

Considered: _____

WATER PERMIT NO. 2182-2

Phone: 605 745-4109

Name of Applicant: Clayton Lambeth

Post Office Address: Box 1016, Hot Springs 57747

Amount of Water Claimed: 0.022 Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: domestic County: Fall River

About 10 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: \$50 Remarks _____

Corrected Application Received 5-22-91 Period of Annual Use Jan 1 - Dec 31

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

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

Diversion Point: SE 1/4 NE 1/4 4-8S-7E

Land to be Irrigated: _____

				⊗
		4		
				J

Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 47' REMARKS no well log available - this is the best

information Mr. Lambeth has

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

Assigned on 5-22-91 By Karen Schlaak

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

No. 2182-2 Hydrologic Unit 10120109
Map No. _____ Basin Upper Cheyenne
Newspaper Hot Springs Star, Box 1000, Tues

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

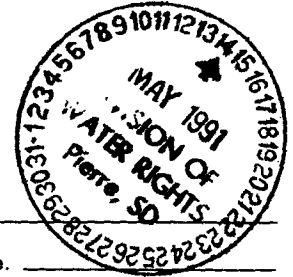
New ☒ Vested Right ☒ Future Use ☐ Change Use ☐

☐ 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. _____



Office Phone 605-745-4109

1. Name of Applicant Clayton Lambeth Phone No. 605-745-3350

Post Office Address Box 1016 Hot Springs State SD 57747
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s) .022

3. Source of water supply Shallow Well

4. Location of point of diversion SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ Section 4 TWP 8S Range 7E

County Fall River

5. Counties where water will be used Fall River

6. Annual period during which water is to be used January 1 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)

This is an existing domestic (livestock) well on this farm property, Unit 22, Angostura Irrigation District. The well was already on the farm when we purchased the unit and there are not any existing well permits. We would like a permit 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

I, Clayton Lambeth, 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 Lambeth

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

Supplemental Information

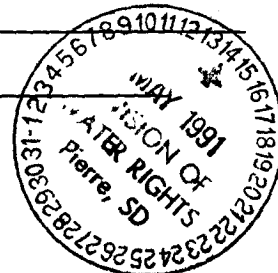
Existing Well

(type or print in ink)

Unit #22

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth 47'
- b) Casing Type Concrete Diameter 48" Thickness 4"
- 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) 38'
- g) Distance to nearest existing domestic well:
- On applicants property 9/10 mile On property owned by others 1/8 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 _____

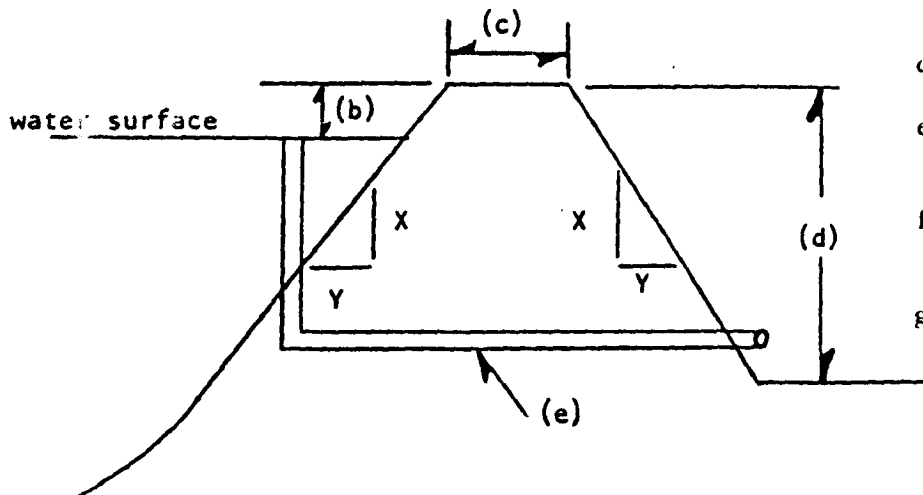
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ ac. feet

Drainage area above dam _____



Signature of Applicant _____

**SOUTH DAKOTA
WATER PERMIT No. 2182-2**

Date of first receipt of application May 14, 1991.

Date of return to applicant for corrections, amendments or changes May 21, 1991.

Date of receipt of corrected application May 22, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2182-2 to Clayton Lambeth, Box 1016, 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. 2182-2 appropriates 0.022 cubic feet of water per second from one well (Quaternary Alluvium) 47 feet deep located in the SE 1/4 NE 1/4 Section 4-T8S-R7E.
2. The water appropriated shall be used for the purpose of supplying water for domestic livestock watering use and may not exceed the amount of water needed for beneficial use for domestic 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. 2182-2 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.

WATER MANAGEMENT BOARD

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

SEP 18 1991
date

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412679

Pierre, _____ May 20, 1931

RECEIVED OF Clayton Lambeth, Box 1016, Hot Springs, SD 57747

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

Fee for Application for Permit No. <u>2182-2</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 *John H. Hatcher*
Chief Engineer

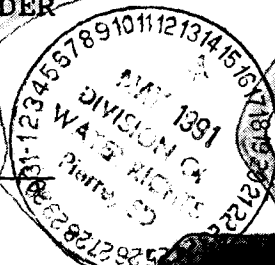
NOT TO SCALE

Unit #22
SE 1/4 of the NE 1/4
Section 4 T8S
R7E

I, HARRY M. RICHARDSON
SURVEYOR, SD REGISTERED
THAT THE WELL LOCATION
IN THESE DOCUMENTS
MY DIRECTION

CERTIFY

PERMITTED UNDER



8-7 MT 1915 T1914



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

May 21, 1991

Clayton Lambeth
Box 1016
Hot Springs SD 57747

Dear Mr. Lambeth

In regard to your water permit applications received on May 14, 1991, a well log or driller's test log signed by a South Dakota licensed well driller must accompany the applications. I have checked our files and can not find any information for the two wells located in the SW 1/4 SW 1/4 and the SE 1/4 NE 1/4, both in Section 4-T8S-R7E.

Upon receipt of the above, further processing of the applications will continue. The four applications which you submitted on behalf of the Fall River Feedlot, Inc. are complete and being processed.

If you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Karen Schlaak".

Karen Schlaak
Natural Resources Analyst
605 773-3352

File No.

Water Rights Division -DWNR
Conversation or File Documentation

NAME OF PERSON OR FILE: Clayton Lambeth

ADDRESS: Box 892

COUNTY: Fall River

DATE: 5-22-91

TELEPHONE:

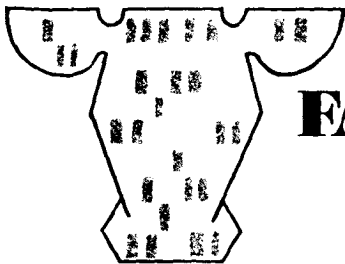
RE: Well Logs

COMMENTS:

Mr. Lambeth called and stated he does not have any information on the well construction for the two applications for Fall River Feedlots, Inc. or the two applications submitted in his name. The previous owner of the land died 10 years ago. No further information can be obtained on the well construction.

Karen Schlaak

Karen Schlaak
Natural Resources Analyst



FALL RIVER FEEDLOTS, INC.

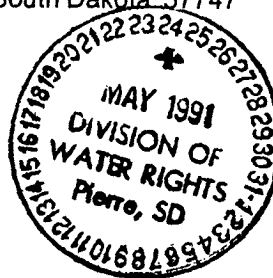
COMMERCIAL CATTLE FEEDERS

Box 892

Hot Springs, South Dakota 57747

605/745-4109

May 23, 1991



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

Dear Eric:

These domestic wells were on these properties when they were purchased by Fall River Feedlots, Inc. As you know well permits were not needed at that time, therefore there was not any well information with the purchases. They are all three shallow wells, and at the water usage level we are requesting per well (10 gal/min.), I am hopeful you will proceed with our applications. I really don't know where to get you the drilling information.

Sincerely,

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

CL/ps

REPORT ON APPLICATION NOS. 2182-2 AND 2183-2
for Clayton Lambeth
June 24, 1991

Application No. 2182-2 proposes to appropriate 0.022 cfs (10 gpm) from one well approximately 47 feet deep located in the SE 1/4 NE 1/4 of section 4, T8S R7E BHM in Fall River County. The water is for domestic use.

Application No. 2183-2 proposes to appropriate 0.022 cfs (10 gpm) from one well approximately 44 feet deep located in the SW 1/4 SW 1/4 of section 4, T8S R7E BHM in Fall River County. The water is for domestic use.

AQUIFER - QUATERNARY ALLUVIUM (ALQ)

The Quaternary Alluvium consists of sand, clay and gravels and is under water table conditions in this area (Littleton, 1949). No well logs were submitted for either of these applications. The saturated thickness of the alluvium appears to be relatively small or nonexistent. Information in the application indicates there is 3 to 4 feet of water in each well. These two wells are both located very near to a lateral of the Angustora Irrigation Project and undoubtedly water is leaking from the lateral into the alluvium and supplying water to the aquifer.

The Division of Water Rights does not monitor any observation wells in this area nor is there any estimate of water in storage for this aquifer.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other permits/rights in this area from the alluvium. Interference is not a problem. Wells of this type in low yield formations depend upon storage volume to produce the amount of water needed. These wells may not be dependable in an extended drought or if there is no water diverted through the irrigation canal.

CONCLUSIONS

1. Water is available from the Quaternary Alluvium.
2. Interference is not a problem. These are low yield wells and the aquifer is under water table conditions.
3. Both applications are for domestic use and a permit is not required. Neither application includes a well log and it can not be determined if the wells are constructed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Littleton, R.T., 1949, Geology and Ground-Water Hydrology of the Angustora Irrigation Project South Dakota, USGS Circular 54.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2182-2, Clayton Lambeth

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. 2182-2, Clayton Lambeth, Box 1016, Hot Springs, SD 57747.

The Chief Engineer is recommending APPROVAL of Application No. 2182-2 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:

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", is written over the printed name.

JOHN HATCH, Chief Engineer
June 27, 1991



**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

Clayton Lambeth
Box 1016
Hot Springs, SD 57747

Dear Mr. Lambeth:

Water Permit Application Nos. 2182-2 and 2183-2 for domestic 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 notice, the recommendations of the Chief Engineer and a report 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. 2182-2 and 2183-2 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 Clayton Lambeth, Box 1016, 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 Schlaack
for Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

FIRST TRANSMITTAL NOTICE

-----CUT HERE-----
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 No. 2182-2 and 2183-2 to Appropriate Water

Notice is given that Clayton Lambeth, Box 1016, Hot Springs, SD 57747 has filed applications for water permits.

Application No. 2182-2 is to appropriate 0.022 cubic feet of water per second (10 gallons per minute) from one well (Quaternary Alluvium) 47 feet deep located in the SE 1/4 NE 1/4 Section 4-T8S-R7E. The water is for domestic use.

Application No. 2183-2 is to appropriate 0.022 cubic feet of water per second (10 gallons per minute) from one well (Quaternary Alluvium) 44 feet deep located in the SW 1/4 SW 1/4 Section 4-T8S-R7E. The water is for domestic use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 2182-2 and 2183-2 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 application or the applicant files a petition contesting the chief engineer's recommendation, 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 applications will NOT require the Board to hear the applications.

Any person interested in opposing or supporting the 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 recommendation. 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 application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

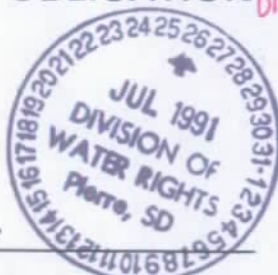
For purposes of publishing 1) the notice of hearing on Application Nos. 2182-2 and 2183-2 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for August 5, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation 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 application. 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 these 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County Fall River)



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,
 (Date)

Cost of Printing: \$54.45

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July 9, 1991

180 NOTICE OF HEARING on Application No. 2182-2 and 2183-2 to Appropriate Water

Notice is given that Clayton Lambeth, Box 1016, Hot Springs, SD 57747 has filed applications for water permits.

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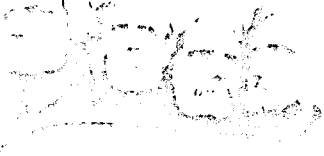
Application No. 2183-2 is to appropriate 0.022 cubic feet of water per second (10 gallons per minute) from one well (Quaternary Alluvium) 44 feet deep located in the SW 1/4 SW 1/4 Section 4-T8S-R7E. The water is for domestic use.

Pursuant to SDCL 46-2A-2, the chief Engineer recommends APPROVAL of Application Nos. 2182-2 and 2183-2 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 application or the applicant files a petition contesting the chief engineer's recommendation, 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 applications will NOT require the Board to hear the applications.

Any person interested in opposing or supporting the 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 recommendation. 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 application, 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. 2182-2 and 2183-2 and 2) the chief engineer's recommendation, 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 application. The request for an automatic delay must be filed by July 26, 1991.

South Dakota



GREAT FACES. GREAT PLACES.

SEP 18 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Clayton Lambeth
Box 1016
Hot Springs, SD 57747

Dear Mr. Lambeth:

Enclosed are Water Permit Nos. (2182-2) and 2183-2 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

We will schedule an inspection so that the 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

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
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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@ideassign.com

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REPLY TO: Rapid City 605-342-2592

May 1, 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)



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

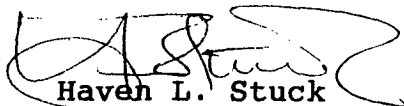
Greetings:

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. 2182-2

formerly owned by: Clayton Lambeth

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:

0.022 cubic feet of water per second from one well (Quaternary Alluvium) 47 feet deep located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4-T8S-R7E

I/We understand that the validity of Water Permit/~~Right~~ No. 2182-2 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.

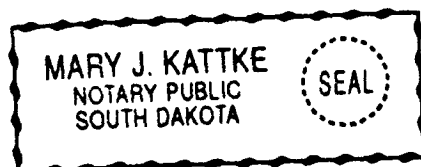
STATE OF SOUTH DAKOTA)

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.

(Signed) Joe Spitz

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



(Notary Public) Mary J. Kattke

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

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

RECEIPT

415344

Division of Water Rights

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 Permit No. 2182-2</u>		2 50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch 
Chief Engineer

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

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

*Also Admitted in Minnesota

May 5, 1997

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

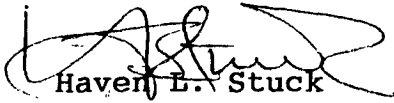
Greetings:

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



**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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 9, 1998

2182-2
2183-2

Fall River Feedyard, LLC
Joe Spitz
P.O. Box 892
Hot Springs, SD 57747-0892

Dear Mr. Spitz:

The investigation of your water use systems was conducted on January 28, 1998, by Jeff Shafer, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit Nos. 2182-2 and 2183-2. Your final water right documents, the Water Licenses, can now be issued.

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

**Please remit fee 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

Water Rights Program

South Dakota Department of Environment and Natural Resources

10 415686

Pierre, _____ March 13, 19 98

RECEIVED OF Fall River Feedyard, L.L.C., P.O. 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 _____

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. 2182-2

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

50 00

By _____
Chief Engineer

John Hatch

Permit No. 2182-2
Upper Cheyenne River - Water District

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

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

On, **January 28, 1998**, I made a thorough examination of the water use system constructed by **Fall River Feedyard, LLC** of **PO Box 892, Hot Springs SD 57747--0892** holder of Permit No. **2182-2**, bearing the priority of **May 14, 1991** authorizing the diversion of **.022** cu. ft. per second of the waters of **Groundwater** for **Domestic** purposes, in **Fall River** County.

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

A. Works used to divert the water:

Submersible pump with 1/2hp Franklin Electric motor
47' well

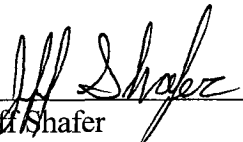
B. Works used to apply water to beneficial use

Stock Tank

The system is in the following condition **Good**. The point of diversion is located **Approximately 1000' south and 20' west of the NE corner of Section 4 T8S-R7E**. The works are capable of diverting and conveying to the place of use **.022** cu. ft. per second of water which is to be used for **Domestic use**.

Applicable permit qualifications have been complied with: **Yes**

Exceptions to compliance are: **None**



Jeff Shafer
Natural Resources Engineer
DENR, Water Rights Program

2-23-98
Date

REPORT ON INSPECTION OF PERMIT NO. 2182-2

DATE OF INSPECTION: 1/28/98

Other permit(s) associated with the project: none

Contact Person & Address: Joe Spitz, Fall River Feedyard, L.L.C., PO Box 892, Hot Springs SD 57747-0892

DIVERSION POINT LEGAL LOCATION: SE1/4 NE1/4 Section 4 T8S-R7E

WATER SUPPLY Source: Groundwater

Well Information:

- | | |
|---------------------------------------|------------------------------------|
| 1) Well Drilling Firm: <u>Unknown</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>47</u> feet | 4) Well log is available <u>No</u> |

Casing:

- | | |
|------------------------------|--------------------------|
| 1) Diameter <u>48</u> inches | 2) Length <u>47</u> feet |
| 3) Type <u>Concrete</u> | |

Screen:

- | | |
|--------------------------------------|-------------------------------|
| 1) Type <u>Unknown</u> | 2) Length <u>Unknown</u> feet |
| 3) Static water level <u>38</u> feet | |

Pump:

- | | |
|------------------------------------|---------------------------|
| 1) Make <u>Franklin Electric</u> | 2) Model <u>Unknown</u> |
| 3) Size <u>Unknown Submersible</u> | 4) Capacity <u>10</u> GPM |

Motor:

- | | |
|------------------------------------|-----------------------------|
| 1) Make <u>Franklin Electric</u> | 2) Model No. <u>Unknown</u> |
| 3) Horsepower rating <u>1/2</u> hp | |

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Yes
- 2) All structures, wells and lands on map Yes, as submitted
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Not Applicable

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2182-2

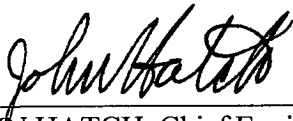
(1) Clayton Lambeth, Hot Springs, SD made Application No. 2182-2, May 14, 1991 for a water permit to divert 0.022 cubic feet of water per second from ground water (one well), Fall River County, South Dakota for domestic purposes. Permit No. 2182-2, with a priority date of May 14, 1991 was approved August 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.

On May 2, 1997, Water Permit No. 2182-2 was transferred to the Fall River Feedyard, LLC.

(2) It is certified that the permit holder 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 0.022 cubic feet of water per second for beneficial use. The location of the diversion point is approximately 1000'S and 20'W of the NE corner of Section 4, T8S, R7E (SE¼ NE¼).

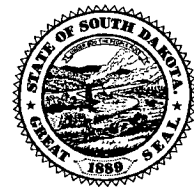
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use for livestock watering purposes.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Fall River Feedyard, LLC, PO Box 892, Hot Springs, SD 57747-0892 the holder and/or owner of Water Permit No. 2182-2 is issued a license to appropriate water, the right to use 0.022 cubic feet of water per second from ground water (one well) with a priority date of May 14, 1991 from the location specified in (2) of this license for domestic use purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 2182-2 and subject to South Dakota State Law.


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

APR 23 1998

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 23 1998

2182-2

2183-2

Fall River Feedyard, LLC
Joe Spitz
P.O Box 892
Hot Springs, SD 57747-0892

Dear Mr. Spitz:

Enclosed are Water License Nos. 2182-2 and 2183-2. These are the final water right documents completing your process of obtaining a Water Right. Enclosed are Receipt Nos. 415686 and 415687 in the amount of \$50.00 each which you paid for the investigation and issuance of the Water Licenses.

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. 2182-2 and 2183-2, 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

gm
enclosures