

WATER PERMIT NO. 2385-2

Name of Applicant: **Roger R Robbins**

Address: **HCR 89 Box 109, Hamill SD 57534**

Phone: **605 842-1583**

Amount of Water Claimed: **0.533 cfs (240 gpm)**

Total Acres: **NA**

Source of Water Supply: **groundwater (two wells)**

Water to be used for: **commercial use**

County: **Tripp**

Type of Waste Disposal System:

Location: **about 12 miles northeast of Winner**

PRIORITY Date Received: **4-10-97**

Fee: **\$275**

Corrected Application Received: **4-21-97**

Period of Annual Use: **January 1 - December 31**

Remarks: **Cattle feedlot operation**

Diversion Point: **SE 1/4 NE 1/4 Sec 34-
T101N-R74W**

Feedlot located: **SE 1/4 NE 1/4, SE 1/4
Sec 34-T101N-R74W**

Depth of Well: **1300 feet deep**

Well Driller:

Remarks: **log not required**

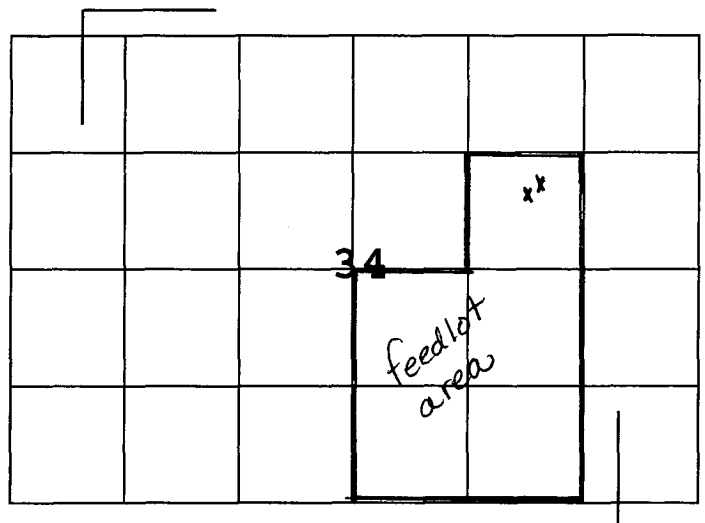
Type of Map: **plat**

Prepared by: **James Kastner, PE**

Reviewed and the Number Assigned on: **4-21-97**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>2385-2</u> Hydrologic Unit <u>10140204</u>
	Basin <u>White River</u>
	Newspaper <u>Winner Advocate, Winner, SD</u>



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

Check use(s) of water:

☐ Municipal ☐ Suburban Housing ☐ Recreational ☐ Institutional
☐ Rural Water System ☒ Commercial ☐ Fish & Wildlife ☐ Geothermal Heat
☒ Domestic (over 18 gpm) ☐ Industrial ☒ Other Feedlot

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
 (check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

- Name of Applicant ROGER R. ROBBINS Phone 605-842-1583
 (check one) ☒ Owner ☐ Tenant/lessee
 Mailing Address HCR 89 Box 109 Hamill State SD 57534
 (Street, RR. or Box) total 240 (Zip Code)
- Amount of water claimed 0.533 *CFS or 120 (each well) **GPM ***AF
 (*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Dakota Aquifer (well)
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Feedlot: SE 1/4 NE 1/4 of
SE 1/4 of Section 34 T101N, R74W
Wells: SE 1/4 of NE 1/4 of Section 34 T101N, R74W County Tripp
SE 1/4 SE 1/4
- County or counties where water will be used Tripp
- Annual period during which water is to be used year round ~~Jan 1 - Dec 31~~ 50 gpm peak to 90-120 gpm
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)
7500 head cattle feedlot.

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

STATE OF SOUTH DAKOTA)

SS

County of Tripp

I, Roger Robbins, 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

Roger Robbins

Subscribed and sworn to before me this 4th day of April 19 97

6-7-98

Alan Pakke

Notary Public



SOUTH DAKOTA
WATER PERMIT NO. 2385-2

Date of first receipt of application April 10, 1997.

Date of return to applicant for corrections, amendments or changes April 10, 1997.

Date of receipt of corrected application April 21, 1997.

The Water Management Board approved Water Permit Application No. 2385-2 on July 10, 1997 for Roger Robbins, HCR 89, Box 109, Hamill SD 57534 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. 2385-2 appropriates 0.533 cubic feet of water per second (240 gallons per minute) from two wells (Dakota Formation) approximately 1,300 feet deep located in the SE 1/4 NE 1/4 and the SE 1/4 SE 1/4 Section 34-T101N-R74W. The water is for commercial use in a cattle feedlot operation located in the SE 1/4 NE 1/4, SE 1/4 Section 34-T101N-R74W.
2. The water appropriated shall be used for the purpose of supplying water to a cattle feedlot operation and may not exceed the amount of water needed for beneficial use for commercial use purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date from which applicant may claim right is April 10, 1997.
5. One-fifth of the construction is to be completed on or before January 10, 2000.
6. All construction is to be completed on or before July 10, 2002.
7. Water is to be put to beneficial use on or before July 10, 2006.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The 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.
2. Permit No. 2385-2 is subject to compliance with requirements of the Division of Environmental Services' review and approval of the plans and specifications for the animal waste management system, including a nutrient management plan.
3. Operation of the disposal systems to dispose of waste and wastewater shall be in a manner that prevents runoff from the disposal sites and from entering the waters of the State.

(continued)

4. The wastewater storage lagoon and feedlot area shall be designed so that it does not receive surface runoff to from the surrounding area.
5. Design, construction and management of the lagoons shall be sufficient to maintain seepage rate of less than 10^{-7} centimeters per second. Compaction of the soils within the wastewater lagoon must be at least ninety five percent of the Standard Procter Density (ASTM D6980-70).
6. The wells authorized by Permit No. 2385-2 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
7. Permit No. 2385-2 is subject to compliance with the existing and applicable Water Management Board Rules:
 - a) Chapter 74:03:15 Ground Water Quality Standards,
 - b) Chapter 74:03:16 Ground Water Discharge Permit,
 - c) Chapter 74:03:02 Surface Water Quality Standards,
 - d) Chapter 74:03:04 Uses Assigned to Streams, and
 - e) Chapter 74:03:17 through 74:03:26 Surface Water Discharge Provisions.

WATER MANAGEMENT BOARD

By: _____

John Hatch, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

JUL 21 1997

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 7 7/8" Depth ≈ 1300'
b) Casing Type Steel Diameter 5" Thickness _____
c) Screen Type SS Diameter 3" Thickness _____
d) Gravel Pack Thickness _____ Length of Gravel Pack _____
e) Depth to Top of Water Bearing Material ≈ 1150'
f) Depth to Water (ground surface to water level) 70-100'
g) Distance to nearest existing domestic well:
On applicants property NA On property owned by others ≈ 1.5 mi.

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
b) System Capacity (gallons) _____ c) Year Constructed _____
d) Connected to the City of _____ Sanitary System.

3. Dugout Information

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

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to 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

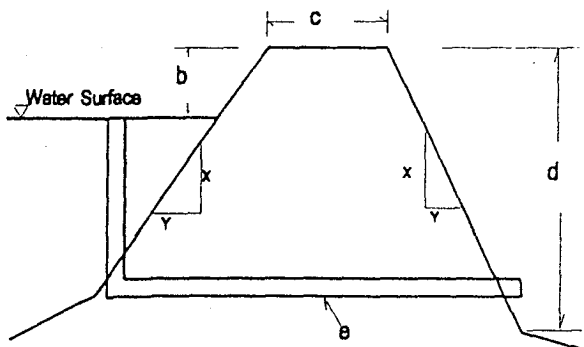
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



RECEIPT

Division of Water Rights

415309

South Dakota Department of Environment and Natural Resources

Pierre, _____ April 10, 19 97

RECEIVED OF Roger R. or Sue Robbins, HC 89, Box 109, Hamill, SD 57534

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

Fee for Application for Permit No. <u>1385-2</u> to Appropriate Water, to construct and to put water to beneficial use _____	225	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 _____		

(Any Other Work Provided by Law)	Total	225 00

By John Hatch 
Chief Engineer

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

2385-2

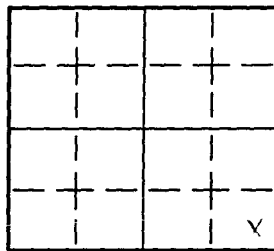
Location NE 1/4 SE 1/4 Sec 34 Twp 101N Rg 74WCounty Twp

North

Please mark well location with an "X"

W

E

Well Completion Date 6-13-97Well Owner: Winnings Circle FoodlotBusiness Name: P.O. Box 375Address: Winnipeg, SD 57580

WELL LOG:

DEPTH

FORMATION

FROM

TO

Pine	0	662
Minbrora	662	835
Carlisle	835	1016
Grown born	1016	1062
Grown born	1062	1213
Takota	1213	1250

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1/2 mi ft. from Farmstead (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Pottery

CASING DATA:

- ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
15 LB/FT	5 IN	_____ FT	_____ FT	7 1/8 IN
7.7 LB/FT	3 IN	_____ FT	_____ FT	4 3/4 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
Portland	150	15.7 lb./gal	0 ft	135 ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure pressure through casingSCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 3 IN Length 50' FEETMaterial SteelSlot Size 0.30 Set From 1250 Feet to 1300 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION:

Was well disinfected upon completion? X YES. How: Chlorine

_____ NO. Why Not? _____

Laboratory sent to for water quality analysis state

STATIC WATER LEVEL

155

Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: _____☐ Bailed _____☐ Other _____

Pumping Level Below Land Surface

105 ft. After 2 Hrs. pumped 60 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

Elec log at 107 ft. at 10
 1 gun per foot at 10
 by Goodwell

site elevation 1938'

This well was drilled under license # 213

And this report is true and accurate.

Drilling firm Northwest Drilling Inc

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: 6-30-97

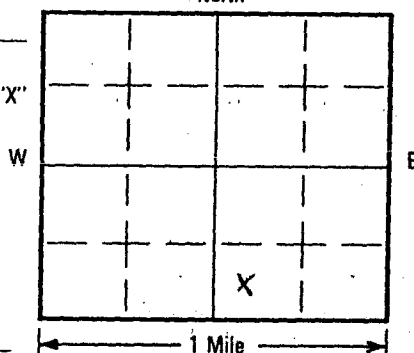
SOUTH DAKOTA WATER WELL COMPLETION REPORT

2385-2

07-92

Location Twp 5E Sec 34 Twp 101 Rg 74
County Tripp

Please mark well location with an "X"



Well Completion Date

11-5-97

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.) 50 ft. from Feedlot fence (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>15</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>420</u> FT	<u>7 7/8</u> IN
<u>17</u> LB/FT	<u>3</u> IN	<u>420</u> FT	<u>1350</u> FT	<u>4 3/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type Portland No. of Sacks 14,500 Grout Weight 15.6 lb./gal From 0 ft To 1350 ft
_____ lb./gal _____ ft _____ ft

Describe grouting procedure pressure thru casing

SCREEN: ☒ Perforated pipe ☐ Manufactured

Diameter 3 IN Length _____ FEET

Material Steel

Slot Size .030 Set From 1280 Feet to 1315 Feet

Other information Conducell ports
2 Shols / FT

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

X YES, How: Chlorine

_____ NO, Why Not? _____

Laboratory sent to for water quality analysis

State

Well Owner: Winnies Circle Feedlot

Business Name: _____

Address: PO Box 275
Winnipeg, SD 57580

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Pierre</u>	<u>0</u>	<u>667</u>
<u>Michron</u>	<u>667</u>	<u>842</u>
<u>Carlisle</u>	<u>842</u>	<u>1021</u>
<u>Greenhorn</u>	<u>1021</u>	<u>1067</u>
<u>Graneros</u>	<u>1067</u>	<u>1217</u>
<u>Dakota</u>	<u>1217</u>	<u>1350</u>

STATIC WATER LEVEL 165 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped

Describe: developed by air

☐ Bailed

☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 213

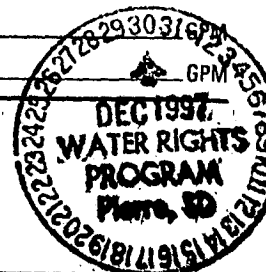
And this report is true and accurate.

Drilling firm Hatton Machine Drilling Inc

Signature of license Representative

Signature of Well Owner or Equitable Property Holder:

Date: 11-28-97



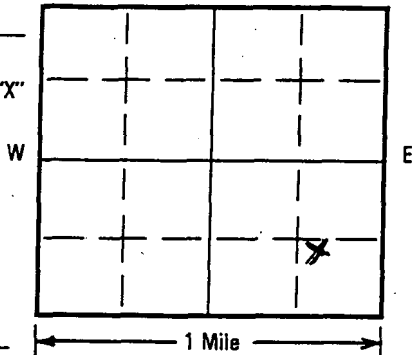
SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NE 1/4 SE 1/4 Sec 34 Twp 101 Rg 74County Tripp

North

Please mark well location with an "X"



Well Completion Date

9-9-98

Well Owner:

Business Name:

Address:

Winners Circle FeedlotP.O. Box 375Winner, SD 57580

WELL LOG:

DEPTH

FORMATION

FROM

TO

Pierre0665Niobrara665846Carlisle8461017Greenhorn10171065Graneros10651215Dakota12151350

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 800 ft. from Lagoon (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

RotaryCASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>15</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>420</u> FT	<u>7 7/8</u> IN
<u>7.7</u> LB/FT	<u>3</u> IN	<u>420</u> FT	<u>1350</u> FT	<u>4 3/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland</u>	<u>14,500#</u>	<u>15.8</u> lb./gal	<u>0</u> ft	<u>1350</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure pressure through casingSCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 3 IN Length 52' FEETMaterial SteelSlot Size 1030 Set From 1252 Feet to 1304 FeetOther information 60 shots
Goodwell PerfWAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How:Chlorine

_____ NO, Why Not? _____

Laboratory sent to for water quality analysis

StateSTATIC WATER LEVEL 165' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped

Describe: _____

☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

Well #3This well was drilled under license # 213

And this report is true and accurate.

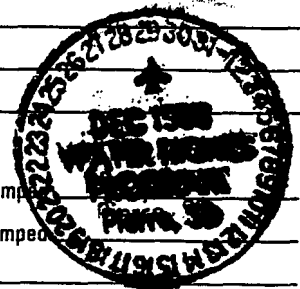
Drilling firm

Hotmacker Drilling Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

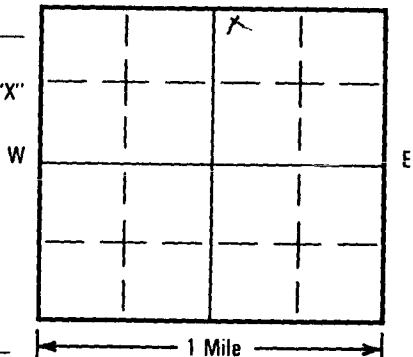
9-25-98

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NW 1/4 NE 1/4 Sec 34 Twp 101N Rg 74WCounty Tripp

Please mark well location with an "X"



Well Completion Date

5-31-02

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1500 ft. from Lagoon (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

RotaryCASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
1.5 LB/FT	3 IN	0 FT	415 FT	7 7/8 IN
7.7 LB/FT	3 IN	415 FT	1330 FT	4 1/2 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland</u>	<u>12000</u>	<u>159</u> lb./gal	_____ ft.	_____ ft.
_____	_____	_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure Pressure thru casingSCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 3 IN Length _____ FEETMaterial SteelSlot Size 030 Set From 1267 Feet to 1315 FeetOther information Conductivity GUN per inch
14 shotsWAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

YES, How: Chlorine

_____, NO, Why Not? _____

Laboratory sent to for water quality analysis

State

Well Owner: _____

Business Name: Winners Circle FeedlotAddress: PO Box 375
Winner, SD 57580

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Water</u>	<u>0</u>	<u>665</u>
<u>Nickora</u>	<u>665</u>	<u>846</u>
<u>Coalite</u>	<u>846</u>	<u>1017</u>
<u>Greenhorn</u>	<u>1017</u>	<u>1065</u>
<u>Graneros</u>	<u>1065</u>	<u>1205</u>
<u>Dakota</u>	<u>1215</u>	<u>1330</u>

STATIC WATER LEVEL 160' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ PumpedDescribe: developed☐ Bailedby air☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

Well #4

RECEIVED

OCT 23 2002

This well was drilled under license # 213 WATER RIGHTS PROGRAM

And this report is true and accurate.

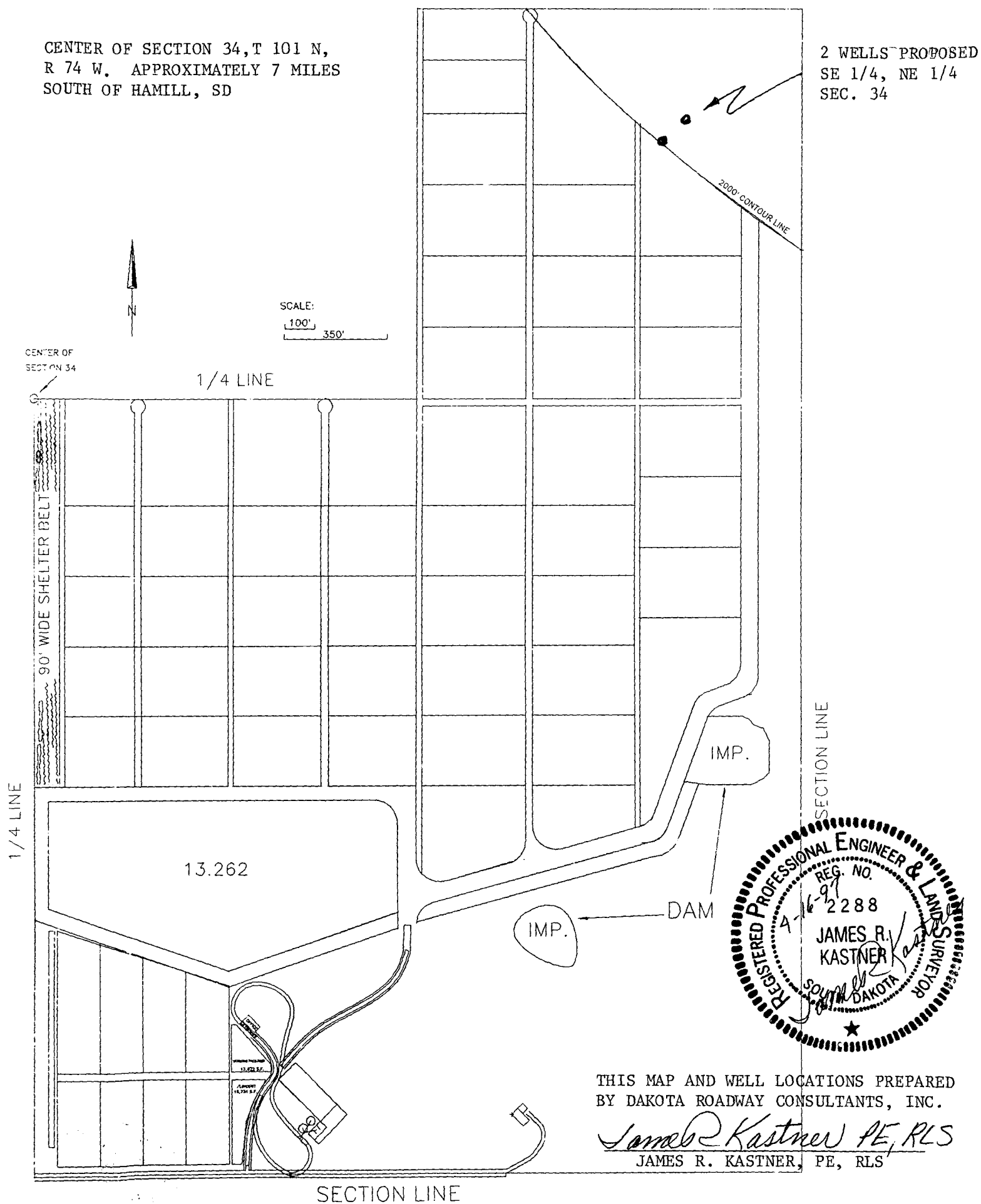
Drilling firm Helmerich & Smith, Inc.

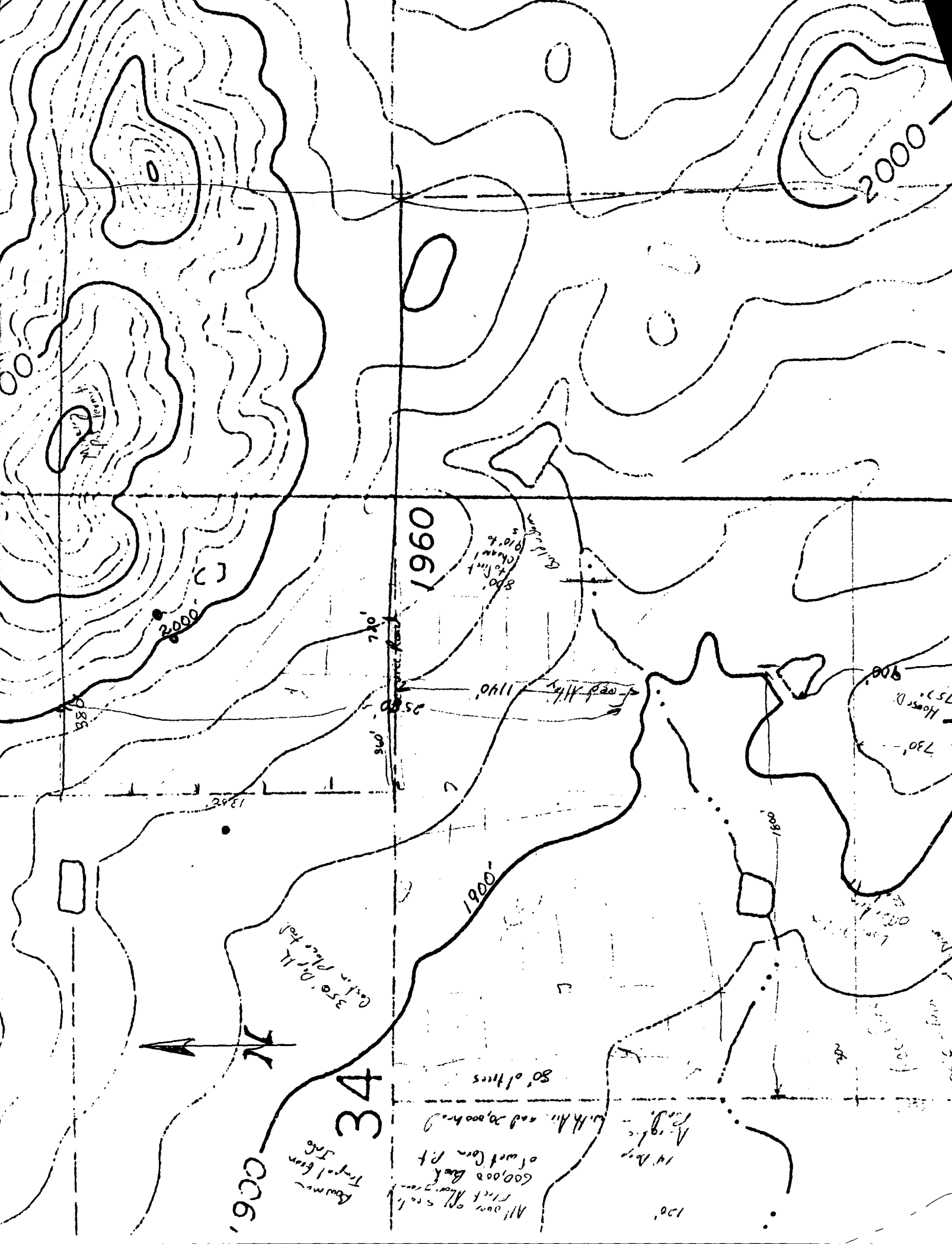
Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

2 WELLS PROPOSED
SE 1/4, NE 1/4
SEC. 34





RECEIPT

Division of Water Rights

415327

South Dakota Department of Environment and Natural Resources

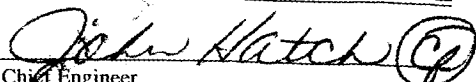
Pierre, _____ April 21, 19 97

RECEIVED OF Roger R. Robbins, HCR 89, Box 109, Hamill, SD 57534

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

Fee for Application for Permit No. <u>2385-2</u> to Appropriate Water, to construct 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 _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch 
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 10, 1997

Roger R Robbins
HCR 89 Box 109
Hamill SD 57534

Dear Mr. Robbins:

Thank you for submitting your *Application for a Permit to Appropriate Water* for a cattle feedlot. Enclosed is the map submitted with the application. The map is being returned because it needs to show the location of the well in relation to a government section corner or quarter corner by direction and distance. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office).

Also, at the bottom of the application form, where the notary public signed, please complete the date portion.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

**DAKOTA ROADWAY
CONSULTANTS INCORPORATED**

308 South Coteau • Pierre, South Dakota 57501
(605) 224-1220 FAX (605) 224-2421



April 16, 1997

Mr. John Hatch, Chief Engineer
SD DENR Water Rights Program
Foss Building
523 E. Capitol
Pierre, South Dakota 57501

Attn: Eric Gronlund

Re: Proposed Winner Circle Feedyard
7 miles south of Hamill, SD

Dear Mr. Hatch:

Transmitted herewith on behalf of the applicants is the original Application for Permit to Appropriate Water for the above reference project.

We have prepared and enclosed a map of the facility showing the Phase I Construction proposed and the location of two wells to be drilled into the Dakota Aquifer, for which we understand 240 GPM will be claimed.

The applicants have revised their original intent as shown on the application form originally submitted. We understand from our conversation with Mr. Jim Goodman that your office will communicate directly with the applicant to revise the information shown on the application.

Also enclosed is a copy of a contour map of the immediate area.

Sincerely:

DAKOTA ROADWAY CONSULTANTS, INCORPORATED

James R. Kastner

James R. Kastner, PE
President

cc: Richard Laber



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 17, 1997

Roger R Robbins
HCR 89 Box 109
Hamill SD 57534

Dear Mr. Robbins:

As requested, we have received the required map from James R. Kastner with Dakota Roadway Consultants, Inc. Mr. Kastner also submitted a letter. It is my understanding from the letter, that you wish to amend the *Application for a Permit to Appropriate Water* to include two wells and to increase the amount of water claimed from 120 gallons per minute (gpm) to 240 gpm. If this is your intention, an additional fee of \$50.00 will be required. Upon receipt of the fee, further processing of your application will proceed.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

HUTMACHER DRILLING, INC.

**P.O. Box 294
Chamberlain, SD 57325
(605)734-6631**



May 9, 1997

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

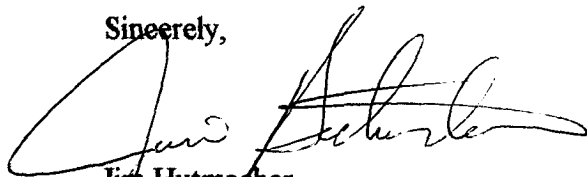
Dear Sirs,

Pursuant to 74:02:04:21, I am requesting permission to construct a test well prior to approval of a permit. I recognize the construction and testing does not constitute construction of works for appropriation of water pursuant to SDCL 46-5-9.

The location is the SE1/4, NE1/4, SEC34, T101N, R74W, Tripp County, SD. The land is currently owned by Roger Robbins. There is a pending water permit application on file with your office.

The proposed construction will be a Dakota Aquifer well approximately 1300 feet deep. Casing will be 400 feet of 5" steel and 800 feet of 3" steel. It will be pressure grouted with neat cement from the bottom up and will be gun perforated and logged.

Sincerely,



Jim Hutmacher
President



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 9, 1997

Tom Tobin
422 Main Street
Winner, SD 57580

Dear Mr. Tobin:

A few months ago you inquired about a proposed livestock confinement facility locating in Tripp County. You requested that I provide you information if an application is filed. The enclosed notice of hearing for Water Permit Application No. 2385-2 is scheduled to be published May 14 and 21, 1997 in the Winner Advocate.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

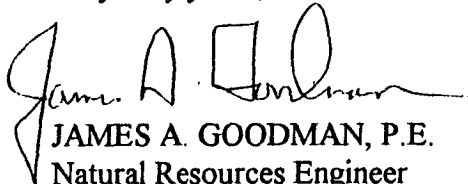
May 13, 1997

Jim Hutmacher
Hutmacher Drilling, Inc.
PO Box 294
Chamberlain, SD 57325

Dear Mr. Hutmacher:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, you are authorized to construct a test well for Roger Robbins prior to approval of a water permit. Water Permit Application No. 2385-2 is pending. The water permit must be approved prior to any use of water. The well is to be completed into the Dakota Aquifer in the SE¼, NE¼ Section 34, T101N-R74W. The test well must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

Very truly yours,


JAMES A. GOODMAN, P.E.
Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 2385-2, Roger Robbins

ADDRESS: COUNTY: Tripp

DATE: May 13, 1997 TELEPHONE:

RE: Terry Heimley stopped in office

COMMENTS:

The feedlot manager of the proposed feedlot stopped in the office along with Cory ??? to discuss the application which is scheduled to be public noticed. Originally the application was for both wells (one primary and the other a back-up well) to be located in the SE1/4 NE1/4 Section 34, T101N, R74W. Jim Hutmacher, the well driller, advised them to place on of the wells in the SE1/4 SE1/4 Section 34, T101N, R74W. They asked if this change can be accommodated. I indicated that this change would not appear in the first publication scheduled for the May 14th edition of the Winner Advocate. However, we can make the change in the advertisement for the second publication of the notice of hearing. I believe this will still provide for adequate public notice. They asked that I amend the application to be for one well in the SE1/4 NE1/4 and one well in the SE1/4 SE1/4 Section 34. I asked that they provide a letter to formal document their request.

They also stated that depending on the production of the two wells they may need to construct a third well, if necessary, to bring production up to 24 0 gallons per minute. I informed them of SDCL 46-5-13.1 which may allow additional diversion points without publication of the notice of hearing if the addition diversion point is from the same water source, no additional water is appropriated and the Chief Engineer makes a finding that the additional diversion point will not adversely impair prior water rights.

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: Eric Jonlund

REVISED WATER PERMIT APPLICATION NO. 2385-2

ROGER R. ROBBINS

MAY 13, 1997

Water Permit Application No. 2385-2 proposes to appropriate 0.533 cubic feet of water per second (240 gallons per minute) from two wells (Dakota Formation), approximately 1300 feet deep located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, T101N-R74W. The water is for commercial use in a cattle feedlot operation located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 34, T101N-R74W.

AQUIFER: Dakota Sandstone (DKOT)

AQUIFER CHARACTERISTICS:

The Dakota Formation consists of interbedded sand, sandstone, clay and sandy clay, approximately 450 feet thick in this area (Schoon, 1971). The Dakota underlies all of Tripp County and underlies most of eastern and central South Dakota. The aquifer contains an estimated 33.048 million acre-feet of recoverable water in storage in Tripp County (Hedges, 1982). The lithology of the Dakota is quite variable both laterally and vertically, and it has been postulated that the explanation for this is that the Dakota was deposited in a fluvial environment. The top of the Dakota aquifer is estimated to be approximately 1200 feet below grade at this site. The Dakota aquifer is confined (under artesian conditions) in this area and the static water level is expected to be approximately 220 feet below grade at this location.

The Water Rights Program monitors an observation well, (GY-89A), completed into the Dakota Aquifer, approximately 12 miles east of the diversion point proposed by this application.

DISCUSSION:

SDCL 46-6-3.1 requires that an application to appropriate groundwater may not be approved if, "according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of the water to the groundwater source". Average annual recharge to the Dakota Aquifer has not been quantified and it is not expected to be ascertained in the near future. The best information available to evaluate development as it relates to recharge, is historical records and data from observation wells. The difference between withdrawal from an aquifer and recharge is reflected by the water level of the aquifer. If the water level of an aquifer continues to decline, it may suggest that withdrawals exceed recharge. However, withdrawals from a confined aquifer such as the Dakota, affect water levels over a relatively large area. Water levels will continue to decline as the result of withdrawals until a dynamic equilibrium is established and water levels stabilize.

Since the first wells were completed into the Dakota Aquifer in the 1880's there has been a pronounced decline in the artesian head. The regional decline in head over the area can be demonstrated by comparing the "Piezometric map of Dakota Formation in 1914-15" published by Schoon, 1971; a map of the piezometric surface in 1935 (Rothrock, 1935); and the data obtained from Water Rights' Observation well GY-89A. In the vicinity of this observation well, the potentiometric surface apparently has declined about 170 feet between 1915 and 1996. This water level decline has not been uniform with time. In the twenty years between 1915 and 1935 the potentiometric surface apparently declined 100 feet or at the average rate of 5 feet per year. Between 1935 and 1989 the water level appears to have declined approximately 70 feet or at the average rate of 0.77 feet per year. Measurements taken from the observation well indicate the water level has declined 3.98 feet between

1989 and 1996 (0.57 feet per year). In theory, the Dakota Formation head pressure is stabilizing relative to withdrawals and discharges.

The primary reason for declines in the Dakota Formation head pressure is due to water being discharged without beneficial use through uncontrolled flowing wells. The casings for many of the uncontrolled flowing Dakota wells have deteriorated or no longer exist and many such wells are not visible at the ground surface. N.H. Darton noted as early as 1909 that "A number of artesian wells in South Dakota which found abundant water supplies have since so deteriorated as to be of no further use" (Darton, 1909). Discharges from these wells often continue either to groundwater formations above the Dakota or to the surface at various distances from the original well casing. Such discharges can not be quantified, and most can not be controlled. The Board and the Water Rights Program are actively enforcing the statutes to require uncontrolled flowing wells to be controlled or plugged where practical.

Although South Dakota Water Law (SDCL 46-6-3.1) does not allow "mining" of an aquifer, which could be evidenced by declining water levels; Water Law (SDCL 46-6-6.1) does not require the artesian head pressure to be protected. However, the Courts have determined that the Board must consider the effect of a limitation or a loss of artesian head pressure as one of the factors under the public interest determination.

The quantity or volume of water in the Dakota Formation that is related to head pressure is only a small percentage of the total water in storage. The quantity of water represented by the decline in head pressure is a fraction of the small percentage of water related to head pressure. Denial of this application will not preserve the head pressure, because head pressure declines are primarily due to discharges from uncontrollable flowing wells and not due to beneficial use of Dakota Formation Water. In fact, additional appropriations for beneficial use should serve to lessen wasteful discharges.

The Dakota Aquifer is widely used as a source of domestic water in this area. There are only two water permits/rights appropriating water from the Dakota Aquifer in Tripp County. The nearest appropriation from the Dakota is over 20 miles from this well. Interference should not be a concern.

1. The Dakota formation is a viable aquifer in this area.
2. The average annual recharge to the Dakota Formation has not been quantified and it is not expected to be ascertained in the near future. The best information available to determine the availability of unappropriated water is historical data and observation well records. Unappropriated water is available in the aquifer to sustain additional withdrawals.
3. Water levels (head pressure) have declined in the Dakota Formation. However, whether withdrawals exceed the average estimated annual recharge can not be determined based solely upon a decline in head pressure.
4. In theory, the Dakota Formation head pressure is stabilizing relative to withdrawals and recharge.
5. Each new diversion from the Dakota will theoretically cause an additional effect on the head pressure of the aquifer. The effects of the withdrawal proposed by this application

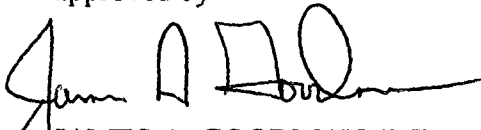
upon the Dakota Formation head pressure will not have a significant affect upon the decline or stabilization of head pressure in the Dakota Formation.

6. The Water Management Board is not required to protect artesian head pressure as a means of diversion. However, the Board must consider the effect of a limitation or a loss of artesian head pressure as one of the factors under the public interest determination.
7. The principal reason for declines in the Dakota Formation head pressure is due to water being discharged without beneficial use through uncontrolled flowing wells. Denial of this application will not preserve the head pressure. In fact, additional appropriations for beneficial use should serve to lessen wasteful discharges from the aquifer.
8. Plans and Specifications for the waste management system must be approved by the DENR Air and Surface Water Program.



KEN BUHLER
Natural Resources Engineer

approved by



JAMES A. GOODMAN, P.E.
Natural Resources Engineer

REFERENCES:

- Allen, J.C., D.Iles, A.Petres, 1984, Analysis of Ground Water and Streamflow Data Western Dakotas Region of SD, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD 57069
- Darton, N.H., 1909. Geology and Underground Waters of South Dakota, Water Supply Paper 227, USGS, Washington, DC
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- Schoon, R.A., 1971, Geology and Hydrology of The Dakota Formation in South Dakota, Report of Investigations No. 104, SD DENR, SDGS, Vermillion, SD 57069
- Water Rights, 1997, Unpublished Observation Well Data, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD 57501
- Water Rights, 1997, "Water Permit Files", SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2385-2, Roger R. Robbins

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2385-2, Roger R. Robbins, HCR 89, Box 109, Hamill, SD 57534.

The Chief Engineer is recommending APPROVAL of Application No. 2385-2 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:

1. 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.
2. Permit No. 2385-2 is subject to compliance with requirements of the Division of Environmental Services' review and approval of the plans and specifications for the animal waste management system, including a nutrient management plan.
3. Operation of the disposal systems to dispose of waste and wastewater shall be in a manner that prevents runoff from the disposal sites and from entering the waters of the State.
4. The wastewater storage lagoon and feedlot area shall be designed so that it does not receive surface runoff from the surrounding area.
5. Design, construction and management of the lagoons shall be sufficient to maintain a seepage rate of less than 10^{-7} centimeters per second. Compaction of the soils within the wastewater lagoon must be at least ninety five percent of the Standard Procter Density (ASTM D6980-70).
6. The wells authorized by Permit No. 2385-2 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
7. Permit No. 2385-2 is subject to compliance with the existing and applicable Water Management Board Rules:
 - a) Chapter 74:03:15 Ground Water Quality Standards,
 - b) Chapter 74:03:16 Ground Water Discharge Permit,
 - c) Chapter 74:03:02 Surface Water Quality Standards,
 - d) Chapter 74:03:04 Uses Assigned to Streams, and
 - e) Chapter 74:03:17 through 74:03:26 Surface Water Discharge Provisions.

See report on application for additional information.


JOHN HATCH, Chief Engineer
May 8, 1997

WATER PERMIT APPLICATION NO. 2385-2

ROGER R. ROBBINS

MAY 7, 1997

Water Permit Application No. 2385-2 proposes to appropriate 0.533 cubic feet of water per second (240 gallons per minute) from two wells (Dakota Formation), approximately 1300 feet deep located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34, T101N-R74W. The water is for commercial use in a cattle feedlot operation located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 34, T101N-R74W.

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The Dakota Formation consists of interbedded sand, sandstone, clay and sandy clay, approximately 450 feet thick in this area (Schoon, 1971). The Dakota underlies all of Tripp County and underlies most of eastern and central South Dakota. The aquifer contains an estimated 33.048 million acre-feet of recoverable water in storage in Tripp County (Hedges, 1982). The lithology of the Dakota is quite variable both laterally and vertically, and it has been postulated that the explanation for this is that the Dakota was deposited in a fluvial environment. The top of the Dakota aquifer is estimated to be approximately 1200 feet below grade at this site. The Dakota aquifer is confined (under artesian conditions) in this area and the static water level is expected to be approximately 220 feet below grade at this location.

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Although South Dakota Water Law (SDCL 46-6-3.1) does not allow "mining" of an aquifer, which could be evidenced by declining water levels; Water Law (SDCL 46-6-6.1) does not require the artesian head pressure to be protected. However, the Courts have determined that the Board must consider the effect of a limitation or a loss of artesian head pressure as one of the factors under the public interest determination.

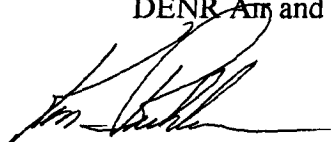
The quantity or volume of water in the Dakota Formation that is related to head pressure is only a small percentage of the total water in storage. The quantity of water represented by the decline in head pressure is a fraction of the small percentage of water related to head pressure. Denial of this application will not preserve the head pressure, because head pressure declines are primarily due to discharges from uncontrollable flowing wells and not due to beneficial use of Dakota Formation Water. In fact, additional appropriations for beneficial use should serve to lessen wasteful discharges.

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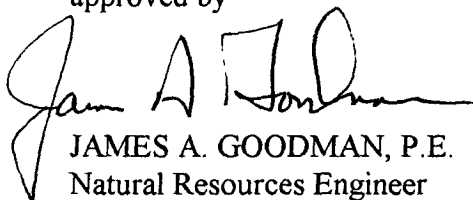
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8. Plans and Specifications for the waste management system must be approved by the DENR Air and Surface Water Program.



KEN BUHLER
Natural Resources Engineer

approved by



JAMES A. GOODMAN, P.E.
Natural Resources Engineer

REFERENCES:

- Allen, J.C., D.Iles, A.Petres, 1984, Analysis of Ground Water and Streamflow Data Western Dakotas Region of SD, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD 57069
- Darton, N.H., 1909. Geology and Underground Waters of South Dakota, Water Supply Paper 227, USGS, Washington, DC
- Rothrock, E.P., T.Robinson, 1938, Artesian Conditions in West Central South Dakota, Report of Investigations No. 26, SD DENR, SDGS, Vermillion, SD 57069
- Schoon, R.A., 1971, Geology and Hydrology of The Dakota Formation in South Dakota, Report of Investigations No. 104, SD DENR, SDGS, Vermillion, SD 57069
- Water Rights, 1997, Unpublished Observation Well Data, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD 57501
- Water Rights, 1997, "Water Permit Files", SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501



**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.**

May 8, 1997

Roger R. Robbins
HCR 89, Box 109
Hamill, SD 57534

Dear Mr. Robbins:

Water Permit Application No. 2385-2 for commercial use has 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 Winner Advocate printed at Winner, SD (Ph # (605) 842-1481). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice 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,

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

May 8, 1997

Winner Advocate
Box 71
Winner, SD 57580-0071

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2385-2 to be published twice. Please publish the first notice on May 14, 1997, 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 Roger R. Robbins, HCR 89, Box 109, Hamill, SD 57534 (Ph # (605) 842-1583).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. 2385-2

Date _____

We are in receipt of your letter of 5/8/97 enclosing Notice of Hearing to Appropriate Water by Application No. 2385-2 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 May 14, 1997, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2385-2 to Appropriate Water

Notice is given that Roger R Robbins, HCR 89, Box 109, Hamill SD 57534 has filed an application for a water permit to appropriate 0.533 cubic feet of water per second (240 gallons per minute) from two wells (Dakota Formation) approximately 1300 feet deep located in the SE 1/4 NE 1/4 Section 34-T101N-R74W. The water is for commercial use in a cattle feedlot operation located in the SE 1/4 NE 1/4, SE 1/4 Section 34-T101N-R74W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2385-2 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.

Any person interested in opposing or supporting this application 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 Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 6, 1997. 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.

The Water Management Board will consider this application at 8:30 a.m., June 16, 1997, Kneip Room, Governor's Inn, 700 W. Sioux Ave., Pierre, SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The June 16, 1997, 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 June 6, 1997.

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 Eric Gronlund by June 6, 1997, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is 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, 46-2A-20, 46-2A-21; 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. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Instruction to Newspaper - Publish first Notice on May 14, 1997, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2385-2 to Appropriate Water

Notice is given that Roger R Robbins, HCR 89, Box 109, Hamill SD 57534 has filed an application for a water permit to appropriate 0.533 cubic feet of water per second (240 gallons per minute) from two wells (Dakota Formation) approximately 1300 feet deep located in the SE 1/4 NE 1/4 **and the SE 1/4 SE 1/4** Section 34-T101N-R74W. The water is for commercial use in a cattle feedlot operation located in the SE 1/4 NE 1/4, SE 1/4 Section 34-T101N-R74W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2385-2 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.

Any person interested in opposing or supporting this application 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 Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 6, 1997. 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.

The Water Management Board will consider this application at 8:30 a.m., June 16, 1997, Kneip Room, Governor's Inn, 700 W. Sioux Ave., Pierre, SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The June 16, 1997, 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 June 6, 1997.

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 Eric Gronlund by June 6, 1997, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is 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, 46-2A-20, 46-2A-21; 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. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Tripp-ss.

Mylan Schroeder

of said county being first duly sworn, on oath says that he is the publisher of the

ADVOCATE

a weekly newspaper printed and published at Winner, said county of Tripp, and has full and personal knowledge of all the facts herein stated that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies weekly and has been published within said County for fifty-two successive weeks prior to the publication of the notice herein mentioned, and was printed wholly or in part in an office maintained at said place of publication; that the

49 lines @ 200 rate

Roger Robbins

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this affidavit, was published in said newspaper at least one in each week for 2 successive weeks, on the day of each week on which said newspaper was regularly published, to wit:

5-14

5-21

That the full amount of the fees for the publication of the annexed notice is \$ 55.82

Mylan Schroeder

Subscribed and sworn to before me this

day of

May 22nd 1997
Carla Lebert

Notary Public

County of Tripp, South Dakota

My Commission Expires

January 7, 2005



Notice of application no. 2385-2 to appropriate water

Notice is given that Roger R. Robbins, HCR 89, Box 109, Hamill, SD 57534 has filed an application for a water permit to appropriate 0.533 cubic feet of water per second (240 gallons per minute) from two wells (Dakota Formation) approximately 1300 feet deep located in the SE1/4NE1/4 and the SE1/4SE1/4 Section 34-T101N-R74W. The water is for commercial use in a cattle feedlot operation located in the SE1/4NE1/4, SE1/4 Section 34-T101N-R74W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2385-2 because 1) unappropriated water is available, 2) riparian rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting this application 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 Program, Foss Building, 523 E. Main Street, Pierre SD 57501 (605) 773-3352" and the applicant's mailing address is above. A petition filed by either an interested person or the applicant must be filed by June 6, 1997. 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.

The Water Management board will consider this application at 8:30 a.m., June 16, 1997, Kneip Room, Governor's Inn, 700 W. Sioux Ave., Pierre, SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, 4) deny this application based on the facts presented at the public hearing. The June 16, 1997 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 June 6, 1997.

The hearing will be an adversary proceeding. Any person filing a petition 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 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 Eric Gronlund by June 6, 1997, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is 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-16; 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-13; 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 of Water Rights, Pierre, SD. Neenie H. Myers, Secretary. (20-21 5088)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 6, 1997

Roger Robbins
HCR 89, Box 109
Hamill, SD 57534

Dear Mr Robbins:

The Department of Environment and Natural Resources petitions to request postponement of the June 16, 1997, hearing on Water Permit Application No. 2385-2. Therefore, the hearing on Application No. 2385-2 is automatically delayed pursuant to SDCL 46-2A-5 and will not be held on June 16, 1997.

The Chief Engineer's recommendation is for APPROVAL of Application No. 2385-2 with qualifications. The purpose of this petition is to schedule Application No. 2385-2 for the next regular Water Management Board meeting.

The Water Management Board will now consider Application No. 2385-2 at 9:00 AM (CDT), July 10, 1997, in the Conference Room, Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Ave., Pierre, SD. The agenda time is an estimate and may be delayed due to prior agenda items.

Please feel free to contact Eric Gronlund at (605) 773-3352 if you have any questions.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

c: Alvin Pahlke, 749 W 2nd, Winner, SD 57580

CERTIFICATION

I hereby certify that on June 6, 1997, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a letter dated June 6, 1997, regarding the Department of Environment and Natural Resources petitions to request postponement of the June 16, 1997, hearing on Water Permit Application No. 2385-2, addressed as stated below:

Roger Robbins, HCR 89, Box 109, Hamill, SD 57534.

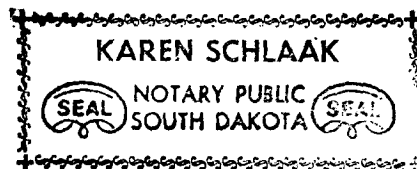
Alvin Pahlke, 749 W. 2nd, Winner, SD 57580.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 9th day of June, 1997


Notary Public



KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 21 1997

Roger Robbins
HCR 89, Box 109
Hamill, SD 57534

Dear Mr. Robbins:

Enclosed is Water Permit No. 2385-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 29, 1997

Terry Heinle
Winner Circle Feedyard, LLP
PO Box 375
Winner, SD 57580-0375

Re: Winner Circle Feedyard, LLP Manure Management System
Phase I Revised Plans and Construction Bidding Documents with Specifications

Dear Mr. Heinle:

The Department of Environment and Natural Resources is in receipt of four copies of the revised completed plans and construction bidding documents (proposal) which contain the specifications for your manure management system. The manure management system will be located in the Southeast 1/4 of Section 34, Township 101 North, Range 51 West in Tripp County, South Dakota.

This phase I manure management system is for an open lot feeding 7,580-head (7,580 animal units) of feeder cattle. This phase I system includes 89.13 acres of drainage area. This phase I system consists of diversion dikes or channels, piping, five sediment basins, and two storage ponds. The sediment basins have been designed for 180 days of solids storage each. The ponds have been designed for 180 days of liquid storage each.

These revised complete plans, construction bidding documents (proposal) and specifications have been reviewed and are hereby approved. The original plans and specifications were approved on July 28, 1997. All of the items required in the July 28, 1997, approval letter are incorporated into this approval letter. From this submittal, DENR has the following recommendation:

1. Piping

Because manure is corrosive, we recommend that the pipes from the sediment basins to the ponds be PVC or some other non-corrosive material rather than corrugated metal pipe.

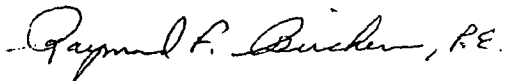
Two copies of the approved revised complete plans and construction bidding documents (proposal) with specifications are being retained for our files. If any deviations are required from the approved plans, then those changes and all change orders must be submitted for approval prior to construction. A complete set of as-built plans will be required if several major deviations result.

Terry Heinle
Winner Circle Feedyard
Page 2
July 29, 1997

Our review is primarily to assure that the system meets the required capacity and seepage rate and does not cover items, such as, quality of material, structural soundness, electrical, and mechanical design features. Approval of the plans and specifications does not in any way release the producer from the responsibility that the project will be an operable facility when construction is completed.

For more information on this review and approval please see the attached page of requirements and/or recommendations. If you have any questions regarding the content of this letter, please feel free to contact me. Thank you for your cooperation.

Sincerely,

Raymond F. Birchem, P.E.

Raymond F. Birchem, PE
Staff Engineer
Department of Environment and Natural Resources
Phone: (605) 773-3296

cc: Jim Kastner, Dakota Roadway, Pierre, SD
Tripp County Commission



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 28, 1997

Terry Heinle
Winner Circle Feedyard, LLP
PO Box 375
Winner, SD 57580-0375

Re: Winner Circle Feedyard, LLP Manure Management System
Phase I Plans and Specifications

Dear Mr. Heinle:

The Department of Environment and Natural Resources is in receipt of four copies of the plans and specifications for your manure management system. The manure management system will be located in the Southeast 1/4 of Section 34, Township 101 North, Range 51 West in Tripp County, South Dakota.

This phase I manure management system is for an open lot feeding 7,580-head (7,580 animal units) of feeder cattle. This phase I system includes 89.13 acres of drainage area. This phase I system consists of diversion dikes or channels, piping, five sediment basins, and two storage ponds. The sediment basins have been designed for 180 days of solids storage each. The ponds have been designed for 180 days of liquid storage each.

We have reviewed the project for storage and seepage requirements and hereby approve the plans and specifications for the above mentioned project. This approval expires on July 28, 1999, unless construction has been started by that date. A list of requirements which you must implement and recommendations which you may wish to implement are listed on the attached page. Failure to implement the requirements on the following page(s) prior to operation of the manure management system will invalidate this approval.

Two copies of the approved plans and specifications are being retained for our files. If any deviations are required from the approved plans, then those changes and all change orders must be submitted for approval prior to construction. A complete set of as-built plans will be required if several major deviations result.

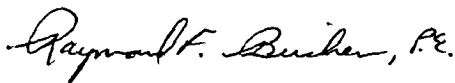
Terry Heinle
Winner Circle Feedyard
Page 2
July 28, 1997

Upon completion of construction, the enclosed Notice of Completion and Certification of Applicant forms must be returned to the department. Continued compliance is dependent upon proper operation and maintenance activities being performed by the producer. The producer will be liable for any noncompliance with applicable South Dakota environmental laws or regulations.

Our review is primarily to assure that the system meets the required capacity and seepage rate and does not cover items, such as, quality of material, structural soundness, electrical, and mechanical design features. Approval of the plans and specifications does not in any way release the producer from the responsibility that the project will be an operable facility when construction is completed.

For more information on this review and approval please see the attached page(s) of requirements and/or recommendations. If you have any questions regarding the content of this letter, please feel free to contact me. Thank you for your cooperation.

Sincerely,



Raymond F. Birchem, PE
Staff Engineer
Department of Environment and Natural Resources
Phone: (605) 773-3296

cc: Jim Kastner, Dakota Roadway, Pierre, SD
Tripp County Commission

Terry Heinle
Winner Circle Feedyard
Page 3
July 28, 1997

REQUIREMENTS

This review is to determine whether seepage and storage requirements are being met, all other design considerations should be in accordance with the latest adopted Natural Resources Conservation Service (formerly the Soil Conservation Service) design criteria.

Based on the system design, soil boring logs, and other published reports and information, we anticipate that if the facility is constructed as designed, this system should not impact ground water. Should the design or operation of the facility change appreciably, new hydrogeological information become available, or any contamination problems be reported, we reserve the right to reassess the need for ground water monitoring or any possible remedial action.

Based upon the amount of manure and the area the manure is being applied to, the department will retain the option of requiring monitoring of surface drainages should the need arise in the future.

1. Notification

Prior to the construction of the manure management system, the department must be notified to permit our personnel the opportunity for construction inspections. To notify us, please phone (605) 773-3351 and ask for Jeanie Votava.

2. Local Government and Other Governmental Notifications

All local, city, and county governmental agencies should be contacted for their approval and/or comments prior to construction of the animal waste management system. If a stream, lake, or wetland will be dredged or filled during the construction of the feeding operation, then you need to contact the United States Corps of Engineers at (605) 224-8531 prior to construction of the manure management system.

3. Location and Separation Distances from Wells

The location of the new well that is to be used for the facility must be shown on at least one of the site maps. This well must be at least 150 feet from any of the containment structures. Also, the application sites must be located at least 150 feet from a private well owned by the producer, 250 feet from a private well not owned by the producer, and 1,000 feet from any public water supply well. These areas must be excluded from the land application areas.

REQUIREMENTS CONTINUED

4. Nutrient Management Plan

A nutrient management plan was included with the plans and specifications. However, this plan does not show such things as nitrogen credits in the soil, legume credits for nitrogen, or areas that must not be included in the application sites. A revised nutrient management plan must be submitted for review and approval. The Natural Resource Conservation Service has developed a nutrient management plan in a computer Excel program that you may want to obtain for your use in preparing the revised nutrient management plan.

RECOMMENDATIONS

1. Warning Signs

It is not stated in the plans and specifications if warning signs are to be placed around the ponds. Due to the depth of the ponds, we recommend that at least two warning signs should be placed around each pond. The signs should be placed on the two most accessible sides at least. The signs should be 12 inches by 20 inches in size with 2-inch letters. The wording should say something like "Contaminated Water - Keep Out" or "Manure Holding Pond - No Trespassing", etc.



January 11, 1999

Terry Heinle
Winner Circle Feedlot
PO Box 375
Winner SD 57580

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Dear Mr. Heinle:

I am writing in regard to a well driller's report filed by Hutmacher Drilling, Inc. The report shows a new well was completed for Winner Circle Feedlot on September 9, 1998. A review of our files indicates that Winner Circle Feedlot holds Water Permit No. 2385-2 for 240 gallons per minute (gpm) from two wells, approximately 1300 feet deep located in the SE ¼ NE ¼ and the SE ¼ SE ¼ Section 34-T101N-R74W.

South Dakota Codified Law 46-5-13.1 provides that a point of diversion may be changed or additional points of diversion may be approved without application or publication of a notice of hearing if the additional point of diversion is from the same source of water, no additional water is appropriated and the Chief Engineer makes a finding that the change does not increase the potential for interference with existing diversions.

Mr. Heinle, does the peak diversion rate from the three wells exceed 240 gpm? If so, a new permit application will be required for the additional diversion rate above 240 gpm. If not, please send a letter to request authorization of an additional point of diversion for Water Permit No. 2385-2. Staff engineers discussed this procedure with you after the Board hearing for Water Permit No. 2385-2.

If you have any questions or need a water permit application form, please contact Eric Gronlund or me. We will assist you in any way possible.

Sincerely,

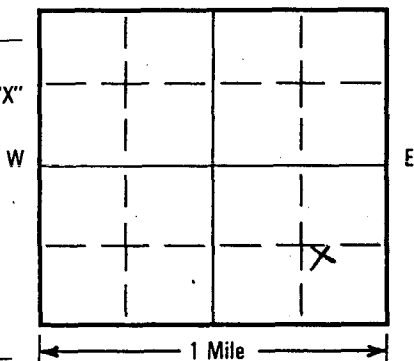
Karen Schlaak
Water Rights Program
605 773-3352

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NW 1/4 SE 34 Twp 101 Rg 74
County Tripp North

Please mark well location with an "X"



Well Completion Date

9-9-98

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 800 ft. from Lagoon (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
15 LB/FT	5 IN	0 FT	420 FT	7 7/8 IN
7.7 LB/FT	3 IN	420 FT	1350 FT	4 3/4 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
Portland	14,500#	15.8 lb./gal	0 ft	1350 ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure pressure through casingSCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 3 IN Length 52' FEET
Material SteelSlot Size 1030 Set From 1252 Feet to 1304 FeetOther information 60 shots
Goodwell Rev FWAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: Chlorine_____
NO, Why Not? _____

Laboratory sent to for water quality analysis

State

Well Owner: _____

Business Name: Winner's Circle FeedlotAddress: P.O. Box 375
Winner, SD 57580

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Pierre	0	665
Niobrara	665	846
Carlile	846	1017
Guerin horn	1017	1065
Graneros	1065	1215
Dakota	1215	1350

STATIC WATER LEVEL 165' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped

Describe: _____

☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

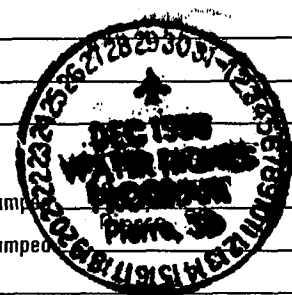
Well #3This well was drilled under license # 213

And this report is true and accurate.

Drilling firm Hatmach Drilling Inc

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: 9-25-98

Winner Circle Feedlot
PO Box 375
Winner, SD. 57580



February 3, 1999

Ms. Karen Schlaak
Joe Foss Building
523 East Capitol
Pierre, SD. 57501-3181

Dear Ms. Schlaak,

I am writing in response to your request concerning the peak diversion rate of our wells. As you described, Winner Circle Feedlot holds Water Permit No. 2385-2 for 240 gallons per minute (gpm) located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34-T101N-R74W.

We currently have three wells, which are designated on the map I have enclosed with this letter. The diversion rates of these wells are as follows:

Well #1	60 gpm
Well #2	40 gpm
Well #3	55 gpm
Total	155 gpm

During 1999 we plan to drill another well north of the feedlot (also designated on the map). This well will pump at a rate of 55 gpm. With the addition of this well the total rate will increase to 210 gpm. This is still under the 240 gpm as granted to us by our permit.

If you have any question, please feel free to contact us at the above address.

Thank you for your time.

Sincerely,

Terry Heinle
Lot Manager

Enc.



MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP.

T622

CRP
89-98

3A 182
WEL

(283L)

TT3995

CRP
89-98

CRP

IT2499

30 120
WEL

34

IT267

101-74

Well #1 → 60 gallons/minute
Well #2 → 40 gallons/minute
Well #3 → 55 gallons/minute
Well #4 → 55 gallons/minute



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 15, 1999

Terry Heinle, Lot Manager
Winner Circle Feedlot
P.O. Box 375
Winner SD 57580

Dear Mr. Heinle:

I am writing in regard to Winner Circle Feedlot's request for additional wells under Water Permit No. 2385-2. Water Permit No. 2385-2 appropriates 0.533 cubic feet of water per second (240 gallons per minute) from two Dakota Formation wells. Specifically, Winner Circle Feedlots has requested:

4. Authorization for one additional Dakota Formation well that has been constructed in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34 T101N, R74W.
5. Authorization for one additional Dakota Formation well to be constructed in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34, T101N, R74W.
6. Authorization to change the location of one of the original permitted wells (well no. 2) from the SE $\frac{1}{4}$ NE $\frac{1}{4}$ to the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, T101N, R74W.

Upon review of the request and pursuant to SDCL 46-5-13.1, Winner Circle Feedlot is authorized to develop the additional wells and change the location of the well as specified above without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. However, a new water right permit will be necessary if more than 240 gallons per minute will be pumped.

The additional wells must be constructed in accordance with SD Well Construction Standards. Standard 74:02:04:28 is the applicable construction standard. The additional well must be grouted from the top of the formation to the land surface in order to comply with the standards. If you have any questions on well construction, please contact Ken Buhler at (605) 773-3352.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
WATER RIGHTS PROGRAM

March 15, 1999

RE: Requests for additional points of diversion and to change the location of one diversion point for Water Permit No. 2385-2, Roger Robbins

Terry Heinle, Lot Manager for Winner Circle Feedlot, PO Box 375, Winner SD 57580 has submitted an application requesting authorization under Water Permit No. 2385-2 for:

1. Authorization for one additional Dakota Formation well that has been constructed in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34 T101N, R74W. Designated as well No. 3 on attached map.
2. Authorization for one additional Dakota Formation well to be constructed in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34, T101N, R74W. Designated as well No. 4 on attached map.
3. Authorization to change the location of one of the original permitted wells from the SE $\frac{1}{4}$ NE $\frac{1}{4}$ to the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, T101N, R74W. Designated as well No. 2 on attached map.

SDCL 46-5-13.1 provides that a point of diversion may be changed or additional points of diversion may be approved without application or publication of a notice of hearing if the additional point of diversion is from the same source of water, no additional water is appropriated and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

Water Permit No. 2385-2 appropriates 0.533 cubic feet of water per second (240 gallons per minute) from two wells (Dakota Formation) approximately 1,300 feet deep located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, T101N, R74W. The request states the operation of all four wells will not exceed the 0.533 cfs appropriated under Water Permit No. 2385-2. The water is for commercial use in a cattle feedlot operation. The applicant for Permit No. 2385-2 was Roger Robbins for a cattle feeding operation to be known as Winner Circle Feedlot.

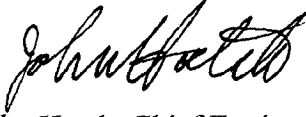
As part of the review of this request for an additional diversion point, a review of well construction reports on file with the Water Rights Program and existing water rights within two miles was conducted. There are no other existing water rights within 20 miles. The only well construction reports on file within a two-mile radius are wells for this operation.

These additional diversion points are to be used with the existing wells in order to bring production near the quantity authorized by Water Permit No. 2385-2. No additional appropriation of water is authorized. The additional wells must be constructed in accordance with SD Well Construction Standards.



Eric Gronlund
Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding that these additional diversion points and the change in location of one diversion point does not increase the potential for interference with existing diversions. In making the finding, "does not increase the potential for interference" is interpreted to mean potential for adverse interference. Winner Circle Feedlot is authorized to develop the additional wells and change the location of the well as specified above without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. A new water right permit is required for any diversions greater than 0.533 cfs by Winner Circle Feedlot from the four wells.



John Hatch, Chief Engineer
Water Rights Program

3-15-99

RECEIVED

SEP 23 2010

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2385-2
Date: 9.21.10

I/We request that Water Permit No. 2385-2

formerly owned by: Roger Robbins

be transferred to: (name & address) Winner Circle Feedyard, LLP
PO Box 375
Winner SD 57580 Telephone No. 605. 842. 3160

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

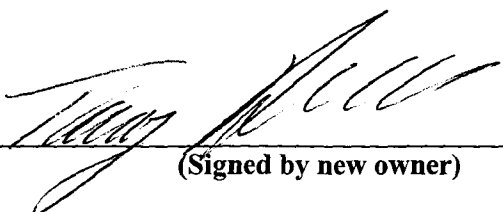
two wells located in the E ½ Section 34, T101N, R74W

I/We understand that the validity of Water Permit No. 2385-2 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 Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Winner Circle Feedyard, LLP, the new owner, certify that the above information is true and correct.


(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/23, 20 10

RECEIVED OF Winner Circle Feedyard PO Box 375 Winner SD 57580

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	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 <u>2385-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **04618**

By *Patricia E. Eide*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

September 23, 2010

2385-2

Terry Heinle, Mgr
Winner Circle Feedyard LLP
PO Box 375
Winner SD 57580-0375

Dear Mr. Heinle:

I am writing to acknowledge receipt of the ownership change and filing fee submitted for Water Permit No. 2385-2. The water permit formerly held by Roger Robbins is now listed in the name of "Winner Circle Feedyard LLP".

Enclosed for your records is Receipt No. 04618 in the amount of \$50.00 which was paid for filing the ownership change.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath".

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

Permit No. 2385-2
White River - Water District

Other permit/license(s) associated with project:

Contact Person & Address: **Terry Heinle, Manager, PO Box 375, Winner SD 57580**

Travis accompanied me to each well site

Report Of Examination Of Works

On, **September 20, 2010**, I made a thorough examination of the water use system constructed by **Winner Circle Feedyard LLP** of **PO Box 375 Winner SD 57580** holder of Permit No. **2385-2**, bearing the priority of **April 10, 1997** authorizing the diversion of **0.533** cu. ft. per second of the **Dakota Formation** for **commercial** purposes, in **Tripp** County.

The system is in the following condition **excellent**. The points of diversion are located:

Well 1 - 350 feet north and 830 feet west of SE corner Section 34, T101N, R74W (SE 1/4 SE 1/4)

Latitude 43.50063 Longitude -99.66668

Well 2 - 730 feet north and 275 feet west of SE corner Section 34, T101N, R74W (SE 1/4 SE 1/4)

Latitude 43.50175 Longitude -99.66448

Well 3 - 1590 feet north and 25 feet west of SE corner Section 34, T101N, R74W (NE 1/4 SE 1/4)

Latitude 43.50417 Longitude -99.66343

Well 4 - 4110 feet north and 1700 feet west of SE corner Section 34, T101N, R74W (NW 1/4 NE 1/4)

Latitude 43.51053 Longitude -99.67060

The works are capable of diverting and conveying to the place of use **0.49** cu. ft. per second of water which is being used for **commercial use**. Water has been put to beneficial use to the maximum extent and should be licensed should be issued for **0.49** cfs.

Review of Permit Qualifications And Regulations:

- 1) Special qualifications to permit being abided by **Yes**
- 2) All structures, wells and lands on map **Yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **not applicable**
- 4) Exceptions to compliance are: **yes**

Report On the Specifics of the System

Diversion Point Information:

- 1) Well Drilling Firm: **Hutmacher**
- 2) Well No **4**
- 3) Depth(s) **1350, 1350, 1350, 1330** feet
- 4) Well logs is available **yes**

Casing:

- 1) Diameter 5 down to 3 inches
- 2) Length 1250 to 1300 feet
- 3) Type steel

Screen:

- 1) Type stainless steel
- 2) Length about 50 feet
- 3) Static water level 155 - 165 feet

Pump\ Motor:

- 1) Pump Make Goulds
- 2) Pump Model 55GS50
- 3) Capacity 55 gpm each
- 4) Motor Make
- 5) Make No.
- 6) Horsepower rating 5 hp

COMMENTS:

At full capacity this cattle feedyard has a capacity to confine 14,000 head. Travis informed me that each well house has two pressure tanks. The facility is also connected to Tripp County Water Users District for the house and buildings. Winner Circle Feedyard blends District water with well water for incoming cattle since many are not used to artesian water and need to become accustomed to it.

Jim Hutmacher was contacted and provided the pump information.


Eric Gronlund, PE
Natural Resources Engineer
DENR, Water Rights Program

1/26/2011
Date

Approval of a Change of Diversion Point

NAME: Winner Circle Feed Yard, c/o Terry Heinle

ADDRESS: PO Box 375, Winner SD 57580

DATE: January 25, 2011 **COUNTY:** Tripp **TELEPHONE:** 605 842-3100

BACKGROUND:

Water Permit No. 2385-2 originally appropriated 0.533 cubic feet of water per second (240 gallons per minute) from two wells completed into the Dakota Formation. The wells were to be located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, T101N, R74W. The water is for use at a cattle feedlot operation. The priority date is April 10, 1997.

In 1999, Winner Circle Feed Yard requested additional points and to change the location of one diversion point for Water Permit No. 2385-2. This request was processed pursuant to SDCL 46-5-13.1. This request was approved and authorized additional Dakota wells to be located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34, T101N, R74W. The authorization also included the change in the location of one of intended original permitted wells from the SE $\frac{1}{4}$ NE $\frac{1}{4}$ to the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, T101N, R74W.

A licensing investigation was completed for Water Permit No. 2385-2 in September 2010. Four wells were found completed to serve the feed yard. The location of one well does not match the quarter -quarter section approved by the permit. The following table shows in yellow where there is a discrepancy between the permitted and developed locations using the well numbering designated on the licensing map.

Well	Permitted Locations		Developed Locations
1	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34		SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34
2	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34		SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34
3	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34		NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34
4	SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34		NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34

In the case of well No. 4, the well is located just across the quarter-quarter section line from where it is authorized. The license map shows the location of the well whose latitude / longitude coordinates were obtained using a global positioning station at the time of the licensing investigation. The section line and quarter-quarter section line are determined using ArcMap and a FSA aerial map overlay.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- Developed water source same as permitted source and no additional water appropriated



Well 1 - 350 feet north and 830 feet west of SE corner Section 34, T101N, R74W (SE 1/4 SE 1/4)
 Latitude 43.50063 Longitude -99.66668
 Well 2 - 730 feet north and 275 feet west of SE corner Section 34, T101N, R74W (SE 1/4 SE 1/4)
 Latitude 43.50175 Longitude -99.66448
 Well 3 - 1590 feet north and 25 feet west of SE corner Section 34, T101N, R74W (NE 1/4 SE 1/4)
 Latitude 43.50417 Longitude -99.66343
 Well 4 - 4110 feet north and 1700 feet west of SE corner Section 34, T101N, R74W (NW 1/4 NE 1/4)
 Latitude 43.51053 Longitude -99.67060



Eric Gronlund
 Eric Gronlund
 Water Rights Program, DENR
 Licensing Investigation - September 20, 2010

The water source authorized by Water Permit No. 2385-2 is the Dakota Formation. The four well completion reports filed by Hutmacher Drilling indicate well depths of 1,250 to 1,350 feet which all represent construction into the Dakota Formation. There is no change in the water source.

No additional appropriation of water is requested. The water permit appropriates 0.533 cfs (240 gpm). Through the licensing investigation process Mr. Hutmacher was contacted and informed DENR that each well is equipped with a pump capable of producing 55 gpm. This equates to a combined diversion of 0.49 cfs (220 gpm) from the four wells which is less than the 0.53 cfs originally authorized. The water license is to be issued for the developed amount of 0.49 cfs.

- **Review of Existing Diversions**

The well log database was reviewed for wells constructed to a depth greater than 1,100 feet. The Dakota Formation is widely used for domestic use in Tripp County. The nearest domestic wells are two wells located in Section 3, T119N, R51W approximately 1 ½ miles southeast of the well in question. There is another domestic well approximately 1 ½ miles to the southwest. The change in the diversion point does not locate this well closer to any of the existing domestic wells. The status of the domestic wells is unknown.

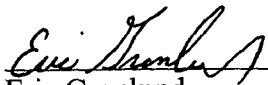
The nearest water right is approximately 17 miles to the west. There are other water rights with the Dakota Formation as their source but are 20 miles or greater from the Winner Circle Feed Yard. The minor change of location of the well No. 4 location will not impact any of these water rights.

CONCLUSION

- The change in the well location does not appropriate additional water.
- The wells are completed into the Dakota Aquifer.
- Interference is not expected to be a concern.
- Existing domestic wells will not be adversely impacted by authorizing the change in well location.
- Granting the change in well location will allow issuance of the water license.

RECOMMENDED ACTION

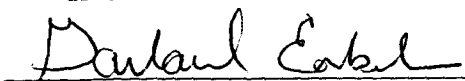
Based on the above criteria, it is recommended that the change of diversion point be authorized under Water Permit No. 2385-2.



Eric Gronlund
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change of diversion point does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 7, 2011

2385-2

Terry Heinle, Mgr
Winner Circle Feedyard LLP
PO Box 375
Winner SD 57580-0375

Dear Mr. Heinle:

On September 20, 2010 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 2385-2, was completed by Eric Gronlund, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/20, 20 11

RECEIVED OF Winner Circle Feedyard PO Box 375 Winner SD 57580

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	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. <u>2385-2</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No.

04861

By

Garland Erskine
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

FEB 11 2011

2385-3

Winner Circle Feedyard
PO Box 375
Winner SD 57580

Dear Sir:

Enclosed is Water License No. 2385-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 04861 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2385-2

(1) Roger Robbins, Hamill SD 57534 made Application No. 2385-2, April 10, 1997 for a water permit to divert 0.533 cubic feet of water per second from groundwater (two wells), Tripp County, South Dakota for commercial use purposes. Permit No. 2385-2, with a priority date of April 10, 1997 was approved July 10, 1997 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 10, 2002 and for the application to beneficial use of water on or before July 10, 2006.

On September 23, 2010, Water Permit No. 2385-2 was transferred to Winner Circle Feedyard LLP, PO Box 375, Winner SD 57580.

On March 15, 1999, a request was approved to change the location of a point of diversion and for additional wells. Pursuant to SDCL 46-5-13.1, the Chief Engineer made a finding that the change in the location of the point of diversion and additional diversion points did not increase the potential for adverse effects to existing diversions.

An investigation conducted for licensing purposes found one of the well locations authorized March 15, 1999 under Water Permit No. 2385-2 was incorrect. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the change in location of diversion points does not increase the potential for interference with existing water rights.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 2385-2 is issued a license, bearing a priority date of April 10, 1997 to appropriate 0.49 cubic feet of water per second from groundwater (four wells) for commercial use purposes.

The diversion points are located as follows:

Well #1 – 350 feet north and 830 feet west of the southeast corner Sec 34-T101N-R74W (SE ¼ SE ¼)

Well #2 – 730 feet north and 275 feet west of the southeast corner Sec 34-T101N-R74W (SE ¼ SE ¼)

Well #3 – 1,590 feet north and 25 feet west of the southeast corner Sec 34-T101N-R74W (NE ¼ SE ¼)

Well #4 – 4,110 feet north and 1,700 feet west of the southeast corner Sec 34-T101N-R74W (NW ¼ NE ¼)

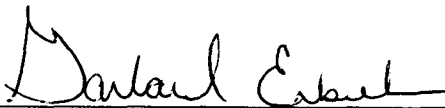
(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2385-2 including the following now applicable qualifications:

- 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.
- Permit No. 2385-2 is subject to compliance with requirements of the Division of Environmental Services review and approval of the plans and specifications for the animal waste management system, including a nutrient management plan.

(continued)

- Operation of the disposal system to dispose of waste and wastewater shall be in a manner that prevents runoff from the disposal sites and from entering the waters of the state.
- The wastewater storage lagoon and feedlot area shall be designed so that it does not receive surface runoff from the surrounding area.
- Design, construction and management of the lagoons shall be sufficient to maintain seepage rate of less than 10^{-7} centimeters per second. Compaction of the soils within the wastewater lagoon must be at least ninety five percent of the Standard Procter Density (ASTM D6980-70).
- The wells authorized by Permit No. 2385-2 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
- Permit No. 2385-2 is subject to compliance with existing and applicable Water Management Board Rules:

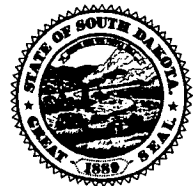
Chapter 74:03:15 Ground Water Quality Standards,
Chapter 74:03:16 Ground Water Discharge Permit,
Chapter 74:03:02 Surface Water Quality Standards,
Chapter 74:03:04 Uses Assigned to Streams, and
Chapter 74:03:17 through 74:03:26 Surface Water Discharge Provisions



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

FEB 11 2011

date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 25, 2022

Casey Heenan
Winner Circle Feedyard LLP
PO Box 375
Winner SD 57580-0375

Dear Mr. Heehan

Winner Circle Feedyard LLP has filed a request to change one of the points of diversion authorized by Water Right No. 2385-2. The additional well is to be located in the in the NE 1/4 SE 1/4 Section 34-T101N-R74W.

Water Right No. 2385-2 appropriates 0.49 cubic feet of water per second (cfs) from four wells completed into the Dakota aquifer. The wells are located in the SE 1/4 SE 1/4, NE 1/4 SE 1/4 and NW 1/4 NE 1/4 Section 34; all in T101N-R74W.

Upon review of the request and pursuant to SDCL 46-5-13.1, the change of diversion point location for the well in the NE 1/4 SE 1/4 Section 34-T101N-R74W is authorized as set forth above without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. No increase in the combined diversion rate of 0.49 cfs from the Dakota aquifer is authorized.

The replacement well must comply with South Dakota Well Construction Standards (ARSD 74:02:04). The replacement well **cannot** be constructed pursuant to ARSD 74:02:04:35 commonly called a slim hole well. The replacement well must be constructed such that it meets the definition of an adequate well as described in ARSD 74:02:04:20(6). In short, the well must be constructed in a manner that allows the pump for the well to be placed no less than 20 feet into the saturated aquifer or formation material.

If you have any questions regarding the well construction requirements, please contact Adam Mathiowetz at (605) 773-3352.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program

Approval of Change of Diversion Point

NAME: Winner Circle Feedyard LLP – c/o Casey Heenan

ADDRESS: PO Box 375, Winner SD 57580-0375

DATE: February 18, 2022

COUNTY: Clark

TELEPHONE:

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be authorized provided the following conditions are met and the potential for interference with other existing diversions is not increased:

Water Right No. 2385-2 appropriates 0.49 cubic feet of water per second (cfs) from four wells completed into the Dakota aquifer. The wells are located in the SE 1/4 SE 1/4, NE 1/4 SE 1/4 and NW 1/4 NE 1/4 Section 34; all in T101N-R74W.

Winner Circle Feedyard has requested authorization to replace the well located in the NE 1/4 SE 1/4 with another well completed into the Dakota aquifer approximately 25 – 50 feet northeast of the existing well. The request states the existing well has failed. No increase in the pump rate is requested to what is currently authorized by Water Right No. 2385-2.

- **Developed water source same as permitted source and no additional water appropriated**

The water source remains the Dakota aquifer. The peak diversion rate authorized by Water Right No. 2385-2 is a total of 0.49 from the four wells.

- **If irrigation, no new land is irrigated**

The authorized water use is commercial use. Therefore, this section is not applicable

- **Review of Existing Diversions**

The nearest permitted wells completed into the Dakota aquifer are located approximately 17 miles west and 17 miles south of Winner Circle Feedyard. There are a number of 1910's – 1920's era domestic wells located within a few miles of Winner Circle Feedyard. The Dakota aquifer in this area is encountered at about 1,200 feet below land surface. The static water level for the existing wells at Winner Circle Feedyard was between 155 to 165 feet meaning there is over 1,000 feet of artesian head pressure. Drawdown from pumping the Dakota aquifer can extend some distance from the production well. However, given the artesian head pressure any drawdown is not expected to unlawfully impair nearby adequate domestic wells. Further, this is a replacement well that is located only 50 feet from a well that had been in use for a number of years. There have been no complaints alleging adverse impacts from the existing Dakota wells in this area.

- **Special Consideration**

The replacement well must comply with South Dakota Well Construction Standards (ARSD 74:02:04). The replacement well **cannot** be constructed pursuant to ARSD 74:02:04:35 commonly called a slim hole well. The replacement well must be constructed such that it meets the definition of an adequate well as described in ARSD 74:02:04:20(6). In short, the well must be constructed in a manner that allows the pump for the well to be placed no less than 20 feet into the saturated aquifer or formation material.

RECOMMENDED ACTION

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

The additional diversion point does not increase the potential for adverse effects to existing diversions.



Eric Gronlund, Chief Engineer
Water Rights Program

Duvall, Ron

From: Casey Heenan <cheenan@winnercirclefeedyard.com>
Sent: Tuesday, February 22, 2022 1:54 PM
To: Duvall, Ron
Cc: Mathiowetz, Adam (DENR)
Subject: RE: [EXT] Replacement Well
Attachments: Application.pdf; Well Map 2.pdf; Well Map.pdf

Ron,

Please find the attached documents. Let me know if you have any questions.

Thank you,

Casey Heenan
Winner Circle Feedyard
Ph. 605-842-3100
Fax. 605-842-1212

From: Duvall, Ron <Ron.Duvall@state.sd.us>
Sent: Tuesday, February 1, 2022 12:35 PM
To: Casey Heenan <cheenan@winnercirclefeedyard.com>
Cc: Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>
Subject: Replacement Well

Casey,

Attached is an application form to use to note the legal description of the proposed replacement well. The following link is to your existing water right so you can use that to see what the current location is: https://danr.sd.gov/wrimage/wrinfo/wr_div2/2385-2.pdf - see page 60 for the water license. You may also be able to print off the map on page 55 and use it to show the location of the replacement well by making an "X marks the spot."

On the application form in item No. 7 note that the plan is to replace a Dakota aquifer well with another Dakota aquifer well with no increase in the authorized diversion (pump) rate to serve the same uses as already permitted. Return the application and map to the address on the form to my attention but do NOT include any fee. The information will be reviewed and a decision made as to whether we can administratively approve the replacement well or proceed with processing the application.

Also, as we discussed, in order the replacement well to comply with the well construction standards, it must be constructed to allow placement of a pump into the aquifer formation. Well construction known as "slim-hole" construction is not permissible for a commercial well.

If you have any questions, please let me know.

Thank you,

Ron Duvall
Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program
605.773.3352
danr.sd.gov



DANR
SOUTH DAKOTA

SD EForm - 1585LD V3
FORM 2: Application for uses other than irrigation
(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. _____ (office use only) Hydrologic Unit _____
	Basin _____
	Newspaper _____

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

Check use(s) of water:

☐ Municipal	☐ Suburban Housing	☐ Recreational	☐ Institutional
☐ Rural Water System	☒ Commercial	☐ Fish & Wildlife	☐ Geothermal Heat
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other _____	

Type of Application:
(check one)

☐ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☒ Amendment/Correction to Permit No. 2385-z

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

Redrill well. Existing well have failed.

1. Name of Applicant Winner Circle Feedyard LLP Phone 605-842-3100
(check one) ☒ Owner ☐ Tenant/lessee

Mailing Address _____

2. Amount of water claimed No Additional (Address) (City) (State) (Zip Code)
_____ CFS or _____ **GPM _____ ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Dakota Aquifer

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Tripp

NE 1/4 SE 1/4 34-101N-74W

5. County or counties where water will be used Tripp

6. Annual period during which water is to be used Year round.

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

Drill well approximately 25-30 feet Northeast of existing well. Well will access the same aquifer.

STATE OF SOUTH DAKOTA)
County of _____) SS

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

I, _____, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature _____

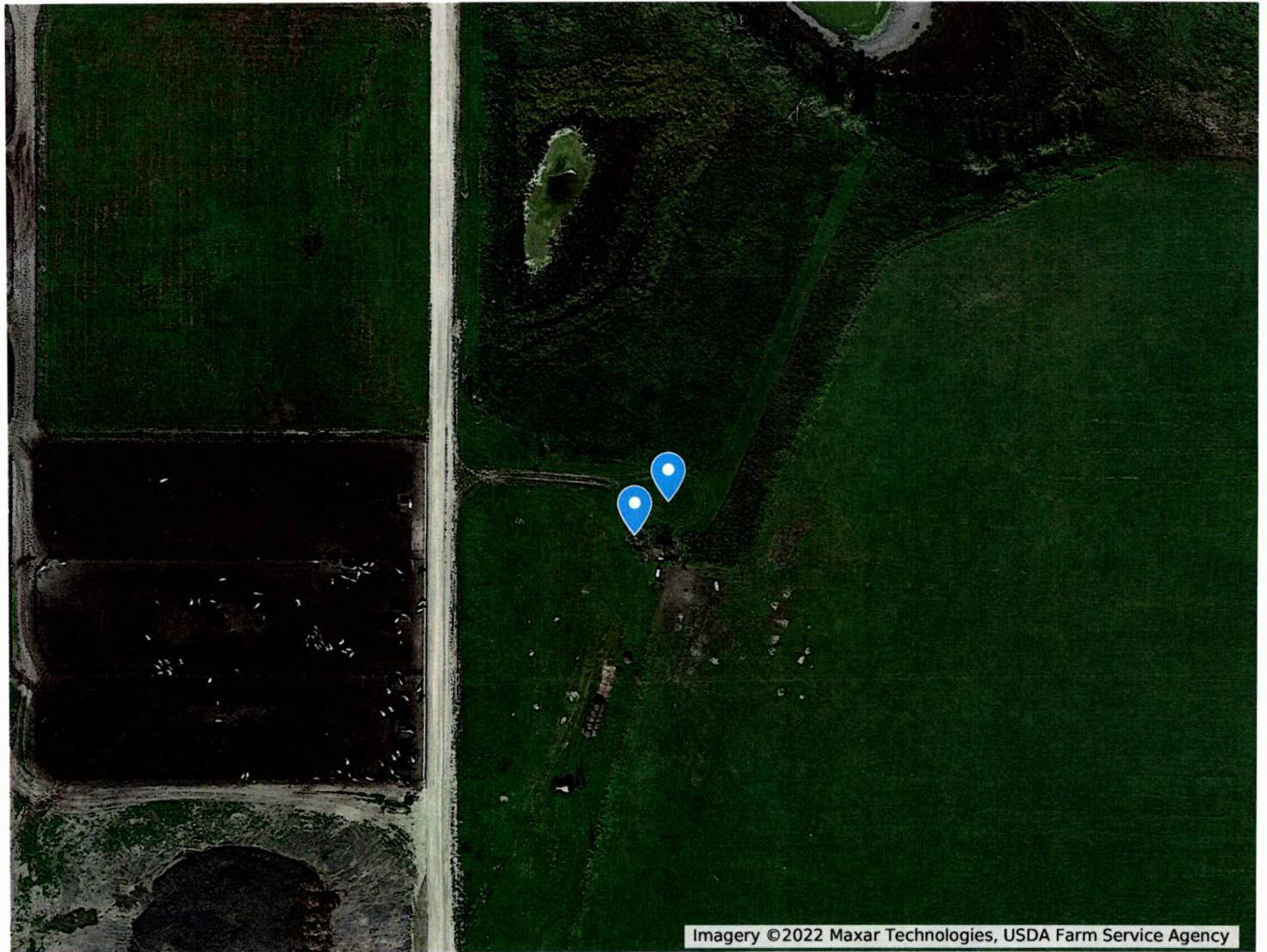
Subscribed and sworn to before me this _____ day of _____ 20 _____

Notary Public signature _____

Untitled map

Untitled layer

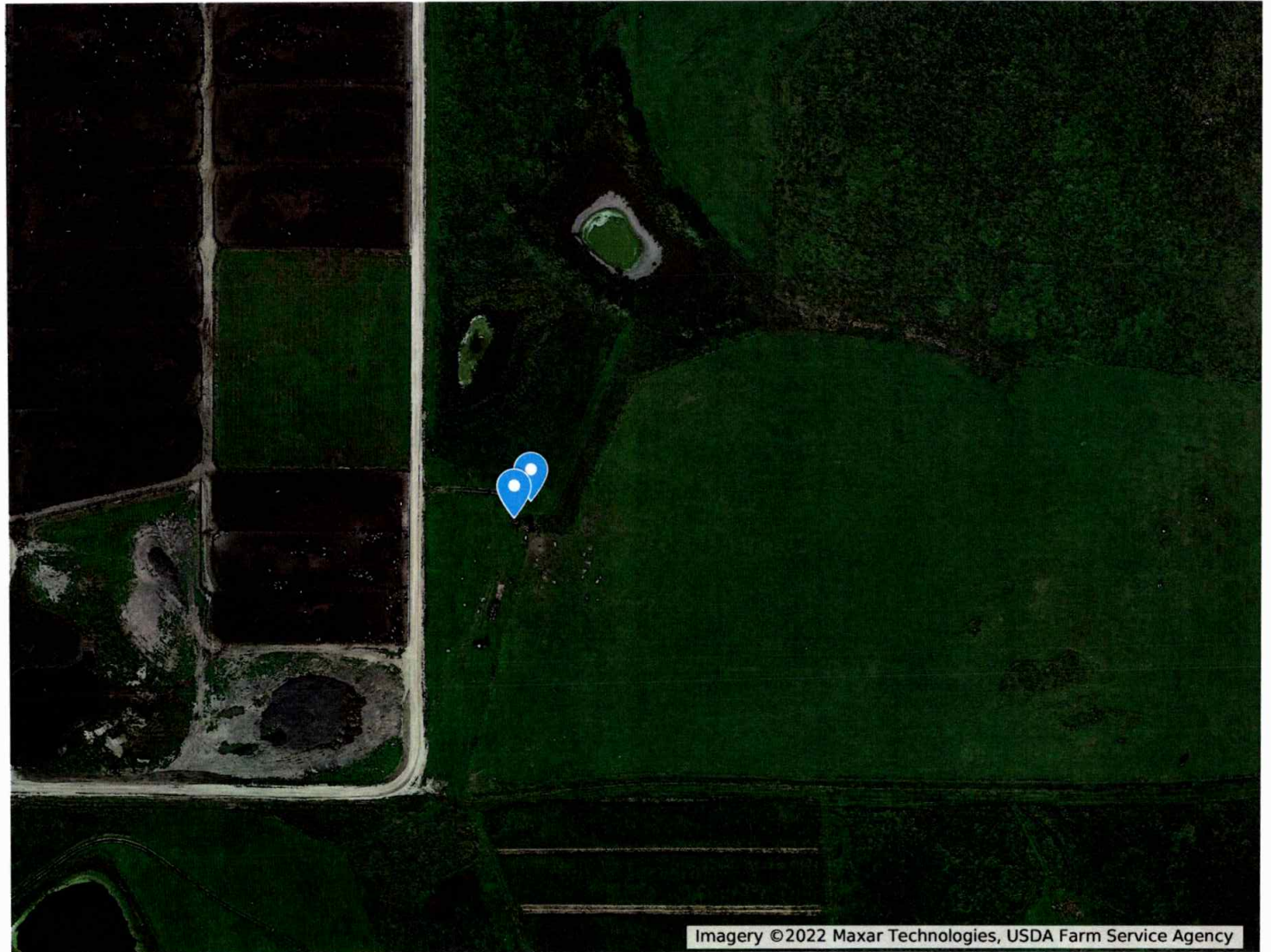
-  New Well
-  Existing Well



Untitled map

Untitled layer

-  New Well
-  Existing Well



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