

WATER PERMIT NO. 6085-3

Name of Applicant: Dalton Docter Feedlot, Inc.

Address: 11511 413th Ave, Amherst SD 57421

Phone: 605 448-2217

Amount of Water Claimed: 0.156 cfs (70 gpm)

Total Acres: NA

Source of Water Supply: groundwater (3 wells)

Water to be used for: commercial (livestock feeding operation)

County: Marshall

Type of Waste Disposal System:

Location: 10 miles southwest of Britton

PRIORITY Date Received: 6-8-98

Fee: \$150.00

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: N ½ NW 1/4

Sec 20-T126N-R59W

Land to be Irrigated: NA

Depth of Well: 1000', 1000' & 880'

Well Driller:

Remarks: logs not available-drilled 30 years ago

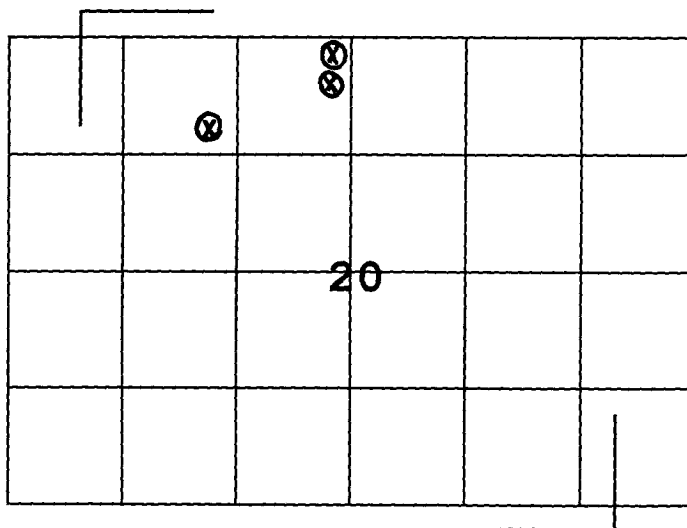
Type of Map: aerial

Prepared by: Thoams J Martin, NRCS

Reviewed and the Number Assigned on: 6-8-98

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 6085-3

Date of first receipt of application June 8, 1998.

The Water Management Board approved Water Permit Application No. 6085-3 on October 1, 1998 for Dalton Docter Feedlot, Inc., 11511 413th Ave, Amherst SD 57421 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. 6085-3 to appropriate 0.156 cubic feet of water per second (70 gallons per minute) from three existing wells (Dakota Formation) 1000 feet, 1000 feet and 880 feet deep located in the N ½ NW ¼ Section 20-T126N-R59W.
2. The water appropriated shall be used for the purpose of commercial use in an existing livestock feeding operation 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 from which applicant may claim right is June 8, 1998.
5. 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. 6085-3 is subject to compliance with requirements of the General Water Pollution Control Permit for concentrated animal feeding operations.
3. Permit No. 6085-3 is subject to compliance with the existing and applicable Water Management Rules:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.

WATER MANAGEMENT BOARD

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

JAN 19 1999
date



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

☐ 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.)

1. Name of Applicant DALTON DOCTER Feedlot, INC Phone 605-448-2217
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 11511 413rd Ave Amherst State S.D 57421
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 0.156 *CFS or 70 **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 3 wells (drilled in early to mid 1960's)
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
3 wells N1/2NW1/4 - 20-126-59
County MARSHALL
5. County or counties where water will be used MARSHALL
6. Annual period during which water is to be used JAN 1st to Dec 31st
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)
existing wells

STATE OF SOUTH DAKOTA) SS
County of MARSHALL)

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, MICHAEL DOCKER, 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 Michael North

Subscribed and sworn to before me this 5TH day of June 19 98

Notary Public signature

02-08-02

Supplemental Information

(type or print in ink)

1. Well Information - ~~Proposed Construction~~ ^{Existing wells}

- a) Drill Hole Diameter 4 1/2" Depth #1+2 @ 1000'
#3 @ 880' *See attached photo*
- b) Casing Type IRON Diameter 4" to 150 2" below Thickness _____
- c) Screen Type perforated Diameter _____ Thickness _____
- d) Gravel Pack NONE Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 800'
- f) Depth to Water (ground surface to water level) 30'
- g) Distance to nearest existing domestic well:

On applicants property _____ On property owned by others X 1 mile

2. Wastewater Disposal System Information

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

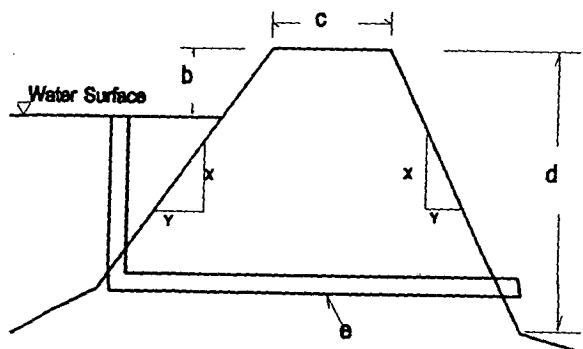
3. Dugout Information

- 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

Water Rights Program

South Dakota Department of Environment and Natural Resources

415792

Pierre, June 8, 19 98

RECEIVED OF Doctor Feedlot, Inc., 11511 - 413th Ave., Amherst, SD 57421

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

Fee for Application for Permit No. <u>6055-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	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 _____		

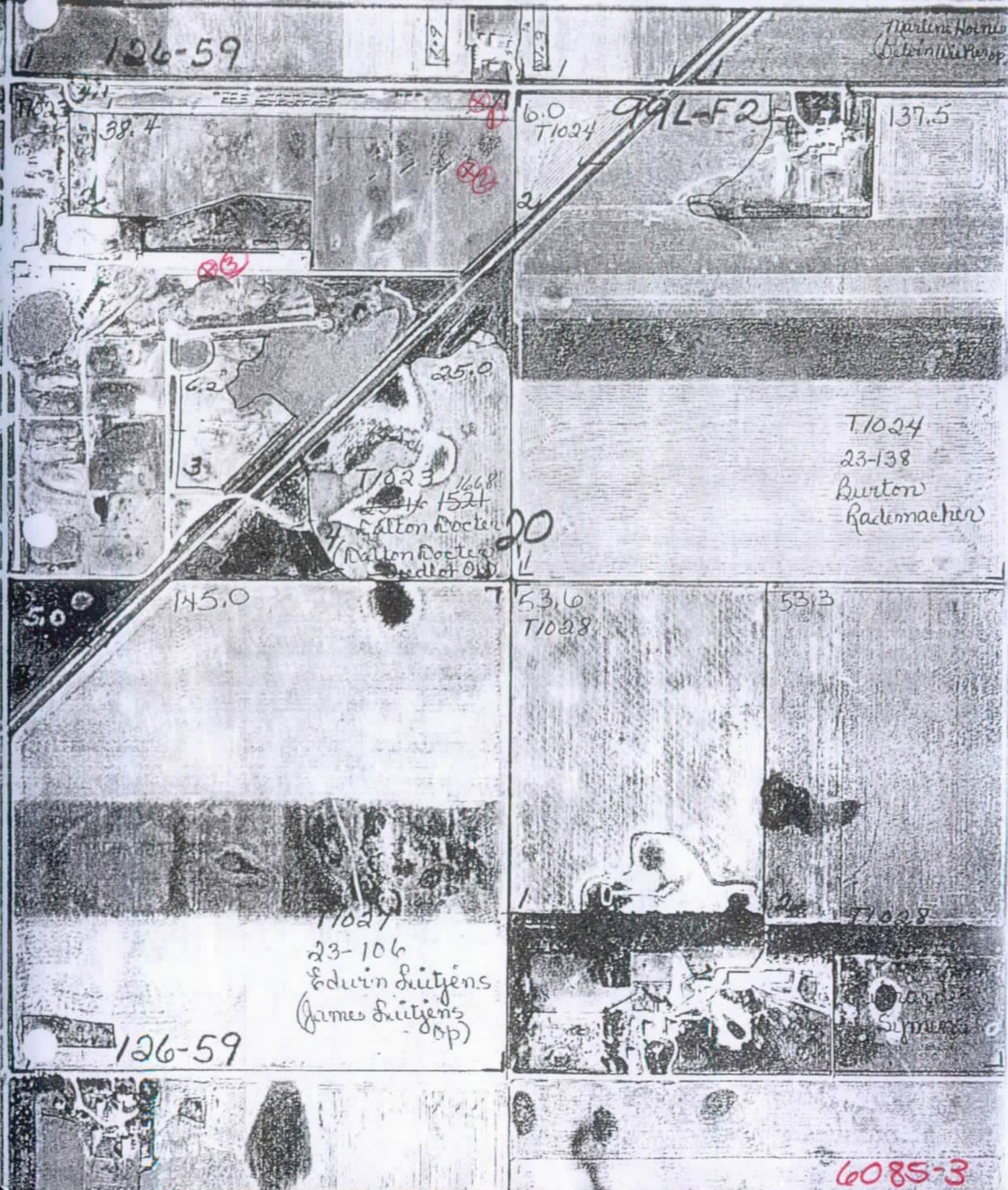
(Any Other Work Provided by Law)	Total	150 00

By _____
Chief Engineer

John Hatch

CHECKED Well location
Thomas J. Martin, DC, NRCS 90
Britton, SD

NOT TO SCALE



9-0063
(December 1943)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
WATER RESOURCES DIVISION

No.

WELL LOG

OTHER Nos.

126-59-20 bad
454259 097565401

State South Dakota County Marshall Subarea

Owner Dalton

Location by R.R. tracks

Drilled by Wisner Address Britton, South Dakota

Date Since 1960 Casing diam. Land-surf. alt. 1255

Source of data Driller

(Enter type of well, perforations, yield, and drawdown at end of log)

CORRELATION	MATERIAL	THICKNESS (feet)	DEPTH (feet)
	Clay, blue		93
	Shale	508	668
	Rock, hard 291-292		
	Greenhorn 480-489		
	Sand	3	840
	Shale, soft		840
	Sand	12	912
	Shale	7	919
	Sand	8	927
	Shale, good drilling	3	930
	Shale, harder	9	939
	Shale, sticky	3	942
	Shale, sticky	15	957
	Sand, hard, or granitic wash; drilling is good	3	975
	Shale, hard, harder drilling	4	979
	Softer drilling like wash	8	987
	Hard drilling, prob. shale	9	996

Record of DATE

Sheet of

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
WATER RESOURCES DIVISION

No. 126-59 - 30663

OTHER NOS.

WELL LOG

454254 077571301

State South Dakota County Marshall Subarea

Owner D. Doctor

RECORDED IN CATALOG

Location

Drilled by Wisner Address Britton, South Dakota

Date June 1954 Casing diam. Land-surf. alt. 1025

Source of data Driller

(Enter type of well, perforations, yield, and drawdown at end of log)

CORRELATION	MATERIAL	THICKNESS (feet)	DEPTH (feet)
	Silt, yellow clayey	15	15
	Clay, blue		15
	Sand	5	115
	Shale		155
	Pierre Shale		190
	Limestone, Greenhorn	24	497
	Shale		497
	Rock, 4", soft below		712
	Shale, soft		713
	Rock, 6"		737
	Shale, black fissel		738
	Rock, thin		772
	Rocks, thin, and soft drilling 775-800	5	800
	Thin rocks, and soft drilling	7	814
	Shale, good drilling, few thin rocks	12	826
	harder drilling, some very fine sand in mud	16	842
	Rocks, slabby	1	843

RECORD BY DATE

SHEET OF

sand. or granite. wash

Date _____

Sheet _____ of _____

DATE _____

SUBJECT _____ **OF** _____

REPORT ON WATER PERMIT APPLICATION NO. 6085-3
for Dalton Docter Feedlot, Inc.
June 24, 1998

Application No. 6085-3 proposes to appropriate 0.156 cfs (70 gpm) from three existing wells approximately 1000, 1000 and 880 feet deep located in the N 1/2 NW 1/4 of Section 20, T126N-R59W in Marshall County.

AQUIFER - DAKOTA FORMATION (DKOT)

The Dakota Formation consists of interbedded sandstone and shale which attains a thickness of 165 to 330 feet in Marshall County (Koch, 1975). The aquifer underlies 889 square miles and contains an estimated 9.34 million acre feet of recoverable water in storage in Marshall County (Hedges, 1982). The aquifer is areally extensive into all surrounding counties in South Dakota and into North Dakota. The aquifer is confined and under artesian conditions in the area of this application. No well logs were filed with the application for the Dakota Formation wells, however, there is sufficient information available for the area and from the county study to evaluate this application. The aquifer is under artesian conditions and Dakota wells in this area may free flow at the land surface. The application indicates that the water level for these wells is about 30 feet below land surface.

There is insufficient information available to evaluate the well construction for the three Dakota Formation wells on this application. These wells are probably all constructed as "slim hole" wells (see SD Well Construction Standards 74:02:04:35). This type of construction is not allowable for a feedlot or for any facility which a water permit is required. However, in the past the Water Management Board has approved water permits for existing wells for this type of use.

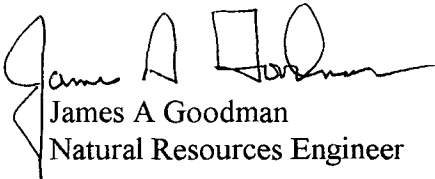
Water levels for the Dakota Formation have declined about 260 feet in the Britton area (Koch, 1975), however, the decline has slowed significantly since the mid 1970's (Winter, 1994). This change can be attributed to decreased withdrawals in the area. Also, as the head declined some wells ceased to free flow at the land surface and therefore less water was allowed to simply flow to waste.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing Water Rights from the Dakota Formation are at Claremont approximately four miles southwest of this application. There are numerous both flowing and non-flowing Dakota Formation wells in the area which are used for domestic purposes. Interference is not expected to be a concern. Pumping of these wells will create some drawdown but this should not be significant and would create a minimal impact on area water levels at the requested rate.

CONCLUSIONS

1. Water is available from the Dakota Formation.
2. Drawdown created by pumping should not be significant even though the aquifer is under confined conditions. The requested pumping rate is relatively small and the resulting drawdown created by pumping would be small. Interference is not expected to be a concern.
3. These are existing wells and have been in use for many years. It is unlikely that these wells were completed in accordance with present well construction standards but information is not available to make this determination.
4. There is an existing water permit No. 5487-3 which appropriates 0.33 cfs from two 180 feet deep wells completed into the Deep James aquifer to provide water to the same feedlot.
5. Plans and specifications for the feedlot must be submitted to and approved by Surface Water Quality Program.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hedges, L.S., etal, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Koch, N.C., 1975, Geology and Water Resources of Marshall County, Bulletin 23, SD DENR, SDGS, Vermillion, SD, 57069.

Winter, D.R., 1994, Water Levels Through 1989 in Bedrock Aquifers in South Dakota, Open-File Report 94-320, USGS, Rapid City, SD, 57702.

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6085-3, Dalton Docter Feedlot, Inc.**

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. 6085-3, Dalton Docter Feedlot, Inc., 11511 413th Avenue, Amherst, SD 57421.

The Chief Engineer is recommending APPROVAL of Application No. 6085-3 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 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. 6085-3 is subject to compliance with requirements of the General Water Pollution Control Permit for concentrated animal feeding operations.
3. Permit No. 6085-3 is subject to compliance with the existing and applicable Water Management Rules:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.

See report on application for additional information.



JOHN HATCH, Chief Engineer
July 2, 1998



**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.

August 26, 1998

Dalton Docter Feedlot, Inc.
%Michael Docter
11511 413th Ave.
Amherst, SD 57421

Dear Mr. Docter:

Water Permit Application No. 6085-3 for commercial (livestock feeding operation) 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 Britton Journal printed at Britton, SD (Ph # (605) 448-2281). 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

August 26, 1998

Britton Journal
Box 69
Britton, SD 57430-0069

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 6085-3 to Appropriate Water to be published twice. Please publish the first notice on September 2, 1998, 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 Dalton Docter Feedlot, Inc., %Michael Docter, 11511 413th Ave., Amherst, SD 57421 (Ph # (605) 448-2217).

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

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

No. 6085-3

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

Date _____

We are in receipt of your letter of August 26, 1998, enclosing Notice of Hearing to Appropriate Water by Application No. 6085-3 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 September 2, 1998, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6085-3 to Appropriate Water

Notice is given that Dalton Docter Feedlot, Inc., c/o Michael Docter, 11511 413th Ave, Amherst SD 57421 has filed an application for a water permit to appropriate 0.156 cubic feet of water per second (70 gallons per minute) from three existing wells (Dakota Formation) 1000 feet, 1000 feet and 880 feet deep located in the N ½ NW ¼ Section 20-T126N-R59W. The water is for commercial use in an existing livestock feeding operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6085-3 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 September 21, 1998. 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 10:00 a.m., October 1, 1998, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, 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 October 1, 1998, 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 September 21, 1998.

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 September 21, 1998, 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.



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Marshall) SS

I, Douglas M. Card

certify that the attached printed Notice was taken

from the Butter Journal

printed and published in Butter

County of Marshall and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Sept. 2, 1998

Sept 9, 1998

Cost of Printing \$46.44

Douglas M. Card
 (Signature)

Publisher
 (Title)

Sept. 9, 1998
 (Date Signed)

2T(Sept. 2-9)

NOTICE OF APPLICATION NO.
 6085-3 to Appropriate Water

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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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 19 1999

Dalton Docter Feedlot, Inc.
%Michael Docter
11511 413th Ave.
Amherst, SD 57421

Dear Mr. Docter:

Enclosed is Water Permit No. 6085-3 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.



**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date January 25, 1999

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: DALTON DOCTOR FEEDLOT, INC 11511 413th AVENUE
(name) (address)
Amherst SD 57421 605-448-2217
(city) (state) (zip) (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 6085-3.

Water Permit No. 6085-3 states that the diversion system is to be constructed by EARLY 1960'S, and that the water is put to beneficial use by
(date)

EARLY 1960'S
(date)

The diversion system was completed on EARLY 1960'S
(date)

Applying the water to beneficial use was completed on EARLY 1960'S
(date)

You may schedule an inspection so that the Water License may be issued.

Michael Doctor, Pres.
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 9, 2001

6085-3
5487-3

Dalton Docter Feed Lots
c/o Michael Docter
11511 413th Ave
Amherst SD 57421

Dear Mr. Docter:

On October 16, 2001 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 6085-3, was completed by Stacy Johnson, a staff engineer with our program. The 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.

Water Permit No. 5487-3 authorizes 150 gpm from two wells located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 5-T126N-R59W for a feedlot also. The inspection of this permit was overlooked. Ms. Johnson will schedule an inspection of this permit next summer.

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
Environmental Scientist
Water Rights Program
(605) 773-3352

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 416970

Pierre, NOVEMBER 14, 20 01

RECEIVED OF Dalton Docter Feed Lots, % Michael Docter, 11511 413th Ave, Amherst, SD 57421
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. 6085-3

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By Darland Erbe
Chief Engineer
gm

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: Dick Wismer

File No. 6085-3

Address: 1502 Vander Horck Ave Britton SD 57430 **County:** Marshall

Date: October 30, 2001 **Telephone:** (605) 448-2480

RE: Well logs for Permit No. 6085-3

Comments: I told Dick that I was told that he drilled two wells for Dalton Docter Feedlot, Inc. in Amherst SD. He told me that he drilled three wells for them. He told me that they are flowing wells. I told him that I know that these wells were drilled 40 years ago but I ask him if he had well logs for them. I told him what kind of information that we get from the well log. He told me that he would do some checking and get back to me.

A handwritten signature in black ink that reads "Stacy J. Johnson". The signature is written in a cursive, flowing style.

Stacy J. Johnson
Natural Resources Project Engineer

Permit No. 6085-3
James River - Water District

Other permit/license(s) associated with project: **5487-3**

Contact Person & Address: **Michael Docter, 11511 413th Ave, Amherst SD 57421**

Report Of Examination Of Works

On, **October 16, 2001**, I made a thorough examination of the water use system constructed by **Dalton Docter Feedlot, Inc. of 11511 413th Ave, Amherst SD 57421** holder of Permit No. **6085-3**, bearing the priority of **June 8, 1998**, authorizing the diversion of **0.156** cu. ft. per second of the waters of **three Dakota formation wells** for **commercial (livestock feeding operation)** purposes, in **Marshall** County.

The system is in the following condition **good**. The point of diversion is located **Well #1: from the NW corner of Section 20 T126N-R59W it is 70 feet south and 2581 feet east** with a longitude of **-97.948357** and a latitude of **45.718780**. **Well #2: from the NW corner of Section 20 T126N-R59W it is 446 feet south and 2394 feet east** with a longitude of **-97.949208** and a latitude of **45.717761**. **Well #3: from the NW corner of Section 20 T126N-R59W it is 986 feet south and 1173 feet east** with a longitude of **-97.953926** and a latitude of **45.716361**. The works are capable of diverting and conveying to the place of use **0.156** cu. ft. per second of water that is to be used for **commercial (livestock feeding operation) purposes**. The license should be issued for **0.156** 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 **NA**
- 4) Exceptions to compliance are: **none**

Report On the Specifics of the System

Diversion Point Information: Well #1

- | | |
|---|---|
| 1) Well Drilling Firm: <u>Lenius Well Drilling</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>1000 to 1020</u> feet | 4) Well log is available <u>no</u> |

Casing:

- | | |
|------------------------------------|----------------------------------|
| 1) Diameter <u>4</u> inches | 2) Length <u>200</u> feet |
| 3) Type <u>unknown</u> | |

Casing:

- | | |
|------------------------------------|---|
| 1) Diameter <u>2</u> inches | 2) Length <u>800 to 820</u> feet |
| 3) Type <u>unknown</u> | |

Screen:

- | | |
|----------------------------------|--------------------------------------|
| 1) Type <u>perforated</u> | 2) Length <u>unknown</u> feet |
|----------------------------------|--------------------------------------|

3) Static water level unknown feet

Pump\ Motor:

- | | |
|-----------------------------------|----------------------------------|
| 1) Pump Make <u>unknown</u> | 2) Pump Model <u>unknown</u> |
| 3) Capacity <u>24</u> GPM | 4) Motor Make <u>Jacuzzi</u> |
| 5) Motor Model No. <u>unknown</u> | 6) Horsepower rating <u>3</u> hp |

Distribution System:

- 1) Type Steel 2) Size 2 inches 3) Length 2640 feet

Diversion Point Information: Well #2

- 1) Well Drilling Firm: Dick Wismer no longer in business 2) No. of Wells 1
3) Depth(s) 1040 feet 4) Well log is available no

Casing:

- 1) Diameter unknown inches 2) Length 42 feet
3) Type perforated

Screen:

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

Pump\ Motor:

- | | |
|-----------------------------------|------------------------------------|
| 1) Pump Make <u>unknown</u> | 2) Pump Model <u>unknown</u> |
| 3) Capacity <u>unknown</u> GPM | 4) Motor Make <u>Jacuzzi</u> |
| 5) Motor Model No. <u>unknown</u> | 6) Horsepower rating <u>1.5</u> hp |

Distribution System:

- 1) Type Plastic 2) Size 1.5 inches 3) Length 2640 feet

Diversion Point Information: Well #3

- 1) Well Drilling Firm: Dick Wismer no longer in business 2) No. of Wells 1
3) Depth(s) 929 feet 4) Well log is available no

Casing:

- 1) Diameter 4 inches 2) Length 147 feet
3) Type unknown

Casing:

- 1) Diameter 2 inches 2) Length 782 feet

3) Type unknown

Casing:

1) Diameter unknown inches

2) Length 36 feet

3) Type perforated

Screen:

1) Type unknown

2) Length unknown feet

4) Static water level unknown feet

Pump\ Motor:

1) Pump Make unknown

2) Pump Model unknown

3) Capacity unknown GPM

4) Motor Make Jacuzzi

5) Motor Model No. unknown

6) Horsepower rating 0.75 hp

Distribution System:

1) Type Plastic 2) Size 1 inches 3) Length 1200 feet

COMMENTS: No well logs where available. Well casing and screening information was obtained through talking to Dick Wismer for Wells #2 and #3. Well casing and screening information was obtained through talking to Walter Lenius for Wells #1. Two of the well's capacities are not known. Total well capacity of the three wells is 70 gallons per minute.

Stacy J. Johnson

Stacy J. Johnson

Natural Resources Project Engineer

DENR, Water Rights Program

11-19-01

Date



Section 20 T126N-R59W

Stacy J Johnson 10-30-01

Stacy J Johnson
Natural Resources Project Engineer
SD DENR Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6085-3

(1) Dalton Docter Feedlot, Inc., 11511 413th Ave, Amherst SD 57421 made Application No. 6085-3, June 8, 1998 for a water permit to divert 0.156 cubic feet of water per second from groundwater (three wells), Marshall County, South Dakota for commercial purposes. Permit No. 6085-3, with a priority date of June 8, 1998 was approved October 1, 1998 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of said water completed.

(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 0.156 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 – 70 feet south and 2,581 feet east (NE ¼ NW ¼); Well #2 – 446 feet south and 2,394 feet east (NE ¼ NW ¼); and Well #3 – 986 feet south and 1,173 feet east (NW ¼ NW ¼); all from the northwest corner of Section 20-T126N-R59W.

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Dalton Docter Feedlot, Inc., 11511 413th Ave, Amherst SD 57421 the holder and/or owner of Water Right No. 6085-3 is issued a license to appropriate water, the right to use 0.156 cubic feet of water per second from groundwater (three wells) with a priority date of June 8, 1998 from the locations specified in (2) of this license for commercial purposes. This license is subject to any limitations or qualifications listed in Water Right No. 6085-3 and subject to South Dakota State Law.



GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 07 2001

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 07 2001

6085-3

Dalton Docter Feedlot, Inc.
% Michael Docter
11511 413th Ave.
Amherst, SD 57421

Dear Mr. Docter:

Enclosed is Water License No. 6085-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416970 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

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. 6085-3, 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.

Sincerely,

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

enclosures

6085-3

SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW 1/4 NW 1/4 Sec 120 Twp 126 Rg 59

Well Owner:

Business Name: Doctor Feedlot

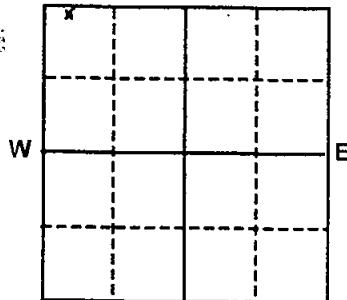
Address: 11511 413th Ave

City, State, Zip: Amberst SD 57421

County: MARSHALL

North

Please mark well location with an 'X'



Well Completion Date

8/28/2017

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?

None ft. from (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Mud Rotary

CASING DATA:

☐ Steel ☒ Plastic ☒ Other

If other describe Stainless Steel

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
250 LB/FT	5 IN	0 FT	795 FT	7 7/8 IN
ch40ss LB/FT	2 IN	800 FT	880 FT	4 1/2 IN
Sch80 LB/FT	2 IN	600 FT	800 FT	4 1/2 IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Portland	125	15 Lb/gal	0 Ft	795 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Pumped through 5"

SCREEN:

☐ Perforated pipe ☐ Manufactured

Diameter 2 Inches Length 80 Feet

Material Stainless Steel

Slot Size .025 Set From 800 Feet to 880 Feet

Other information

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No

If so, what material? Cement

Describe packer(s) and location to 795'

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine

☐ No, Why Not?

Lab to which water quality sample sent for analysis

WELL LOG:

DEPTH

FORMATION	FROM	TO
Top Soil	0	5
Yellow Clay	5	25
Shale	25	480
Greenhorn	480	490
Shale	490	800
Dakota	800	880

STATIC WATER LEVEL

FEET

If flowing: closed in pressure 2 PSI

GPM flow 5 through 2 Inch pipe

Controlled by ☒ Valve ☐ Reducers ☐ Other

Reduced flow rate GPM

Can well be completely shut in? Yes

WELL TEST DATA:

☒ Pumped Describe: Air

☐ Bailed

☐ Other

Pumping Level Below Land Surface

20 Ft. After 1 Hrs. pumped 100 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

Dakota well

This well was drilled under license # 722 and this report is true and accurate.

Drilling firm: Stretch's Well Service Inc.

Signature of License Representative:

Tom Blatten

Signature of Well Owner or Equitable Property Holder:

Bernice Doctor

Date: 9-8-17

RECEIVED

OCT 02 2017

WATER RIGHTS PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

January 19, 2018

Dalton Docter Feedlot Inc.
11511 413th Ave
Amherst SD 57421

Dear Sir:

A well driller's report filed by Stretch's Well Service Inc. shows that they completed a new well for you August 28, 2017.

A review of our files indicates Water Right No. 6085-3 appropriates 0.156 cubic feet of water per second (70 gallons per minute) from Dakota Aquifer wells for commercial use at the feedlot.

Is this a replacement well or an additional well which does not increase the total appropriation of 70 gpm? If the authorized diversion rate of 70 gpm is increased, a new water permit will need to be obtained.

South Dakota Codified Law 46-5-13.1 provides that a point of diversion (well) 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.

Once we know this information, we can determine what additional action, if any, needs to be taken to ensure the water right accurately reflects your water use. Please contact Eric Gronlund or me regarding the status of this well or if you have any questions.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

Water Rights Program - File Documentation

NAME: Mick Docter

ADDRESS: Amherst SD

DATE: 1-29-18 **COUNTY:** Marshall **TELEPHONE:**

RE: Well completion report

COMMENTS:

Mick Docter called regarding my letter dated January 19, 2018 stating the new well was a replacement for one of the wells authorized by Water Right No. 6085-3. He stated they were not using any additional water, in fact way less because the feedlot size had decreased by half.



Karen Schlaak
Water Rights Program