

WATER PERMIT NO. 2417-2

Name of Applicant: Presho Livestock Auction

Address: PO Box 454, Presho SD 57568

Phone: 605 895-2553

Amount of Water Claimed: 0.067 cfs (30 gpm)

Total Acres:

Source of Water Supply: groundwater (2 wells)

Water to be used for: commercial

County: Lyman

Type of Waste Disposal System:

Location: ½ south of Presho

PRIORITY

Date Received: 1-4-1999

Fee: \$50.00

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: Add'l diversion point and add'l water to that authorized by Permit No. 1944-2

Diversion Point: SW ¼ SW ¼ and SE ¼ SW ¼

Section 15-T105N-R77W

Land to be Irrigated: NA

Depth of Well: 1473 feet deep

Well Driller: Sather Drilling Inc.

Remarks: well drilling in 1991

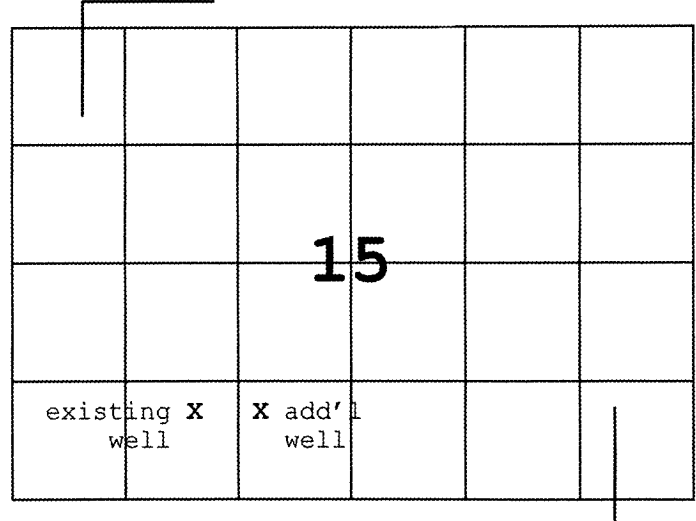
Type of Map: topo

Prepared by: Jeff Shafer

Reviewed and the Number Assigned on: 1-4-1999

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 2417-2**

Date of first receipt of application January 4, 1999.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2417-2 to Presho Livestock Auction, PO Box 454, Presho SD 57568 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. 2417-2 appropriates 0.067 cubic feet of water per second (cfs) (30 gallons per minute) from one additional well (Dakota Formation) 1473 feet deep located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15-T105N-R77W. Water Permit No. 1944-2 authorizes 0.10 cfs (45 gpm) from one well located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15-T105N-R77W. This permit increases the water appropriation from the two wells, from 0.10 cfs to 0.167 cfs for a total of 75 gpm.
2. The water appropriated shall be used for the purpose of supplying water for commercial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 2417-2 is March 1, 1999.
5. The date from which applicant may claim right is January 4, 1999.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

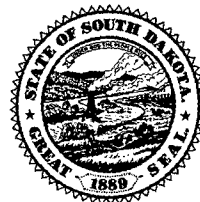
The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having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

WATER MANAGEMENT BOARD

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

APR 23 1999

date



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	No. <u>2417-2</u>	(office use only) Hydrologic Unit <u>10/40/04</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Lyman Co. Herald, Presho, 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	

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.)
Add'l diversion pt. and add'l water to that authorized by
1944-2 (30 gpm)

1. Name of Applicant Presho Livestock Auction Phone 895-2553
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address PO Box 337 454 Presho State SD 57568
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 0.067 (add'l)*CFS or 30 **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 Groundwater

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 2 wells - SW1/4 SW1/4
and SE1/4 SW1/4 both section 15-T105N-R77W
County Lyman

5. County or counties where water will be used Lyman

6. Annual period during which water is to be used Jan 1 - Dec 31

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)
Increases diversion rate from 2 wells from
45 gpm (0.10 cfs) to 75 gpm (0.167 cfs)

STATE OF SOUTH DAKOTA) SS
County of Lyman

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

I, Dalmer Dalmer, 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 Dalmer Dalmer

Subscribed and sworn to before me this 30 day of Dec 19 98

Dianna Schwan
Notary Public signature

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 415998

Pierre, January 4, 19 99

RECEIVED OF Presho Livestock Auction, P.O. Box 454, Presho, SD 57858
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. 2417-2 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. 2417-2 _____

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

100 00

By

Chief Engineer

John Hatch (Signature)

STATE OF SOUTH DAKOTA WELL DRILLERS REPORT

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

North

Please mark well location with an "X"

Salebarne
Approv

W

E

1 mile

Well Completion Date July 6, 1973

PROPOSED USE:

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

Method of Drilling:

Forward Rotary

WELL CONSTRUCTION:

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

If so how and with what material?

No other well.

Well Owner:

Name Delmer ValnerAddress Pricks, S. Dak.

Well Log:

Depth

Formation

From

To

Shale 0 150Shale 150 300shale 300 450shale 450 600shale 600 750shale 750 900shale 900 1050shale 1050 1200shale 1200 1350shale 1350 1400STATIC WATER LEVEL 51 ft. 3 in. Feet 1451If flowing: closed in pressure PSIGPM flow 35 through 5 x 3 inch pipeControlled by ☒ Valve ☐ Reducers ☐ OtherIf other; specify Can well be completely shut off? yes

WELL TEST DATA:

☒ Pumped☐ Bailed☐ OtherDescribe: 3H Flint & Walling pump

Pumping Level Below Land Surface

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

Remarks:

357 ft. 2 1/2" Std. lck. pipe - cement in
1000 ft. 2 3/4" Std. lck. water temp - 10
Palmer Sand Niobrara - 640
1451 total depthThis well was drilled under license # 9

and this report is true and accurate.

Satter Dug. & Drilling Firm Signed by Delmer ValnerDate Oct. 6 - 1981

SOUTH DAKOTA WATER WELL COMPLETION REPORT

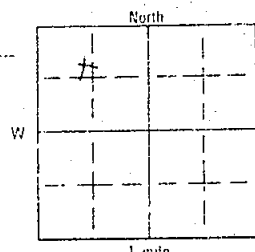
10-85

Location $\frac{1}{4}$ $\frac{1}{4}$ Sec 15 Twp 105N Rg 77W

County

Big Horn

Please mark well location with an "X"

Well Completion Date Oct. 11, 1991

PROPOSED USE:

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

Method of Drilling:

Drilled and Cased

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe:

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 356 FEETWhat is grouting material? CementIf cement, number of sacks? 70Describe grouting procedure pump down three 5" tile it comes up on top; shut off w/ valve.What was grout weight? 690 lb. of water LB/GAL
1 bag of cementSCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter _____ IN Length 42 FEET

Material

Slot Size 3/8 Set From 0 Feet To 21 FeetSlot Size 3/8 Set From 21 Feet To 42 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information grout perforated pipeHandmade - 2 pipes, 2 bags.Was a packer or seal used? ☒ YES ☐ NOIf so, what material? rubberDescribe packer(s) and location? (1) - setting above the sandstone - 1400 ft.Was well disinfecting upon completion? ☒ YES ☐ NOExplain Chlorine - 9 gal.Bacteriological analysis ☒ YES ☐ NOLaboratory sent to Pierre

Well Owner

Name Delmer Valmier Salbarn, Inc.

Address

Well Log

Depth

Formation

From

To

shale	100	200
shale 240 4 ft rocks	200	300
shale 580-sag	300	400
shale	400	500
shale 600-680 Black shale	500	600
shale 600-680-Black shale	600	700
shale	700	800
shale 880-shale	800	900
shale	900	1000
shale	1000	1100
shale	1100	1200
shale 1300-rocks 2-3 ft thick	1200	1300
shale	1300	1400
grout perforated - 1425 - 1465	1405	1473

STATIC WATER LEVEL 50

If flowing: closed in pressure

GPM flow _____ through _____

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify:

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped☐ Bailed☐ OtherDescribe: 3H. Greenough46 L.P.M.

Pumping Level Below Land Surface

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

REMARKS:

Water temp - 100°
 6 1/2" - 356 ft.
 Total - 1473 ft.
 3 1/2" std. black pipe - 1117 ft.
 65 bags cement for the 3 1/2" std. black pipe
 6 1/2" hole - 9"
 3 1/2" hole - 5"
 grout perforated - 1425 to 1445
 1445 - 1465

This well was drilled under license # 9

And this report is true and accurate.

Drilling firm Archer Drilling, Inc.

Signature of License Representative:

William Seashorn

Signature of Well Owner:

Oct. 15, 1991

Date

STATE OF SOUTH DAKOTA

THIS IS TO CERTIFY THAT THE MICROFILM IMAGE APPEARING ON THIS SIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SECTION 1-27.4 OF THE SOUTH DAKOTA CODIFIED LAWS. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF ADMINISTRATIVE RULES OF SOUTH DAKOTA 10-04-01 AND 10-04-02 FOR MICROFILM REPRODUCTIONS.

MICROFILM BATH

NOT REPRODUCED

DATE MICROFILMED

CAMERA OPERATOR SIGNATURE

MICROFILM CERTIFICATE OF AUTHENTICITY

REPORT ON WATER PERMIT APPLICATION NO. 2417-2
for Presho Livestock Auction
January 28, 1999

Application No. 2417-2 proposes to appropriate 0.067 cfs (30 gpm) from one additional well approximately 1473 feet deep located in the SE 1/4 SW 1/4 of Section 15, T105N-R77W in Lyman County. Water Permit No. 1944-2 authorizes 0.10 cfs (45 gpm) from one well located in the SW1/4 SW 1/4 of Section 15, T105N-R77W. This permit increases the water appropriation from the two wells, from 0.10 cfs to 0.167 cfs for a total of 75 gpm. The water is for commercial use at the business.

AQUIFER - DAKOTA FORMATION (DKOT)

The Dakota Formation consists of a buried sand, sandstone and shale which is about 350 feet thick in this area (Schoon, 1971). The aquifer is under confined or artesian conditions at this site. The aquifer underlies 1.077 million acres and contains an estimated 28.27 million acre feet of recoverable water in storage in Lyman County (Allen, 1982). The aquifer is areally extensive and hydraulically connected into all the counties surrounding Lyman County. According to the well log filed with the application, this well is 1473 feet deep, perforated from 1425 to 1465 feet in depth and had a static water level of about 50 feet below land surface. The well was capable of producing 40 gpm with the pump installed. Also, the well is completed in accordance with SD Well Construction Standards.

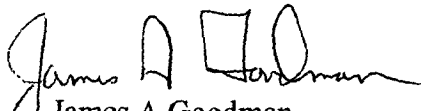
The Water Rights Program does monitor a Dakota Formation, LY-96A, located about 17 miles northwest of this application. The water level for this well is too short to make any determinations. Records for a Dakota formation observation well, BL-83A, located at Chamberlain about 35 miles east of Presho indicate that water levels for the aquifer are declining at a rate of about 0.6 feet per year (Water Rights, 1999). This is about nine feet of decline in 16 years. There is no question that the water levels in the Dakota Formation have declined in the past but the rate of decline has slowed and beginning to show the signs of stabilizing. There are many reasons for this phenomena but basically the volume of withdrawals is becoming nearer to the volume of water coming into the aquifer.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing Water Right No. 889-2 for the City of Presho for a total diversion rate of 1.0 cfs from the Dakota Formation located about one mile north of this application. Interference is not a concern. Drawdown will be created by pumping but these wells have been in use for many years with no apparent problems.

CONCLUSIONS

1. Water is available from the Dakota Formation
2. The aquifer is confined and under artesian conditions. Drawdown will be created by pumping. This is not expected to be significant or cause adverse effects. These wells have been in existence for many years with no apparent problems.
3. This application was made because of an inspection by Jeff Shafer which indicated more was diverted than was authorized by Water Right No. 1944-2. Approval of this application will allow the licensing of this water system to reflect the system as constructed.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

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

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, 1999, Unpublished Observation Well Data for the Dakota Formation, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

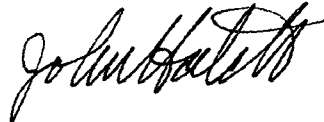
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2417-2, Presho Livestock Auction**

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. 2417-2, Presho Livestock Auction, c/o Delmer Volmer, PO Box 454, Presho SD 57568.

The Chief Engineer is recommending APPROVAL of Application No. 2417-2 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) it is in the public interest with the following qualification:

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

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized flourish at the end.

JOHN HATCH, Chief Engineer
February 3, 1999



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

February 4, 1999

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

Dear Mr. Volmer:

Water Permit Application No. 2417-2 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 Lyman Co. Herald printed at Presho, SD (Ph # (605) 895-2505). 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
www.state.sd.us/denr

February 4, 1999

Lyman Co. Herald
Box 280
Presho, SD 57568-0280

ATTENTION: Legal Public Notice

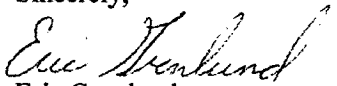
Enclosed is a Notice of Hearing on Application No. 2417-2 to Appropriate Water to be published twice. Please publish the first notice on February 10, 1999, with the second publication 7 days later.

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 Presho Livestock Auction, %Delmer Volmer, P.O. Box 454, Presho, SD 57568 (Ph # (605) 895-2553).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CU T HERE-----

No. 2417-2

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

Date _____

We are in receipt of your letter of February 4, 1999, enclosing Notice of Hearing to Appropriate Water by Application No. 2417-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

tion to Newspaper - Publish first Notice on February 10, 1999, with the second publication 7 days later.
The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2417-2 to Appropriate Water
and to Amend Water Permit No. 1944-2

Notice is given that Presho Livestock Auction, c/o Delmer Volmer, PO Box 454, Presho SD 57568 has filed an application for a water permit to appropriate 0.067 cubic feet of water per second (cfs) (30 gallons per minute) from one additional well (Dakota Formation) 1473 feet deep located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15-T105N-R77W. Water Permit No. 1944-2 authorizes 0.10 cfs (45 gpm) from one well located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15-T105N-R77W. This application increases the water appropriation from the two wells, from 0.10 cfs to 0.167 cfs for a total of 75 gpm. The water is for commercial use at the business.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2417-2 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 1, 1999.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.



Publisher's Affidavit of Publication

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF LYMAN)

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

Notice of Application

a printed copy of which is hereto attached and published in the said newspaper for 2 consecutive week(s).

The first publication of said notice in said newspaper aforesaid was on

Wednesday, the 10th day of Feb A. D., 1999

and that the preceding publications were severally

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

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

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

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

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

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

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

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

and the last publication on Wednesday, the 17th day of Feb,

1999, that the full sum of fees charged for publishing the same, to-wit: the sum of \$ 43.64 insures solely to the editor of The Lyman County Herald. That no agreement or understanding for any division thereof had been made with any other person, and that no part thereof has been agreed to be paid to any person whatsoever.

Patricia J. McNaughton

Dorel Lahey

Notary Public

Subscribed and sworn to before me this 1 day of Mar 1999

My Commission expires 11/29/03, 19__

NOTICE OF APPLICATION
NO. 2417-2 to Appropriate Water
and to Amend Water Permit
No. 1944-2

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2417-2 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or the recommendation is filed, a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 1, 1999.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 11, 1998

Deloris Volmer
Presho Livestock Auction
Box 337
Presho SD 57568

Dear Mrs. Volmer,

I am writing in regard to the August 1998 licensing investigation of Water Right Permit No. 1944-2.

During the investigation it was found that the Presho Livestock Auction was diverting water from 2 wells while the permit authorized diversion from only 1 well. To correct this problem you need to make an application for the additional diversion point and additional water so that you are permitted for the capacity of your pumps. This will be in your best interest in protecting your water rights.

I have included the partially completed form. If everything is correct on the form, all you need to do is have your notarized signature on the application and send in the application fee (\$50) and investigation fee (\$50) for a total of \$100. You will also be responsible for the cost of publication for the Notice of Application. If you have any questions, please contact me at (605) 773-3352.

Sincerely,

Jeff Shafer
Natural Resources Engineer
Water Rights Program

Permit No. 2417-2
White River - Water District

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

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

On, August 31, 1998, I made a thorough examination of the water use system constructed by Presho Livestock Auction of Presho holder of Permit No. 1944-2 and 2417-2, bearing the priority of July 23, 1985 authorizing the diversion of 0.10 cu. ft. per second of groundwater and priority of January 4, 1999 authorizing diversion of 0.067 cu. ft. per second of groundwater for commercial purposes, in Lyman County.

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

A. Works used to divert the water:
2 wells, submersible pumps and motors

B. Works used to apply water to beneficial use:
Stockwater tanks

The system is in the following condition Very Good. The points of diversion are located 1) 850' north and 1080' east and 2) 880' north and 1400' east both of the SW corner of Section 15 T105N-R77W. The works are capable of diverting and conveying to the place of use 0.167 cu. ft. per second of water which is to be used for commercial purposes. The license should be issued for 0.167 cfs.

Applicable permit qualifications have been complied with: Yes

Exceptions to compliance are: None

Jeff Shafer
Jeff Shafer
Natural Resources Engineer
DENR, Water Rights Program

4/15/99
Date

REPORT ON INSPECTION OF PERMIT NO. 2417-2

DATE OF INSPECTION: August 31, 1998

Other permit(s) associated with the project: 1944-2

Contact Person & Address: Deloris Volmer, Presho Livestock Auction, Box 337, Presho SD 57568

DIVERSION POINT LEGAL LOCATION: Diversion 1, SW ¼ SW ¼ Sec 15 T105N-R77W
Diversion 2, SE ¼ SW ¼ Sec 15 T105N-R77W

WATER SUPPLY Source: groundwater

Well Information:

- | | |
|---|---------------------------------------|
| 1) Well Drilling Firm: <u>Sather Drilling</u> | 2) No. of Wells <u>2</u> |
| 3) Depth(s) <u>1451, 1473</u> feet | 4) Well logs are available <u>Yes</u> |

Casing:

- | | |
|------------------------------|---------------------------|
| 1) Diameter <u>6"</u> inches | 2) Length <u>351</u> feet |
| 3) Type <u>steel</u> | |

Screen:

- | | |
|---------------------------------------|---------------------------|
| 1) Type <u>Steel, perforated pipe</u> | 2) Length <u>60', 42'</u> |
| 3) Static water level <u>30', 50'</u> | |

Pump:

- | | |
|-------------------------------------|-------------------------------|
| 1) Make <u>unknown submersibles</u> | 2) Model <u>unknown</u> |
| 3) Size <u>unknown</u> | 4) Capacity <u>35, 40</u> GPM |

Motor:

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

PERMIT QUALIFICATIONS AND REGULATIONS:

- | |
|--|
| 1) Special qualifications to permit being abided by <u>Yes</u> |
| 2) All structures, wells and lands on map <u>Yes</u> |

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2417-2

(1) Presho Livestock Auction, PO Box 454, Presho SD 57568 made Application No. 2417-2, January 4, 1999 for a water permit to divert 0.067 cubic feet of water per second (cfs) from groundwater (two wells), Lyman County, South Dakota for commercial purposes. Permit No. 2417-2, with a priority date of January 4, 1999 was approved March 1, 1999 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 1944-2, with a priority date of July 23, 1985, authorized diversion of 0.10 cfs from one well. Water Permit No. 2417-2, authorized an additional 0.067 cfs and one additional well. The applicable portions of No. 1944-2 are incorporated into this Water License No. 2417-2.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.167 cubic feet of water per second for beneficial use. The location of the diversion points are: Well No. 1 – 850 feet north and 1,080 feet east (SW ¼ SW ¼) and Well No. 2 – 880 feet north and 1,400 feet east (SE ¼ SW ¼); both from the southwest corner of Section 15-T105N-R77W.

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Presho Livestock Auction, PO Box 454, Presho SD 57568 the holder and/or owner of Incorporated Water Right No. 2417-2 is issued a license to appropriate water, the right to use 0.167 cubic feet of water per second from groundwater (two wells) with priority dates July 23, 1985 (0.10 cfs) and January 4, 1999 (0.067 cfs) from the locations specified in (2) of this license for the purpose of commercial use. This license is subject to any limitations or qualifications listed in Incorporated Water Right No. 2417-2 and subject to South Dakota State Law.



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

APR 23 1999
date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 23 1999

2417-2

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

Dear Mr. Volmer:

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

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

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

Very truly yours,

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

ks
enclosures

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