

Considered: _____

WATER PERMIT NO. 2178-2

Phone: 605 745-4109

Name of Applicant: Fall River Feedlots, Inc.

Post Office Address: Box 892, Hot Springs SD 57747

Amount of Water Claimed: 0.95 Total Acres: NA

Source of Water Supply: groundwater (two wells)

Water to be used for: commercial County: Fall River

About 5 miles SE of Hot Springs

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 5-14-91 Fee: _____ Remarks _____

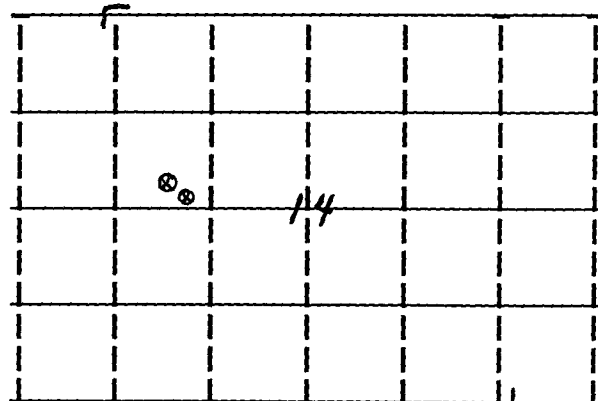
Corrected Application Received _____ Period of Annual Use January 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point: SW 1/4 NW 1/4 14-8S-6E

Land to be Irrigated: _____



Well Log: Driller: Materi Licensed YES X NO _____

Depth of Well: 2072' ± 1965' REMARKS _____

Type of Map: aerial PREPARED BY: Harry M Richardson Reviewed and the Number

Assigned on 5-20-91 By Karen Schlaak

No. 2178-2 Hydrologic Unit 10120109
 Map No. _____ Basin Upper Cheyenne
 Newspaper Hot Springs Star, Box 1000 (Tues)

523 E. Capitol
 Pierre, SD 57501
 (605) 773-3352

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

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

Type of Application: Check one or more of the following



New ☒ Vested Right ☒ Future Use ☐ Change Use ☐

☐ Amend Permit No. _____ with old priority date retained

Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐

☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____

☐ Construction to use water reserved by Future Use Permit No. _____

1. Name of Applicant Fall River Feedlots, Inc. Phone No. 605-745-4109

Post Office Address Box 892 Hot Springs, State SD 57747
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s) 0.95

3. Source of water supply 2 deep wells

4. Location of point of diversion SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 14 TWP 8 S Range 6 E

County Fall River

5. Counties where water will be used Fall River

6. Annual period during which water is to be used January/through December 31

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

These two deep wells were drilled in 1969 for Fall River Feedlots, Inc.'s, livestock use (Commercial Cattle Feeding Operation). All drilling information was issued to the state, but no permits were ever issued. We would like these wells permitted for current and future use.

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 Fall River, ss

I, Fall River Feedlots Inc by Clayton Emberts the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete, the necessary construction.

Signed Clayton Emberts Pres.

Subscribed and sworn to before me this 13th day of May 19 91

S. DIANE GERALD, Notary Public
 Notary Commission Expires 12/15/93

Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 2178-2**

Date of first receipt of application May 14, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2178-2 to Fall River Feedlots, Inc., Box 892, Hot Springs SD 57747 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. 2178-2 appropriates 0.95 cubic feet of water per second from two wells (Inyan Kara Formation) 2072 and 1965 feet deep located in the SW 1/4 NW 1/4 Section 14-T8S-R6E.
2. The water appropriated shall be used for the purpose of supplying water for a cattle feeding operation and may not exceed the amount of water needed for beneficial use for commercial purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date of approval of Permit No. 2178-2 is August 5, 1991.
5. The date from which applicant may claim right is May 14, 1991.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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

WATER MANAGEMENT BOARD

By: _____

Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

AUG 16 1991

date

Supplemental Information

2 Existing Wells

(type or print in ink)



1. Well Information - Proposed construction

See attached for well information

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
 On applicants property $\frac{1}{2}$ mile On property owned by others $\frac{3}{4}$ 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) Primary Outlet Capacity _____

If Pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway width _____

g) X & Y Slope

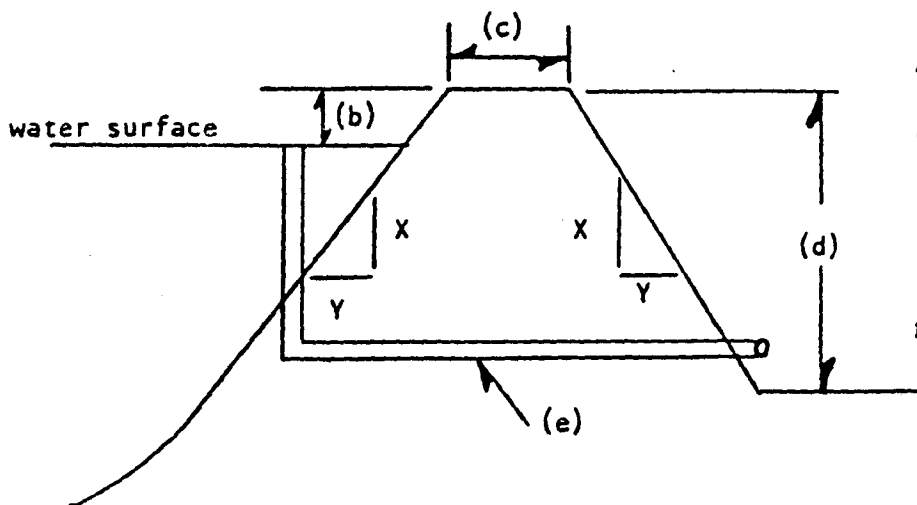
Upstream _____

Downstream _____

Surface Area of Imp. andment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412681

Pierre, _____

May 20, 1991

RECEIVED OF Fall River Feedlots, Inc., Box 892, Hot Springs, SD 57747

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

Fee for Application for Permit No. <u>2178-2</u> to Appropriate Water, to construct works and to put water to beneficial use _____	325	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	325 00

By *John Hatcher*
Chief Engineer

GOODWELL, INC.

UPTON, WYOMING

GAMMA RA

FILING NO.		COMPANY <u>HOT SPRINGS AREA DEVELOPMENT CO.</u>													
		WELL <u>WATER SUPPLY WELL NO. 1</u>													
		FIELD <u>HOT SPRINGS AREA</u>													
		COUNTY <u>FALL RIVER</u>				STATE <u>SO. DAKOTA</u>									
		LOCATION: <u>WEST 1/2</u>						OTHER SERVICES:							
		SEC <u>14</u> TWP <u>8S</u> RGE <u>6E</u>						IES							
PERMANENT DATUM: <u>G. L.</u>		ELEV. _____						ELEV.: K.B. _____							
LOG MEASURED FROM <u>K. B.</u>		FT. ABOVE PERM. DATUM _____						D.F. _____							
DRILLING MEASURED FROM <u>K. B.</u>								G.I. _____							
DATE		<u>4-17-70</u>													
RUN NO.		<u>ONE</u>													
TYPE LOG		<u>GAMMA RAY</u>			<u>NEUTRON</u>										
DEPTH-DRILLER		<u>2072</u>													
DEPTH-LOGGER		<u>2062</u>			<u>2070</u>										
BOTTOM LOGGED INTERVAL		<u>2062</u>			<u>2070</u>										
TOP LOGGED INTERVAL		<u>1000</u>			<u>1000</u>										
TYPE FLUID IN HOLE		<u>MUD</u>													
SALINITY, PPM CL.															
DENSITY															
LEVEL		<u>FULL</u>													
MAX. REC. TEMP., DEG F.															
OPERATING RIG TIME		<u>2 HRS</u>													
RECORDED BY		<u>VAN LOAN</u>			<u>C-801</u>										
WITNESSED BY		<u>MR. LARGENT</u>			<u>MR. MATER</u>										
RUN		BORE-HOLE RECORD				CASING RECORD									
NO.		BIT		FROM		TO		SIZE		WGT.		FROM		TO	
12		3/4		SURF.		20		0"				SURF.		20	
8		5/8		20		2072		7"				SURF.		1763	

UPTON, WYOMING

GAMMA RAY - CCL

FILING NO.

COMPANY FALL RIVER FEED LOT

WELL WATER WELL SUPPLY #2

FIELD WILDCAT

COUNTY FALL RIVER STATE SOUTH DAKOTA

LOCATION:

OTHER SERVICES:

SEC. 14 TWP. 8S RGE. 6E

PERF.

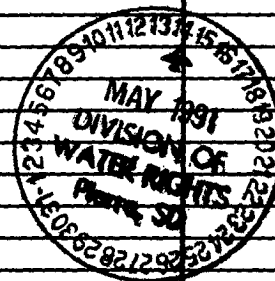
PERMANENT DATUM: G. L., ELEV.
LOG MEASURED FROM G. L. FT. ABOVE PERM. DATUM
DRILLING MEASURED FROM G. L.

ELEV.: K.B.

D.F.

G.L.

DATE	12-23-1976
RUN NO.	ONE
TYPE LOG	GAMMA RAY-CC
DEPTH-DRILLER	
DEPTH-LOGGER	1965
BOTTOM LOGGED INTERVAL	1964
TOP LOGGED INTERVAL	1675
TYPE FLUID IN HOLE	WATER
SALINITY, PPM CL	
DENSITY	
LEVEL	
MAX. REC. TEMP., DEG F.	
OPERATING RIG TIME	2HOURS
RECORDED BY	STRONG
WITNESSED BY	

[illegible]

GOODWELL, INC.

UPTON, WYOMING

GAMMA RAY - CCL

[illegible]

GOODWELL, INC.

UPTON, WYOMING

**GAMMA/RAY
NEUTRON**

[illegible]

Conversation or File Documentation

NAME OF PERSON OR FILE: DON DE VRIES (FALL RIVER FEEDLOT)ADDRESS: _____ COUNTY FALL RIVERDATE: 8/1/90 TELEPHONE _____RE: WATER RIGHTS OF EXISTING WELLS

COMMENTS:

SPOKE WITH DON DE VRIES CONCERNING FILING APPLICATION FOR THE DEEP WELLS INTO INYAN CHIA FORMATION. THESE WERE DRILLED APPROXIMATELY 20 YEARS AGO BUT WATER RIGHTS WERE NEVER APPLIED FOR. HE DID NOT KNOW WHO DRILLED THEM OR WHETHER THERE ARE ANY WELL LOGS FOR THEM. HE THOUGHT THAT SOMEONE IN DWNR MIGHT HAVE SOME INFORMATION ON THESE TWO WELLS.

HE WANTED A LETTER FROM US EXPLAINING EVERYTHING THAT WAS REQUIRED FOR FILING AN APPLICATION SO THAT HE COULD TAKE IT TO HIS ~~ST~~ SUPERVISORS AND EXPLAIN WHY THERE NEVER HAD BEEN ANY APPLICATION FILED.

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

NAME: Mike De Vries

September 12, 1990

Don J. De Vries
Fall River Feedlots Inc.
PO Box 892
Hot Springs, SD 57747-0892

Dear Mr. De Vries:

This letter is in response to our telephone conversation on August 1, 1990. On July 21, 1990 a shutoff order was issued (which was later rescinded) for water diversion from the Cheyenne River on the Reach from the Angostura Dam to the Rapid Creek Confluence because of low river flows. This order was issued to all water right holders with priority dates after 1965 except for Fall River Feedlot's water right which has a priority date of May 3, 1978. On July 24, 1990 I inspected the water system for the feedlot to determine the effects of shutting off river diversion. At that time you indicated that there were two deep wells which could be used to alleviate your dependence on river diversion and that you would begin using these wells. Later I checked our records and found that the feedlot did not hold water rights for these wells and by law could not use them as a source of water.

Continuing dry conditions for the region make future shutoff orders from the Cheyenne River a likely possibility. Because the feedlot's priority date is junior to the majority of the other Cheyenne River water right holders, your diversions would have to be shutoff also. To insure that the feedlot will have a continuing supply of water at these times, water permits for these wells should be applied for. Also, if you wish to develop a new well or wells you will need to file an application for these.

Enclosed is a set of applications and an instruction sheet. You indicated in our telephone conversation that the Department of Water and Natural Resources had the well logs for the two deep wells. I checked our files and with the other Divisions and could not find these logs. However I did find some data from a test which was performed on one of the wells by Goodwell Inc. of Upton Wyoming. You may want to contact this company since they may have some of the information you will need.

If you have any questions feel free to contact me at the Division of Water Rights, 523 East Capital, Pierre, SD 57501. Phone (605) 773-3352

Sincerely,

Mark D. Rath
Natural Resources Engineer II
Water Rights Division

enclosure

File No.

Water Rights Division -DWNR
Conversation or File Documentation

NAME OF PERSON OR FILE: Don DeVries (Fall River Feedlot)

ADDRESS: Hot Springs SD COUNTY: Fall River

DATE: 11/1/90 TELEPHONE:

RE: Water Permit Application

COMMENTS:

Don DeVries manager at Fall River Feedlots called. He said that he was working on getting the information together for filing for a water permit. He has not been able to get in touch with a well driller from Upton Wyoming who may have drilled the deep wells.

I told Mr. DeVries that we might have a lead on another driller and that we were to be getting more information from him.

Mr. DeVries said that he would be applying for permits on all the feedlot wells to make sure that all are covered.

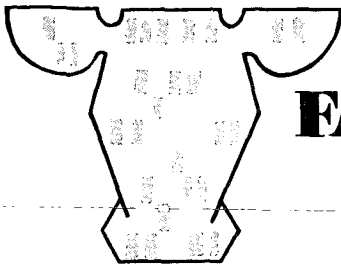
File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.



Mark D. Rath

Natural Resources Engineer II

DWNR, Water Rights Division



FALL RIVER FEEDLOTS, INC.

COMMERCIAL CATTLE FEEDERS

Box 892

Hot Springs, South Dakota 57747

605/745-4109



November 2, 1990

Mark D. Rath
South Dakota Department of
Water & Natural Resources
Joe Foss Building
523 E. Capitol
Pierre, South Dakota, 57501-3181

Re: Water Rights for Wells

Dear Mark:

I am asking for any information you can furnish me so I can apply for water rights for two wells that I own. Both of these wells are on Angostura Irrigation units, without houses. The wells are strictly used for livestock watering. The wells are located as follows:

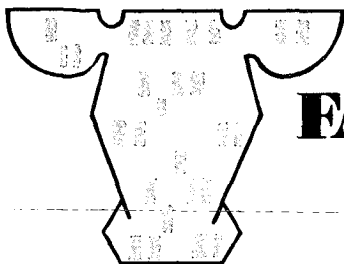
1. South West 1/4 of Section 4, Township 8 South, Range 7 East.
2. North East 1/4 of Section 4, Township 8 South, Range 7 East.

I would appreciate any information you have on these wells, to help me permit them. If you have any questions, please contact me.

Thank you,

Clayton Lambeth

CL/pas



FALL RIVER FEEDLOTS, INC.

COMMERCIAL CATTLE FEEDERS

Box 892

Hot Springs, South Dakota 57747

605/745-4109

November 2, 1990

Mark D. Rath
South Dakota Department of
Water & Natural Resources
Joe Foss Building
523 E. Capitol
Pierre, South Dakota 57501-3181



Re: Water Rights for Wells

Dear Mark:

You had indicated yesterday by telephone that you may have the information in Pierre to help us apply for water rights for our wells. Following is the location of each well the feedlot owns. Our intent is to inform you of every well we own, and apply for water rights for every well. I appreciate your help in attempting to supply us with additional information about these wells.

1. North Deep Well - Located on the Northwest 1/4 of Section 14, Twp. 8 South, Range 6 East.
2. South Deep Well - Located on the Northwest 1/4 of Section 14, Twp. 8 South, Range 6 East.
3. South House Well - Located on the Northeast 1/4 of Section 23, Twp. 8 South, Range 6 East.
4. Farm Well - Located on the S.W. 1/4 of Section 5, Twp. 8 South, Range 7 East (Irrigation Unit # 14).
5. Rural House Well - Located on the Northwest 1/4 of Section 24, Twp. 8 South, Range 6 East (Merrill).

The two deep wells (#1 and #2) are the backup water supply for the feedlot. The south house well (#3) supplies a house, and we get water from this well for our steam generator in the mill. The farm well (#4) supplies a farm house and shop, and the water for applying chemicals on the farm ground. The rural house well (#5) supplies a house that is rented out, and a water tank for about 15 horses.

I have not found any more information on the two deep wells at the feedlot. I know from our records, and in talking with you earlier that the south house well (#3) was drilled in July of 1980 by Bice Drilling in Rapid City. The other wells were on the properties when we purchased them, and I don't know much about them.

"To help you realize a greater return on your cattle investment."

Fall River Feedlots, Inc.
Page 2

Please let us know any information you have, so we can apply for water permits for all of the wells. If you have any additional questions, or need something else from us, please contact Clay Lambeth, here at the feedlot. Thanks for your help.

Sincerely,

A handwritten signature in cursive script, appearing to read "D.J. De Vries".

D.J. De Vries
Assistant Manager
Fall River Feedlots, Inc.

DJD/pas

File No.

Water Rights Division -DWNR
Conversation or File Documentation

NAME OF PERSON OR FILE: Clayton Lambeth

ADDRESS: Box 92 Hot Springs, SD

COUNTY: Fall River

DATE: 11/05/90

TELEPHONE: 605-745-4109

RE: Water permit application by Fall River Feedlots

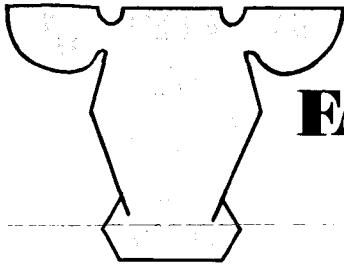
COMMENTS:

I called Mr. Lambeth in response to his letter. I told him that we had two well logs and two electronic well logs for four of the seven wells which they wish to get permits for. I told him he should submit a letter along with the application explaining why the other well logs were not available.

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



Mark D. Rath
Natural Resources Engineer II
DWNR, Water Rights Division



FALL RIVER FEEDLOTS, INC.

COMMERCIAL CATTLE FEEDERS

Box 892

Hot Springs, South Dakota 57747

605/745-4109

May 13, 1991

Mr. Eric Gronlund
Water Rights Division
523 E. Capitol
Pierre, SD 57501



RE; Well Permits

Dear Eric:

Enclosed are the well permit applications for Fall River Feedlots, Inc. We have tried to prepare all these applications in accordance to your instructions. If there any problems or questions, please let me know.

Also please find enclosed a check for the application and filing fees, the two deep wells for \$325.00 and the 3 shallow wells for \$150.00, a total of \$475.00.

Sincerely yours,

Clayton Lambeth
President and General Manager
Fall River Feedlots, Inc.

CL/ps

REPORT ON APPLICATION NO. 2178-2
for Fall River Feedlots, Inc.
June 24, 1991

Application No. 2178-2 proposes to appropriate 0.95 cfs (428 gpm) from two wells 2072 and 1965 feet deep located in the SW 1/4 NW 1/4 of section 14, T8S R6E BHM in Fall River County. The water is used for domestic and commercial purposes at the cattle feeding operation.

AQUIFER - INYAN KARA (INKR)

The Inyan Kara consists of sandstones and shales and is approximately 400 to 450 feet thick in this area. The Inyan Kara is the Fall River, Fuson and Lakota Formations in descending order. The Inyan Kara underlies 917,760 acres and contains an estimated 22.37 million acre feet of recoverable water in Fall River County (Allen. 1984). The Inyan Kara completely encircles the Black Hills and is a very large and complex hydrologic system. Recharge to the Inyan has not been quantified. The aquifer is under artesian conditions but does not flow at the land surface at this site. There are many flowing wells completed into the Inyan Kara along the Cheyenne River Valley and in the Edgemont area.

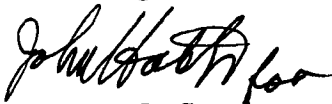
The Division of Water Rights does not monitor any observation wells completed into the Inyan Kara aquifer in this area. The nearest observation well in a few miles south of Hermosa (CU-83C). Water levels for this well do not show any significant fluctuations (Water Rights, 1991).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no existing permits/rights obtaining water from the Inyan Kara aquifer in this area. The nearest permit is over 3 miles from these diversions. Interference is not expected to be a problem.

CONCLUSIONS

1. Water is available from the Inyan Kara aquifer.
2. The Inyan Kara is under artesian conditions and drawdown will occur as a result of these withdrawals. Interference is not expected to be a concern. These are existing wells and have been used for this purpose for many years with no apparent problems.
3. These two wells are used as a backup supply for the feedlot operation.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Allen, J.C., 1984, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 1991, Inyan Kara Observation Wells in Black Hills, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2178-2, Fall River Feedlots, Inc.

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 2178-2, Fall River Feedlots, Inc., Box 892, Hot Springs, SD 57747.

The Chief Engineer is recommending APPROVAL of Application No. 2178-2 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 qualification:

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

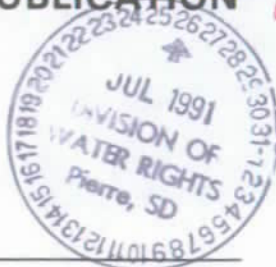
See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", is positioned above the typed name.

JOHN HATCH, Chief Engineer
June 27, 1991

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Fall River) ss.



I, Christopher N. Spencer

certify that the attached printed Notice was taken
 from the Hot Springs Star

A newspaper which during the whole time of publication of
 said notice herein after stated, has been and is printed and
 published in the Hot Springs Star

City of Hot Springs

County of Fall River and State of South Dakota;
 that the said notice was published in said newspaper on the
 following two dates:

July 9, 1991

July 16, 1991

Christopher N. Spencer
 (Signature)

Publisher
 (Title)

July 17, 1991
 (Date Signed)

Cost of Printing: \$62.37

181 **NOTICE OF HEARING on Application** **Nos. 2178-2, 2179-2, 2180-2, 2181-2 to** **Appropriate Water**

Notice is given that Fall River Feedlots, Inc., Box 892, Hot Springs, SD 57747 has filed an application for a water permit. Application No. 2178-2 appropriates 0.95 cubic feet of water per second (cfs) (428 gallons per minute) from two wells (Inyan Kara Formation) 2072 and 1965 feet deep located in the SW 1/4 NW 1/4 Section 14-T8S-R6E. The water is for domestic and commercial use at the cattle feeding operation.

Application No. 2179-2 appropriates 0.044 cfs (20 gallons per minute) from two wells (Quaternary Alluvium) 46 and 31 feet deep located in the NW 1/4 NW 1/4 Section 24-T8S-R6E. The water is for domestic and commercial use at the cattle feeding operation.

Application No. 2180-2 appropriates 0.067 cfs (30 gallons per minute) from one well (Quaternary Alluvium) 38 feet deep located in the SW 1/4 NE 1/4 Section 23-T8S-R6E. The water is for domestic and commercial use at the cattle feeding operation.

Application No. 2181-2 appropriates 0.022 cfs (10 gallons per minute) from one well (Quaternary Alluvium) 43 feet deep located in the SW 1/4 SW 1/4 Section 5-T8S-R7E. The water is for domestic and commercial use at the cattle feeding operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 2178-2, 2179-2, 2180-2 and 2181-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations, the Water Management Board will NOT CONDUCT a HEARING to consider the applications and the chief engineer will issue the permits as recommended. Petitions filed in support of the application will NOT require the Board to hear the applications.

Any person interested in opposing or supporting these applications must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 26, 1991. 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 applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

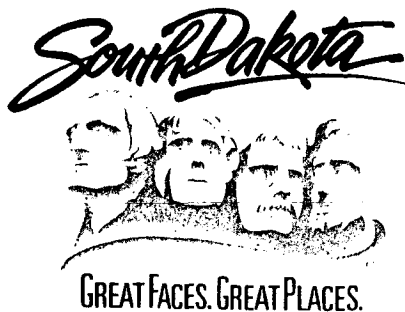
For purposes of publishing 1) the notice of hearing on Application Nos. 2178-2, 2179-2, 2180-2 and 2181-2 and 2) the Chief Engineer's recommendations, a special Board meeting is scheduled for August 5, 1991, at 9:00 am in Room 413, Joe

Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the August 5, 1991 hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The August 5, 1991 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the applications. The request for an automatic delay must be filed by July 26, 1991.

If a hearing is held, the Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to the applications or to assure access to the hearing by the handicapped.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30. 4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

July 9, 16



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

June 28, 1991

Fall River Feedlots, Inc.
Box 892
Hot Springs, SD 57747

Dear Sirs:

Water Permit Application Nos. 2178-2, 2179-2, 2180-2, and 2181-2 for domestic and commercial use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Hot Springs Star printed at Hot Springs, SD. For your information, a copy of the notices, 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 of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

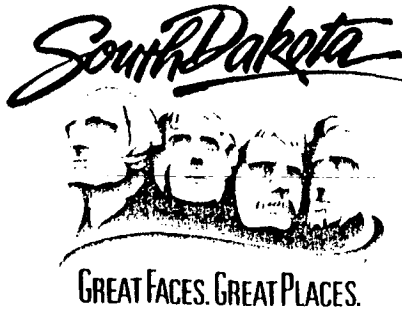
Sincerely,

for Karen Schlaak

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 57501-3181

June 28, 1991

Hot Springs Star
Box 1000
Hot Springs, SD 57747

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 2178-2, 2179-2, 2180-2, and 2181-2 to be published twice. Please publish the first notice on July 9, 1991 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Fall River Feedlots, Inc., Box 892, Hot Springs, SD 57747.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Karen Schlaak
for

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____

Instruction to Newspaper - Publish first Notice on July 9, 1991 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application Nos. 2178-2, 2179-2, 2180-2, 2181-2 to Appropriate Water

Notice is given that Fall River Feedlots, Inc., Box 892, Hot Springs, SD 57747 has filed an application for a water permit. Application No. 2178-2 appropriates 0.95 cubic feet of water per second (cfs) (428 gallons per minute) from two wells (Inyan Kara Formation) 2072 and 1965 feet deep located in the SW 1/4 NW 1/4 Section 14-T8S-R6E. The water is for domestic and commercial use at the cattle feeding operation.

Application No. 2179-2 appropriates 0.044 cfs (20 gallons per minute) from two wells (Quaternary Alluvium) 46 and 31 feet deep located in the NW 1/4 NW 1/4 Section 24-T8S-R6E. The water is for domestic and commercial use at the cattle feeding operation.

Application No. 2180-2 appropriates 0.067 cfs (30 gallons per minute) from one well (Quaternary Alluvium) 38 feet deep located in the SW 1/4 NE 1/4 Section 23-T8S-R6E. The water is for domestic and commercial use at the cattle feeding operation.

Application No. 2181-2 appropriates 0.022 cfs (10 gallons per minute) from one well (quaternary Alluvium) 43 feet deep located in the SW 1/4 SW 1/4 Section 5-T8S-R7E. The water is for domestic and commercial use at the cattle feeding operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 2178-2, 2179-2, 2180-2 and 2181-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations, the Water Management Board will NOT CONDUCT a HEARING to consider the applications and the chief engineer will issue the permits as recommended. Petitions filed in support of the application will NOT require the Board to hear the applications.

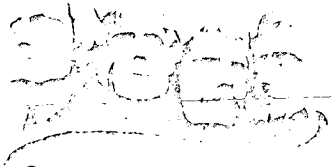
Any person interested in opposing or supporting these applications must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 26, 1991. 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 applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application Nos. 2178-2, 2179-2, 2180-2 and 2181-2 and 2) the chief engineer's recommendations, a special Board meeting is scheduled for August 5, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the August 5, 1991 hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The August 5, 1991 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the applications. The request for an automatic delay must be filed by July 26, 1991.

If a hearing is held, the Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to the applications or to assure access to the hearing by the handicapped.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

South Dakota



GREAT FACES. GREAT PLACES.

AUG 16 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Clayton Lambeth
Fall River Feedlots Inc.
Box 892
Hot Springs, SD 57747

Dear Mr. Lambeth:

Enclosed are Water Permit Nos. 2181-2, 2178-2, and 2180-2 authorizing construction of the water systems and the applications of water beneficial use, not exceeding the limits as specified in the Water Permits.

We will schedule an inspection so that Water Licenses may be issued to you, thus completing your acquisition of Water Rights.

Very truly yours,

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

enclosures

2178-2

Bangs, McCullen, Butler, Foye & Simmons

Lawyers

818 St. Joe Street

Mailing Address P. O. Box 2670

Rapid City, South Dakota 57709

605-343-1040

Telecopier 605-343-1503

August 20, 1991

George A. Bangs
W. A. McCullen (1943-1987)
Joseph M. Butler
Thomas H. Foye
Thomas E. Simmons
Ronald E. Clabaugh
Charles L. Riter
Allen G. Nelson
James P. Hurley

Michael M. Hickey
Mark F. Marshall
Terry L. Hofer
Rebecca A. McMahon
Patrick K. Duffy
Rodney W. Schlauger
Matthew V. Ressegieu



Recycled Paper 

Chief Engineer
Water Rights Division, DWNR
523 East Capitol
Pierre, SD 57501-3181

Re: Continental Grain Company - Fall
River Feedlots, Inc.

Dear Sir or Madame:

I am enclosing five Notices of Transfer of Ownership regarding the following Water Permits:

1. No. 1636-2;
2. No. 2178-2;
3. No. 2179-2;
4. No. 2180-2; and
5. No. 2181-2.

I am also enclosing our check in the sum of \$12.50 by way of the filing fee for the Notices of Transfer of Ownership.

I understand that there is an objection to the application for transfer of ownership regarding No. 2179-2 and that this transfer is, of course, subject to that objection.

Please file these and send an acknowledgment to us of the transfers.

If you have any questions, please contact me.

Chief Engineer
Water Rights Division, DWR
Page Two
August 20, 1991

Thank you.

Very truly yours,

BANGS, McCULLEN, BUTLER, FOYE & SIMMONS

A handwritten signature in cursive script, appearing to read "Charles L. Riter".

Charles L. Riter

CLR/map

Enclosures

cc: Gerard J Schulte

NOTICE OF TRANSFER OF OWNERSHIP

No. _____

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181



Date: August 19, 1991

I, We request that Water Permit/Right No. 2178-2

formerly owned by: Fall River Feedlots, Inc.

be transferred to: (name & address) Continental Grain Company, ATTN: Cattle Feed Division,
10 South Riverside Plaza, Chicago, Illinois 60606 (telephone No.) (312) 466-6570

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

Commercial feedlot and distribution system located in SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 14

Township 8 South Range 6 East of the Black Hills Meridian, Fall River County, South Dakota

I/We understand that the validity of Water Permit/Right No. 2178-2 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 at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
)
County of Pennington)

I/~~We~~ Clayton Lambeth being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of ~~owner~~ ^{President}, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Fall River Feedlots, Inc.

BY

ITS

(Signed)

Subscribed and sworn to before me this 19th day of August 19th 19 91

Margaret Paul
(Notary Public)

6-19-95

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

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____ August 22, 19 91

RECEIVED OF Bangs, McCullen, Butler Foye & Simons, Box 2670, Rapid City, SD 57707

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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>Water Permit No. 2178-2</u>	2	50
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	2 50

By

John H. H. H.
Chief Engineer

South Dakota

2178-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

August 27, 1991

No. 1636-2

2178-2

2180-2

2181-2

Charles L. Riter
Bangs, McCullen, Butler, Foye & Simmons
P.O. Box 2670
Rapid City, SD 57709

Dear Mr. Riter:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right No. 1636-2, Water Permit No. 2178-2, Water Permit No. 2180-2, and Water Permit No. 2181-2.

Our records now show Continental Grain Company, ATTN: Cattle Feed Division, 10 South Riverside Plaza, Chicago, IL 60606 as the owner of Water Right No. 1636-2, Water Permit No. 2178-2, Water Permit No. 2180-2, and Water Permit No. 2181-2.

Sincerely,

Cheryl F. Frost

Cheryl F. Frost
Secretary
Water Rights Division
605 773-3352

enclosure

cc: Continental Grain Company



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 8, 1995

2178-2
2180-2

Lonni Dunn
Assistant Manager
Continental Grain Company
Feedlot Division
10 South Riverside Plaza
Chicago, IL 60606

Dear Mr. Dunn:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 2178-2 and 2180-2, has been completed. Your final water right documents, the Water Licenses, can now be issued.

Statutes require a \$50.00 fee per license for the inspection and issuance of the Water Licenses. Upon receipt of the \$50.00 fee per license (\$100.00 total) from you, we will begin processing your Water Licenses.

Please remit the fee within 30 days to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

NOTE: On check or money order, please specify your permit numbers. This will insure proper handling of the fee.

RECEIPT

414728

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____

December 28, 19 95

RECEIVED OF Fall River Feedlot, Box 892, Hot Springs, SD 57747

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 _____	100.00
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>2178-2</u>	50 00
Fee for Filing Transfer Form _____	
Fee for Filing Extension Request _____	
Fee for _____	

(Any Other Work Provided by Law)	
Total	50.00

By

Chief Engineer

John Hatch

Permit No. 2178-2
Upper Cheyenne- Water District

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

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

I have this day, **8/15/1995**, made a thorough examination of the water use system owned by **Continental Grain Company of Feedlot Division, 10 South Riverside Plaza, Chicago, Illinois 60606** holder of **Permit No. 2178-2**, bearing the priority of **May 14, 1991**, authorizing the diversion of **0.95 cu. ft. per second** of groundwater for commercial purposes, in **Fall River County**.

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

A. Works used to divert the water:

**Two submersible pumps, 140 gallons per minute capacity of each pump.
Two submersible motors, 40 horse power each.**

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

300 feet of 3 and 4 inch Steel pipe.

Water from both wells is stored in a 5000 gallon tank.

The system is in the following condition **Good**. The points of diversion are located **Well No. 1: About 750 feet east, 2440 feet south from the northwest corner of Section 14; Well No. 2: about 1020 feet east, 2480 feet south from the northwest corner of Section 14**, all in **T8S-R6E** (both wells in the **SW1/4 NW1/4**). The works are capable of diverting and conveying to the place of use **0.62 cu. ft. per second** of water which is used for **commercial** purposes. The license should be issued for **0.62 cfs**.

Applicable permit qualifications have been complied with: Yes **X** No

Exceptions to compliance are: **None** Date Report Completed: **9/18/1995**



M. Rassool Ahadi
Natural Resources Engineer
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 2178-2

Other permit(s) associated with the project: 2180-2

DATE OF INSPECTION: 8/15/1995

NAME OF INSPECTION CONTACT/Lonni Dunn

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: Assistant Manager

NAME & ADDRESS OF PERMIT HOLDER: Continental Grain Company/Feedlot Division, 10 south
Riverside Plaza, Chicago, Illinois 60606

DIVERSION POINT LEGAL LOCATION: SW1/4 NW1/4 Section 14, T8S-R6E

WELL INFORMATION:

- 1) Well Drilling Firm: Electric Log: Goodwill Inc.
- 2) No. of Wells 2 (Well #1/Well #2)
- 3) Depth(s) 2072/1964 feet
- 4) Well log is available Y
- 5) Comment:

Casing:

- 1) Diameter 7/7 inches
- 2) Length 2072/1964 feet
- 3) Type Steel

Screen: Unknown

- 1) Type
- 2) Length feet
- 3) Static water level feet

Pump:

- 1) Make Submersible
- 2) Model
- 3) Size 3/3 Inch
- 4) Capacity 140/140 GPM

Motor:

- 1) Make Submersible
- 2) Model No.
- 3) Horsepower rating 40/40 hp

DISTRIBUTION LINES OR CANALS:

1) Type Steel 2) Size 4/3 inches 3) Length 300 feet

Water from both wells is pumped into a 5000 gallon tank

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit NA
- 2) Special qualifications to permit being abided by Y
- 3) All structures, wells on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2178-2

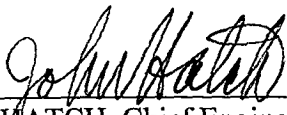
(1) Fall River Feedlots, Inc., Hot Springs SD 57747 made Application No. 2178-2, May 14, 1991 for a water permit to divert 0.95 cubic feet of water per second from groundwater (two wells), Fall River County, South Dakota for commercial purposes. Permit No. 2178-2, with a priority date of May 14, 1991 was approved August 5, 1991 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 2178-2 was transferred on August 21, 1991 to Continental Grain Company.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.62 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 - 750 feet east and 2440 feet south; Well #2 - 1020 feet east and 2480 feet south; all from the northwest corner of Section 14-T8S-R6E (SW 1/4 NW 1/4).

(3) The applicant 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 Continental Grain Company, Feedlot Division, 10 South Riverside Plaza, Chicago IL 60606 the holder and/or owner of Water Permit No. 2178-2 is issued a license to appropriate water, the right to use 0.62 cubic feet of water per second from groundwater (two wells) with a priority date of May 14, 1991 from the location specified in (2) of this license. The water to be used for the purpose of commercial use. This license is subject to any limitations or qualifications listed in Water Permit No. 2178-2 and subject to South Dakota State Law.



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

APR 4 1996
date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 4 1996

2178-2

2180-2

Lonni Dunn, Assistant Manager
Continental Grain Company
Feedlot Division
10 South Riverside Plaza
Chicago, IL 60606

Dear Mr. Dunn:

Enclosed are Water License Nos. 2178-2 and 2180-2. These are the final water right documents completing your process of obtaining Water Rights.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 2178-2 and 2180-2, 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 Licenses, 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

c: Clayton Lambeth, Fall River Feedlots, Box 892, Hot Springs, SD 57747

LAW OFFICES

Lynn, Jackson, Shultz & Lebrun, P.C.

Rapid City Office

Donald R. Shultz
Gene N. Lebrun
Thomas G. Fritz
Haven L. Stuck
Jay C. Shultz
Jane Wipf Pfeifle
Kurt E. Solay
Leah Jeffries
Craig A. Pfeifle
Steven J. Oberg
Mary A. Gubbrud
Steven J. Morgans

First National Bank Building
8th Floor · 909 St. Joseph St.
P.O. Box 8250 · Rapid City, SD 57709-8250
605-342-2592
Fax 605-342-5185
E-Mail ljlaw@iwayl.iw.net

First Bank Building
6th Floor · 141 N. Main Avenue
P. O. Box 1920 · Sioux Falls, SD 57101-3020
605-332-5999
Fax 605-332-4249
E-Mail ljlaw@ideassign.com

Sioux Falls Office

William F. Day, Jr.
Lee A. Magnuson
Jon C. Sogn
R. Alan Peterson
David L. Nadolski
Daniel R. Fritz*
Amy Heinrich Arndt

Member of Lex Mundi
A Global Association of 125 Independent Law Firms

REPLY TO: Rapid City 605-342-2592

May 1, 1997

*Also Admitted in Minnesota

Kelton S. Lynn
(1946-1974)
Horace R. Jackson
(1961-1987)



Ms. Genny McMath
Department of Environment and
Natural Resources
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: Fall River Feedlot/Lambeth - Transfer of Water Rights
Our File No.: 97-029-1

Greetings:

Enclosed please find five Notices of Transfer of Ownership with regard to water rights to be transferred from Fall River Feedlot and Clayton Lambeth to Fall River Feedyard, L.L.C. Also enclosed is our check in the sum of \$15.00 to cover the fee in this regard.

If you should have any questions, please contact me.

Sincerely,

LYNN, JACKSON, SHULTZ & LEBRUN, P.C.


Haven L. Stuck

HLS/dlm

Enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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



No. _____

Date: April 30, 1997

I/We request that Water ~~Permit~~/Right No. 2178-2

formerly owned by: Fall River Feedlots, Inc., d/b/a Continental Grain Company

be transferred to: (name & address) Fall River Feedyard, L.L.C., South Highway 385,

Hot Springs, SD 57747

Telephone No. (605) 745-4109

Title to the following described land(s)/property has been transferred as described above:
Well #1-750' East and 2440' South; Well #2-1020' East and 2480' South; all
from the Northwest corner of Sec. 14, Twp. 8S, Rg. 6 East

I/We understand that the validity of Water ~~Permit~~/Right No. 2178-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Pennington)

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

Joe Spitz Sen. Manager
(Signed)

Subscribed and sworn to before me this 1st day of May, 1997.



Mary J. Kattke
(Notary Public)

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

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

LAW OFFICES

Lynn, Jackson, Shultz & Lebrun, P.C.

Rapid City Office

Donald R. Shultz
Gene N. Lebrun
Thomas G. Fritz
Haven L. Stuck
Jay C. Shultz
Jane Wipf Pfeifle
Kurt E. Solay
Leah Jeffries
Craig A. Pfeifle
Steven J. Oberg
Mary A. Gubbrud
Steven J. Morgans

First National Bank Building
8th Floor · 909 St. Joseph St.
P.O. Box 8250 · Rapid City, SD 57709-8250
605-342-2592
Fax 605-342-5185
E-Mail ljlaw@iway1.iw.net

First Bank Building
6th Floor · 141 N. Main Avenue
P. O. Box 1920 · Sioux Falls, SD 57101-3020
605-332-5999
Fax 605-332-4249
E-Mail ljlaw@ideesign.com

Member of Lex Mundi
A Global Association of 125 Independent Law Firms

REPLY TO: Rapid City 605-342-2592

May 5, 1997

Sioux Falls Office

William F. Day, Jr.
Lee A. Magnuson
Jon C. Sogn
R. Alan Peterson
David L. Nadolski
Daniel R. Fritz*
Amy Heinrich Arndt

*Also Admitted in Minnesota

Kelton S. Lynn
(1946-1974)
Horace R. Jackson
(1961-1987)

Department of Environment and
Natural Resources
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: Fall River Feedlot/Lambeth - Transfer of Water Rights
Our File No.: 97-029-1

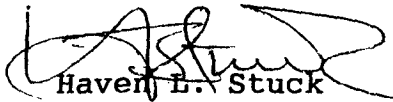
Greetings:

I have enclosed this firm's check in the amount of \$12.50 to cover the fee for the transfer of the water rights in the above-referenced. This check replaces the \$15 check sent to you with the Notices on May 1, 1997.

If you should have any questions, please contact me.

Sincerely,

LYNN, JACKSON, SHULTZ & LEBRUN, P.C.


Haven L. Stuck

HLS/mjk

Enclosure

RECEIPT

Division of Water Rights

415342

South Dakota Department of Environment and Natural Resources

Pierre, _____ May 7, 19 97

RECEIVED OF Lynn, Jackson, Shultz & Lebrun, P.C., P.O. Box 8250, Rapid City, SD 57709

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>Water Right No. 2178-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 21, 1997

Nos. 1636-2,
2178-2
2180-2
2182-2
2183-2

Haven L. Stuck
Lynn, Jackson, Shultz & Lebrun, P.C.
P.O. Box 8250
Rapid City, SD 57709-8250

Dear Mr. Stuck:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 1636-2, 2178-2 and 2180-2, and Water Permit Nos. 2182-2 and 2183-2.

Our records now show Fall River Feedyard, L.L.C. as the owner of Water Right Nos. 1636-2, 2178-2 and 2180-2, and Water Permit Nos. 2182-2 and 2183-2.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

enclosure

c: Joe Spitz, General Manager, Fall River Feedyard, L.L.C., South Highway 385, Hot Springs, SD 57747



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 28, 1997

Joe Spitz, General Manager
Fall River Feedyard LLC
PO Box 892
Hot Springs, SD 57747-0892

RE: Water Right Nos. 1636-2, 2178-2, 2180-2 & Water Permit Nos. 2182-2 and 2183-2

Dear Mr. Spitz:

Enclosed is your copy of a letter confirming the transfer of the above Water Rights and Permits into the name of Fall River Feedyard LLC. The copy was originally mailed to "South Highway 85, Hot Springs, SD." The post office notified us that your address is "PO Box 892" in Hot Springs. I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosure

NOT TO SCALE

SW 1/4 of the NW 1/4 Sect 14 T8S R 6E



I, HARRY M. RICHARDSON, REGISTERED LAND SURVEYOR, SD REGISTRATION NO. 1531, CERTIFY THAT THE WELL LOCATION DESCRIPTION IN THESE DOCUMENTS HAS BEEN VERIFIED UNDER MY DIRECTION.

Harry M. Richardson, P.E.
SD Registration No. 1531

Apph No. 2178-2

NOT TO SCALE

SW 1/4 of the NW 1/4 Sect 14 T8S R6E

T 349

48-L
S 6

T 1678

• well #1
• well #2



I, HARRY M. RICHARDSON, REGISTERED LAND SURVEYOR, SD REGISTRATION NO. 1531, CERTIFY THAT THE WELL LOCATION DESCRIPTION IN THESE DOCUMENTS HAS BEEN VERIFIED UNDER MY DIRECTION.

1531
HARRY M. RICHARDSON
Harry M. Richardson
Harry M. Richardson, P.E.
SD Registration No. 1531



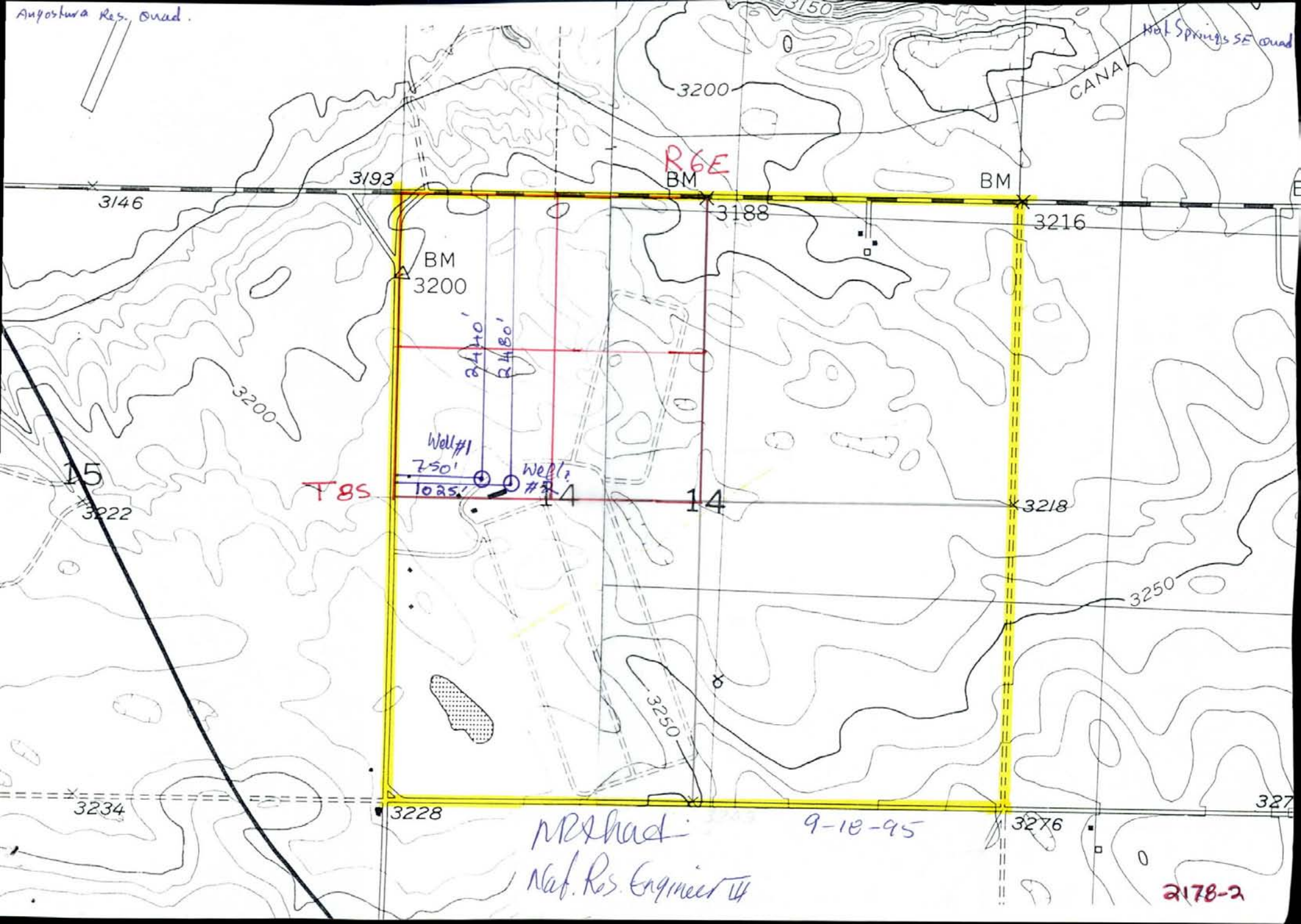
349

48-L

4.2
HEL
14

Angostura Res. Quad.

Hot Springs SE Quad



RGE
BM

BM

3/93

3146

3188

3216

BM
3200

2440'
2480'

Well #1

750'
1025'

Well #2

T8S

14

3218

3250

3250

15

3222

3234

3228

3276

327

MR. Had:
Nat. Res. Engineer IV

9-18-95

2178-2