

WATER PERMIT NO. 6158-3

Name of Applicant: **Ringling Cattle Co.**

Address: 27442 SD Hwy 45, Platte SD 57369

Phone: **605 337-3757**

Amount of Water Claimed: **0.133 cfs (60 gpm)**

Total Acres: NA

Source of Water Supply: **groundwater (2 wells)**

Water to be used for: **commercial (cattle feeding operation)**

County: **Charles Mix**

Type of Waste Disposal System:

Location: ½ mile north of Platte

PRIORITY Date Received: **9-29-1999**

Fee: \$150.00

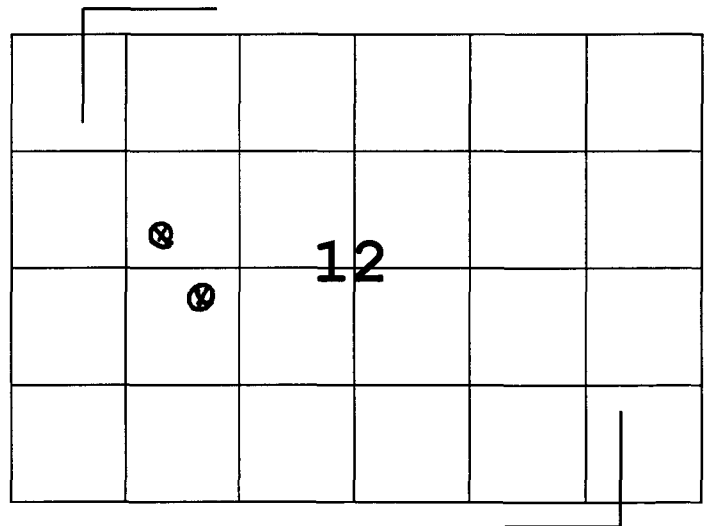
Corrected Application Received: 12-9-99

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

Remarks:

Diversion Point: SW ¼ NW ¼ and NW ¼ SW ¼

Sec 12-T99N-R68W

Land to be Irrigated: NA

Depth of Well: 880 feet deep

Well Driller: **Hutmacher Drilling Inc.**

Remarks:

Type of Map: plat

Prepared by: **Mark E Johnson, LS**

Reviewed and the Number Assigned on: **12-9-1999**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 6158-3

Date of first receipt of application September 29, 1999.

Date of return to applicant for corrections, amendments or changes October 4, 1999.

Date of receipt of corrected application December 9, 1999.

The Water Management Board approved Water Permit Application No. 6158-3 on March 1, 2000 for Ringling Cattle Co., c/o Ross Ringling, 27442 SD Hwy 45, Platte SD 57369 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. 6158-3 appropriates 0.133 cubic feet of water per second (60 gallons per minute) from two wells (Dakota Formation) 880 feet deep located in the SW ¼ NW ¼ and NW ¼ SW ¼; both in Section 12-T99N-R68W.
2. The water appropriated shall be used for the purpose of supplying water for commercial use in a cattle 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 December 9, 1999.
5. One-fifth of the construction is to be completed on or before September 1, 2002.
6. All construction is to be completed on or before March 1, 2005.
7. Water is to be put to beneficial use on or before March 1, 2009.
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. 6158-3 is subject to compliance with requirements of the Department's General Water Pollution Control Permit for concentrated animal feeding operations.

(continued)

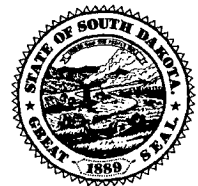
3. Permit No. 6158-3 is subject to compliance with the existing and applicable Water Management Board Rules:
- a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses 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: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 10 2000

date



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>6158-3</u>	Hydrologic Unit <u>10140101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Platte Enterprise, Platte, 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.) _____

- Name of Applicant Ringling Cattle Co. (Contact Ross Ringling) Phone (605) - 337-3757
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 27442 SD Hwy 45, Platte State SD 57369
(Street, RR. or Box) (Zip Code)
- Amount of water claimed 0.133 *CFS or 60 **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
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1 well in the SW 1/4 NW 1/4, of Section 12, T99N, R68W and 1 well in the NW 1/4 SW 1/4, of Section 12, T99N, R68W (these are 2 existing wells) County Charles Mix
- County or counties where water will be used CHARLES MIX
- Annual period during which water is to be used January to January 1 - December 31
- Give a description of the project. **This project consists of an existing cattle operation with plans to expand to 4,000 head located in the NW1/4, Section 12, T99N, R68W Charles Mix County. Plans and specifications for coverage under the South Dakota General Water Pollution Control Permit for Concentrated Animal Feeding Operations have been submitted to SD-DENR.**

STATE OF SOUTH DAKOTA)

County of Charles Mix) SS

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, Ross Ringling, 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 Ross Ringling

Subscribed and sworn to before me this 28 day of Sept. 19 99

Amy Ringling

Notary Public
Amy Ringling, Notary Public
In and for the State of SD
My Commission Expires April 14, 2005

Supplemental Information

(Complete applicable portions only)

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8 inch Depth 880 feet
- b) Casing Type PVC Diameter 5 inch Thickness Schedule 80
- c) Screen Type Manufactured Diameter 2.5 inch Thickness _____
- d) Gravel Pack YES Length of Gravel Pack feet
- e) Depth to Top of Water Bearing Material ~ 678 feet
- f) Depth to Water (ground surface to water level) ~ 30 feet
- g) Distance to nearest existing domestic well: 1.75 miles
- On applicants property _____ On property owned by others X

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) earthen containment basins
- b) System Capacity (gallons) See AWMS Permit Year Constructed NEW CONSTRUCTION
- c) Connected to the City of NA Sanitary System

3. Dugout Information

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

4. Water Storage Dams – Not Applicable

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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

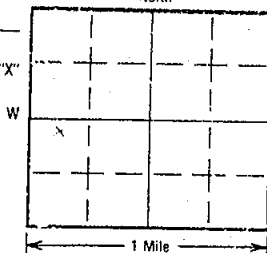
07-92

Location 110 1/2 Sec 12 Twp 29 Rg 68

County

DeWitt

North



Please mark well location with an "X"

Well Completion Date 5-11-94

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.) 150 ft. from Fertilizer (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
50.17 LB/FT	5 IN	0 FT	240 FT	7 7/8 IN
50.80 LB/FT	2 IN	240 FT	800 FT	4 1/2 IN
50.80 LB/FT	2 1/2 IN	800 FT	880 FT	4 1/2 IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland</u>	<u>30</u>	<u>124</u> lb./gal	<u>0</u> ft	<u>240</u> ft

Describe grouting procedure Pressure w/ tremieSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 2 1/2 IN Length 80 FEETMaterial PVC 50.80Slot Size .025 Set From 500 Feet to 880 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? YES How: chlorine

NO, Why Not?

Laboratory sent to for water quality analysis StateWell Owner: HT LongBusiness Name: Long Cattle CoAddress: RR 2 Box 12White SD 57369

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>PERR</u>	<u>0</u>	<u>220</u>
<u>P. oblique</u>	<u>20</u>	<u>398</u>
<u>Clay</u>	<u>398</u>	<u>578</u>
<u>Ciccanon</u>	<u>578</u>	<u>614</u>
<u>Gravel</u>	<u>614</u>	<u>768</u>
<u>Dakota</u>	<u>768</u>	<u>880</u>

STATIC WATER LEVEL 30 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

This well was drilled under license # 13

And this report is true and accurate.

Drilling firm Unimach Drilling

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: 5-1-94

STATE OF SOUTH DAKOTA

MICROFILM CERTIFICATE OF AUTHENTICITY

THIS IS TO CERTIFY THAT THE MICROGRAPHIC 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 MICROGRAPHIC REPRODUCTIONS.

REDUCTION RATIO

ROLL NUMBER

DATE MICROFILMED

CAMERA OPERATOR SIGNATURE



SOUTH DAKOTA WELL AND TEST HOLE PLUGGING REPORT

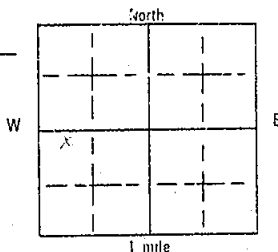
10-85

Location NW 1/4 Sec 12 Twp 49 Rg 68

Well Owner:

Name Ringberg, L.H. CoAddress HT VermilionRR 2 Box 12 Dakota SD 57384Plugging completion Date 5-13-94County Sioux

Please mark well location with an "X"



CHECK APPROPRIATE BOX

EXISTING WELL ☒TEST HOLE ☐Well depth 580

Hole depth _____

Casing material Steel

Hole size _____

Casing size(s) 5" 2"Casing condition fair / 1 hole200

Describe plugging procedure:

Pressure grout 1' fromtop

Describe grout or plugging material:

Portland Cement

Type of non-slip plug:

This well or test hole was plugged under license # 213 And this report is true and accurate.Drilling firm Huttmacher Drilling IncSignature of Licensed Representative James H. H. H.

Signature of Well Owner _____

Date 5-17-94

STATE OF SOUTH DAKOTA

THIS IS TO CERTIFY THAT THE MICROFILM IMAGE APPEARING ON THIS SLIDE 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 CODED 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 100-201 AND 10-04-02 FOR MICROGRAPHIC REPRODUCTIONS.

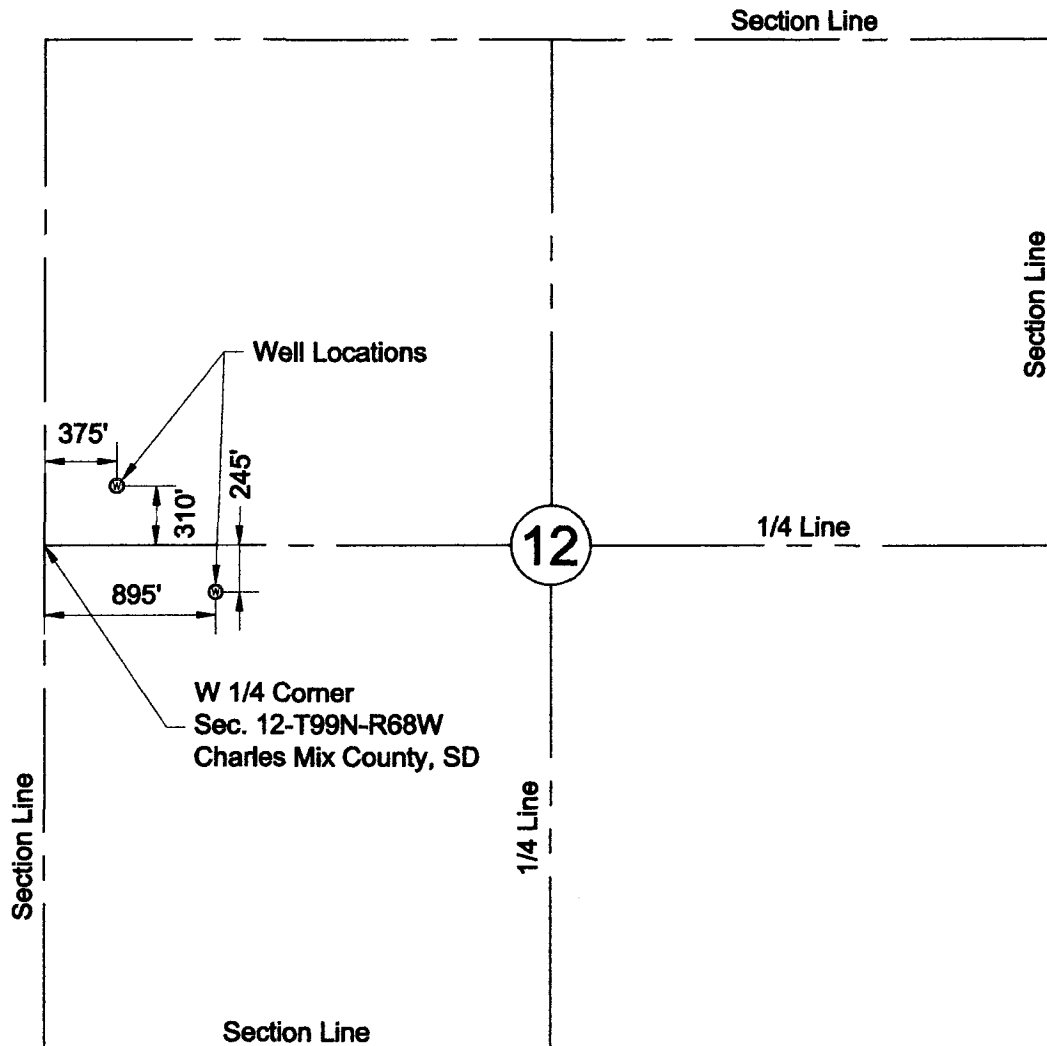
REDUCTION RATIO 25:1

ROLL NUMBER U-10

DATE MICROFILMED 11-8-95

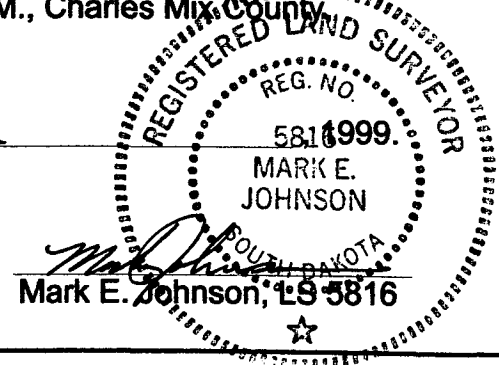
CAMERA OPERATOR SIGNATURE W. J. M. S. C.

MICROFILM CERTIFICATE OF AUTHENTICITY



I, Mark E. Johnson, a Registered Land Surveyor in the State of South Dakota, do hereby certify that at the request of Ross Ringling did prepare this map depicting the approximate location of two wells in the W 1/2 of Section 12, Township 99 North, Range 68 West of the 5th P.M., Charles Mix County, South Dakota.

Dated this 16TH day of SEPTEMBER



6158-3

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N^o 416205

Pierre, September 29, 19 99

RECEIVED OF Ringling Cattle Co., 27442 SD Hwy. 25, Platte, SD 57369
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>61583</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 John Hatch
Chief Engineer

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 416289

Pierre, December 9, 1999

RECEIVED OF Ringling Cattle Co., Inc., 27442 SD Hwy. 855 Platte, SD 57369
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. 6158-3 to Appropriate Water, to construct
and to put water to beneficial use _____

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

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

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

50 00

By John Hatch



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 4, 1999

Ringling Cattle Co.
Ross Ringling
27442 SD Hwy 45
Platte SD 57369

Dear Mr. Ringling:

Thank you for submitting the *Application for a Permit to Appropriate Water* for commercial in your cattle feeding operation. We are in receipt of the \$150.00 application filing fee. In addition to the application filing fee, the Water Rights Program now collects the \$50 licensing fee at the time of filing. Please submit \$50 for the licensing of the water permit.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Karen Schlaak
Water Rights Program
605 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 30, 1999

Ringling Cattle Co.
Ross Ringling
27442 SD Hwy 45
Platte SD 57369

Dear Mr. Ringling:

On September 29, 1999, you submitted an *Application for a Permit to appropriate Water* for commercial use in your cattle operation. On October 4, 1999, you were notified a \$50 licensing fee was required prior to processing the application. To date, we have not received this fee.

Upon receipt of the license fee, further processing of the application will continue. If you have any questions, please contact me.

Sincerely,


Karen Schlaak
Environmental Scientist
Phone: (605) 773-3352

REPORT ON WATER PERMIT APPLICATION NO. 6158-3

for Ringling Cattle Co.

January 12, 2000

Application No. 6158-3 proposes to appropriate 0.133 cfs (60 gpm) from two wells approximately 880 feet deep located in the SW 1/4 NW 1/4 and NW 1/4 SW 1/4; both in Section 12, T99N-R68W in Charles Mix County. The water is for commercial use in a cattle feeding operation.

AQUIFER - DAKOTA FORMATION (DKOT)

The Dakota Formation is a buried sand, shale and sandstone which is under confined or artesian conditions at this site. Schoon's definition of the Dakota is as follows: "The Dakota Formation has been defined as the first relatively continuous sandstone below the Greenhorn Limestone and extends downward to the top of the Skull Creek Shale in western and central South Dakota. Where the Skull Creek shale is absent the Dakota overlies Precambrian rocks and, to a minor extent, rocks of the Inyan Kara Group. In no case is the term Dakota Formation intended to include any part of the Inyan Kara Group or older sandstone (Schoon, 1971). The Dakota Formation underlies 1,134 square miles and contains an estimated 14.15 million acre feet of recoverable water in storage in Charles Mix County (Hedges, 1982). The Dakota is areally extensive and hydraulically connected into all the surrounding counties in South Dakota and into Nebraska.

The well log filed with the application indicates the top of the Dakota was at 768 feet and continued to a depth of 880 feet below land surface. The well had a static water level of 30 feet below land surface and there is no indication of the amount of water the well would produce. There are two existing wells at the site and little information is available for the other well.

The Water Rights Program does monitor observation wells completed into the Dakota Formation in Gregory, Brule and Aurora Counties. However, the nearest observation well to this application is AU-89A and is located about 15 miles east and 16 miles north of this application. A hydrograph for this observation well is included with this report. The record for AU-89A clearly indicates that water levels are declining for the Dakota Formation and since 1990, has declined about 3.3 feet or about 0.33 feet (4 inches) per year (Water Rights, 2000). The issue of declining water levels for the Dakota Formation is not new. This has been talked about for years and many reports have documented the phenomena. Although historically the trend in water levels has been downward (Kume, 1977), it has leveled off in some areas of South Dakota or has at least slowed to gradual rates such as the rate cited for AU-79A.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights in this area which obtain water from the Dakota Formation. There are domestic wells in the area which obtain water from the Dakota. Interference is not expected to be a concern. These are existing wells and are pumped wells and have been in use for many years with no apparent problems. Some drawdown will be created by pumping but this should not be significant nor cause adverse effects upon other wells in the area.

CONCLUSIONS

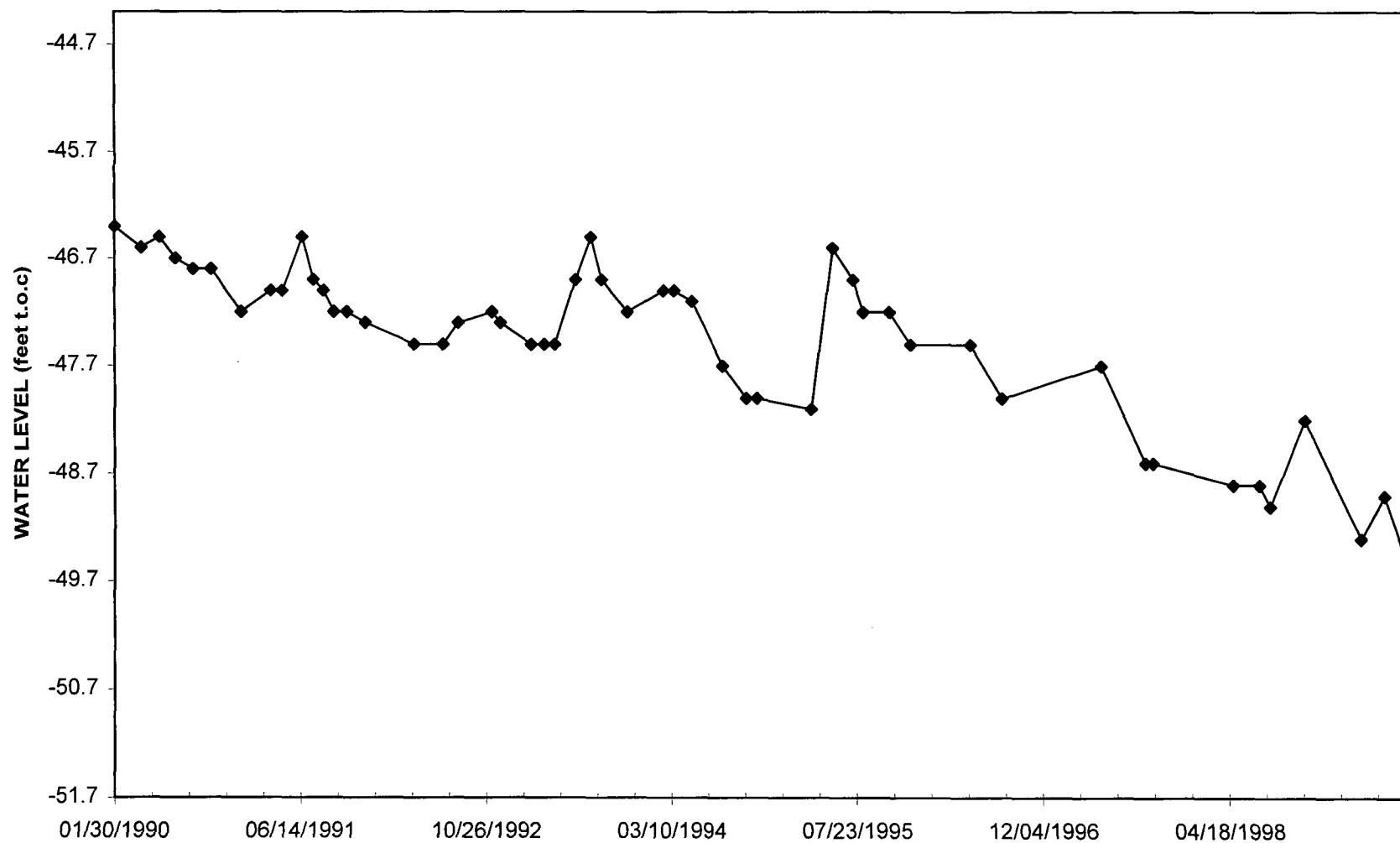
1. Water is available from the Dakota Formation.
2. The aquifer is confined and under artesian conditions. These are existing pumped wells. Drawdown is not expected to be significant at the requested pump rates and interference is not a concern.
3. There is insufficient information available to determine if the construction of the wells meets SD Well Construction Standards. Any new or replacement wells drilled for this facility must be grouted from the top of the producing formation to the land surface.
4. Plans and Specifications for the waste management system have been reviewed and were approved by the Department on November 30, 1999.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hedges, L.S., et al, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57609.
- Kume, J., 1977, Geology and Water Resources of Charles Mix and Douglas Counties, South Dakota, Bulletin 22, SD DENR, SDGS, Vermillion, SD, 57069.
- Schoon, 1971, Geology and Hydrology of the Dakota Formation in South Dakota, Report of Investigations No. 104, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 2000, Unpublished Observation Well Data for Dakota Formation, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
AU-89A**



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6158-3, Ringling Cattle Co.**

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. 6158-3, Ringling Cattle Co., Ross Ringling, 27442 SD Hwy 45, Platte SD 57369.

The Chief Engineer is recommending APPROVAL of Application No. 6158-3 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. 6158-3 is subject to compliance with requirements of the Department's General Water Pollution Control Permit for concentrated animal feeding operations.
3. Permit No. 6158-3 is subject to compliance with the existing and applicable Water Management Board 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.



Garland Erbele, Chief Engineer

January 14, 2000

WATER RIGHT PROGRAM
SOUTH DAKOTA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
John Childs	Eric Gronlund
COMPANY:	DATE:
Eisenbraun & Assoc.	January 19, 2000
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
605 945-2136	7
PHONE NUMBER:	SENDER'S TELPHONE NUMBER:
	(605) 773-3352
RE:	SENDER'S FAX NUMBER:
Ringling Brothers Water Right Permit Application	(605) 773-4068

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ AS YOU REQUESTED

NOTES/COMMENTS:

I believe Eisenbraun & Associates is the consultant on this proposed facility. We have sent out the letter, to the applicant regarding publication of the notice of hearing on the water right permit application. Attached is a copy of the notice, report, recommendation and letter sent to the applicant.

WATER RIGHTS PROGRAM
JOE FOSS BUILDING
523 E. CAPITOL AVE.
PIERRE, SD 57501



**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 19, 2000

Ringling Cattle Co.
%Ross Ringling
27442 SD Hwy. 45
Platte, SD 57369

Dear Mr. Ringling:

Water Permit Application No. 6158-3 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 Platte Enterprise printed at Platte, SD (Ph # (605) 337-3101). 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 19, 2000

Platte Enterprise
Box 546
Platte, SD 57369-0546

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6158-3 to Appropriate Water to be published twice. Please publish the first notice on January 27, 2000, 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 Ringling Cattle Co., %Ross Ringling, 27442 SD Hwy, 45, Platte, SD 57369 (Ph # (605) 337-3757).

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. 6158-3

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

Date _____

We are in receipt of your letter of January 19, 2000, enclosing Notice of Hearing to Appropriate Water by Application No. 6158-3 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 January 27, 2000, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6158-3 to Appropriate Water

Notice is given that Ringling Cattle Co., c/o Ross Ringling, 27442 SD Hwy 45, Platte SD 57369 has filed an application for a water permit to appropriate 0.133 cubic feet of water per second (60 gallons per minute) from two wells (Dakota Formation) 880 feet deep located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$; both in Section 12-T99N-R68W. The water is for commercial in a cattle feeding operation.

^{use}
Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6158-3 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 February 18, 2000. 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 2:00 p.m., March 1, 2000, 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 March 1, 2000, 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 February 18, 2000.

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 February 18, 2000, 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.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Charles Mix) SS

I, Sharon Huizinga

certify that the attached printed Notice was
taken

from the Platte

Enterprise

printed and published in Platte

County of Charles Mix and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Jan. 27, 2000

Feb. 3, 2000

Cost of Printing 51.64

Sharon Huizinga
(Signature)

Owner
(Title)

2-8-00
(Date Signed)



NOTICE OF APPLICATION NO. 6158-3 TO APPROPRIATE WATER

Notice is given that Ringling Cattle Co., c/o Ross Ringling, 27442 SD Hwy 45, Platte, SD 57369 has filed an application for a water permit to appropriate 0.133 cubic feet of water per second (60 gallons per minutes) from two wells (Dakota Formation) 880 feet deep located in the SW 1/4NW 1/4 and NW 1/4SW 1/4; both in Section 12-T99N-R68W. The water is for commercial use in a cattle feeding operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6158-3 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 February 18, 2000. 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 2:00 p.m., March 1, 2000, 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 the qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The March 1, 2000, 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 February 18, 2000.

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 February 18, 2000, 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 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.

(Jan. 27, Feb. 3)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 10 2000

Ringling Cattle Co.
%Ross Ringling
27442 SD Hwy. 45
Platte, SD 57369

Dear Mr. Ringling:

Enclosed is Water Permit No. 6158-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

Permit No. 6158-3
Missouri 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

I have this day, July 11, 2006, made a thorough examination of the water use system constructed by Ringling Cattle Co. of 27442 SD Hwy 45, Platte SD 57369 holder of Permit No. 6158-3, bearing the priority of December 9, 1999 authorizing the diversion of 0.133 cu. ft. per second of the waters of ground water (Dakota Formation) for commercial purposes, in Charles Mix County.

Inspection contact & relationship to permit holder, if applicable: **Ross Ringling**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Hutmacher Drilling
- 2) No. of Wells 2
- 3) Depth(s) both 880 feet
- 4) Well logs available Y

Casing:

- 1) Diameter both 5 & 2 inches
- 2) Length both 240 & 560 feet
- 3) Type both Plastic

Screen:

- 1) Type both PVC
- 2) Length both 80 feet
- 3) Static water level both 30 feet

Motor/Pump (both wells):

- 1) Make submersible
- 2) Model unknown
- 3) 1 well - 25 gpm
- 4) 2 well - 35 gpm
- 5) Total 60 GPM

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

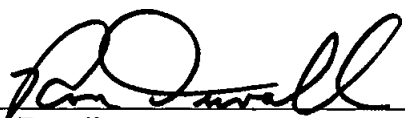
Water from the well is distributed to a livestock feeding operation.

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Exceptions to compliance are: none

The system is in good condition with the point of diversion located as follows: Well: 2,975 feet S and 815 feet E from the NW corner section 12-T99N-R68W (Latitude 43.4049, Longitude -98.84186 - NW¼SW¼) Well: 2,450 feet S and 330 feet E from the NW corner section 12-T99N-R68W (Latitude 43.40634, Longitude - 98.84370 - SW¼ NW¼). The works are capable of diverting and conveying to the place of use 0.133 cu. ft. per second of water which is to be used for commercial purposes in a livestock feeding operation. Water has been put to beneficial use to the maximum extent and the license should be issued for 0.133 cfs.

All structures, wells and lands on map Y | Comments or other permit(s) associated with the project: 6597-3



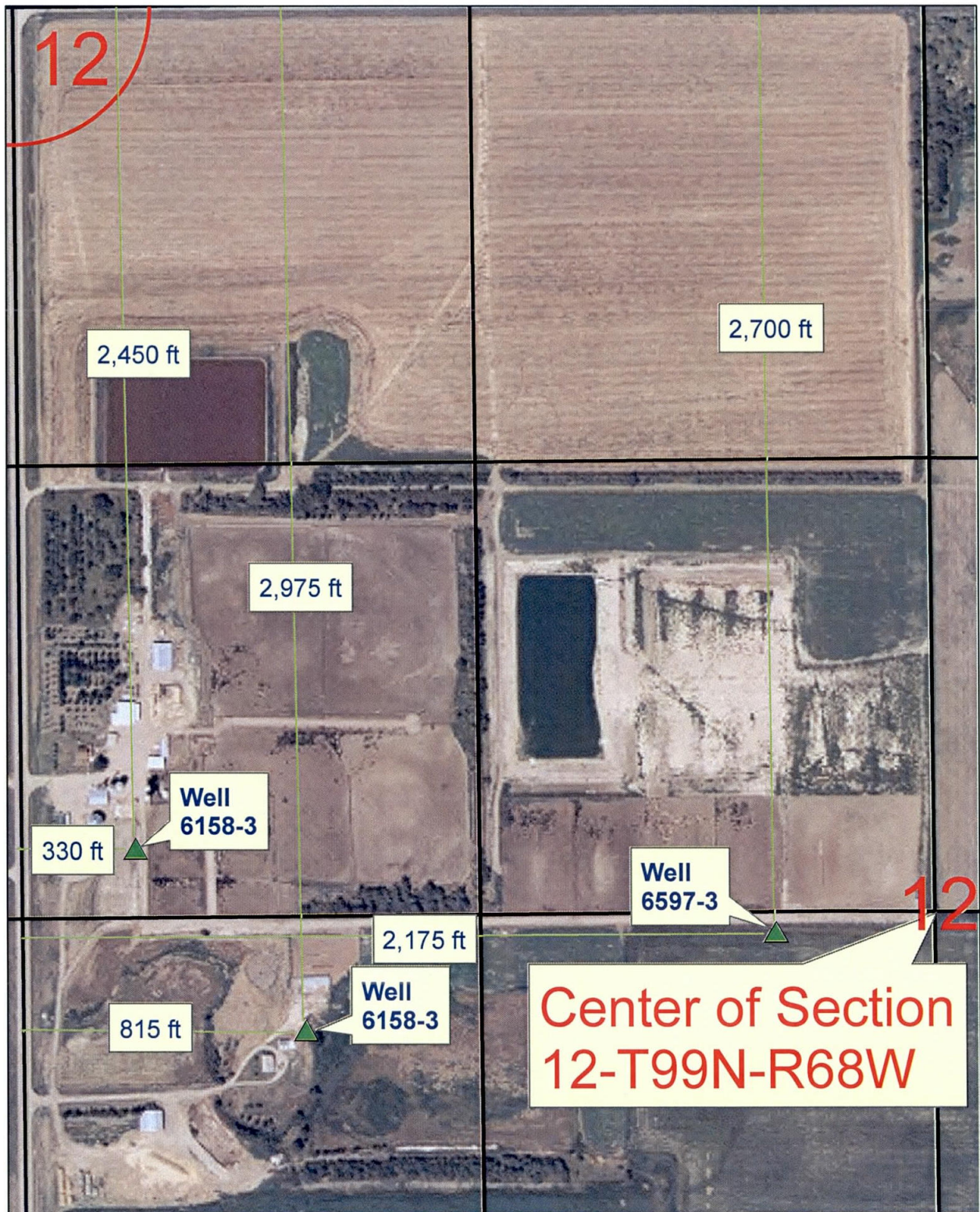
Ron Duvall
 Natural Resources Engineer
 DENR, Water Rights Program

Date report completed: August 28, 2006

Scale: 1 inch equals 432 feet

625

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:

Ron Duvall

Ron Duvall, Natural Resources Engineer
Water Rights Program

Diversion point(s) located using GeoExplorer II GPS

Date: Aug 28, 2006

**Water Right No. 6158-3
6597-3**



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 12 2008

6158-3
6597-3

Ross Ringling
Ringling Cattle Company
27442 SD Hwy 45
Platte SD 57369

Dear Mr. Ringling:

Enclosed are your Water License Nos. 6158-3 and 6597-3. They are the final water right documents completing your process of obtaining Water Rights. Also enclosed is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 6158-3 and 6597-3, 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 Licenses, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6158-3

(1) Ringling Cattle Company, 27442 SD Hwy 45, Platte SD 57369 made Application No. 6158-3, September 29, 1999 for a water permit to divert 0.133 cubic feet of water per second (60 gallons per minute) from ground water (two wells – Dakota Formation), Charles Mix County, South Dakota for commercial purposes. Permit No. 6158-3, with a priority date of December 9, 1999 was approved March 1, 2000 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 1, 2005 and for the application to beneficial use of said water on or before March 1, 2009.

(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 0.133 cubic feet of water per second for beneficial use. The location of the diversion points are as follows:

- **Well: 2,975 feet S and 815 feet E of the NW corner of Section 12, T99N, R68W (NW ¼ SW ¼)**
- **Well: 2,450 feet S and 330 feet E of the NW corner of Section 12, T99N, R68W (SW ¼ NW ¼)**

(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 Ringling Cattle Company the holder and/or owner of Water Right No. 6158-3 is issued a license to appropriate water, the right to use 0.133 cubic feet of water per second from ground water (two wells – Dakota Formation) with a priority date of December 9, 1999 from the locations specified in (2) of this license, for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6158-3 and subject to the following 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. 6158-3 is subject to compliance with requirements of the Department's General Water Pollution Control Permit for concentrated animal feeding operations.
- Permit No. 6158-3 is subject to compliance with the existing and applicable Water Management Board 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.



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

SEP 12 2009

date

