

WATER PERMIT NO. 6227-3

Name of Applicant: Goodwin Heritage Cattle, LLC

Address: Rt 1 Box 191A, Goodwin SD 57238

Phone: 605 795-2861

Amount of Water Claimed: 0.27 cfs (120 gpm)

Total Acres: NA

Source of Water Supply: groundwater (two wells)

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

County: Deuel

Type of Waste Disposal System:

Location: 2 ½ miles east of Goodwin

PRIORITY Date Received: 8-18-2000

Fee: \$225

Corrected Application Received: 8-28-2000

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: SW ¼ SE ¼ Sec 2-T116N-R50W

Land to be Irrigated: NA

Depth of Well: 52 & 53 feet deep

Well Driller: : Lee Well Drilling

Remarks:

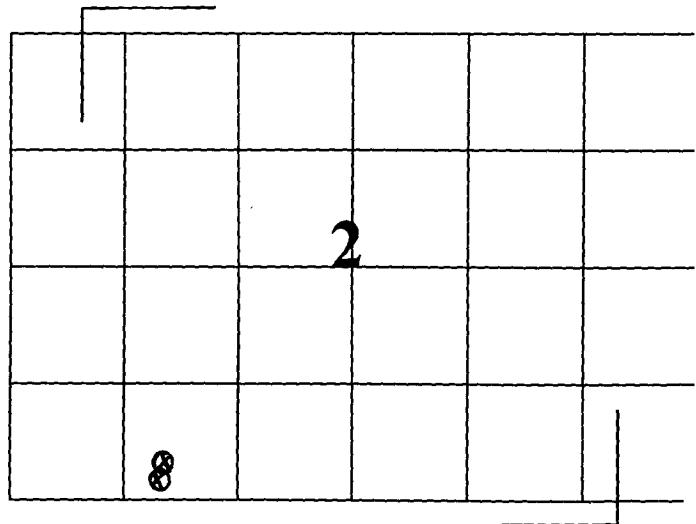
Type of Map: plat

Prepared by: Donald R Larson, PE

Reviewed and the Number Assigned on: 8-28-2000

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 6227-3

Date of first receipt of application August 18, 2000.

Date of return to applicant for corrections, amendments or changes August 21, 2000.

Date of receipt of corrected application August 29, 2000.

The Water Management Board approved Water Permit Application No. 6227-3 on May 2, 2001 for Goodwin Heritage Cattle, LLC, Rt 1 Box 191A, Goodwin SD 57238 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. 6227-3 appropriates 0.27 cubic feet of water per second (120 gallons per minute) from two wells (Pleistocene Unknown) 52 and 53 feet deep located in the SW 1/4 SE 1/4 Section 2-T116N-R50W.
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 in a cattle feeding operation.
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 August 18, 2000.
5. One-fifth of the construction is to be completed on or before November 2, 2003.
6. All construction is to be completed on or before May 2, 2006.
7. Water is to be put to beneficial use on or before May 2, 2010.
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. 6227-3 is subject to compliance with requirements of the Department's General Water Pollution Control Permit for concentrated animal feeding operations.
3. Permit No. 6227-3 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

JUL 03 2001

date



(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>6227-3</u>	Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Clear Lake Courier, Clear Lake</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.) _____

1. Name of Applicant Goodwin Heritage Cattle, LLC. Phone 605-795-2861
(check one) ☒ Owner ☐ Tenant lessee

Mailing Address Rt 1, Box 191A Goodwin State SD 57238
(Street, RR, or Box) (Zip Code)

2. Amount of water claimed 0.27 *CFS or 60 + 60 = 120 total GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acres Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply wells

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T10-N-R53W) _____
2 wells in the SW1/4 SE1/4 2-116-50

County Deuel

5. County or counties where water will be used Deuel

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

Goodwin Heritage Cattle, LLC. plans to build a cattle feeding operation in the
SE1/4 2-116-50

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)

STATE OF SOUTH DAKOTA)

County of Deuel SS

I, Mike Gibson, 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 Mike Gibson

Subscribed and sworn to before me this 15th day of August 2000

Brenda Schaks

Notary
My Commission Expires 9-21-03

(Complete applicable portions only)

(type or print in ink)

Goodwin Heritage Cattle, LLC.
Gibson

1. Well Information - Proposed Construction south well #1

- a) Drill Hole Diameter 8" Depth 53'
b) Casing Type plastic Diameter 4" Thickness _____
c) Screen Type pvc wesco Diameter 4" Thickness _____
d) Gravel Pack Thickness w/o/rib Length of Gravel Pack _____
e) Depth to Top of Water Bearing Material 46'
f) Depth to Water (ground surface to water level) 22'
g) Distance to nearest existing domestic well: 260'

On applicants property _____ On property owned by others X

2. Wastewater Disposal System Information

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

3. Dugout Information

- a) Surface Dimensions NA 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:

NA

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

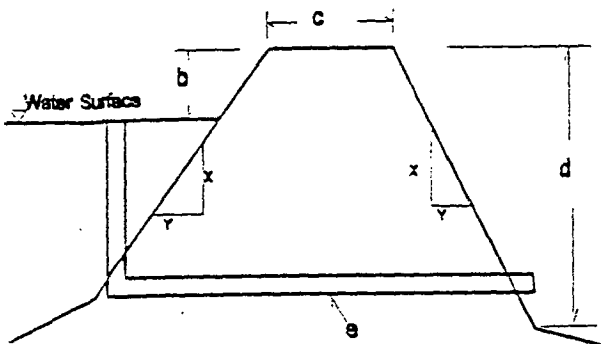
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



(Complete applicable portions only)

Supplemental Information

(type or print in ink)

Goodwin Heritage Cattle, LLC.
Gibson

1. Well Information - Proposed Construction North well #2

- a) Drill Hole Diameter 8" Depth 52'
b) Casing Type plastic Diameter 4" Thickness _____
c) Screen Type stainless steel Diameter 4" Thickness _____
d) Gravel Pack Thickness _____ Length of Gravel Pack _____
e) Depth to Top of Water Bearing Material 47'
f) Depth to Water (ground surface to water level) 22'
g) Distance to nearest existing domestic well: 260'

On applicants property _____ On property owned by others X

2. Wastewater Disposal System Information

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

3. Dugout Information

- a) Surface Dimensions NA 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:

NA

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

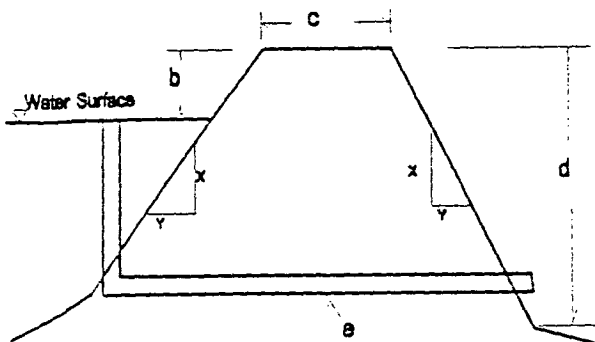
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





909 Broadway
Alexandria, MN 56308
E-mail: lbwater@rea-alp.com

WATER TEST REPORT

Name: Gibson Livestock

Address: Box 191A, RR1

City: Goodwin

State: South Dakota

Zip Code:

Ordered by: Lee Well Drilling, Inc

Driller Number: 26572

Collected by: Lee Well Drilling, Inc

Date Collected: 07/11/2000

Time Collected: 1:30 pm Well # 1

Sample Location: Gibson Livestock

Sample Number: 710100

Unique Well Number:

ANALYSIS	METHOD	ACCEPTABLE RESULTS	TEST RESULTS
Total Coliforms	Idexx P/A	0/100 ml	0/100 ml
Nitrate Nitrogen	SM4500-NO ₃ -D	less than 10.0 ppm	0.00 ppm

This water sample DOES meet Minnesota and US Health Standards for the above:

Approved by:

Lynn Boysen

Date: 07/13/2000

Comments:



SOUTH DAKOTA WATER WELL COMPLETION REPORT

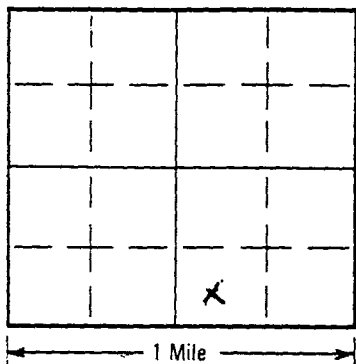
07-92

Location SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 2 Twp 116-N Rg 50-W
County Deuel North

Please mark well location with an "X"

Well # 1

Well Completion Date

7/11/00

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 125 ft. from Pasture (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Forward Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200 PSI</u> LB/FT	<u>4</u> IN	<u>0</u> FT	<u>48</u> FT	<u>8</u> IN
<u>DR 21</u> LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Ver Cement</u>	<u>12</u>	<u>15</u> lb./gal	<u>0</u> ft	<u>40</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure Pressure Grout w/ tremieSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 4" pipe size IN Length 5' FEETMaterial PVC Wesco w/o RibSlot Size 18 Set From 48 Feet to 53 FeetOther information PVC cap on bottomWAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: 200 PPM☐ NO, Why Not? Chlorine

laboratory sent to for water

quality analysis

circulated thru system -Well Owner: Mike & Greg GibsonBusiness Name: Gibson LivestockAddress: RR 1 Box 191AGoodwin S.D. 57238

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>topsoil / dark / soft</u>	<u>0</u>	<u>1</u>
<u>clay brown soft</u>	<u>1</u>	<u>4</u>
<u>gravel yellow soft</u>	<u>4</u>	<u>6</u>
<u>clay yellow soft</u>	<u>6</u>	<u>15</u>
<u>Sandy clay yellow soft</u>	<u>15</u>	<u>20</u>
<u>clay blue med.</u>	<u>20</u>	<u>46</u>
<u>Sand grey soft</u>	<u>46</u>	<u>53</u>
<u>clay blue med.</u>	<u>53</u>	

STATIC WATER LEVEL 22 below _____ Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ PumpedDescribe: Pumped w/ Air Compressor☐ Bailed☐ Other _____

Pumping Level Below Land Surface

35 ft. After 2 Hrs. pumped 70 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

30 GPG - Hard
4 PPM - Iron
(Very good well)

This well was drilled under license # 63

And this report is true and accurate.

Drilling firm Lee Well Drilling Inc.

Signature of License Representative:

[Signature]

Signature of Well Owner or Equitable Property Holder:

X



909 Broadway
Alexandria, MN 56308
E-mail: lbwater@rea-alp.com

WATER TEST REPORT

Name: Gibson Livestock

Collected by: Lee Well Drilling, Inc

Address: Box 191A, RR1

Date Collected: 07/11/2000

City: Goodwin

Time Collected: 4:00 pm

Well #2

State: South Dakota

Sample Location: Gibson Livestock-Well # 2

Zip Code:

Sample Number: 710200

Ordered by: Lee Well Drilling, Inc

Unique Well Number:

Driller Number: 26572

ANALYSIS	METHOD	ACCEPTABLE RESULTS	TEST RESULTS
Total Coliforms	Idexx P/A	0/100 ml	0/100 ml
Nitrate Nitrogen	SM4500-NO ₃ -D	less than 10.0 ppm	0.00 ppm

This water sample DOES meet Minnesota and US Health Standards for the above:

Approved by:

Lynn Boysen

Date: 07/13/2000

Comments:



SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SW 1/4 SE 1/4 Sec 2 Twp 116 N Rg 50 W

County

North

Deuel

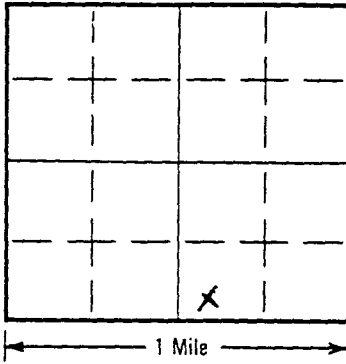
Please mark well location with an "X"

well #2

W

E

Well Completion Date

7/11/00

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 125 ft. from Pasture (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Forward RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200 PSI</u> LB/FT	<u>4</u> IN	<u>0</u> FT	<u>48</u> FT	<u>8</u> IN
<u>SDR-21</u> LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Neon Cement</u>	<u>13</u>	<u>15</u> lb./gal	<u>0</u> ft	<u>40</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure Pressure grout w/ tremieSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 4" xel IN Length 4' FEETMaterial Stainless SteelSlot Size 18 Set From 48 Feet to 52 FeetOther information Steel plug in bottomWAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: 200 PPM☐ NO, Why Not? Chlorinecirculated thru systemchlorine test on water

Laboratory sent to for water quality analysis

LIR Water TestingWell Owner: Mike & Greg GibsonBusiness Name: Gibson LivestockAddress: RR1 Box 191AGoodwin, S.D. 57238

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>topsoil / clark / soft</u>	<u>0</u>	<u>1</u>
<u>clay brown soft</u>	<u>1</u>	<u>4</u>
<u>gravel yellow soft</u>	<u>4</u>	<u>6</u>
<u>clay yellow soft</u>	<u>6</u>	<u>15</u>
<u>Sandy clay yellow soft</u>	<u>15</u>	<u>18</u>
<u>clay blue med.</u>	<u>18</u>	<u>47</u>
<u>Sand grey soft</u>	<u>47</u>	<u>52</u>
<u>Rock (boulder)</u>	<u>52</u>	

STATIC WATER LEVEL 22 below _____ Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pip

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: Pumped w/ Air Compressor☐ Bailed _____☐ Other _____

Pumping Level Below Land Surface

35 ft. After 2 Hrs. pumped 65 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

30 GPG - Hard4 PPM - Iron(very good well)This well was drilled under license # 63

And this report is true and accurate.

Drilling firm Lee Well Drilling Inc.

Signature of License Representative:

[Signature]

Signature of Well Owner or Equitable Property Holder:

X



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Madison Wetland Management District

P.O. Box 48

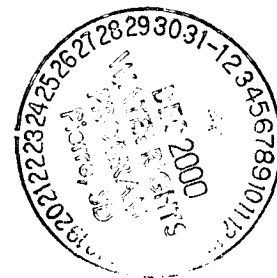
On Hwy. 19, 3/4 mile South of Hwy. 34 Junction

Madison, SD 57042

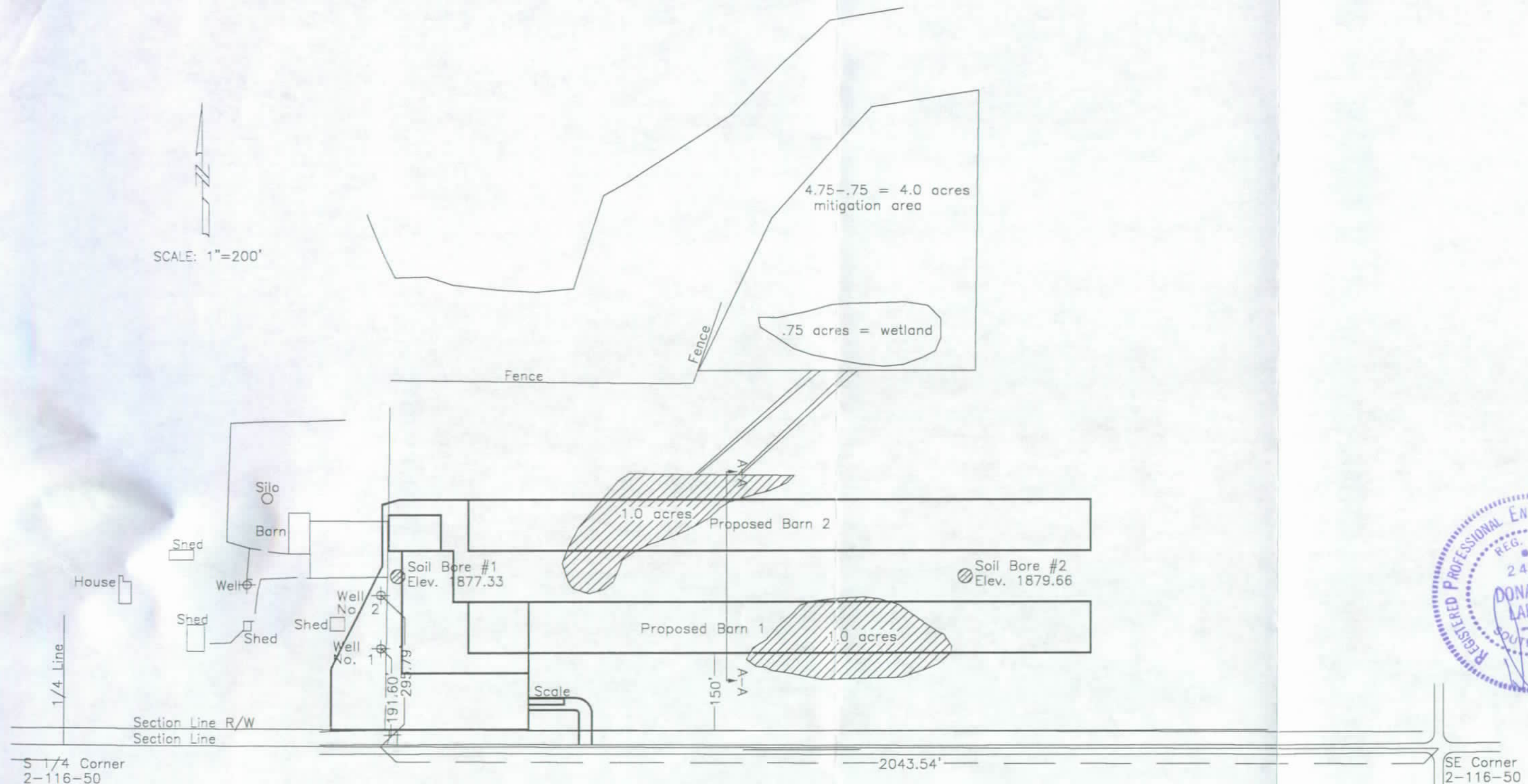
Telephone: (605) 256-2974

Subject: Application No. 6227-3

The U. S. Fish and Wildlife Service (FWS) has purchased a conveyance of easement for waterfowl management rights on wetlands located in the SE1/4 of Section 2-116-50. The perpetual easement was purchased from Joseph Thiewes, November 30, 1995 and recorded April 4, 1996 in Book 1996 of Miscellaneous, page 3034. The FWS is concerned that the wells could affect wetlands connected to the water table and cause the wetlands to dry up.



SCALE: 1"=200'



Well Locations
 Goodwin Heritage Cattle, LLC.
 SE 1/4 2-116-50
 Deuel County, South Dakota

July 2, 2000
 Revised August 4, 2000

LARSON ENGINEERING

102 South Dakota Street Milbank, South Dakota 57252
 605-432-4069

6227-3

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

112 416615

Pierre, August 29, 2000

RECEIVED Copson Livestock, Inc., RR 1 Box 191A, Goodwin SD 57238

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 _____

225 00

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

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

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

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

275 00

By

Chief Engineer

Barbara E. Kele

Larson Engineering

DONALD R. LARSON
REGISTERED PROFESSIONAL ENGINEER
LAND SURVEYOR

102 S. DAKOTA STREET
MILBANK, SD 57252
(605) 432-4069

August 14, 2000

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



RE: Goodwin Heritage Cattle, LLC.
SE 1/4 2-116-50

Enclosed are the following:

2 copies of Form 2, Application to Appropriate Water

Sincerely,

Donald R. Larson, PE
LARSON ENGINEERING

cc: Goodwin Heritage Cattle, LLC



August 21, 2000

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Mike Gibson
Goodwin Heritage Cattle, LLC
Rt 1 Box 191A
Goodwin SD 57238

Dear Mr. Gibson:

Thank you for submitting the *Application for a Permit to Appropriate Water* for your cattle feedlot operation. The application filing fee and license fee is \$275.00.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

c: Donald R Larson, Larson Engineering



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6227-3, Goodwin Heritage Cattle, L.L.C.**

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. 6227-3, Goodwin Heritage Cattle, L.L.C., c/o Mike Gibson, Rt 1, Box 191A, Goodwin, SD 57238.

The Chief Engineer is recommending APPROVAL of Application No. 6227-3 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. 6227-3 is subject to compliance with requirements of the Department's General Water Pollution Control Permit for concentrated animal feeding operations.
3. Permit No. 6227-3 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
September 20, 2000

REPORT ON WATER PERMIT APPLICATION NO. 6227-3
for Goodwin Heritage Cattle, LLC.
September 13, 2000

Application No. 6227-3 proposes to appropriate 0.27 cfs (120 gpm) from two wells approximately 52 and 53 feet deep located in the SW 1/4 SE 1/4 of section 2, T116N R50W in Deuel County. The water is for commercial use in a cattle feeding operation.

AQUIFER - PLEISTOCENE UNKNOWN (PS-U)

This aquifer is a glacial outwash (sand and gravel) which is under confined or artesian conditions in this area. There are no estimates available for the extent or amount of water in storage for this aquifer. The driller's logs filed with the application indicate the two nearly identical wells are completed into a sand layer from 46 to 53 feet and 47 feet to 52 feet below land surface. The wells #1 and #2 are capable of producing 70 gpm and 65 gpm respectively. Both wells had a static water of about 22 feet below land surface.

The Water Rights Program does not monitor any observation wells completed into this aquifer in this immediate area. The nearest observation well is located about five miles south east of this application. This observation well, DU-78A, is completed into the Big Sioux Brookings aquifer. Geologically the observation well and the wells for this application are very much alike. Both confined and about the same depth. Also, the reason for deposition is probably associated with the meltwater channel along an active ice front of the Altamont moraine (Beissel, 1987). A hydrograph for this observation is included with this report. The belief is that the water levels for this observation well would be similar to the water levels in the area of this application (Water Rights, 2000).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights for ground water from this source or any other ground water source in this immediate area. Interference is not a concern. Drawdown will be created by pumping but this is a relatively small rate of pumping and drawdown should not be significant.

CONCLUSIONS

1. Water is available from this aquifer.
2. The aquifer is confined and under artesian conditions at this site. Drawdown is not expected to be significant and interference is not a concern.
3. These wells have been drilled in accordance with SD Well Construction Standards.
4. Plans and Specifications for this facility have been submitted to the Department and are presently under review.

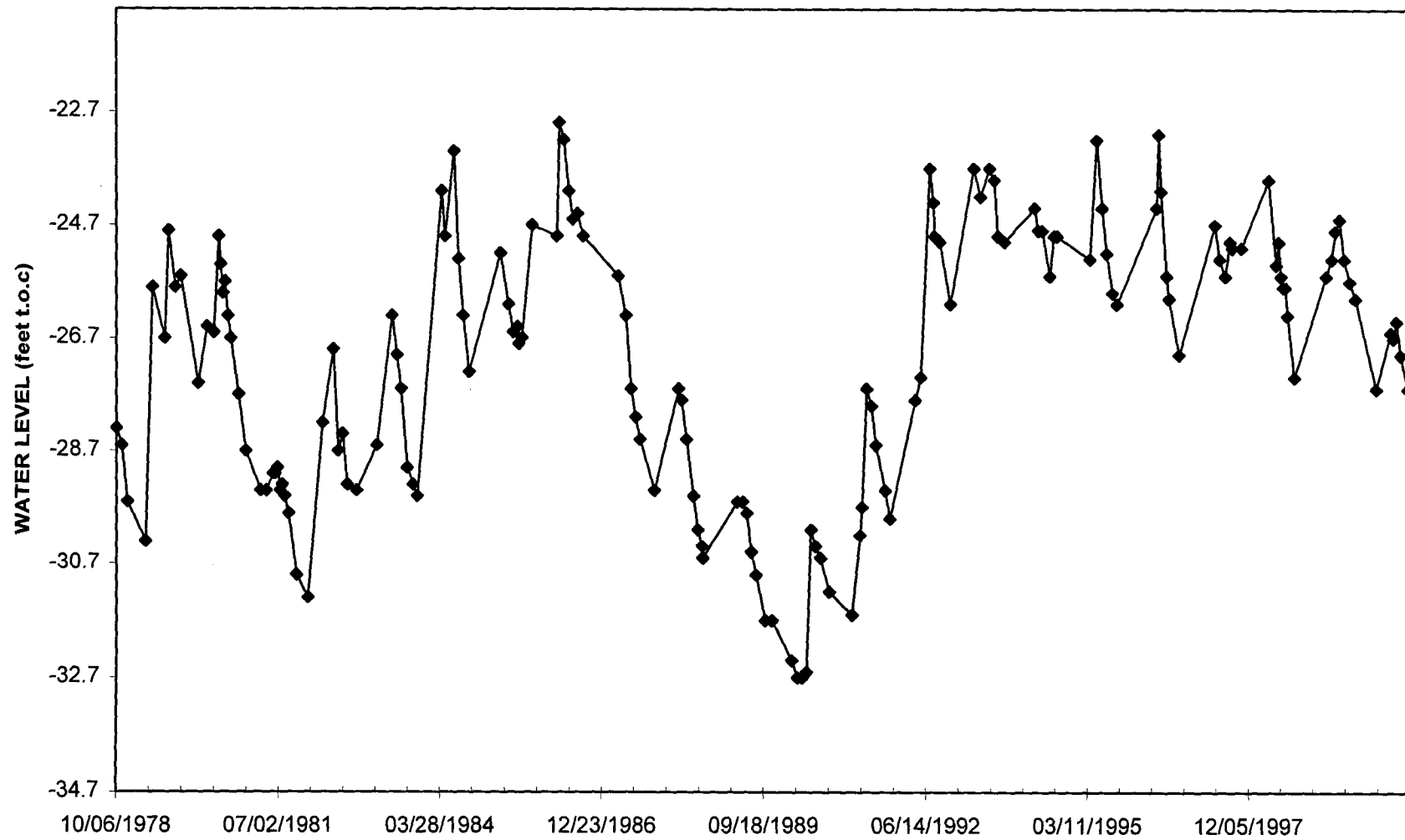

James A Goodman
Natural Resources Engineer

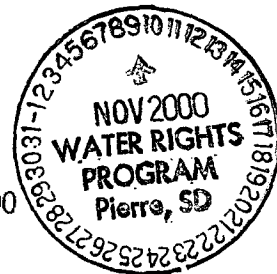
BIBLIOGRAPHY

Beissel, D.R., J.P. Gilbertson, 1987, Geology and Water Resources of Deuel and Hamlin Counties, South Dakota, Bulletin 27, Part 1: Geology, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2000, Unpublished Observation Well Data for Deuel County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
DU-78A





November 8, 2000

Mr. Eric Gronlund
Mr. James Goodman
Water Rights Program
Foss Bldg 523 E Capitol
Pierre, SD 57501

I'm an interested person opposing the application and asking for a delay of the hearing

In response to the application NO. 6227-3 for water rights by the GOODWIN HERITAGE CATTLE, LLC. When I retired we moved back to the area I was raised and purchased a homestead. We have invested \$8,000 to the bldg to bring it up to code. The water system includes pump, buried at 6 ft 185' ft of water pipe, and power plus pressure tank to get water to the house. My well is at a depth of 55 ft about the same as the application. When I talked to the person closest to the bldg site he said that there was a disturbance in his well when they dug my well. The concern is if they pump water at the rate of 120 gpm, 7200 gph and 172,800 gal per day. My concern is what that will do to the level of water in my 2 wells. Will I have the water that was available or will my water demise in volume. Will I have the volume of water that they had in years passed.

At this point in time after investing \$2500 in my water system I do not have any information to say that it will not have an affect on my 2 wells at 55 ft and 35 ft. I feel that the feedlot will have a direct effect on the level and the amount of water that will be available to me.

At this time I'm opposing the application and asking for a delay in the hearing until I can find out more information. I have talked to the county and the csfa office and could get no information on the water in this area.

Most of the farmers in the area are connected to rural water it would cost us at least \$3,000 to get this buried in. If our water rights are impaired who would be responsible for providing us with water?

Richard E Engeseth
RR1 Box124
Goodwin, SD 57238

CC: Mike Gibson
Rt 1, Box 191A
Goodwin, SD 57238

Jamie Bren
Notary
K. J. Bren 11/24/00



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 25, 2000

Keith and Cheri Siegfried
RR 1, Box 28
Goodwin SD 57238

Dear Mr. and Mrs. Siegfried:

Please find a copy of the notice of hearing for Water Right Permit Application No. 6227-3 filed by Goodwin Heritage Cattle, LLC. It is my understanding that you expressed an interest in this application and requested to be notified when the water right permit application was public noticed.

This notice schedules a December 6, 2000 hearing before the Water Management Board in Pierre. If you want to participate in the hearing you will need to submit a petition by November 27, 2000, as set forth in the enclosed notice.

Please do not hesitate to contact me if you have any questions on the water right permitting process.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 25, 2000

Dorothy and Richard Engeseth
RR 1 Box 124
Goodwin SD 57238

Dear Mr. and Mrs. Engeseth:

Please find a copy of the notice of hearing for Water Right Permit Application No. 6227-3 filed by Goodwin Heritage Cattle, LLC. It is my understanding that you expressed an interest in this application and requested to be notified when the water right permit application was public noticed.

This notice schedules a December 6, 2000 hearing before the Water Management Board in Pierre. If you want to participate in the hearing you will need to submit a petition by November 27, 2000, as set forth in the enclosed notice.

Please do not hesitate to contact me if you have any questions on the water right permitting process.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 26, 2000

Dorothy and Richard Engeseth
RR 1 Box 124
Goodwin SD 57238

Dear Mr. and Mrs. Engeseth:

Please find a copy of the report prepared on Water Permit Application No. 6227-3, Goodwin Heritage Cattle. If you have questions about the potential impacts to your well, please contact Jim Goodman at (605) 773-3352.

Sincerely,

Eric Gronlund
Water Rights Program

enclosure



**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.

October 25, 2000

Goodwin Heritage Cattle, LLC
c/o Mike Gibson
Rt 1 Box 191A
Goodwin SD 57238

Dear Mr. Gibson:

Water Permit Application No. 6227-3 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 Clear Lake Courier printed at Clear Lake, SD (Ph # 605 874-2499). 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

October 25, 2000

Clear Lake Courier
Box 830
Clear Lake SD 57226-0830

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6227-3 to Appropriate Water to be published twice. Please publish the first notice on November 1, 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 Goodwin Heritage Cattle, LLC, Rt 1 Box 191A, Goodwin SD 57238 (Ph # 605 795-2861).

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. 6227-3

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

Date _____

We are in receipt of your letter of October 25, 2000 enclosing Notice of Hearing to Appropriate Water by Application No. 6227-3 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 November 1, 2000 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 6227-3 to Appropriate Water

Notice is given that Goodwin Heritage Cattle, LLC, c/o Mike Gibson, Rt 1 Box 191A, Goodwin SD 57238 has filed an application for a water permit to appropriate 0.27 cubic feet of water per second (120 gallons per minute) from two wells (Pleistocene Unknown) 52 and 53 feet deep located in the SW ¼ SE ¼ Section 2-T116N-R50W. 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. 6227-3 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 November 27, 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 10:00 am, December 6, 2000, Floyd Mathew Training Center, Joe Foss Bldg, 523 E 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 December 6, 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 November 27, 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 November 27, 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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of Deuel)

I, Gary DeJong

certify that the attached printed Notice was taken

from the Clear Lake Courier

printed and published in Clear Lake

County of Deuel and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

November 1, 2000

November 8, 2000

Cost of Printing 58.62

Gary DeJong
 (Signature)

Publisher
 (Title)

Nov 10, 2000
 (Date Signed)

NOTICE OF HEARING ON APPLICATION NO 6227-3 TO APPROPRIATE WATER

Notice is given that Goodwin Heritage Cattle, LLC, % Mike Gibson, Rt 1 Box 191A, Goodwin, SD 57238 has filed an application for a water permit to appropriate 0.27 cubic feet of water per second (120 gallons per minute) from two wells (Pleistocene Unknown) 52 and 53 feet deep located in the SW 1/4 SE 1/4 Section 2-T116N-R50W. 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. 6227-3 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 November 27, 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 10:00 a.m., December 6, 2000, Floyd Mathew Training Center, Joe Foss Bldg, 523 E 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 December 6, 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 November 27, 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 November 27, 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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Nov. 1 & 8



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 27, 2000

NOTICE

TO: Mike Gibson Richard Engeseth
Rt 1 Box 191A RR 1 Box 124
Goodwin SD 57238 Goodwin SD 57238

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Automatic Delay of Hearing on Water Right Permit Application No. 6227-3,
Goodwin Heritage Cattle LLC

In response to the public notice of hearing in the Clear Lake Courier, Richard Engeseth has filed a petition in the matter of Application No. 6227-3. The petition also requests an automatic delay of December 6, 2000, hearing before the Water Management Board. Therefore, the hearing on Application No. 6227-3 is automatically delayed pursuant to SDCL 46-2A-4 and 46-2A-5 and will not be held on December 6, 2000.

The hearing on Application No. 6227-3 will be scheduled for the February 28 and March 1, 2000 Water Management Board meeting in Pierre. Future notice of the exact date, time and place of the hearing for Application No. 6227-3 will be provided to all parties of record.

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

c: Diane Best, Assistant Attorney General

CERTIFICATION

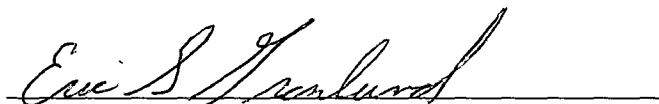
I hereby certify that on November 27, 2000, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated November 27, 2000, regarding Automatic Delay of Hearing on Water Right Permit Application No. 6227-3, Goodwin Heritage Cattle LLC, addressed as stated below:

Mike Gibson
Rt 1 Box 191A
Goodwin SD 57238

Richard Engeseth
RR 1 Box 124
Goodwin SD 57238

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, Capitol Building



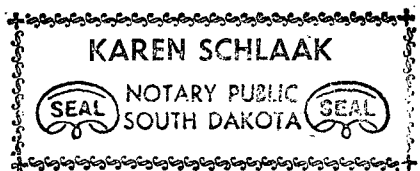
Eric S. Gronlund
Natural Resources Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 28th day of November, 2000.



Karen Schlaak
Notary Public



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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 29, 2000

Richard and Dorothy Engeseth
246 Cottonwood Lane
Arlee MT 59821

Dear Mr. and Mrs. Engeseth:

I am writing in follow-up to my telephone conversation with Mrs. Engeseth. The December 6th hearing on the water right permit application filed by Goodwin Heritage Cattle was automatically delayed. This automatic delay was a result of the request included in your petition opposing the application.

A notice was sent November 27th to your Goodwin mailing address informing you of the postponement of the hearing. However, this notice was returned stating you were temporarily away. Please find a copy of this November 27th notice enclosed.

One correction to this notice is that the next Board meeting will now be held March 7 – 8, 2001. Future notice of the exact date, time and place of the hearing will be provided to you around the first of February.

If you have any questions, please feel free to contact me.

Sincerely,

Eric Gronlund
Water Rights Program
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2001

NOTICE

TO: Mike Gibson Richard and Dorothy Engeseth
Rt 1 Box 191A RR 1 Box 124
Goodwin SD 57238 Goodwin SD 57238

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Scheduling of Hearing on Water Right Permit Application No. 6227-3, Goodwin
Heritage Cattle LLC

Water Permit Application No. 6227-3 proposes to appropriate 0.27 cubic feet of water per second (120 gpm) from two wells for commercial use in a cattle feeding operation. Petitioners to the application and requested an automatic delay of the December 6, 2000, hearing before the Water Management Board.

The Water Management Board will now consider Application No. 6227-3 on March 7, 2001, at 10:30 AM, in the Conference Room, Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre, SD. The agenda time is an estimate and may be delayed due to prior agenda items.

Applicable provisions of the Notice published November 1 and 8, 2000, in the Clear Lake Courier will still apply at the March 7th hearing before the Water Management Board. This hearing is an adversary proceeding. Any party of record has the right to be present and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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

c: Diane Best, Assistant Attorney General
also sent to Richard and Dorothy Engeseth @ 246 Cottonwood Lane, Arlee MT 59821

CERTIFICATION

I hereby certify that on February 1, 2001, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 1, 2001, regarding Scheduling of Hearing on Water Right Permit Application No. 6227-3, Goodwin Heritage Cattle LLC, addressed as stated below:

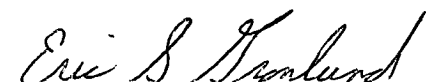
Mike Gibson
Rt 1 Box 191A
Goodwin SD 57238

Richard and Dorothy Engeseth
RR 1 Box 124
Goodwin SD 57238

Richard and Dorothy Engeseth
246 Cottonwood Lane
Arlee MT 59821

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, Capitol Building



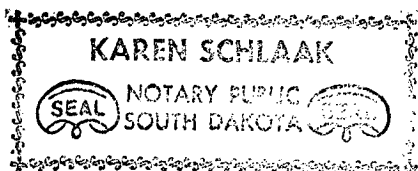
Eric S. Gronlund
Natural Resources Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 2nd day of February, 2001.



Karen Schlaak
Notary Public

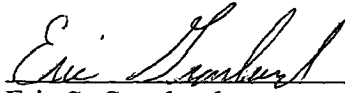


KAREN SCHLAAK, Notary Public
My Commission Expires
April 1, 2001

CERTIFICATION

I hereby certify that on February 7, 2001, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 1, 2001, regarding Scheduling of Hearing on Water Right Permit Application No. 6227-3, Goodwin Heritage Cattle LLC, addressed as stated below:

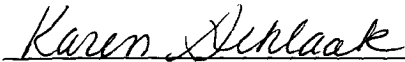
Richard and Dorothy Engeseth
RR 1 Box 124
Goodwin SD 57238



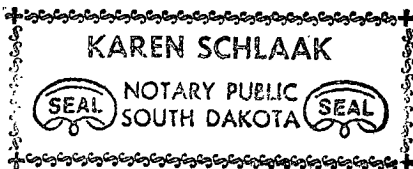
Eric S. Gronlund
Natural Resources Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of February, 2001.



Karen Schlaak
Notary Public



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

WATER RIGHT PROGRAM
SOUTH DAKOTA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Don Larson	Eric Gronlund
COMPANY:	DATE:
Larson Engineering	February 28, 2001
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
432-4069	7
PHONE NUMBER:	SENDER'S TELPHONE NUMBER:
	(605) 773-3352
RE:	SENDER'S FAX NUMBER:
Goodwin Heritage Cattle	(605) 773-4068

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

NOTES/COMMENTS:

Information on Goodwin Heritage Cattle's water right permit application as we discussed.

STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

500 East Capitol Avenue
Pierre, South Dakota 57501-5070
Phone (605) 773-3215
FAX (605) 773-4106
www.state.sd.us/atg

MARK BARNETT
ATTORNEY GENERAL

LAWRENCE LONG
CHIEF DEPUTY ATTORNEY GENERAL

April 20, 2001



MEMORANDUM

TO: Members of the South Dakota Water Management Board and Interested Parties

FROM: Diane Best, Assistant Attorney General *DB*

Re: Response to Proposed Findings of Fact, Conclusions of Law and Final Decision with Regard to Water Permit Application No. 6227-3 Goodwin Heritage Cattle, L.L.C.

Pursuant to the direction of the Board, I am herewith enclosing the DENR response to the proposed Findings of Fact, Conclusions of Law and Final Decision in the above-entitled matter.

DB:clr
Enclosure
c-memo15.db Water Management Bd

STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMENT BOARD

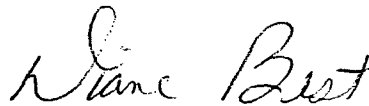
IN THE MATTER OF THE	)	RESPONSE TO PROPOSED
APPLICATION FOR WATER PERMIT	)	FINDINGS OF FACT, CONCLUSIONS
NO. 6227-3, GOODWIN HERITAGE	)	OF LAW, AND FINAL DECISION
CATTLE, L.L.C.	)	

COMES NOW the South Dakota Department of Environment and Natural Resources, Water Rights Program, and makes its response to the proposed Findings of Fact, Conclusions of Law, and Final Decision drafted by Board counsel:

1. Finding of Fact 3 refers to the number of cattle in the proposed operation. Based on evidence presented at hearing, the proposed number of cattle is 2,400 rather than the number given.

2. Other than the foregoing proposed change, the DENR has no other recommendations or proposed changes.

Dated this 20th day of April, 2001.



Diane Best
Assistant Attorney General
500 East Capitol Avenue
Pierre, South Dakota 57501-5070
Telephone: (605) 773-3215

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of Response to Proposed Findings of Fact, Conclusions of Law, and Final Decision in In the Matter of the Application for Water Permit No. 6227-3, Goodwin Heritage Cattle, L.L.C., was

served by United States mail, first class, postage prepaid upon:

Francis E. Brink
1214 S. Wells Street
Aberdeen, SD 57401-7351

Bernita Loucks
219 42nd Street
Rapid City, SD 57702-0240

Rodney Freeman, Jr.
P.O. Box 176
Huron, SD 57350-0176

Mike Gibson
RR 1, Box 191
Goodwin, SD 57238

Marian Gunderson
811 W. 3rd
Yankton, SD 57078-3702

Dwayne A. Rollag
320 Lincoln Lane South
Brookings, SD 57006-2741

Leo Holzbauer
RR 1, Box 170
Wagner, SD 57380-9681

Richard & Dorothy Engeseth
RR 1, Box 124
Goodwin, SD 57238

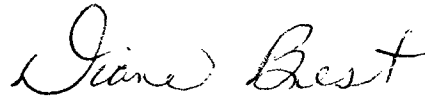
By interoffice mail upon:

Garland Erbele, Chief Engineer
Department of Environment and
Natural Resources
Water Rights Program
Foss Building
523 E. Capitol Avenue
Pierre, SD 57501-3181

By hand-delivery upon:

John P. Guhin
Deputy Attorney General
Office of Attorney General
500 E. Capitol Avenue
Pierre, SD 57501-5070

on this 30th day of April, 2001.



Diane Best
Assistant Attorney General
500 East Capitol Avenue
Pierre, South Dakota 57501-5070
Telephone: (605) 773-3215

c-pld144.db Water Permit Goodwin Heritage Cattle



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 12, 2001

NOTICE

TO: Mike Gibson Richard and Dorothy Engeseth
Rt 1, Box 191A RR 1, Box 124
Goodwin SD 57238 Goodwin SD 57238

FROM: Garland Erbele, Chief Engineer
Water Rights Program 

SUBJECT: Preparation of Findings of Fact, Conclusions of Law and Final Decision

The Water Management Board directed John Guhin, the Board's attorney, to prepare proposed Findings of Fact, Conclusions of Law and a Final Decision in the matter of Water Right Permit Application No. 6227-3, Goodwin Heritage Cattle, LLC. The Board will consider the proposed Findings, Conclusions and Final Decision at 1:00 PM on May 2, 2001 in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD.

The Board requested that a copy of the proposed Findings, Conclusions and Final Decision be mailed to each Board member and Parties of Record (names listed above) by April 12, 2001. Written objections or comments in support of the proposed Findings, Conclusions and Final Decision, or alternative Findings, Conclusions and Final Decision are to be mailed to each Board member, the Board attorney (mailing list enclosed) and all Parties of Record by April 23, 2001.

Oral arguments by parties filing written comments in opposition or support of the proposed Findings, Conclusions and Final Decision, or alternative Findings, Conclusions and Final Decision may be made on May 2, 2001. The public hearing was completed March 7, 2001. No additional testimony will be received on May 2, 2001.

Enclosure

c: John Guhin, Deputy Attorney General
Diane Best, Assistant Attorney General

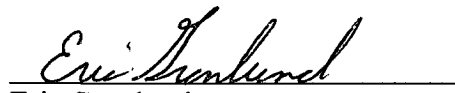
CERTIFICATION

I hereby certify that on March 12, 2001 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 12, 2001 regarding Preparation of Findings of Fact, Conclusions of Law and Final Decision addressed as stated below:

Mike Gibson	Richard and Dorothy Engeseth
Rt 1 Box 191A	RR 1 Box 124
Goodwin, SD 57238	Goodwin, SD 57238

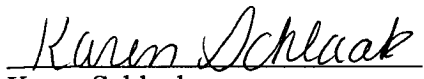
A copy of the above described Notice was sent Inter-office to:

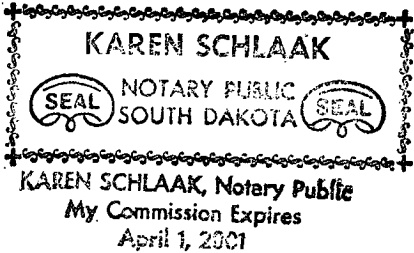
Diane Best, Assistant Attorney General, Capitol Building
John Guhin, Deputy Attorney General, Capitol Building


Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of March, 2001.


Karen Schlaak
Notary Public



STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF THE	)	
APPLICATION FOR WATER PERMIT	)	FINDINGS OF FACT, CONCLUSIONS
NO. 6227-3, GOODWIN HERITAGE	)	OF LAW, AND FINAL DECISION
CATTLE, L.L.C.	)	

FINDINGS OF FACT

1. This is an application to appropriate .27 cfs (120 gpm) from two wells approximately 52 and 53 feet deep in Deuel County. The water is proposed to be used for commercial purposes in a cattle feeding operation.

2. The Applicant plans to alternate the use of the pumps so that both will be kept in good repair.

3. The cattle feeding operation has two phases. In the first, it is planned to have one building with 2,400 cattle. In the second phase, it is planned to have a second building and another 2,400 cattle. The water requested is for water to be consumed by the cattle. No washing water is included in this request. The building will be bedded and the manure and bedding will be hauled out approximately every ten days.

4. The aquifer in question is unnamed but appears to be an extension of an aquifer which exists further to the south. It is a sand and gravel outwash. The two wells which have been placed in the aquifer indicated sand and gravel from 46 to 53 feet and from 47 to 63 feet. Both wells had a static water level of about 22 feet below the lands surface. Each well was capable of drawing 65 to 70 gallons per minute with a drawdown of about thirteen feet.

5. There is no pre-existing test well drilled into this aquifer but there is a nearby (5 or 6 miles away) observation well into what appears to be a similar sand and gravel formation.

6. The performance of the two wells which have been placed in the aquifer by Applicants indicates that there is a reasonable probability that there is unappropriated water available for the applicant's proposed use. The nearby observation well supports this finding.

7. The opponent to the project owns a farmstead about one half mile from the proposed operation. The opponent has two wells on his property, both hand dug. Opponent has placed a three quarter horse power submersible pump in his fifty-five foot well to a depth of approximately 55 feet. The opponent also has a well dug to 35 feet deep.

8. The wells appear from the record to be about one half mile from the Applicant's wells.

9. The State's expert testified that, given the information which emerges from the recently completed wells, that there should be no significant drawdown caused by the use of the applicant's wells and interference from the wells will not be a concern. Opponent produced no evidence to the contrary.

10. The proposed use for a cattle feeding operation is a beneficial use.

11. The Applicant has already purchased a large amount of produce from local farmers including seventy thousand bushels of dry shell corn. The Applicant plans on buying silage locally and

has purchased and will purchase at least some of the cattle to be used in the operation locally.

12. The Applicant has submitted the appropriate paper work to the Department of Environment and Natural Resources with regards to plans and specifications for the facility.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter.

2. There is a reasonable probability that there is unappropriated water available for the Applicant's proposed use.

3. The proposed diversion can be developed without unlawful impairment of existing rights.

4. The proposed use for a cattle feeding operation is a beneficial use.

5. The proposed use is in the public interest. In this regard, the Board notes that the construction of a productive facility will generally be in the public interest and the purchase of goods locally to support that operation also supports the public interest. The Board has considered the potential for drawdown in the opponent's domestic well; the Board concludes that the potential for a significant drawdown is minimal. This factor, therefore, does not weigh against the public interest.

6. Should the opponent to the permit nonetheless be deprived of water by the action of the Applicant, he may invoke state law regarding protection of domestic wells, insofar as the wells qualify for protection pursuant to state law. See, e.g., SDCL 46-6-6.1. See also SDCL 46-1-5.

FINAL DECISION

1. The application for Water Permit No. 6227-3 is GRANTED with the following conditions:

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. 6227-3 is subject to compliance with requirements of the Department's General Water Pollution Control Permit for concentrated animal feeding operations.
3. Permit No. 6227-3 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.

Dated this 2 day of May, 2001.

BY THE BOARD:

Marian Anderson

c-pld116.jpg In the Matter of Applic(clr)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 15, 2001

NOTICE

TO: Mike Gibson Richard and Dorothy Engeseth
Rt 1, Box 191A RR 1, Box 124
Goodwin SD 57238 Goodwin SD 57238

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Adoption of Findings of Fact, Conclusions of Law and Final Decision

This is to notify you that the Final Decision, including Findings of Fact and Conclusions of Law, were adopted May 2, 2001, by the Water Management Board approving Water Right Permit Application No. 6227-3 filed by Goodwin Heritage Cattle, LLC. A copy of the signed Findings of Fact, Conclusions of Law and Final Decision is enclosed.

South Dakota statutes provide that decisions of the Board may be appealed to the Courts. Notice of appeal of the Board's decision must be filed within thirty days of this notice and be in accordance with procedures established in SDCL 1-26-31.

Enclosure

c: John Guhin, Deputy Attorney General
Diane Best, Assistant Attorney General

CERTIFICATION

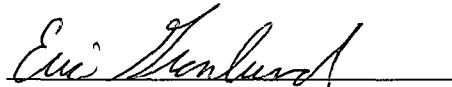
I hereby certify that on May 15, 2001 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 15, 2001 regarding Adoption of Findings of Fact, Conclusions of Law and Final Decision Water Right #6227-3 addressed as stated below:

Mike Gibson
Rt 1 Box 191A
Goodwin, SD 57238

Richard & Dorothy Engeseth
RR 1 Box 124
Goodwin, SD 57238

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, Capitol Building
John Guhin, Deputy Attorney General, Capitol Building



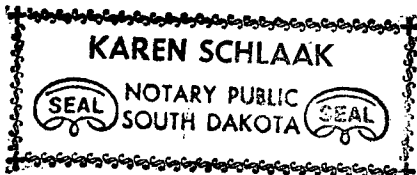
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 22nd day of May, 2001.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 27, 2000

NOTICE

TO: Mike Gibson
Rt 1 Box 191A
Goodwin SD 57238

Richard Engeseth
RR 1 Box 124
Goodwin SD 57238

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Automatic Delay of Hearing on Water Right Permit Application No. 6227-3,
Goodwin Heritage Cattle LLC

In response to the public notice of hearing in the Clear Lake Courier, Richard Engeseth has filed a petition in the matter of Application No. 6227-3. The petition also requests an automatic delay of December 6, 2000, hearing before the Water Management Board. Therefore, the hearing on Application No. 6227-3 is automatically delayed pursuant to SDCL 46-2A-4 and 46-2A-5 and will not be held on December 6, 2000.

The hearing on Application No. 6227-3 will be scheduled for the February 28 and March 1, 2000 Water Management Board meeting in Pierre. Future notice of the exact date, time and place of the hearing for Application No. 6227-3 will be provided to all parties of record.

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

c: Diane Best, Assistant Attorney General



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 03 2001

Goodwin Heritage Cattle, LLC
% Mike Gibson
Rt 1 Box 191A
Goodwin, SD 57238

Dear Mr. Gibson:

Enclosed is Water Permit No. 6227-3 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. 6227-3
Sioux 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, **September 19, 2007**, made a thorough examination of the water use system constructed by **Goodwin Heritage Cattle, LLC** of **47068 173rd St., Goodwin, SD 57238** holder of Permit No. **6227-3**, bearing the priority of **August 18, 2000** authorizing the diversion of **0.27** cu. ft. per second of the waters of the **Pleistocene Unknown** Aquifer for **Commercial** purposes, in **Deuel** County.

Inspection contact & relationship **Mike Gibson**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Lee Well Drilling**
- 2) No. of Wells **2**
- 3) Depth(s) **Well One: 53 feet, Well Two: 52 feet**
- 4) Well log is available **Y**

Casing:

- 1) Diameter **4** inches
- 2) Length **48** feet
- 3) Type **Plastic**

Screen:

- 1) Type **Stainless Steel**
- 2) Length **Well One: 5 feet, Well 2: 4 feet**
- 3) Static water level **22** feet

Pump(s):

- 1) Make **2-Goulds Submersible**
- 2) Size **1.25 hp**
- 3) Capacity **2-40** GPM

B. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA
- 3) Exceptions to compliance are: None

The system is in Good condition with the point(s) of diversion located as follows:

Well One: Approximately 190 feet north and 2045 feet west of the SE corner of Section 2-T116N-R50W
(N 44.87769, W -96.79130) (SW ¼ SE ¼)

Well Two: Approximately 295 feet north and 2045 feet west of the SE corner of Section 2-T116N-R50W
(N 44.87798, W -96.79134) (SW ¼ SE ¼)

The works are capable of diverting and conveying to the place of use 0.18 cu. ft. per second of which is to be used for Commercial Use.

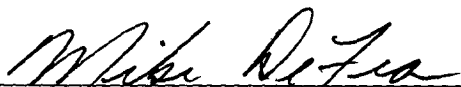
Water has been put to beneficial use to the maximum extent as follows:

Water from the wells is used to supply water for various purposes at the feed lot.

The license should be issued for 0.18 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project:



Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: December 27, 2007

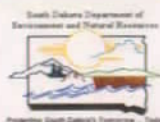
Goodwin Heritage Cattle, LLP
47068 173rd St
Goodwin, SD 57238

Water Permit No. 6227-3



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
December 27, 2007



0 275 550 1,100 1,650 2,200 Feet

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6227-3

(1) Goodwin Heritage Cattle LLC, 47068 173rd St, Goodwin SD 57238 made Application No. 6227-3, August 18, 2000 for a water permit to divert 0.27 cubic feet of water per second (120 gallons per minute) from ground water (two wells – Pleistocene Unknown Aquifer), Deuel County, South Dakota for commercial purposes. Permit No. 6227-3, with a priority date of August 18, 2000 was approved May 2, 2001 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 2, 2006 and for the application to beneficial use of said water on or before May 2, 2010.

(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 0.18 cubic feet of water per second (80 gallons per minute) for beneficial use. The location of the diversion points are:

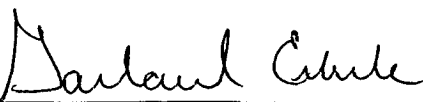
- Well #1 – 190 feet N and 2,045 feet W of the SE corner of Section 2, T116N, R50W (SW $\frac{1}{4}$ SE $\frac{1}{4}$);
- Well #2 – 295 feet N and 2,045 feet W of the SE corner of Section 2, T116N, R50W (SW $\frac{1}{4}$ SE $\frac{1}{4}$).

(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 commercial cattle feeding operation.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Goodwin Heritage Cattle LLC, 47068 173rd St, Goodwin SD 57238 the holder and/or owner of Water Right No. 6227-3 is issued a license to appropriate water, the right to use 0.18 cubic feet of water per second from ground water (two wells – Pleistocene Unknown Aquifer) with a priority date of August 18, 2000 from the locations specified in (2) of this license for commercial use.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6227-3 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.
- Water Right No. 6227-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
- Water Right No. 6227-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - 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

FEB 12 2008

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 12 2000

6227-3

Mike Gibson
Goodwin Heritage Cattle LLC
47068 173rd St
Goodwin SD 57238

Dear Mr. Gibson:

Enclosed is Water License No. 6227-3. This is the final water right document completing your process of obtaining a Water Right. Also included with your license 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 No. 6227-3, 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