

Considered: _____

WATER PERMIT NO. 1944-2

MAP No. Same

Name of Applicant Presho Livestock Auction

Post Office Address Box 337 Presho S.D.

Amount of Water Claimed 0.10 cfs Total Acres _____

Source of Water Supply Groundwater

Water to be used for Com County Lyman

About 1 miles S of Presho

PROOF OF PUBLICATION: Received 1st 11-25-85 Not Received _____

APPLICATION: Approved 12-4-85 Subject to _____

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

PRIORITY _____ Date Received 7-23-85 Fee 50⁰⁰ Remarks Map

7-23-85 received 8-14-85

Corrected Application Received _____ Period of Annual Use Jan 1 To Dec 31

WATER QUALITY APPROVAL RECEIVED N.A. APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES NO REMARKS _____

Diversion Point SW4 SW4 Sec. 15 T 15N-R 77W

Land to be Irrigated N.A.

	15				
⊗					

Well Log: Driller Sather Drlg. Licensed YES X NO _____

Depth of Well 1451 Feet REMARKS _____

Type of Map USGS Topo PREPARED BY K.C. Larson Reviewed and the Number

assigned on 9-20-85 By Kevin C. Larson

No. 1944-2 Hydrologic Unit 10140104
 Map No. Same Basin White River
 Newspaper Lyman Co. Herald Box 280 Presho (Wed)

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

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

Type of Application: Check one or more of the following

New ☐ Vested Right ☒ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____1. Name of Applicant Presho Lusk Auction Phone No. 895-2553Post Office Address Box 337 Presho State SD Zip Code 57568
(Street, RR or Box)2. Amount of water claimed (c.f.s.) 0.103. Source of water supply well4. Location of point of diversion SW 1/4 Sec 15 Twp 105 N R 77 WCounty Lyman5. Counties where water will be used Lyman6. Annual period during which water is to be used all year

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

Watering system for lake stock.

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

STATE OF SOUTH DAKOTA)
County of Lyman)^{ss}I, Delmer Volmer the applicant, certify that I have read the foregoing application, have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Delmer VolmerSubscribed and sworn to before me this 19th day of July 1985Dallas E. Brant
Notary Public (or other qualified officer)

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1944-2

Presho Livestock Auction (Applicant) Box 337, Presho (Post Office Address)

South Dakota (State) 57568 (Zip Code) With the following qualifications.

The well approved under this Permit will be located near domestic 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.

Date of first receipt of application July 23, 1985.

Date of return to applicant for correction, amendments or changes required -, 19-.

Date of receipt of corrected application -, 19-. Approved December 4, 1985.

The Water Management Board hereby approves this Water Permit No. 1944-2 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is July 23, 1985.
2. The equivalent of at least one-fifth of the specified work is to be completed on or before -, 19-.
3. The whole of said work is ~~to be~~ completed ~~on or before~~ -, 19-.
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is -, 19-.
5. The water appropriated shall be used for the purpose of Commercial water supply
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 0.10 cubic feet per second; neither shall it exceed the capacity of the above described water supply system nor shall it exceed the amount of water needed for beneficial uses served and to which water is actually and beneficially applied for Commercial Use. ~~on or before~~ -, 19-; said water to be used during the following described annual period: January 1 to December 31

WATER MANAGEMENT BOARD

By: John Huffaker
Chief Engineer
Division of Water Rights
Dept. of Water and Natural Resources

FEB 11 1986

, 19-

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 9" & 4-5/8" Depth 1,451 ft.
- b) Casing Type Steel Diameter 6" & 3" Thickness 6"-.258; 3"-.216
- c) Screen Type Steel perforated Diameter 3" Thickness .216
- d) Gravel Pack Thickness None Length of Gravel Pack None
- e) Depth to Top of Water Bearing Material 1,400 ft.
- f) Depth of Water (ground surface to water level) 1,421 ft.
- g) Distance to nearest existing domestic well:
 On applicants property None On property owned by others 1/2 mile to 1 mile

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Outlet Dimensions:
 Pipe diameter _____

Spillway width _____

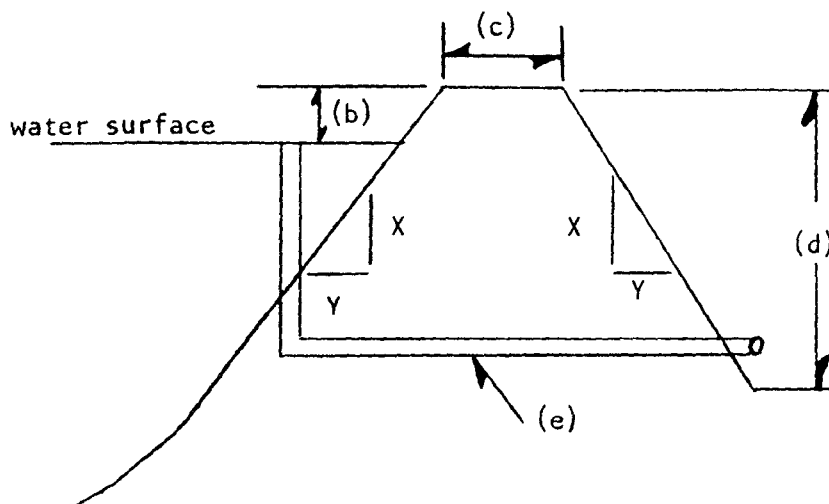
f) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____

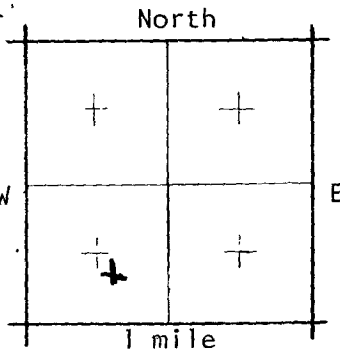


Richard J. Delaney
 Signature of Applicant

STATE OF SOUTH DAKOTA WELL DRILLERS REPORT

Location 1/4 1/4 Sec Twp Rg County Sydney

Please mark well location with an "X"

Well Completion Date July 6, 1973

PROPOSED USE:

☒ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

Forward Rotary

WELL CONSTRUCTION:

Diameter of hole 6" inches Depth 351 feetCasing: ☒ Steel ☐ Plastic ☐ Other
Specify
 Pipe Weight Diameter From To
 lb/ft inches feet feet
 lb/ft inches feet feet
Was a well screen used? ☐ Yes ☒ NoIf Not Specify 3" steel perforatedScreen Type Slot Size Length 60 ft Diameter Was Casing left open end? ☐ Yes ☒ NoWas a Packer or seal used? ☒ Yes ☐ NoIf so what material? leadWas well gravel packed? ☐ Yes ☒ NoWas well grouted? ☒ Yes ☐ NoDescribe grouting procedure pumped onTo what depth? 351 FeetWhat was grouting material? CementIf cement, how many sacks? 50 bagsLocation of packer(s) and screen or perforated pipe between the 5" andthe 3" steel.WAS WELL PLUGGED OR ABANDONED ☐ / Yes ☐ / No

If so how and with what material?

No other well.No other well.No other well.No other well.

Well Owner:

Name Delmer ValnerAddress Trunks, S. Dak.Well Log: Depth Formation From To Shale 0 150Shale 150 300Shale 300 450Shale 450 600Shale 600 750Shale 750 900Shale 900 1050Shale 1050 1200Shale 1200 1350Shale 1350 1400Shale 1400 1451.7Shale 1451.7 1451.7STATIC WATER LEVEL 51 ft. 3 in. Feet 1451.7If flowing: closed in pressure PSIGPM flow 35 through 5 x 3 inch pipeControlled by ☒ Valve ☐ Reducers ☐ OtherIf other; specify Can well be completely shut off? yesyesyesyes

WELL TEST DATA:

☒ Pumped 3H Flint &☐ Bailed Describe: Walling pump☐ Other

Pumping Level Below Land Surface

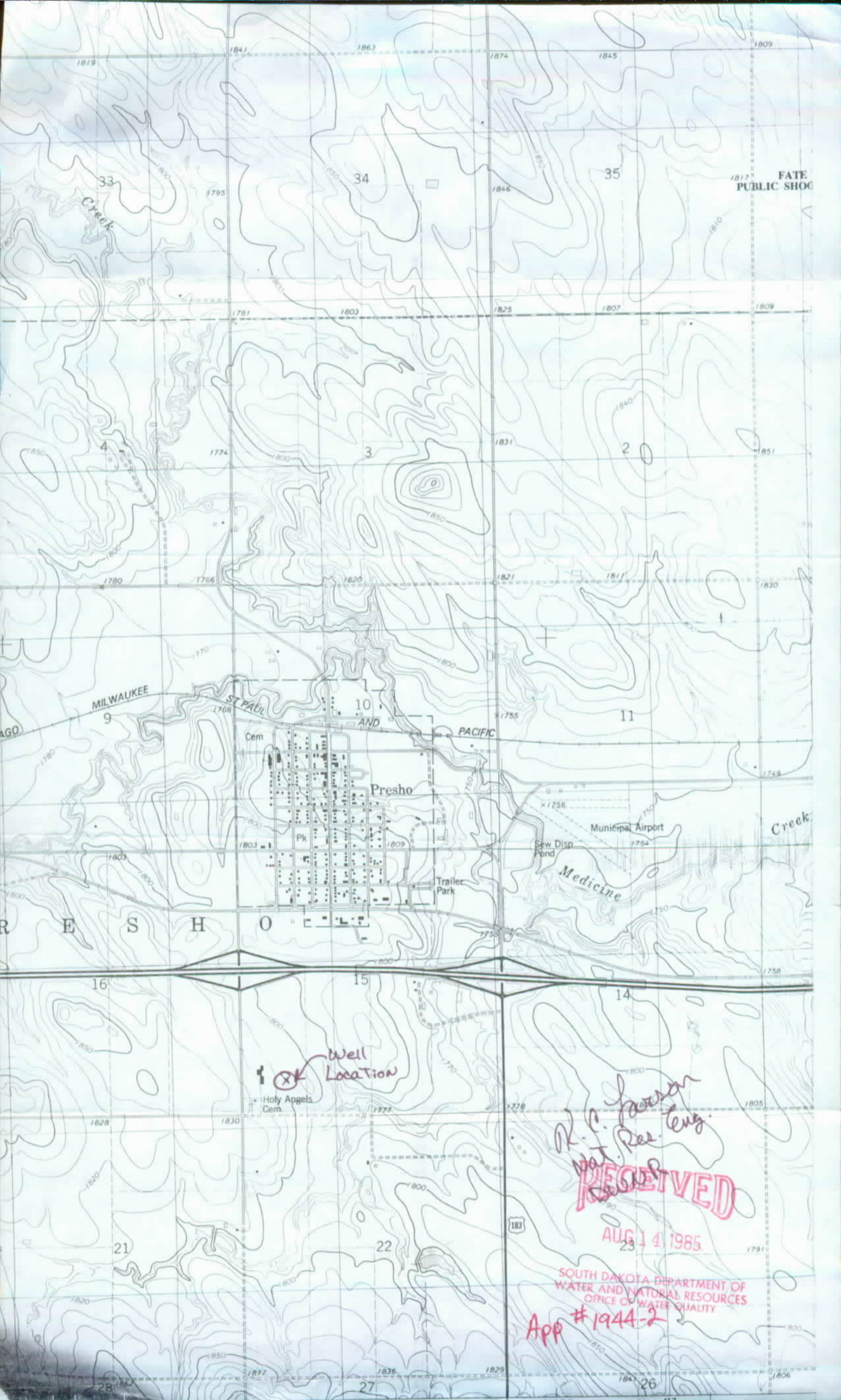
 ft. After Hrs. pumped GPM ft. After Hrs. pumped GPM ft. After Hrs. pumped GPM ft. After Hrs. pumped GPM ft. After Hrs. pumped GPM

Remarks:

357 ft. 2 1/2" Std. lck. pipe - Cemented in1000 ft. 2 3/4" Std. lck. pipe - Cemented inwater temp - 100°Dakota Sand - 640 ft.1451 total depth - 640 ft.This well was drilled under license # 9

and this report is true and accurate.

Satterly, Inc. 2000 - LeachinDrilling Firm Signed by Oct. 6 - 1981Date



FATE
PUBLIC SHOO

MILWAUKEE

ST PAUL

PACIFIC

Presho

Municipal Airport

Sew Disp
Pond

Medicine

Trailer Park

Holy Angels
Cem

Well
Location

R. C. Johnson
Nat. Res. Eng.

RECEIVED

AUG 14 1985

SOUTH DAKOTA DEPARTMENT OF
WATER AND NATURAL RESOURCES
OFFICE OF WATER QUALITY

APP #1944-2

RECEIPT

Division of Water Rights

Nº 410134

South Dakota Department of Water and Natural Resources

Pierre,

July 26, 1985, 19

RECEIVED OF Presho Livestock Auction, Box 337, Presho, SD 57568

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

Fee for Application for Permit No. <u>1944-2</u> to Appropriate Water, to construct works and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By

Chief Engineer

John Hatch
JOHN HATCH, M.S.

**SOUTH DAKOTA Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 28, 1984

Presho Livestock Auction
Box 337
Presho, South Dakota 57568

Dear Mr. Volmer:

The Division of Environmental Quality of this Department is conducting a survey of non-community public water supply systems. As a part of the survey, we have reviewed our records and we can not find any water rights on file for Presho Livestock Auction.

A water permit is required pursuant to SDCL 46-1-15 to use water from a private source for commercial use. Any use of water, except for private domestic use, requires a water permit. Examples of commercial use are: truckstops, motels, restaurants, tourist attractions, commercial campgrounds and any other business operation. Examples of non-commercial use that require permits for private supplies are: churches, hospitals and nursing homes (any amount of water) and schools that pump more than 18 gallons per minute.

If you have a water permit that has been issued under another name or if you believe a permit has been issued under another name, please contact us. We are enclosing the necessary permit application forms and instructions, if you need a permit. Please complete and submit with a (see instructions) filing fee.

An existing business without a water right has no right to the use of water. Except for private domestic use, any water user without a water right is not entitled to receive protection in the event of well interference by a new or future user who has a water right. The new user with a water right will have the senior priority over an existing user without a water right. In South Dakota, the first in time (senior priority) is the first in right, except for individual domestic use. Individual household, farm or ranch use does not require a permit and has preference over all other users of water.

If you have any questions or need assistance with completion of the forms, please feel free to contact us.

Sincerely,

Kevin C. Larson
Water Resources Engineer
Office of Water Rights
Phone: (605) 773-3352

Enclosures

SOUTH DAKOTA Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181



April 25, 1985

NOTICE

Presho Livestock Auction
Box 337
Presho, South Dakota 57568

Dear Mr. Volmer:

August 28, 1984 we notified you that State Law requires that a water permit be obtained for any use of water from a private source for use in a business operation. We have not heard from you on this. Failure to comply with State Laws--SDCL 46-1-6(6), 46-1-15, 46-5-8.2, 46-5-9, and 46-5-10 and Water Management Board Rule ARSD 74:02:01:03--can result in an order to stop water use until an application for a water permit has been submitted and approved.

If you have questions or need another set of permit applications forms or if you believe you already have the required water permit or need assistance in completing the forms, feel free to contact us. Please submit the completed application forms prior to June 25, 1985.

Sincerely,

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

S519.WR

Dear Sir - forms mailed 5/1/85

*The water was sent to your office and approved on April 22, 1985 - as far as any forms to fill out I do ~~to~~ not believe I have ever received any so please send me a set, also a previous letter I received stated I need to send another water sample in by June 30 so I will need containers for this. Thank you Sincerely
Mr. Delmer Volmer*

Water Rights Division
605 773-3352

August 6, 1985

Presho Livestock Auction
Box 337
Presho SD 57568

Mr. Volmer:

Thank you for receipt of your permit application. I am enclosing a copy of a map. Please mark the location of the well on it and return. If you have any further questions, please contact this office.

Thank you,

KEVIN C LARSON
Natural Resources Engineer

KCL:ks

enclosure

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT

APPLICATION NO. 1944-2, Presho Livestock Auction

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 1944-2, Presho Livestock Auction, Box 337, Presho SD.

The Chief Engineer is recommending APPROVAL of Application No. 1944-2 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) in the public interest with the following qualifications:

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

See the attached report for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized, cursive script.

JOHN HATCH, Chief Engineer
Water Rights Division
September 30, 1985

Permit Application No. 1944-2
Presho Livestock Auction
September 30, 1985

Water Permit Application No. 1944-2 was submitted for Presho Livestock Auction, south of Presho in Lyman County, to utilize 0.10 cfs of groundwater from one existing well, 1451 feet deep, located in the SW1/4, SW1/4, Sec. 15, T105N, R77W, to supply a sale barn operation.

Surficial Geology

The well site is located in the unglaciated western section of the state, in the Pierre Hills physiographic division, which consists primarily of broad, rolling shale plains covered with grasses and scattered cropland (Bucks, 1976).

Aquifer Characteristics

A well log submitted with the application indicated that the water was being drawn from the Dakota Formation. This formation is primarily a fine to medium grained, friable to well consolidated sandstone that ranges in color from yellow to white. Also included are thin, localized shale beds (Schoon, 1971). The Dakota is a very valuable South Dakota aquifer, with many of the state's municipalities deriving their water supplies from it. It underlies over 65,000 square miles of the state and has an average thickness of at least 150 feet (Schoon, 1971).

Despite the large areal extent of the aquifer, studies have shown that the artesian head of the aquifer is declining, and that as a whole withdrawal may be exceeding recharge, causing significant drawdown in some areas and possible well problems (Schoon, 1971). Schoon also noted however, that only 0.01% of the water in storage is withdrawn in a given year, indicating water is available but that it may become more costly to draw it from the ground. Expert testimony given during the hearing on Application No. 4599-3 (page 26, January 28 and 29, 1981 Water Management Board Minutes), regarding the Dakota Formation head pressure, stated that the pressure is "approaching a static type condition which would indicate that the rate of recharge is approaching rate of withdrawal."

In the particular region of this well, a study has revealed that approximately 308 million acre-feet of water are recoverable in western South Dakota from this aquifer, and that over 28 million acre-feet are recoverable in Lyman County alone (Allen and others, 1984). One Water Rights observation well (BL-83A) near Chamberlain (approximately 35 miles east of the application site) that had been drilled into the Dakota aquifer in 1983 revealed no appreciable change in the water level over this 2 year period (Water Rights Division Observation Well Files, 1985). The large volume of water available, the preexisting nature of the well, the small amount of water requested, and the lack of drawdown in the nearest observation well, indicate there is adequate water for Permit No. 1944-2.

Water Permits

According to the permit application, the well has been in use for approximately 12 years, and the Water Rights Division files show no complaints brought against operation of this well (Water Rights Division Complaint Files, 1985).

Only the municipality of Presho has a Dakota aquifer permit in the vicinity of the well in question. The city has 3 wells with a total water allocation of 1.0 cfs. The wells are approximately 1 1/2 miles north of the withdrawal point for the Livestock Auction well, and are not expected to be adversely affected by Permit No. 1944-2, especially in lieu of the fact that the well has been in operation for a number of years without complaint (Water Rights Division Permit Files, 1985).

Some domestic wells in the area also use the Dakota aquifer, but the nearest well in the vicinity was stated on the application to be 1/2 to 1 mile from the permit well, and the small allocation from this existing well was not anticipated to cause problems for domestic users (Water Rights Division Driller Log Files, 1985).

Conclusions

1. The well covered under Application No. 1944-2 has been in operation for over 12 years and the Water Rights Division has received no complaints due to its use and does not expect any adverse effects on domestic or existing water rights holders.
2. Recoverable water in storage in the aquifer is large and the withdrawal of 0.1 cfs from this well will have little impact on water availability.
3. Although studies have indicated significant draw-down of the aquifer in some areas of the state, the observation well nearest the well in question showed no drop in water level over the past 2 years, only small fluctuations. Expert testimony on Application No. 4599-3 indicates head pressure levels are approaching a static condition.
4. Only a small number of domestic and other permitted users are located in the area, with the closest being between 1/2 to 1 mile distance. The small amount of water taken from this existing well should not appreciably affect these users.



Tom Brandner
Natural Resources Engineer

References

Allen, Johnette C., and others, 1984, Analysis of Ground Water and Streamflow Data, Western Dakota Region of South Dakota, Groundwater Resource Inventory: Prepared by Department of Water and Natural Resources, Division of South Dakota Geological Survey for U.S. Army Corps of Engineers Planning Division, 8 p. plus appendixes.

Bucks, Dan R., Commissioner, 1976, South Dakota Facts: South Dakota State Planning Bureau Report, 382 p.

Schoon, Robert A., 1971, Geology and Hydrology of the Dakota Formation in South Dakota: South Dakota Geological Survey Report, No. 104, 55 p.

Water Rights Division, 1985, Complaint Files, Drillers Logs, Observation Well Logs, and Permit Files.

A01701KS.wr

Instruction to Newspaper - Publish first publication of the following Notice on or before October 23, 1985 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1944-2 to Appropriate Water
and/or to Amend Water Permit or Water Right No. _____

Notice is hereby given that Presho Livestock Auction whose mailing address is Box 337, Presho,, South Dakota has made an application for a permit to appropriate 0.10 cubic feet per second from one existing well 1451 feet deep (Dakota Formation) located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15 T105N-R77W. Water is used in operation of the Sale Barn.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1944-2 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Howard Johnson,
Badlands Room, 2211 LaCrosse, Rapid City, SD, December 4 1985 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by November 22, 1985. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; (ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) ~~46-5-38 thru 46-5-40; (transfer lands) 46-5-30.4, 46-5-33 thru 46-5-35; (10,000 AFA) 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25; (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05~~

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 22, 1985.

NOTICE OF HEARING
ON APPLICATION
NO. 1944-2
TO APPROPRIATE WATER

Notice is hereby given that Presheo Livestock Auction whose mailing address is Box 337, Presheo, South Dakota has made an application for a permit to appropriate 0.10 cubic feet per second from one existing well 1451 feet deep (Dakota Formation) located in SW 1/4 SW 1/4 Section 15 T105N-77W. Water is used in operation of the Sale Barn.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application 1944-2 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Howard Johnson, Badlands Room, 2211 LaCrosse, Rapid City, S. D. December 4, 1985 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by November 22, 1985. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15, 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg, Pierre, S. D. (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 22, 1985.

Publisher's Affidavit of Publication

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF LYMAN)

Robert C. Cameron, of said county and state being duly sworn on his oath says: The Lyman County Herald is a weekly newspaper of general circulation and published in Presheo, Lyman County, and State of South Dakota; and has been such newspaper during the times hereinafter mentioned; That the said newspaper is a legal weekly, that it has a bonafide circulation of more than 200 copies weekly, that it has been published within said County of Lyman more than fifty-two successive weeks next prior to publication of the notice hereinafter mentioned and maintained at the place of publication; That I, the undersigned am publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; that the advertisement headed:

Notice of Hearing

a printed copy of which is hereto attached and published in the said newspaper fortwo..... consecutive weeks.

The first publication of said notice in said newspaper aforesaid was on Wednesday, the ..23.. day of ..October..... A.D., 19 85 and that the preceding publications were severally

Wednesday, the	day of	A.D., 19
Wednesday, the	day of	A.D., 19
Wednesday, the	day of	A.D., 19
Wednesday, the	day of	A.D., 19
Wednesday, the	day of	A.D., 19
Wednesday, the	day of	A.D., 19
Wednesday, the	day of	A.D., 19
Wednesday, the	day of	A.D., 19

and the last publication on Wednesday, the ..30..... day ofOctober....., 19 ..85; that the full sum of fees charged for publishing the same, to-wit; the sum of \$..37.50...., insures solely to the publisher of The Lyman County Herald. That no agreement or understanding for any division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whatsoever.

Robert Cameron

Subscribed and sworn to before me this22.....

day of ..November....., 19 ..85..

Dallas E. Brost

Notary Public





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Water Rights Division
605 773-3352

FEB 11 1986

Presho Livestock Auction
Box 337
Presho SD 57568

Dear Sir:

Enclosed is your Water Permit No. 1944-2 as approved by the Water Management Board authorizing the water diversion system and apply the water to beneficial use, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch". The signature is written in dark ink and is positioned above the printed name and title.

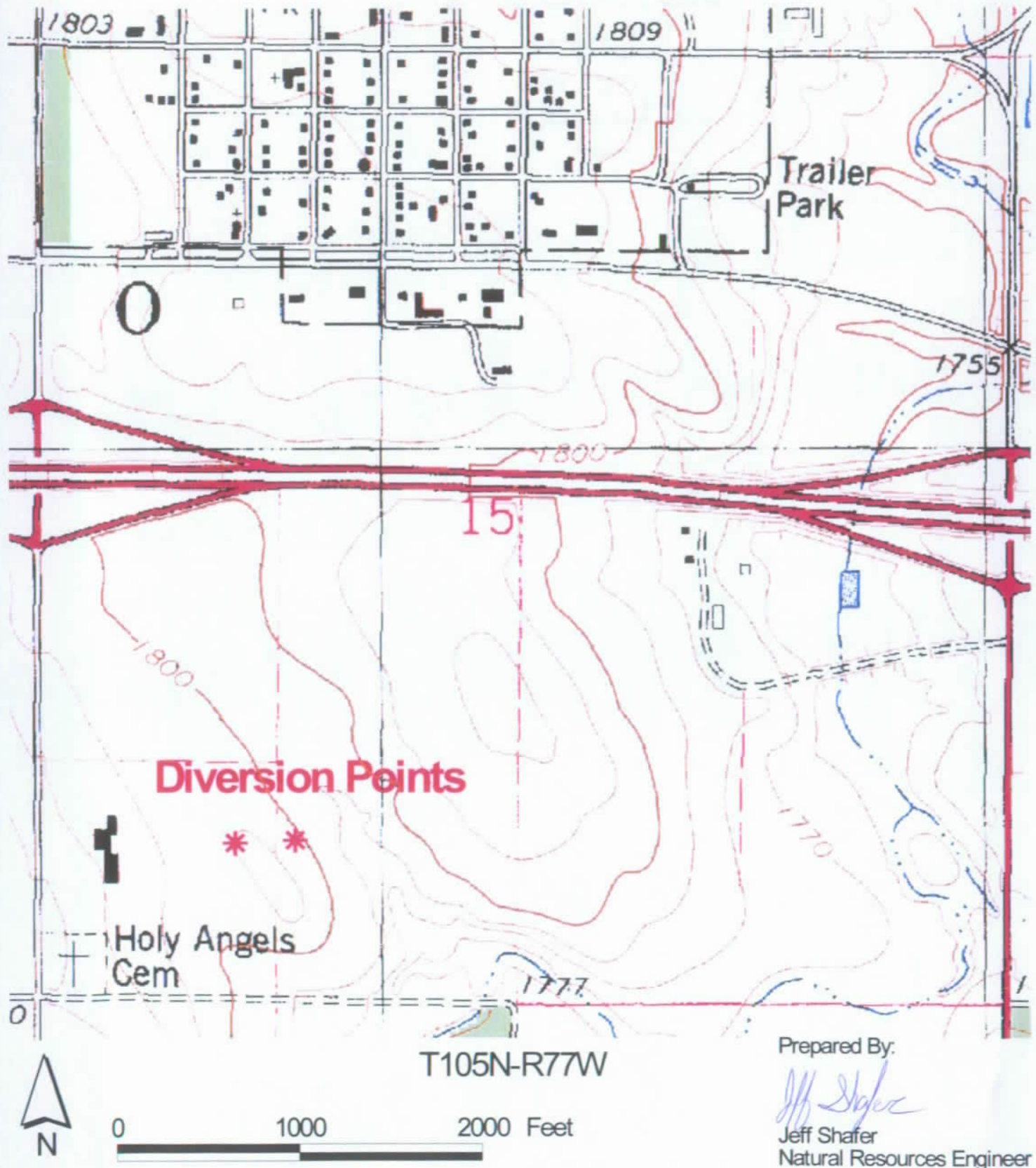
JOHN HATCH, Chief Engineer
Water Rights Division

JH: ks

enclosure

Location Map, Presho Livestock Auction Water Permit Application

10/2/98





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 23 1999

2417-2

Presho Livestock Auction
%Delmer Volmer
P.O. Box 454
Presho, SD 57568

Dear Mr. Volmer:

Enclosed are Water Permit and Water License No. 2417-2. This is the final water right document completing your process of obtaining a Water Right.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2417-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

ks
enclosures

NOTE: The applicable portions of No. 1944-2 are incorporated into this Water License No. 2417-2.