

WATER PERMIT NO. 6377-3

Name of Applicant: LDL Cattle Company – Herman Schumacher

Address: PO Box 67, Herried SD 57632 Phone: 605 437-2265

Amount of Water Claimed: 0.27 cfs Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial – cattle feedlot County: Edmunds

Type of Waste Disposal System:

Location: 4 miles southeast of Ipswich

PRIORITY Date Received: 12-26-2002

Application/License Fee: \$275

Corrected Application Received: 1-³~~6~~-2003

Period of Annual Use: Jan 1 – Dec 31

Remarks:

Diversion Point: NW ¼ SW ¼ Sec 7-T122N-R67W

Land to be Irrigated: NA

Depth of Well: 1540 feet deep

Well Driller: : Huron Drilling

Remarks:

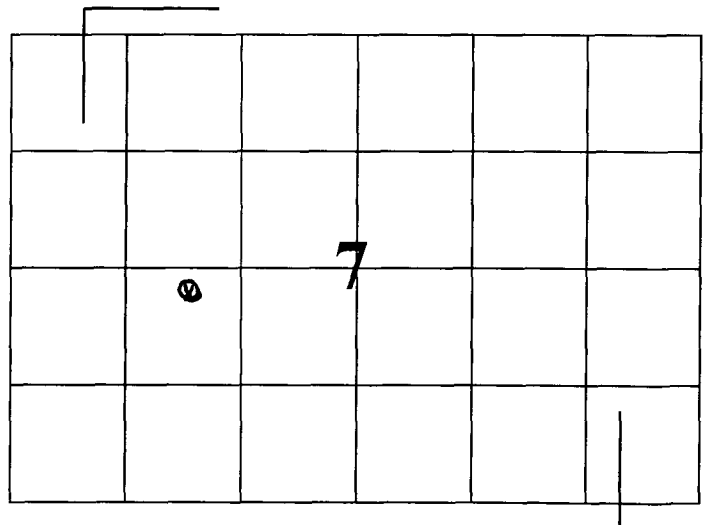
Type of Map: plat

Prepared by: Daniel L Dehaan, PE

Reviewed and the Number Assigned on: 1-6-2003

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 6377-3**

Date of first receipt of application December 26, 2002.

Date of return to applicant for corrections, amendments or changes December 26, 2002.

Date of receipt of corrected application January 3, 2003.

The Water Management Board approved Water Permit No. 6377-3 on March 5, 2003 for LDL Cattle Company, c/o Herman Schumacher, PO Box 67, Herried SD 57632 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. 6377-3 appropriates 0.27 cubic feet of water per second from one well (Inyan Kara Formation) 1540 feet deep located in the NW ¼ SW ¼ Section 7-T122N-R67W.
2. The water appropriated shall be used for the purpose of commercial use in a cattle feedlot 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 26, 2002.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 6377-3 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.
3. Permit No. 6377-3 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.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

APR 21 2003

date



SD EForm - 1585 V1
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	No. <u>6377-3</u>	(office use only) Hydrologic Unit <u>10160008</u>
	Basin <u>James River</u>	
	Newspaper <u>Ipswich Tribune</u>	

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JAN 03 2003

WATER RIGHTS
PROGRAM

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 <u>Livestock</u> | |

Type of Application: (check one)

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

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

1. Name of Applicant LDL Cattle Company - Herman Schumacher Phone (605) 437-2265
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address PO Box 485 67 Herried State SD 57632
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 0.27 *CFS or 120 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Flowing Well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Edmunds
1 well in NW 1/4 SW 1/4 Section 7, Township 122 North, Range 67 West
5. County or counties where water will be used Edmunds
6. Annual period during which water is to be used Year Around 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)

Application for existing well to serve 10,000 head beef feedlot

STATE OF SOUTH DAKOTA)

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

Applicant's signature Herman Schumacher

Subscribed and sworn to before me this 2nd day of January 20 02

Notary Public signature [Signature]

My Commission Expires February 24, 2005

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WATER RIGHTS
PROGRAM

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 4 1/2 in Depth 1540 ft
- b) Casing Type Plastic Diameter 2 in Thickness Sch 80
- c) Screen Type Perforated Pipe Diameter 2 in Thickness
- d) Gravel Pack Length of Gravel Pack
- e) Depth to Top of Water Bearing Material
- f) Depth to Water (ground surface to water level)
- g) Distance to nearest existing domestic well:
On applicants property 2690 ft On property owned by others 4700 ft

2. Wastewater Disposal System Information

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

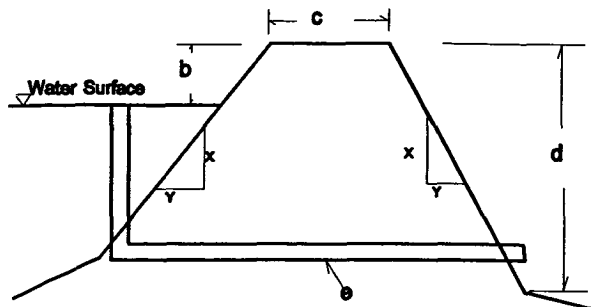
3. Dugout Information

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

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard
- c) Crest Width
Crest Length
- d) Height
- e) Primary Outlet Capacity
If pipe, diameter
- f) Secondary Spillway Capacity
Spillway Width
- g) X & Y Slope
Upstream
Downstream
- h) Surface Area of Impoundment
- i) Storage Acre Feet
- j) Drainage Area Above Dam Acres

HURON DRILLING INC. DRILLERS LOG

PAGE NO. 1

Gary Gisi-Charles Dow JOB NAME	S.W.-7-122-67-Edmunds LOCATION County	2/6/79 DATE	9 RIG NO.	Tom Rathjen FOREMAN
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Jt No.	DEPTH	TIME	REMARKS
1	23		
2	43		
3	63		
4	83		70 Shale
5	103		
6	123		
7	143		
8	163		2/7/79
9	183		
10	203		
11	223		
12	243		
13	263		
14	283		296 Ft. 5" Cemented in place 30 Bags of cement
15	300	2:50 PM	2/12/79
16	320	3:15	
17	340	3:25	
18	360	3:45	
19	380	4:00	
20	400	4:15	
21	420	4:25	
22	440	4:40	
23	460	4:50	
24	480	5:00	
25	500	5:15	
26	520	5:25	
27	540	9:20 AM	2/13/79
28	560	9:40	550 Chalk
29	580	10:00	
30	600	10:15	
31	620	10:35	
32	640	10:50	
33	660	11:00	
34	680	11:15	
35	700	12:30 PM	
36	720	12:50	720 Codell
37	740	1:12	
38	760	1:30	
39	780	1:50	
40	800	2:10	

HURON DRILLING INC. DRILLERS LOG

PAGE NO. 2

Gary Gisi-Charles Dow

S.W.-7-122-67-Edmunds

9

Tom Rathjen

JOB NAME

LOCATION County

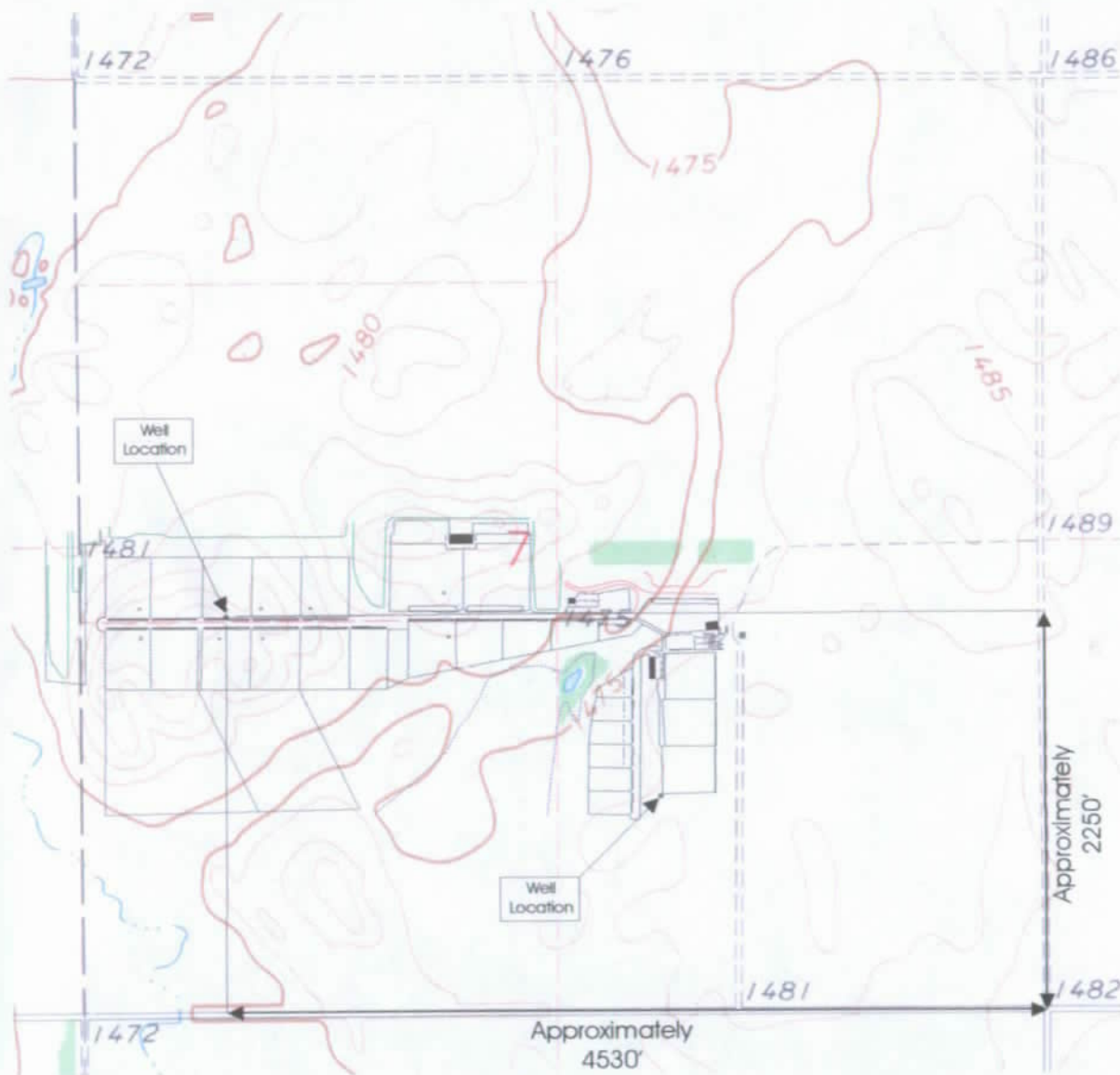
DATE

RIG NO.

FOREMAN

Jt No.	DEPTH	TIME	REMARKS
41	820	2:30	
42	840	2:45	
43	860	3:00	
44	880	3:35	
45	900	3:50	
46	920	4:15	920 Greenhorn
47	940	4:35	
48	960	4:55	
49	980	5:15	
50	1000	9:30 AM	2/14/79
51	1020	10:00	
52	1040	11:25	
53	1060	1:10 PM	
54	1080	1:30	
55	1100	1:50	
56	1120	2:10	
57	1140	2:35	
58	1160	3:00	
59	1180	3:20	
60	1200	4:35	1200 4 1/2" V-3S Gear Bit
61	1220	4:45 PM	2/28/79 3/1/79
62	1240	10:50	3/2/79
63	1260	11:30	1230-1255 Streaked
64	1280	12:05 PM	1255-1275 Fair sand
65	1300	12:55	1275-1280 No good
66	1320	1:35	1280-1290 Fair sand
67	1340	2:00	1290-1325 No good
68	1360	2:25	1325-1350 Fair sand with some good streaks
69	1380	4:00 PM	1350-1370 Poor streaks 3/5/79
70	1400	4:50	1370-1380 Tuff
71	1420	8:15 AM	1380 4 1/2" V3S #2
72	1440	9:05	1380-1435 No good
73	1460	9:40	1435-1450 Poor streaks
74	1480	12:10 AM	1450-1465 Good sand
75	1500	12:50	1465-1470 No good
76	1520	2:05	1470-1480 Good sand
77	1540	TD	1480-1490 No good
			1490-1500 Streaked
			1500-1515 No good
			1515-1530 Good sand
			1520-1530 Good sand

DM



LDL Cattle Company Well Location Map

Section 7, Township 122 North, Range 67 West
Edmunds County, South Dakota

**DeHaan, Grabs
& Associates, LLC**
Consulting Engineers

PO Box 522, Mandan, ND 58554
(701) 663-1116, FAX: (701) 667-1356

Revision	
Date: December 20, 2002	Date:
Scale: 1" = 1000'	Scale:
Drawn By: GGG	Drawn By:
Checked By: DLD	Checked By:
Page: 1	Page:
File Name: C:/GREG/.../LDL CATTLE COMPANY/WATER PERMIT/SEC7USGSWEST	

6377-3

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 27, 2002

RECEIVED OF LDL Cattle Co Inc., 36168 138th Street, Ipswich SD 57451-7211

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

Fee for Application for Permit No. <u>6377-3</u> to Appropriate Water, to construct and to put water to beneficial use	225	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6377-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	275.00

No.

000474

By

Darland Erbe
Chief Engineer *gm*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6377-3, LDL Cattle Company**

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. 6377-3, LDL Cattle Company, c/o Herman Schumacher, PO Box 67, Herreid SD 57632.

The Chief Engineer is recommending APPROVAL of Application No. 6377-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been 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 well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 6377-3 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.
3. Permit No. 6377-3 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.

See report on application for additional information.

Garland Erbele

Garland Erbele, Chief Engineer
January 31, 2003

REPORT ON WATER PERMIT APPLICATION NOS. 6376-3 & 6377-3
For LDL Cattle Company
January 30, 2003

Application No. 6376-3 proposes to appropriate 0.22 cfs (100 gpm) from one well approximately 1515 feet deep located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of section 7, T122N R67W in Edmunds County.

Application No. 6377-3 proposes to appropriate 0.27 cfs (120 gpm) from one well approximately 1540 feet deep located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 7, T122N R67W in Edmunds County. Both wells are used for commercial use in a cattle feedlot operation.

AQUIFER – INYAN KARA GROUP (INKR)

The Inyan Kara is a group name for a series of rocks named in the Black Hills area of South Dakota. The names in South Dakota are the Fall River, Fuson and Lakota members in descending order by age. Transferring this information to eastern South Dakota is not obvious but for practical purposes the Inyan Kara is the sandstone lying below the Dakota Formation and is under considerably greater pressure conditions. The Inyan Kara underlies 1070 square miles and contains an estimated 4.1 million acre-feet of recoverable water in storage in Edmunds County (Hedges, 1982). The Inyan Kara of the Hedges report is roughly equivalent to the Fall River and Sundance terms used in the Edmunds County Study (Hamilton, 1982). The aquifer is confined and under artesian conditions. Wells completed into the Inyan Kara in this area all free flow at the land surface and may have high shut-in pressures.

Well logs have been filed with these applications. Information on the logs indicate both wells are completed and screened into sandstone at similar depths and are capable of flowing 100 gpm and 120 gpm when drilled. Both are two inch wells and both were completed by Huron Drilling. The reported shut-in pressure on the well in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ was 225 psi when drilled in 1990. Both of these wells were completed in a manner described as “slim hole” construction in the SD Well Construction Standards. This method is not allowed for commercial use and would not comply with existing standards for well construction for this facility. However, at the time the wells were drilled this construction practice was allowed for this use.

The Water Rights Program does measure an observation well ED-85B completed into the Inyan Kara and located about 12 miles east and north of the site of this application. Water levels for this well do not fluctuate much and indicate that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2003)

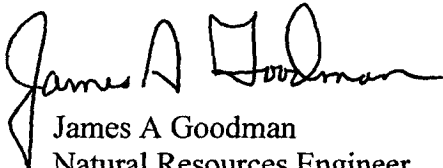
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water permit/right is held by the City of Ipswich and is located about four and one-half miles northwest of this application. Interference is not a concern.

These wells have been used for many years with no apparent problems. The wells must be controlled and maintained in order to prevent the waste of water.

CONCLUSIONS

1. Water is available from the Inyan Kara aquifer.
2. The aquifer is confined and under artesian conditions at this site. The wells must be controlled to prevent the waste of water.
3. Both of these wells were constructed in accordance with SD Well Construction Standards for "slim hole" construction techniques. This method is not appropriate for commercial use and would not be allowed for new construction. However, these are existing wells and have been used for many years.
4. Plans and specifications for this facility are presently under review by the Department.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hamilton, L.J., 1982, Geology and Water Resources of McPherson, Edmunds, and Faulk Counties, South Dakota, Bulletin 26, Part II : Water Resources, SD DENR, SDGS, Vermillion, SD, 57069.

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

Water Rights, 2003, Unpublished Observation Well Data for Edmunds County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

PUBLIC NOTICE

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of Edmunds)

I, Tena Gibson

certify that the attached printed Notice was taken

from the Ipswich Tribune

printed and published in Ipswich

County of Edmunds and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

February 5, 2003

February 12, 2003

Cost of Printing Fifty-nine dollars

and nine cents (\$59.09)

Tena Gibson
 (Signature)

editor
 (Title)

February 14, 2003
 (Date Signed)

**NOTICE OF APPLICATION
 NOS. 6376-3 AND 6377-3
 TO APPROPRIATE WATER**

Notice is given that LDL Cattle Company, Herman Schumacher, PO Box 67, Herreid SD 57632 has filed the following applications for a water permit. Application No. 6376-3 proposes to appropriate 0.22 cubic feet of water per second (cfs) from one well (Inyan Kara Formation) 1515 feet deep located in the SW 1/4 SE 1/4 Section 7-T122N-R67W.

Application No. 6377-3 proposes to appropriate 0.27cfs from one well (Inyan Kara Formation) 1540 feet deep located in the NW 1/4 SW 1/4 Section 7-T122N-R67W. Both wells are for commercial use in a cattle feedlot operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6376-3 and 6377-3 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 these applications 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 24, 2003. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, 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 these applications at 10 a.m., March 5, 2003 in the Matthew Training Center, Foss Building, 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 these applications based on the facts presented at the public hearing. The March 5, 2003 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 24, 2003.

Any hearing may be an adversarial 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 24, 2003, 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.

These applications are 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
 (Publish T 2-5, 12)

RECEIVED

FEB 18 2003

WATER RIGHTS
 PROGRAM

Instruction to Newspaper - Publish first Notice on February 5, 2003 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6376-3 and 6377-3 to Appropriate Water

Notice is given that LDL Cattle Company, Herman Schumacher, PO Box 67, Herried SD 57632 has filed the following applications for a water permit. Application No. 6376-3 proposes to appropriate 0.22 cubic feet of water per second (cfs) from one well (Inyan Kara Formation) 1515 feet deep located in the SW ¼ SE ¼ Section 7-T122N-R67W.

Application No. 6377-3 proposes to appropriate 0.27 cfs from one well (Inyan Kara Formation) 1540 feet deep located in the NW ¼ SW ¼ Section 7-T122N-R67W. Both wells are for commercial use in a cattle feedlot operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6376-3 and 6377-3 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.

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The Water Management Board will consider these applications at 10 A.M., March 5, 2003 in the Matthew Training Center, Foss Building, 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 these applications based on the facts presented at the public hearing. The March 5, 2003 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 24, 2003.

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These applications are 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 31, 2003

Ipswich Tribune
PO Box 7
Ipswich SD 57451-0007

ATTENTION: Legal Public Notice

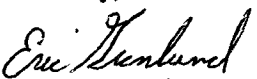
Enclosed is a Notice of Hearing on Application No. 6376-3 and 6377-3 to Appropriate Water to be published twice. Please publish the first notice on February 5, 2003 with the second publication 7 days later.

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 LDL Cattle Company, % Herman Schumacher, PO Box 67, Herried SD (Ph # 605-437-2265).

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

No. 6376-3

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

Date _____

We are in receipt of your letter of January 31, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 6376-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

January 31, 2003

LDL Cattle Company
% Herman Schumacher
PO Box 67
Herried SD 57632

Dear Mr. Schumacher:

Water Permit Application Nos. 6376-3 and 6377-3 for commercial use have 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 Ipswich Tribune printed at Ipswich, SD (Ph # 605-426-6471). You will need to contact the newspaper and authorize publication of this notice. 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. Upon receiving authorization, 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 also 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.



APR 21 2003

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

LDL Cattle Company
% Herman Schumacher
PO Box 67
Herried SD 57632

Dear Mr. Schumacher:

Enclosed are Water Permit Nos. 6376-3 & 6377-3 authorizing your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

We will schedule an inspection so that the Water Licenses may be issued to you, thus completing your acquisition of a Water Right.

Sincerely,

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

enclosures

Permit No. 6377-3
James 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, October 30, 2006, made a thorough examination of the water use system constructed by LDL Cattle Company of P.O. Box 67, Herried SD, 57632 holder of Permit No. 6377-3, bearing the priority of December 12, 2002 authorizing the diversion of 0.27 cu. ft. per second of the waters of the Inyan Kara Formation for Commercial purposes, in Edmunds County.

Inspection contact & relationship **Joe Thooft (Manager) 437-2265**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Huron Drilling
- 2) No. of Wells 1
- 3) Depth(s) 1540 feet
- 4) Well log is available Y
- 5) Comment:

Casing:

- 1) Diameter 4.5 inches
- 2) Length 1420 feet
- 3) Type Plastic

Screen:

- 1) Type Perforated pipe (Sch 80)
- 2) Length 120 feet

Chemigation Equipment:

- 1) Does chemigate N

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: Approximately 660 feet east and 2210 feet north of the SW corner of Section 7-T122N-R67W (N 45.39573, W -98.96523). The works are capable of diverting and conveying to the place of use 0.27 cu. ft. per second of water which is to be used for Commercial use. Water has been put to beneficial use to water cattle and other feedlot purposes.

The license should be issued for 0.27 cfs.

All structures, wells and lands on map Y

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

This is an artesian well that is regulated to allow the flow of 120 gpm (0.27 cfs).



Mike DeFea
Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: January 9, 2007

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6377-3

(1) LDL Cattle Company made Application No. 6377-3, December 26, 2002 for a water permit to divert 0.27 cubic feet of water per second from ground water (one well - Inyan Kara Formation), Edmunds County, South Dakota for commercial purposes. Permit No. 6377-3, with a priority date of December 26, 2002 was approved March 5, 2003 and issued to the applicant for diversion of water with construction of the described water supply system completed the application to beneficial use of water completed.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, LDL Cattle Company, 36168 138th St, Ipswich, SD 57451 the holder and owner of Water Right No. 6377-3 is issued a license, bearing a priority date of December 26, 2002 to appropriate 0.27 cubic feet of water per second from ground water (one well - Inyan Kara Formation) for use in a commercial cattle feedlot operation.

The diversion point is located approximately 660 feet east and 2,210 feet north of the SW corner of Section 7, T122N, R67W (NW ¼ SW ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6377-3 including the following qualifications:

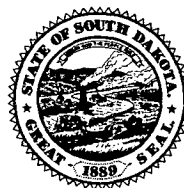
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- Permit No. 6377-3 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.
- Permit No. 6377-3 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

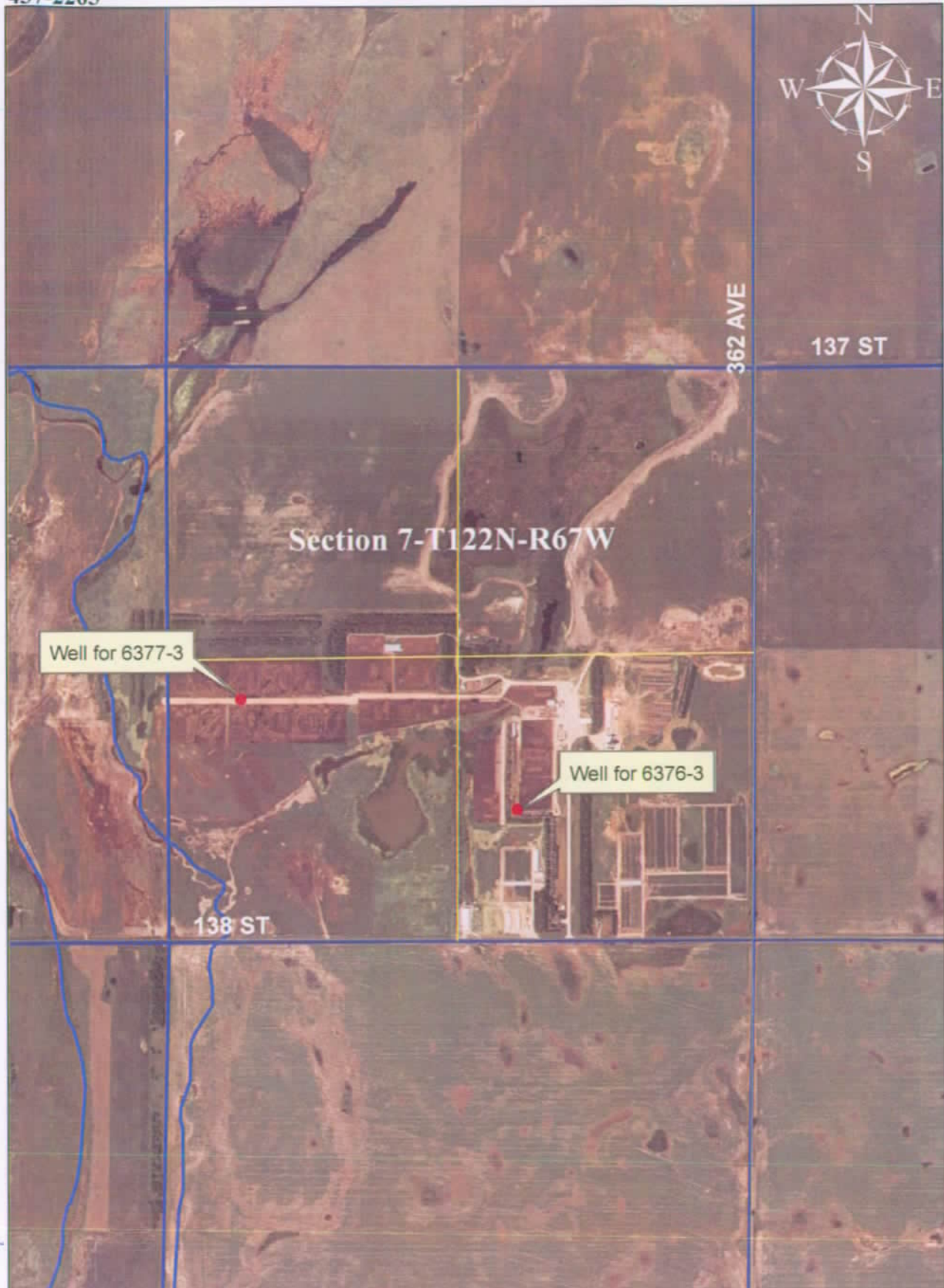
APR 20 2007

date



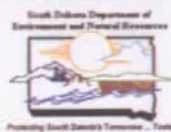
LDL Cattle Company
P.O. Box 67
Herried, SD 57632
437-2265

Water Permit Nos. 6376-3 and 6377-3



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
January 9, 2007



0 405 810 1,620 2,430 3,240 Feet



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

APR 20 2007

6376-3

6377-3

Joe Thooft, Mgr
LDL Cattle Company
36168 138th St
Ipswich SD 57451

Dear Mr. Thooft:

Enclosed are Water License Nos. 6376-3 and 6377-3. They are the final water right documents completing the process of obtaining a Water Right. Included with the licenses 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. 6376-3 and 6377-3, 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