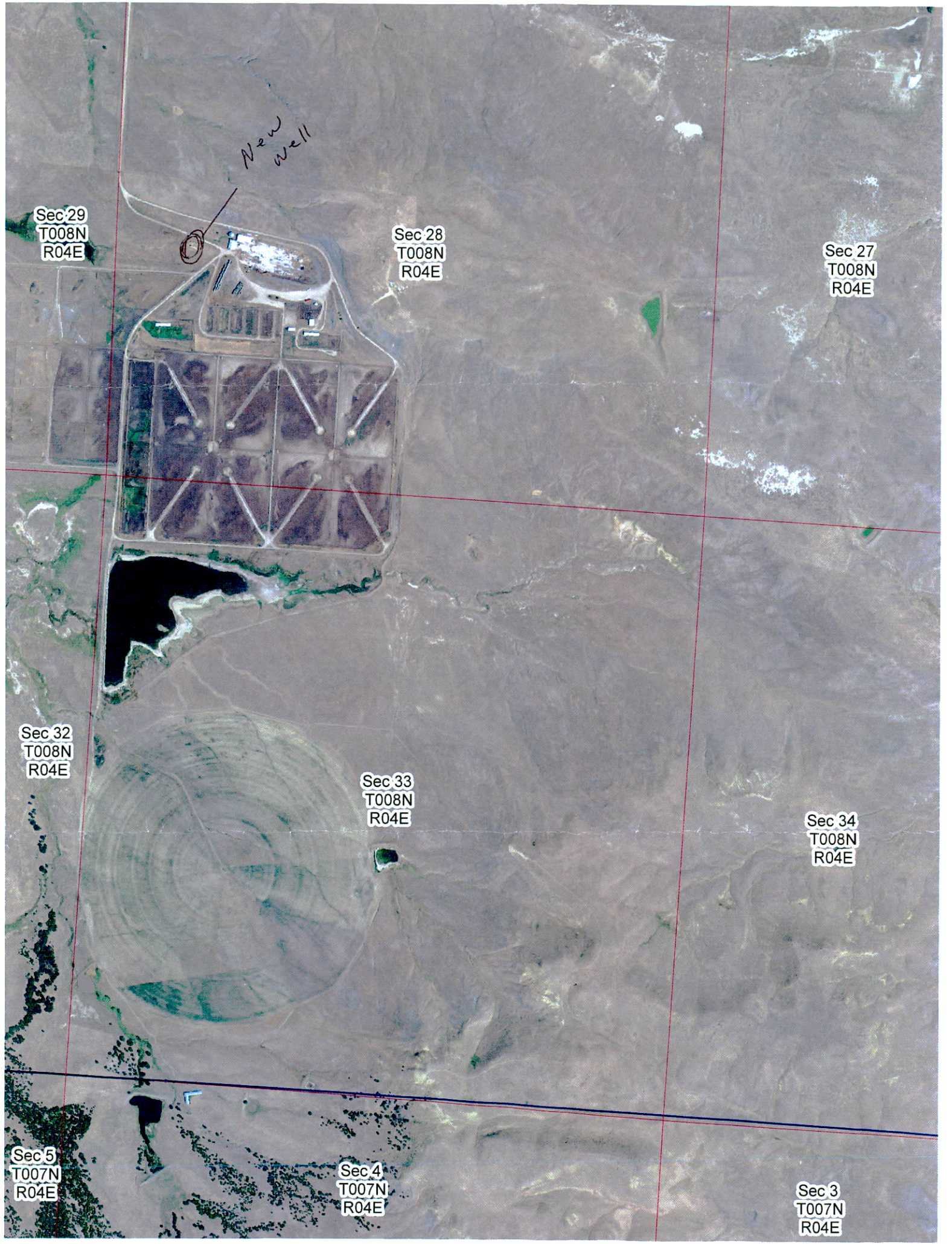
- Name to Appear on Water Permit Foothill Land and Cattle, LLC
Mailing Address P.O. Box 73 Northville SD 57465
(Address) (City) (State) (Zip Code)
Phone 715 416 1501 Mobile 715 416 1501 Email coachsparling12@gmail.com
- Amount of water claimed 0,333 *CFS or 150 **GPM and 120 ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use)
- Source of water supply I enclosed well Report. I think Dakota/Lakota/Inyan Kara
- Location of point of diversion NW 1/4 section 28 T008N R04E County Butte
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No
If "Yes," where will water be used? Feedlot: SW 1/4 Sec 28; N 1/2 NW 1/4 Sec 33; all in T8N-R4E
(example - NW 1/4 section 12-T104N-R53W)
- County or counties where water will be used Butte
- Annual period during which water is to be used Jan 1 - Dec 31

- 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)

we dug a well as a backup well for our feedlot. our plan is to use it if our main madison well breaks. our intentions is for this well to be used as a backup source if the main well breaks and to bridge the the gap when the main well is down. We would plan to fix the main well. we just don't want the cattle to run out of water.

I, Jason Sparling, owner, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.



New Well

Sec 29
T008N
R04E

Sec 28
T008N
R04E

Sec 27
T008N
R04E

Sec 32
T008N
R04E

Sec 33
T008N
R04E

Sec 34
T008N
R04E

Sec 5
T007N
R04E

Sec 4
T007N
R04E

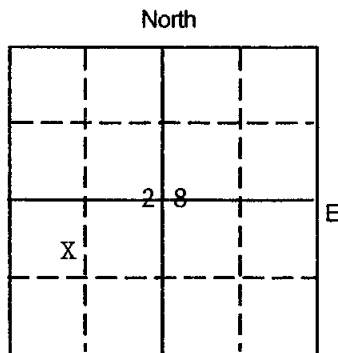
Sec 3
T007N
R04E

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW ¼ SW ¼ Sec 28 Twp 8N Rg 4E

County BUTTE



Please mark well location with an "X"

Well completion Date

10-28-17

1 Mile

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? ft. from (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

MUD ROTARY

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
36 LB/FT	9 5/8 IN	0 FT	22 FT	14.75 IN
20 LB/FT	7 IN	-2 FT	514 FT	8.75 IN
15.5 LB/FT	5.5 IN	514 FT	1141 FT	8.75 IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
CLASS G	100	14.8 Lb/gal	1141 Ft	650 Ft
EXTREME	125	13 Lb/gal	650 Ft	0 Ft

Describe grouting procedure PRESSURE GROUTED BY

OILFIELD SERVICE COMPANY

SCREEN:

☐ Perforated pipe ☐ Manufactured

Diameter Inches Length Feet

Material Jet shot @ 891-899, 930-938,

Slot Size Set From Feet to Feet

Other information 930-938, 950-958, 963-971, 999-1007

1018-1026, 1030-1046, 1075-1085, 1098-1106

per call w/ TYVO 4/4/18 WK

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? CHLORINE

☐ No, Why Not?

Lab sample sent to for water quality analysis

ATTACHED

Please return **WHITE COPY** to: DENR Water Rights

Well Owner: FOOTHILLS FEEDERS

Business Name:

Address: 19156 DANISH ROAD

City, State, Zip: BELLE FOURCHE, SD 57717

mailing box 73 Northville, SD 57465

WELL LOG:

DEPTH

FORMATION	FROM	TO
BLACK SHALE	0	770
SILT HARD STRINGERS	770	790
SHALE & CLAY	790	880
SANDSTONE & SHALE STRINGERS	880	980
SHALE-COLORED (FUSON) (DAKOTA)	980	1000
SANDSTONE & SHALE STRINGERS (DAKOTA)	1000	1110
GREY/GREEN SHALE (MORRISON)	1110	1141

STATIC WATER LEVEL

FEET

If flowing: closed in pressure

15

PSI

GPM flow 4

through 1

Inch pipe

Controlled by ☒ Valve

☐ Reducers

☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

YES

WELL TEST DATA:

☐ Pumped

Describe:

AIR LIFTED 70 GPM F/480'

☐ Bailed

☒ Other

Pumping Level Below Land Surface

 Ft. After

 Hrs. pumped

GPM

 Ft. After

 Hrs. pumped

GPM

If pump installed, pump rate:

GPM

REMARKS

Inyan Kara W2

This well was drilled under license #

205

And this report is true and accurate.

Drilling firm: TYVO, LLC

Signature of License Representative:

RECEIVED

JAN 09 2018

Signature of Well Owner or Equitable Property Holder:

WATER RIGHTS PROGRAM

Date:

12-27-17

523 E Capitol Ave.

Pierre SD 57501

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date June 8

, 20 18

RECEIVED OF Foothill Feeders, LLC PO Box 73 Northville SD 57465

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

Fee for Application for Permit No. <u>1982-1</u> to Appropriate Water, to construct and to put water to beneficial use	500	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>1982-1</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	700 00

No. **08760**

By

Jeanne Goodman
Chief Engineer

272

2016

Enter Filing Year
Secretary of State Office
500 E Capitol Ave
Pierre, SD 57501
(605)773-4845

ANNUAL REPORT

DOMESTIC LLC

SDCL 47-34A-211; 59-11-24, 24.1

Please Type or Print Clearly in Ink

FILING FEE: \$50.00 Make check payable to SECRETARY OF STATE

FILE DATE 9/15/2016

RECEIPT NO 454818

1. LLC ID and Name:

DL045188

Enter LLC ID

Foothill Land and Cattle, LLC

Enter LLC Name

2. The jurisdiction under whose law it is formed SOUTH DAKOTA

3. The address of the principal executive office (business address).

415 PARK STREET NORTHVILLE SD 57465

Actual Street Address or Rural Route Box Number City State ZIP+4

PO BOX 73 NORTHVILLE SD 57465

Mailing Address, if Different from Street Address City State ZIP+4

4. The name of the South Dakota Registered Agent

Agent Name: THOMAS E BRADY

135 E COLORADO BLVD SPEARFISH SD 57783

Actual Street Address or Rural Route Box Number in This State City State ZIP+4

Mailing Address in This State, if Different from Street Address City State ZIP+4

5. The names and business addresses of its principal officers and directors (governors). If, pursuant to SDCL 59-11-24, the board of directors has been eliminated, list the names of the shareholders.

☐

Manager Actual Street Address City State ZIP+4

☐

Manager Actual Street Address City State ZIP+4

☐

Manager Actual Street Address City State ZIP+4

No person may execute this report knowing it is false in any material aspect. Any violation is subject to a civil penalty (SDCL 47-1A-129).

Dated 09/15/2016

Signature Accepted Electronically

(Signature of an Authorized Person)

JASON R SPARLING

(Printed Name)

*By signing this form you agree to have both the fee and the form processed electronically.
A fee of up to \$40 will be assessed for returned payments.

9/15/2016 11:21:53 AM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

April 6, 2018

Foothills Land and Cattle LLC
c/o Jason Sparling
PO Box 73
Northville SD 57465

Dear Mr. Sparling:

A well completion report filed by TYVO LLC shows a well was completed for you in October, 2017 located in the NW 1/4 SW 1/4 Section 28-T8N-R4E. A review of our files indicates Foothills Land and Cattle LLC holds two water rights in this area.

- Water Right No. 1231-1 authorizes irrigation of 134 acres from a 110 acre-feet dry draw dam.
- Water Right No. 1650-1 authorizes 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 authorized on Water Right No. 1231-1.

Is the new well an additional well for commercial use to supply the livestock confinement operation? If so, a water permit application will be required. Or is the new well a replacement well? If so, water permit application will also be required because the new well is into a different water formation (Inyan Kara Aquifer).

Enclosed is an application form and instruction sheet to apply for a Permit to Appropriate Water within the State of South Dakota. If you have any questions, please contact me. We want to work with you to get the necessary permitting in place.

Sincerely,

Karen Schlaak
Water Rights Program
karen.schlaak@state.sd.us

enclosures

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, April 24, 2018 3:51 PM
To: 'coachsparling12@gmail.com'
Subject: Backup well
Attachments: map.pdf

Jason,

I talked Eric Gronlund about the back-up supply well you drilled. The Water Rights Program permits wells by water source. The well authorized by Water Right No. 1650-1 is a Madison Aquifer well. The new well was constructed into the Inyan Kara Formation which is a different water source. It will be necessary for you to complete the application forms which were sent to you.

I have attached an aerial photo map for your location. On the map, please mark the new well location with an "X".

On Item No. 2 of the application, you are required to quantify an annual volume in either gallons/year or acre feet/year in addition to the pump rate of 400 gpm.

Since this is to be a back-up water supply we would presume the annual volume would be less than 120 acre feet of water. If that is the case, the fee would be \$500 plus licensing fee of \$200. If you ever intended to use as something other than back-up which would use more than 120 acre feet annually the fee would need to be adjusted accordingly.

If you have any questions or need help completing the application, please contact Eric or me.

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

May 16, 2018

Foothills Land and Cattle LLC
c/o Jason Sparling
PO Box 73
Northville SD 57465

Dear Mr. Sparling:

On April 6th, a letter was sent regarding a well completion report we received and your existing water rights. On April 24th you called regarding that letter. You explained the new well was a back-up supply for the livestock confinement operation authorized by Water Right No. 1650-1. A follow-up email was sent explaining the DENR's position regarding the new well. I am uncertain whether you received the email.

The Water Rights Program permits wells by water source. The well authorized by Water Right No. 1650-1 is a Madison Aquifer well. The new well was constructed into the Inyan Kara Formation which is a different water source. It will be necessary for you to file an application for this well (forms and instructions enclosed). Also, enclosed is an aerial photo map. On the map mark the new well location with an "X".

On Item No. 2 of the application, you are required to quantify an annual volume in either gallons/year or acre feet/year in addition to the pump rate.

Since this is to be a back-up supply, we would presume the annual volume would be less than 120 acre feet of water. If that is the case, the fee would be \$500 plus licensing fee of \$200. If you ever intend to use the water for something other than a back-up supply using more than 120 acre feet annually, the fee would need to be adjusted accordingly.

If you have questions or need help completing the application, please contact Eric Gronlund or me.

Sincerely,

Karen Schlaak
Water Rights Program
karen.schlaak@state.sd.us

enclosures

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Foothill Land and Cattle LLC

ADDRESS: PO Box 73, Northville SD 57465 57501 COUNTY: Butte County

DATE: June 11, 2018 TELEPHONE: Jason Sparling 715 416 1501

RE: amount of water claimed

COMMENTS:

I contacted Mr. Sparling regarding the amount of water claimed on the application filed with DENR on June 8, 2018. Mr. Sparling said the well driller said it should produce about 115 gpm. However, the pump is not in the well nor is the plumbing completed. It is there intend for this well to be solely a back up to the Madison well authorized by 1650-1.

He requested at this time that the amount of water claimed be 150 gpm and the annual volume be up to 120 acre feet of water.

NAME: Eric Sparling



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1982-1, Foothill Land and Cattle LLC**

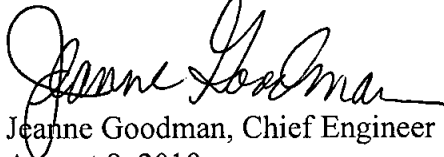
Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 1982-1, Foothill Land and Cattle LLC, PO Box 73, Northville SD 57465.

The Chief Engineer is recommending APPROVAL of Application No. 1982-1 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 qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Water Permit No. 1982-1 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
3. Water Permit No. 1982-1 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions
4. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Inyan Kara aquifer.
5. Water Permit No. 1982-1 authorizes a total annual diversion of 120 acre feet of water.

6. 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.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "Jeanne Goodman". The signature is fluid and cursive, with a large initial "J" and "G".

Jeanne Goodman, Chief Engineer
August 9, 2018

REPORT ON APPLICATION NO. 1982-1
For Foothills Land & Cattle, LLC, % Jason Sparling
August 6, 2018

Foothills Land & Cattle, LLC has filed Water Permit Application No. 1982-1 for a water permit to appropriate 120 acre-feet of water annually at a maximum pump rate of 0.333 cubic feet of water per second (cfs) from one well completed into the Inyan Kara aquifer (approximately 1,141 feet deep) located in the NW¼ SW¼ Section 28, T8N-R4E. This well will serve as a back-up supply for commercial use at a livestock confinement operation located in the SW¼ Section 28, SE¼ SE¼ Section 29 and N½ NW¼ Section 33; all in T8N-R4E.

Water Right No. 1650-1 appropriates 0.89 cfs from one well completed into the Madison aquifer located in the NE¼ SW¼ Section 33, T8N-R4E to supply a livestock confinement operation and supplemental water for irrigation of land authorized by Water Right No. 1231-1. Water Right No. 1650-1 will serve as the main water source for the operation with this application being maintained as a back-up supply. The well and facility are located approximately 11 miles southeast of Belle Fourche in Butte County, South Dakota.

AQUIFER – INYAN KARA (INKR)

The Inyan Kara aquifer consists of the Fall River Formation and the underlying Lakota Formation. The Fuson Shale sometimes separates these two formations, but it is often difficult to differentiate the bottom of the Fall River from the top of the Lakota. The two formations are probably hydraulically connected and therefore can be considered a single aquifer. The aquifer is areally extensive, underlying over 36,000 square miles of western South Dakota (Allen and others, 1984). In Butte County alone, the aquifer underlies 1.43 million acres and contains an estimated 57.6 million acre-feet of recoverable water in storage (Allen and others, 1984). In general, the Inyan Kara aquifer consists of interbedded sandstone (thin bedded to massive), siltstone, and shale. This proposed well site is approximately 6½ miles from the Inyan Kara outcrop. The Inyan Kara is estimated to be 250 feet thick at this site (Allen and others, 1984). The thickness of the Inyan Kara aquifer does however, vary considerably within short distances. The Inyan Kara is under confined conditions in this area and according to the well completion report filed with this application the well has a shut in pressure of 15 psi (Water Rights, 2018c).

South Dakota Codified Law (SDCL) 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water and existing rights within the Inyan Kara aquifer.



WATER AVAILABILITY

The availability of unappropriated water from an aquifer can be evaluated by considering SDCL 46-6-3.1, which requires “No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.” If the source of the water is older than or stratigraphically lower than the Greenhorn Formation and is used for a water distribution system, the Board need not take into consideration the balance of aquifer recharge and withdrawal. The Inyan Kara aquifer is older or stratigraphically lower than the Greenhorn Formation, however this proposed use is not for a water distribution system. Therefore recharge/withdrawals from the aquifer were reviewed.

Recharge

Recharge to the Inyan Kara aquifer is through infiltration of precipitation where it outcrops around the Black Hills, and in central South Dakota there is some evidence of leakage from the underlying Paleozoic aquifer (Carter and Driscoll, 2001). The average annual recharge to the Inyan Kara aquifer has not been quantified, however the precipitation component of the recharge from the Black Hills outcrop area was estimated to be 11,600 acre-feet per year by Carter and Driscoll (2001) using data from 1950-1998.

Discharge

Currently there are 187 water rights/permits appropriating water from the Inyan Kara aquifer in South Dakota, with one future use permit for the city of New Underwood, SD, and one deferred permit application for Powertech (USA) Inc. requesting 274.2 acre-feet annually at a maximum pump rate of 18.938 cfs (Water Rights, 2018b). Farmer (2018) estimated the average annual withdrawal from the Inyan Kara aquifer in South Dakota to be 10,451 acre-feet per year. This estimate was based on: 1.) annual water use reported in the latest public water system survey for municipal, suburban housing development, and rural water system appropriations where applicable; 2.) calculated annual use based on permitted animals and rates of 20 gallons per day for beef cattle, 5 gallons per day for swine, 15 gallons per 100 turkeys, and 9 gallons per 100 chickens for large confinement operations permitted by the DENR; 3.) irrigation questionnaire reporting for irrigation permits when available; 4.) the most current water use reported for non-irrigation appropriations that are required to report, and 5.) assuming water rights/permits not reporting annual use but limited to an annual volume, will be used to the maximum and water rights/permits limited by diversion rate but not by volume, will be used 60% of continuous pumping at the maximum diversion rate for their annual use period (Buhler, 2012).

Since Farmer (2018) estimated the average annual withdrawal, there has been one additional water right/permit issued for the Inyan Kara aquifer. Using the same withdrawal parameters as Farmer (2018), this additional appropriation is estimated to increase the average annual withdrawal by 26.1 acre-feet per year. This application, if approved, is proposing to appropriate 120 acre-feet per year. Assuming that the other water uses have not significantly changed, the

current estimated average annual withdrawal plus this appropriation is 10,597 acre-feet per year. Although this estimated average annual withdrawal nearly equals the estimated average annual recharge amount of 11,600 acre-feet per year, it should be noted that the recharge amount is from precipitation only and does not take into account the recharge from other sources such as streams as they flow over the outcrop areas of the Inyan Kara.

Comparison of annual recharge estimates and estimated annual well withdrawals from the Inyan Kara for the entire state show that discharge is less than recharge; showing that there is a reasonable probability that unappropriated water is available for this proposed application.

Localized Hydrologic Budget

The hydrologic budget is a much more practical way of analyzing the hydrologic budget given the immense size of the aquifer. Not all precipitation recharge from the outcrop will be available to the proposed well site. The location of this well is less than seven miles from the outcrop of the Inyan Kara aquifer, and by looking locally at the area of the outcrop, an estimate of the recharge available from precipitation for this application and the other existing water rights/permits upgradient and downgradient can be made. The potentiometric contours of the Inyan Kara aquifer were calculated for the area surrounding the Black Hills by Strobel and others (2000). As the Inyan Kara aquifer in this area is under artesian conditions, the cone of depression of a pumped well can extend for some distance. Taking into account the potential for an extensive cone of depression, and where it would capture groundwater flow, the portion of the Inyan Kara outcrop that contributes recharge for this local area has an area of approximately 25,000 acres (seen in Figure 3). Buhler (2016) estimated that the annual precipitation recharge to the Inyan Kara aquifer near Sturgis, SD to be 1.26 inches per year. At 1.26 inches per year an outcrop area of approximately 25,000 acres would generate 2,625 acre-feet of precipitation recharge annually.

Including the 120 acre-feet per year that would be appropriated if Water Permit Application No. 1928-1 is approved, the total well withdrawals directly up and down gradient of this proposed well site, would be approximately 755 acre-feet annually. Therefore, average annual recharge can be expected to exceed average withdrawals for this area, and there is reasonable probability that unappropriated water is available for this appropriation.

OBSERVATION WELL DATA

Administrative Rule of South Dakota Section 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements in addition to other data to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

The Water Rights Program monitors nine observation wells completed in the Inyan Kara aquifer (Water Rights, 2018a). Observation wells LA-90B and MD-89A are respectively located 6½ miles to southwest, and 12 miles to the southeast of the application's well. These observation

well hydrographs are representative of the aquifer. The difference in the elevation of the potentiometric surface between observation wells agrees with the potentiometric contours as drawn by Strobel and others (2000). Locally, MD-89A has shown the effects of seasonal pumping, with recovery occurring once pumping has ceased. However, the effects of climatic condition, rising water levels during wetter periods and slowly declining levels during drier periods, still dominate the changes in water levels. This means that recharge to and natural discharge from the aquifer significantly exceeds withdrawals. Recognizing natural discharge can be captured for pumping, the hydrographs show unappropriated water is available. Hydrographs for the observation wells are shown in Figures 1 and 2.

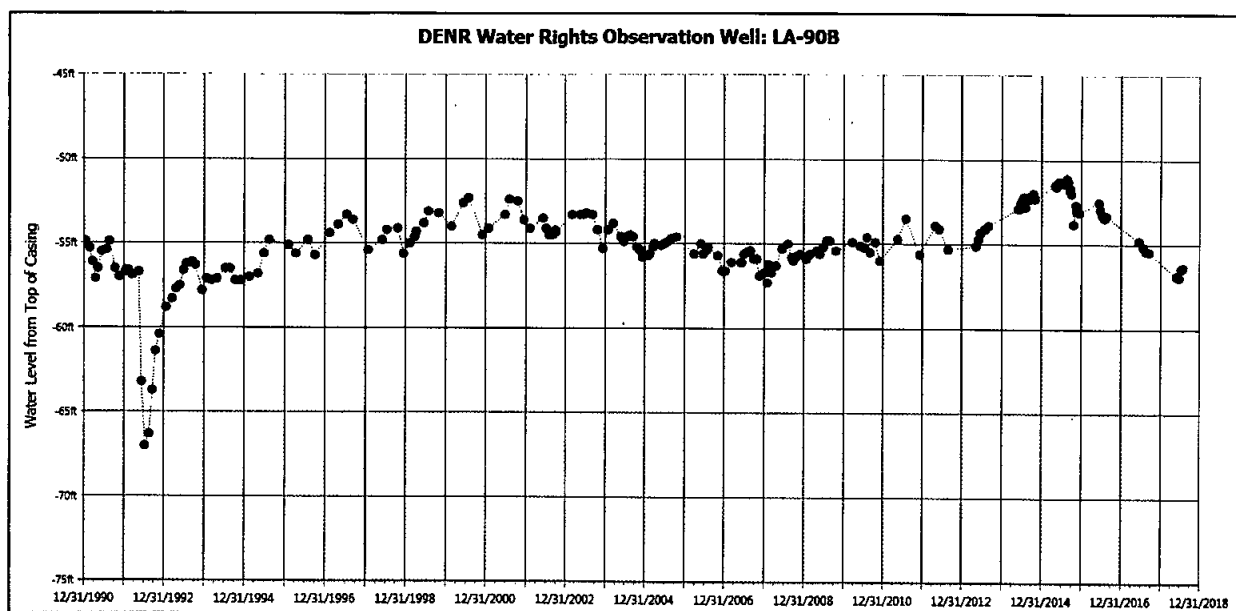


Figure 1. Hydrograph of observation well LA-90B which is completed into the Inyan Kara aquifer located approximately 6½ miles southwest of this application (Water Rights, 2018a).

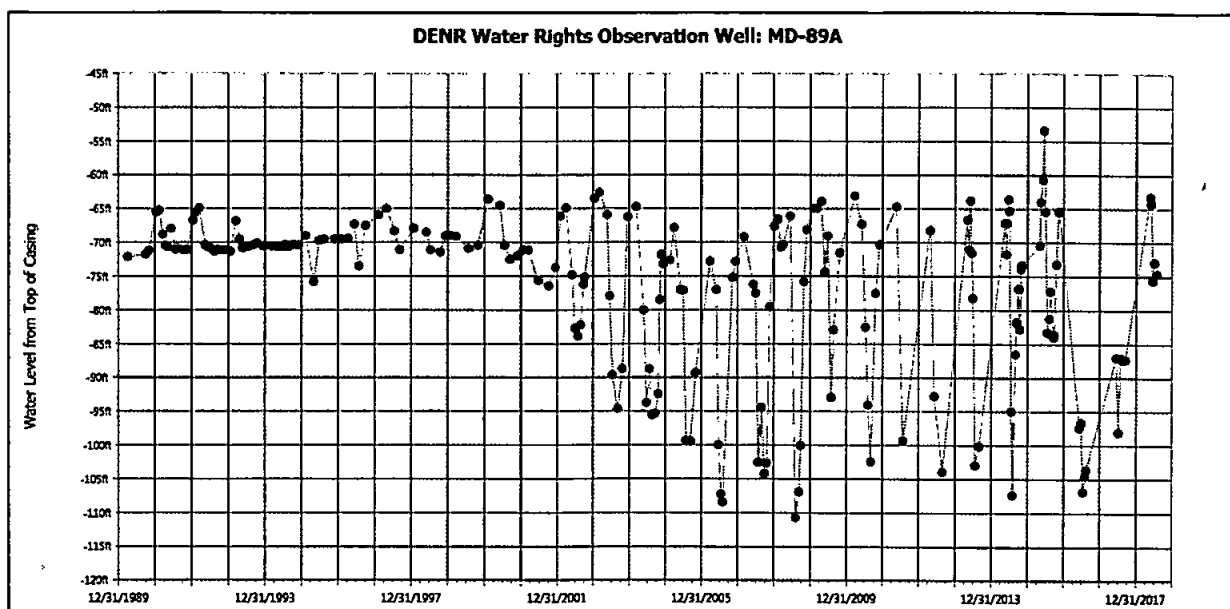


Figure 2. Hydrograph of observation well MD-89A which is completed into the Inyan Kara aquifer located approximately 12 miles southeast of this application (Water Rights, 2018a).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

Existing water rights/permits appropriating ground water located up and down gradient of this application are shown in Table 1 and Figure 3 (Water Rights, 2018b).

Table 1. Water rights/permits appropriating water from the Inyan Kara aquifer located in up and down gradient of Water Permit Application No. 1982-1 (Water Rights, 2018b).

Permit No.	Name	Status	Use	CFS
366-1	NISLAND	LC	MUN	0.15
473-1	FRUITDALE	LC	MUN	1.00
927-1	ST ONGE SEWER & WATER CO	LC	MUN	0.08
1577-1	ELLER	LC	FWP	0.08
1565-1	LIVESTOCK YARDS CO	LC	COM	0.15

(LC = license, MUN = municipal, FWP = fish & wildlife propagation, COM = commercial)

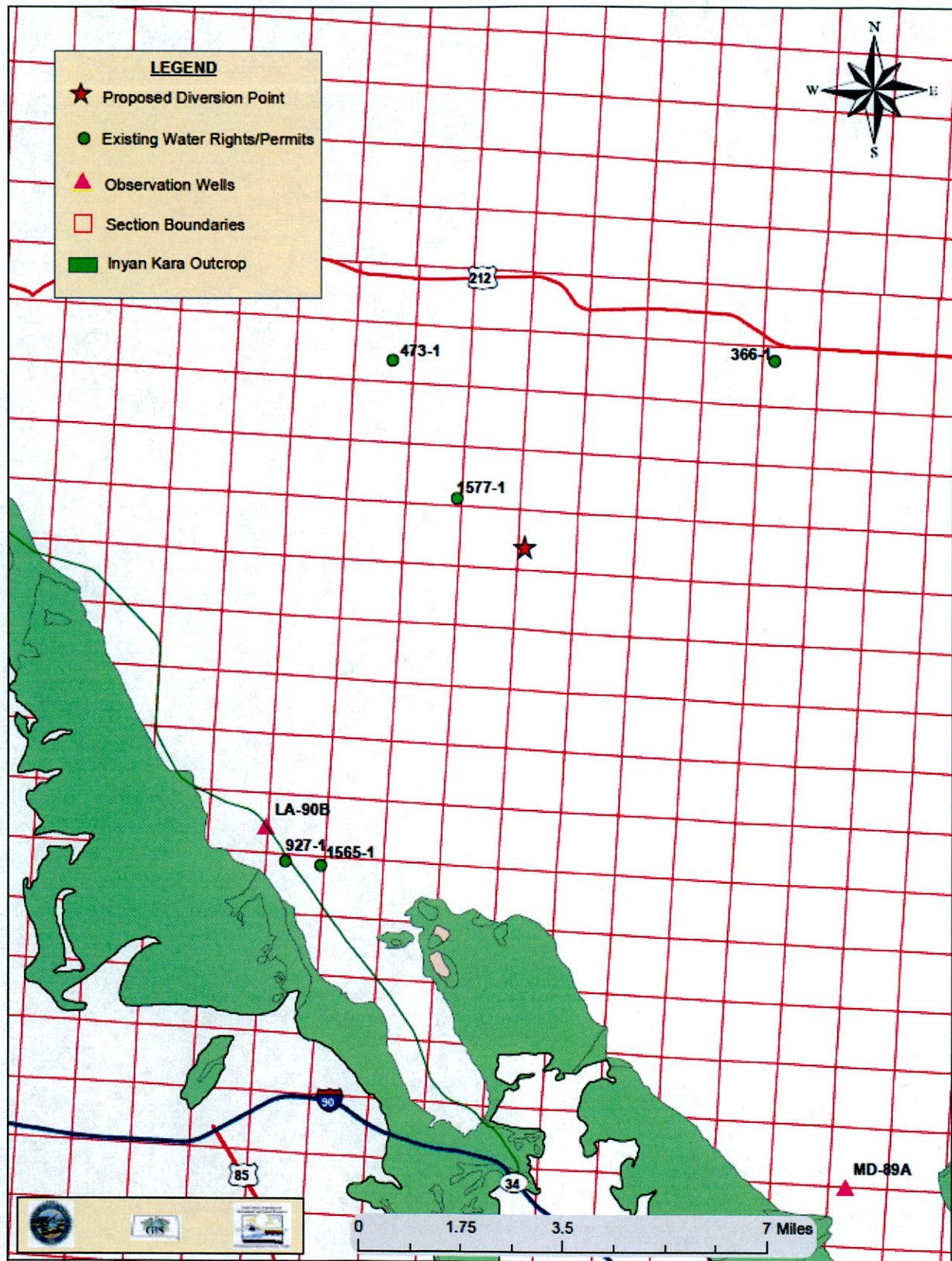


Figure 3. Approximate location of diversion points for water rights/permits appropriating water from the Inyan Kara aquifer located up and down gradient of Water Permit Application No. 1982-1 (Water Rights, 2018a&b).

The nearest existing water right/permit completed in the Inyan Kara aquifer from this application is Water Right 1577-1, located approximately one mile to the northwest (Water Rights, 2018b). There are domestic wells that use the Inyan Kara aquifer in this area, however their use is anticipated to be minor (Water Rights, 2018c). The low diversion rate proposed by this application is not likely to adversely affect adequate wells (domestic or appropriative). Also, it should be noted that this application is for standby purposes so the use should be infrequent, further increasing the likelihood of no adverse effect.

The Inyan Kara aquifer is generally an artesian aquifer, and due to the physics of artesian head pressure, the drawdown from pumping may extend a considerable distance from the pumped well. Wells supplying existing water rights/permits and domestic uses are protected from adverse impacts per Water Management Board rules 74:02:04 and 74:02:05, which were promulgated pursuant to SDCL 46-6-6.1. These rules provide for the regulation of large capacity wells to the degree necessary to maintain an adequate depth of water for a prior appropriator in wells that have the ability to produce water independent of artesian pressure. Simply put, the pump placement in a prior appropriator's adequate well is not necessarily protected. Although precise drawdown cannot be quantified without aquifer testing, if this application is approved, it is not expected to adversely impact nearby adequate wells.

An adequate well is defined by South Dakota Administrative Rules as:

“a well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near as possible to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet.”

If the water levels in the Inyan Kara aquifer were to decline, owners of existing adequate wells bear the responsibility of lowering the pump inlet in the well to 20 feet below the top of the aquifer, if necessary. Increased lift would decrease the pump discharge or require a larger pump or a different type of pump to maintain the same output.

An increase in operating expenses that may result from interference between wells is not necessarily an adverse impact. The Water Management Board considered this situation in the matter of Water Permit Application 2313-2, Coca-Cola Bottling Company of the Black Hills (Water Rights, 1995). Furthermore, the Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered an adverse impact it would also be in conflict SDCL 46-1-4, which requires South Dakota's water resources to be put to beneficial use to the fullest extent of which they are capable.

Therefore there is a reasonable probability that this appropriation can be made without adversely impacting existing water rights or domestic use.



CONCLUSIONS

1. Water Permit Application No. 1982-1 proposes to appropriate 120 acre-feet per year from the Inyan Kara aquifer at a maximum diversion rate of 0.333 cfs.
2. Water Right No. 1650-1 will serve as the main water source for the operation with this application being maintained as a back-up supply.
3. Approval of this application will not result in average annual withdrawals from the Inyan Kara aquifer to exceed the average annual recharge to the aquifer.
4. The Inyan Kara is a viable aquifer in this area and there is a reasonable probability that unappropriated water is available for this proposed appropriation.
5. Well interference is not expected to be significant and will not adversely impact existing users (domestic or appropriative).



Aaron Tieman

SD DENR-Water Rights Program

REFERENCES

- Allen, J.C., Iles, D.L., Petres, A.K., 1984. Analysis of Groundwater and Streamflow Data, Western Dakotas Region of South Dakota, Task 3 & 4: Groundwater Resources Inventory; Department of Water and Natural Resources, Division of Geological Survey, Vermillion, SD, U.S. Army Corps of Engineers Contract DAWC 45-82-C-0151.
- Buhler, K.A., 2012. Report to the Chief Engineer on Water Permit Application No. 2686-2, Powertech (USA) Inc., November 2, 2012; SD DENR Water Rights Program Water Permit Application File No. 2686-2.
- Buhler, K.A., 2016. Report to the Chief Engineer on Water Permit Application No. 1958-1, City of Sturgis, April 18, 2016. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Carter, J.M., Driscoll, D.G., 2001. Hydrologic Conditions and Budgets for the Black Hills of South Dakota, Through Water Year 1998. Water-Resources Investigations Report 01-4226. U.S. Geological Survey.
- Farmer, J.R., 2018, Report to the Chief Engineer, Water Permit Application No. 1975-1, Wink Cattle Company, April 16, 2018. SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Strobel, M.L., Galloway, J.M., Hamade, G.R., and Jarrell, G.J. 2000. Potentiometric Surface of the Inyan Kara Aquifer in the Black Hills Area, South Dakota. Hydrologic Investigations Atlas HA-745-A Northern part of area. U.S. Geological Survey.
- Water Rights, 1995, Findings of Fact, Conclusions of Law and Final Decision in the Matter of Water Permit Application No. 2313-2, Coca-Cola Bottling Company of the Black Hills, SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights, 2018a, Observation Well Data, SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights, 2018b, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights, 2018c, Water Well Completion Report Files, SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.

RECEIVED

AUG 23 2018

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA:

COUNTY OF LAWRENCE:

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

Notice Of Application
No. 1982-1

a printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive and consecutive weeks, the first publication being made on the 16th day of Aug, 2018 and the last publication on the day of , that the full amount of fees charged for publishing same, to-wit: The sum of \$ 30.95, insures solely to the benefit of the publisher of the BLACK HILLS PIONEER, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

[Signature]
Subscribed and sworn to before me this 20th day of Aug, 2018

[Signature]
Notary Public, Butte County, South Dakota
My commission expires: 3-21-2023

NOTICE OF APPLICATION NO. 1982-1 to Appropriate Water

Notice is given that Foothill Land and Cattle LLC, c/o Jason Sparling, PO Box 73, Northville SD 57465 has filed an application for a water permit to appropriate 120 acre-feet of water annually at a maximum pump rate of 0.333 cubic feet of water per second (cfs) from one well completed into the Inyan Kara Aquifer (1,141 feet deep) located in the NW 1/4 SW 1/4 Section 28-T8N-R4E. This well will serve as a back-up supply for commercial use at a livestock confinement operation located in the SW 1/4 Section 28, SE 1/4 SE 1/4 Section 29 and N 1/2 NW 1/4 Section 33; all in T8N-R4E. Water Right No. 1650-1 appropriates 0.89 cfs from one well completed into the Madison Aquifer well located in the NE 1/4 SW 1/4 Section 33-T8N-R4E to supply the livestock confinement operation and supplemental water for irrigation of land authorized by Water Right No. 1231-1. Water Right No. 1650-1 will serve as the main water source for the operation with this application being maintained as a back-up supply. The well and facility are located approximately 11 miles southeast of Belle Fourche SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1982-1 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting 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 August 27, 2018.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pirmer,
Secretary,
Department of
Environment and
Natural Resources.

Published once at the
total approximate cost of
\$31.88.

#778
Aug 16

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, August 09, 2018 1:52 PM
To: Legals (legals@bhpioneer.com)
Attachments: 1982-1public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on August 16, 2018.

Foothill Land and Cattle LLC, c/o Jason Sparling, PO Box 73, Northville SD 57465 (715 416-1501) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Instruction to Newspaper - Publish the Notice on August 16, 2018. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1982-1 to Appropriate Water

Notice is given that Foothill Land and Cattle LLC, c/o Jason Sparling, PO Box 73, Northville SD 57465 has filed an application for a water permit to appropriate 120 acre-feet of water annually at a maximum pump rate of 0.333 cubic feet of water per second (cfs) from one well completed into the Inyan Kara Aquifer (1,141 feet deep) located in the NW 1/4 SW 1/4 Section 28-T8N-R4E. This well will serve as a back-up supply for commercial use at a livestock confinement operation located in the SW 1/4 Section 28, SE 1/4 SE 1/4 Section 29 and N 1/2 NW 1/4 Section 33; all in T8N-R4E. Water Right No. 1650-1 appropriates 0.89 cfs from one well completed into the Madison Aquifer well located in the NE 1/4 SW 1/4 Section 33-T8N-R4E to supply the livestock confinement operation and supplemental water for irrigation of land authorized by Water Right No. 1231-1. Water Right No. 1650-1 will serve as the main water source for the operation with this application being maintained as a back-up supply. The well and facility are located approximately 11 miles southeast of Belle Fourche SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1982-1 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

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

August 9, 2018

Foothill Land and Cattle LLC
c/o Jason Sparling
PO Box 73
Northville SD 57465

Dear Mr. Sparling:

Water Permit Application No. 1982-1 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Black Hills Pioneer printed at Spearfish SD (Ph # 605 642-2761). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and 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 and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. 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 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SEP 04 2018

Foothill Land and Cattle LLC
c/o Jason Sparling
PO Box 73
Northville SD 57465

Dear Mr. Sparling:

Enclosed is Water Permit No. 1982-1 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license 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,

A handwritten signature in black ink, appearing to read "Jeanne Goodman". The signature is fluid and cursive, with the first name "Jeanne" being more prominent than the last name "Goodman".

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

1982-1

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>1982-1</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*2ME*

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. 1982-1

Date: 3-5-21

I/We request that Water Right/Permit No. 1982-1

formerly owned by: Foothill Land and Cattle LLC

be transferred to: (name & address) X

Dennis L. Miller
395 N. Heptner Rd. Rozet, WY 82727

Telephone No. 307-391-1474

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

well (Inyan Kara Aquifer) - NW 1/4 SW 1/4 Section 28-T8N-R4E

I/We understand that the validity of Water Right/Permit No. 1982-1 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.

1982-1



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'.

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

enclosures