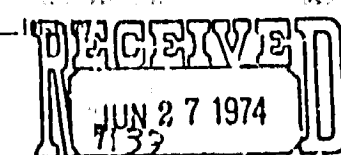


1020-1

1. Considered 9-11
7-17, 1974
2. Name of Applicant BILL BRENGLE
3. Post Office Address LADNER
4. Amount of water claimed 3.96
5. Source of water supply SMITH CREEK
6. Water to be used for IRRIGATION
Acres to be irrigated 277
7. Water to be diverted and used in HARDING County
about 8 1/2 miles of BUFFALO
8. Proof of Publication Received 7-22-74
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks: 892-2529

No. 1020-1Map No. 844-1 Water Division No. 1 GRAND RIVER
(Blank to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant Wm. Brongle
Postoffice address Ladner State South Dakota
If a corporation show date and place of incorporation None
2. Method of accomplishing work (contract, employment of others, or by direct labor) direct labor
3. Name of diversion work Wm. Brongle Irrigation Project
4. Amount of water claimed (cubic feet per second) 3.96 cfs
5. Source of water supply Smith Creek

Points of diversion

860' N 40° E of W $\frac{1}{2}$ Cor. Section 26
1450' S 73° E of N $\frac{1}{2}$ Cor. Section 26
750' S 72° W of E $\frac{1}{2}$ Cor. Section 26
2370' N 90° W of E $\frac{1}{2}$ Cor. Section 26
2310' N 82° W of E $\frac{1}{2}$ Cor. Section 26
2050' S 85° W of E $\frac{1}{2}$ Cor. Section 26
650' N 25° W of S $\frac{1}{2}$ Cor. Section 26

County Harding
All YearCommercial, recreation, etc.) Irrigation & Stock waterTotal number of acres to be irrigated 277

thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 5 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Buffalo Times Herald
12. Principal Features of the Proposed Water Supply System:

A. Works proposed to divert water from its natural source

Pump and Ditches

Section 26, T22N, R3E, BHM.

NW $\frac{1}{4}$ NW $\frac{1}{4}$	14	NW $\frac{1}{4}$ SW $\frac{1}{4}$	18
NE $\frac{1}{4}$ NW $\frac{1}{4}$	3	NE $\frac{1}{4}$ SW $\frac{1}{4}$	36
SW $\frac{1}{4}$ NW $\frac{1}{4}$	10	SW $\frac{1}{4}$ SW $\frac{1}{4}$	4
SE $\frac{1}{4}$ NW $\frac{1}{4}$	19	SE $\frac{1}{4}$ SW $\frac{1}{4}$	20
NW $\frac{1}{4}$ NE $\frac{1}{4}$	21	NW $\frac{1}{4}$ SE $\frac{1}{4}$	20
NE $\frac{1}{4}$ NE $\frac{1}{4}$	11	NE $\frac{1}{4}$ SE $\frac{1}{4}$	23
SW $\frac{1}{4}$ NE $\frac{1}{4}$	32	SW $\frac{1}{4}$ SE $\frac{1}{4}$	8
SE $\frac{1}{4}$ NE $\frac{1}{4}$	31	SE $\frac{1}{4}$ SE $\frac{1}{4}$	7

C. Works proposed to apply water to beneficial use.

Pump, Sprinkler, Ditches

Estimated Total Cost \$ 5,000

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of Harding)I, Wm. Brongle the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary constructionSigned William BrongleSubscribe and sworn to before me this 26th day of June 1974

Florence Brongle
Notary Public (or other qualified officer)

FLORENCE BRONGLE

NOTARY PUBLIC HARDING CO., S. DAK.

My Commission Expires Aug. 1, 1975

PLAT OF THE W. BRENGLE IRRIGATION PROJECT

Located in Section 26, Township 22 North, Range 3 East, BHM, in Harding County, South Dakota, drawn and prepared as a part of the Application for Permit to Appropriate Water of William C. Brengle, Ladner, South Dakota, to supply water for irrigation of areas as shown on this plat.

SURVEYOR'S CERTIFICATE

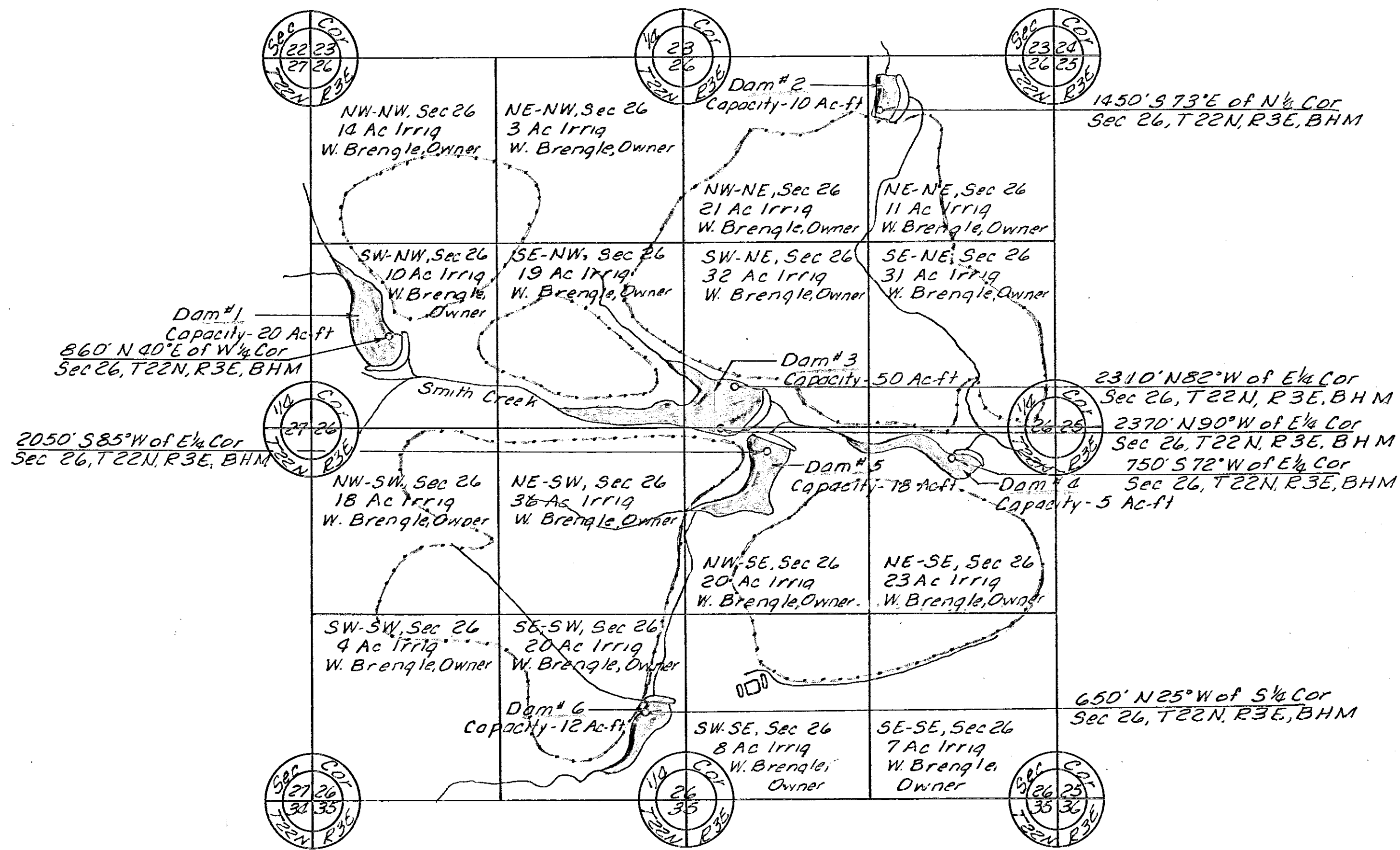
I, William C. Brengle, Registered Land Surveyor in and for the State of South Dakota, do hereby certify that at the request of William C. Brengle, I have made a survey and have prepared this plat as a part of his application for a Permit to Appropriate Water for irrigation. I further certify that the bearings and lengths of all lines shown and their location with reference to the Government Land Corners shown, are correct to the best of my knowledge and belief.

William C. Brengle
William C. Brengle
Registered Land Surveyor #1517 (SEAL)

Subscribed and sworn to before me this 5th day of June, 1974.

Louise Brengle
Notary Public (SEAL)

FLORENCE BRENGLE
NOTARY PUBLIC HARDING CO., S. DAK.
My Commission Expires Aug. 1, 1978



Scale: 1"=660'
o-Point of Diversion

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1020-1

WILLIAM BRENGLE

LADNER

(Applicant)

(Post Office Address)

SOUTH DAKOTA 57753

With the following modifications:

APPROVAL OF THIS PERMIT AUTHORIZES STORAGE
OF 115 ACRE FEET OF WATER ANNUALLY.

Date of first receipt of application JUNE 27 19 74

Date of return to applicant for correction, amendments or changes required — 19 —

Date of receipt of corrected application — 19 —

Approved SEPTEMBER 11 19 74, Recorded in Book 13 Page 55

WATER RIGHT PERMIT NO. 1020-1

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1020-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is JUNE 27 19 74
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MARCH 11 19 77
3. The whole of said work is to be completed on or before SEPTEMBER 11 19 79
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 11 19 79
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 3.96 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is

usually and beneficially applied for irrigation on or before SEPTEMBER 11 19 79; said water to be used during the following described annual period: WHEN AVAILABLE

Witness my hand this 13TH day of SEPTEMBER 19 74

WATER RESOURCES COMMISSION

By:

Donald D. Smith

Chief Engineer, Executive Officer

Certificate of Construction Issued — 19 —

Water License Issued — 19 —

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

(1) Drill Hole, Diameter _____, Depth _____

(2) Casing, Type _____, Diameter _____, Thickness _____
(wood, concrete, steel, etc.)

(3) Perforated Screen.

Type _____, Diameter _____, Length _____

(4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates.

(1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

(2) Distance to nearest existing household or livestock watering wells.

On same owner's property _____ rds. On property owned by others _____ rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Dam #1
Height - 18'
Depth - 12'
Surface Area - 3.3 Acres
Capacity - 20 Acre ft.

Dam #2
Height - 10'
Depth - 12'
Surface Area - 1.5 Acres
Capacity - 10 Acre ft.

Dam #5
Height - 18'
Depth - 15'
Surface Area - 3.5 Acres
Capacity - 18 acre feet.

Dam #3
Height 20'
Depth - 18'
Surface Area - 7.2 acres
Capacity - 50 acre ft.

Dam #4
Height - 12'
Depth - 9'
Surface Area - 1.4 Acres
Capacity - 5 Acre ft.

Dam #6
Height - 18'
Depth - 16'
Surface Area - 2.0 Acres
Capacity - 12 Acre feet.

William Brengle
Signature of Applicant

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 1020-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Butte) ss.



No. 1020-1
NOTICE
INTENT TO APPROPRIATE
WATER

I, Lawrence Weyer hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the B. F. Daily Press

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

City of Belle Fourche
County of Butte and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

July 12, 1974
July 13, 1974

Lawrence Weyer
By: J. P. Kennedy
(Signature)
Doc: Head
(Title)

July 16, 1974
(Date Signed)

Pierre, South Dakota 57501
July 1, 1974

Notice is hereby given that
William Brengle whose post
office address is Ladner, South
Dakota, has made an applica-
tion in accordance with the pro-
visions of the water laws of
South Dakota for a permit to
appropriate for beneficial use
3.96 cubic feet of water per
second of time from the Smith
Creek through the William
Brengle Irrigation Project, the
point of diversion of which is
to be located between points in
the SW 1/4 NW 1/4 and in the
SE 1/4 NE 1/4, and from a
point in the NE 1/4 NE 1/4
and SE 1/4 SW 1/4 of Section
26, Twp. 22N, Range 3E. Said
water to be used for the pur-
pose of providing irrigation on
portions of the following
described land:

Section 26, T22N, R3E.

This application No. 1020-1
will be considered by the Water
Rights Commission at their
office at Pierre upon the 17th
day of July, 1974, at 2:30 P.M.
All interested persons may
appear and be heard.

WATER RIGHTS COMMISSION

By: Burton F. Jones

Water Rights Specialist

217/6-13

Form 6 - Notice of Intent to Appropriate Water

1020-1

Publish first publication, on or before July 8, 1974

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

July 1, 1974

Notice is hereby given that William Brengle

whose post office address is Ladner, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

3.96 cubic feet of water per second of time from the Smith Creek through the

the Brengle Irrigation Project the point of diversion of which is to be located in the XXXX

between points in the S1/4 NE1/4 and in the S2/4 NE1/4, and from a point in the N1/4 NE1/4

and S1/4 S1/4

of Section 26, Twp. 22N, Range 3E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

Section 26, T22N, R3E

This application No. 1020-1 **WATER RIGHTS COMMISSION** will be considered by the Water Resources Commission at their office at

Pierre upon the 17th day of July, 1974, at 2:30 P. M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

DURTON F. JONES, Water Rights Specialist

BFJ/bw

cc: Bill C. Brengle, Ladner, S.D. 57753



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 1020-1

January 3, 1985

William Brangle
Ladner Route
Buffalo, South Dakota 57720

Dear Mr. Brangle:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 1020-1 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

NOTE: On form of payment, please include the number of the water permit.
This insures proper handling of the fee.

DWNR-814 8/83

Permit No. 1020-110130302Grand River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Wm Brengle
Ladner Rt. a Buffalo, S. Dak. 57720 holder of
 Permit No. 1020-1, bearing the priority of June 27 1974 authorizing
 the diversion of 3.96 cu. ft. per second of the waters of Smith Creek
 for Irrigation purposes, in Harding County.

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

A. Works used to divert the water:

Pump = Hale, Model 50FB3-JD276, Ser # 63508, Pumps 600 gpm
 Engine = John Deere 4 cyl. Diesel, Type 4276 DF, Ser # 373525T
 Dam Info. same as on Form 2A. 115 AF of storage. See

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

600 ft of 4½" Dia. Flexible Hose
 ½ mile of 6" Dia Aluminum Pipe

Reverse side of this form

C. Works used to apply water to beneficial use:

Hydro Traveling Gun with Nelson⁸¹⁹ Gun Model 200. Nozzle 1.4" dia.
 Capacity 575 gpm at 100 psi.

The system is in the following condition GoodThe point of diversion is located See reverse side of this formThe works are capable of diverting and conveying to the place of use 1.28cu. ft. per second of water which is to be used for Irrigation

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

See reverse side of this formcomprising a total of 277 acres of land and the license should be issued for 1.28 cfsApplicable permit qualifications have been complied with X Yes No

Exceptions to compliance are:

Date

June 20, 1984

Leroy J. Mernaugh
 (signature)

Points of Diversions.

At. Dam #1	360' N 40° E of W $\frac{1}{4}$	Cor	Sec. 26	T 22 N	R 3 E
Dam #2	1450' S 73° E of N $\frac{1}{4}$	Cor	" 26	"	"
Dam #3	2370' N 90° W of E $\frac{1}{4}$	Cor	" 26	"	"
Dam #3	2310' N 82° W of E $\frac{1}{4}$	Cor	" 26	"	"
Dam #4	750' S 72° W of E $\frac{1}{4}$	Cor	" 26	"	"
Dam #5	2050' S 85° W of E $\frac{1}{4}$	Cor	" 26	"	"
Dam #6	650' N 25° W of S $\frac{1}{4}$	Cor	" 26	"	"

Area Irrigated.

All irrigation in Section 26 T 22 N R 3 E

NW $\frac{1}{4}$ NW $\frac{1}{4}$	14 Ac	NW $\frac{1}{4}$ SW $\frac{1}{4}$	18 Ac
NE $\frac{1}{4}$ NW $\frac{1}{4}$	3	NE $\frac{1}{4}$ SW $\frac{1}{4}$	36
SW $\frac{1}{4}$ NW $\frac{1}{4}$	10	SW $\frac{1}{4}$ SW $\frac{1}{4}$	4
SE $\frac{1}{4}$ NW $\frac{1}{4}$	19	SE $\frac{1}{4}$ SW $\frac{1}{4}$	20
NW $\frac{1}{4}$ NE $\frac{1}{4}$	21	NW $\frac{1}{4}$ SE $\frac{1}{4}$	20
NE $\frac{1}{4}$ NE $\frac{1}{4}$	11	NE $\frac{1}{4}$ SE $\frac{1}{4}$	23
SW $\frac{1}{4}$ NE $\frac{1}{4}$	32	SW $\frac{1}{4}$ SE $\frac{1}{4}$	8
SE $\frac{1}{4}$ NE $\frac{1}{4}$	31	SE $\frac{1}{4}$ SE $\frac{1}{4}$	7

Dam #1
Height - 18'
Depth - 12'
Surface Area - 3.8 Acres
Capacity - 20 Acre ft.

Dam #2
Height - 10'
Depth - 12'
Surface Area - 1.5 Acres
Capacity - 10 Acre ft.

Dam #5
Height - 18'
Depth - 15'
Surface Area - 3.5 Acres
Capacity - 18 Acre ft.

Total Storage 115 A.F.

Dam #3
Height 20'
Depth - 18'
Surface Area - 7.2 Acres
Capacity - 50 Acre ft.

Dam #4
Height - 12'
Depth - 9'
Surface Area - 1.4 Acres
Capacity - 5 Acre ft.

Dam #6
Height - 14'
Depth - 16'
Surface Area - 2.0 Acres
Capacity - 12 Acre ft.

William Brangle
Signature of Applicant

State of South Dakota

Water License No. 1020-1

(1) William Brengle
of Ladner Route, Buffalo, South Dakota 57720
made Application No. 1020-1 June 27, 1974 for a water permit to appropriate
3.96 cubic feet per second of water from Smith Creek
Harding County, South Dakota for Irrigation purposes.
Permit No. 1020-1, with a priority date of June 27, 1974
was approved September 11, 1974 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before September 11, 1979 and for the application to beneficial use of said
water on or before September 11, 1979.

and

(2) It is certified that the application 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 1.28 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is are at Dam #1 - 860' N 40°E of W½ Corner
Section 26; Dam #2 - 1450' S 73°E of N½ Corner Section 26; Dam #3 - 2370' N 90°W of E½
Corner Section 26; Dam #3 - 2310' N 82°W of E½ Corner Section 26; Dam #4 - 750' S 72°W
of E½ Corner Section 26; Dam #5 - 2050' S 85°W of E½ Corner Section 26; Dam #6 - 650' N
25°W of S½ Corner Section 26; all in T22N, R3E

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in T22N, R3E

Section 26	NW $\frac{1}{4}$ NW $\frac{1}{4}$	14.00 Acres	(BB)	NW $\frac{1}{4}$ SW $\frac{1}{4}$	18.00 Acres	(CL)
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	3.00 Acres	(BA)	NE $\frac{1}{4}$ SW $\frac{1}{4}$	36.00 Acres	(CA)
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	10.00 Acres	(BC)	SW $\frac{1}{4}$ SW $\frac{1}{4}$	4.00 Acres	(CC)
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	19.00 Acres	(BD)	SE $\frac{1}{4}$ SW $\frac{1}{4}$	20.00 Acres	(CD)
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	21.00 Acres	(AB)	NW $\frac{1}{4}$ SE $\frac{1}{4}$	20.00 Acres	(DB)
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	11.00 Acres	(AA)	NE $\frac{1}{4}$ SE $\frac{1}{4}$	23.00 Acres	(DA)
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	32.00 Acres	(AC)	SW $\frac{1}{4}$ SE $\frac{1}{4}$	8.00 Acres	(DC)
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	31.00 Acres	(AD)	SE $\frac{1}{4}$ SE $\frac{1}{4}$	7.00 Acres	(DD)
TOTAL						277.00 ACRES

(4) Pursuant to §46-5-30.1 William Brengle
of Ladner Route, Buffalo, South Dakota 57720
the holder(s) and/or owner(s) of Water Permit No. 1020-1 is issued a license to appropriate water, the right to use
1.28 cubic feet per second of water from Smith Creek with a priority date
of June 27, 1984 from the location specified in (2) of this license. The water to be
conducted to and upon lands specified in (3) of this license for the purpose of Irrigation

This license is subject to any limitations or qualifications listed in Water Permit No. 1020-1 and subject
to South Dakota State Law.

John Hatch
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JOHN HATCH

January 23, 1985

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

No 4-9906

Pierre, January 21, 1985

RECEIVED OF Wm. C. 8744 & Florence Brengle, Ladner Route, Buffalo SD 57720

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1020-1</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	50	00

By John Hatch
Chief Engineer JOHN HATCH (ms)

No. 1020-1

South Dakota Department of
Water & Natural Resources

Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

January 23, 1985

Wm. Brangle
Ladner Route
Buffalo, South Dakota 57720

Dear Mr. Brangle:

Enclosed herewith is, Water License No. 1020-1. This is the final water right document completing your process of obtaining a water right.

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.

Very truly yours,

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

Enclosures

WNR-817 3/83
Transmittal of Water License

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

BILL BRENGLE
HC 67 BOX 35
BUFFALO SD 57720

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

PS Form 3811, December 1994

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

P 378 081 329

4b. Service Type

☐ Registered

☐ Express Mail

☐ Return Receipt for Merchandise

☒ Certified

☐ Insured

☐ COD

7. Date of Delivery

2-7-97

8. Addressee's Address (Only if requested and fee is paid)

Domestic Return Receipt

Thank you for using Return Receipt Service.



February 4, 1997

1020-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

NOTICE

TO: BILL ERENGLE, HC 67 BOX 35, BUFFALO, SD 57720

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Requirement to Submit 1996 Irrigation Questionnaire

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 1020-1. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 2:30 pm, March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1020-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or 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 the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before February 28, 1997, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 18, 1997

1020-1

Bill Brengle
HC 67 Box 35
Buffalo, SD 57720

Dear Mr. Brengle:

I am writing to acknowledge receipt of your 1996 irrigation questionnaire. You may disregard the February 4, 1997, Notice of Violation of the Requirement to Submit the 1996 Irrigation Questionnaire.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2010

NOTICE

TO: BILL BRENGLE, 11600 LADNER RD, BUFFALO, SD 57720 8012

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire has not been submitted for Permit No(s) 1020-1. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 10, 2010**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1020-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or 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 the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq.aspx>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



1020-1
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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 7750

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 4:07 PM on January 27, 2010 in BUFFALO, SD 57720. The item was signed for by A BRIENZE.

Track & Confirm

Enter Label/Receipt Number.

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Detailed Results:

- Delivered, January 27, 2010, 4:07 pm, BUFFALO, SD 57720
- Notice Left, January 23, 2010, 10:56 am, BUFFALO, SD 57720
- Arrival at Post Office, January 23, 2010, 10:55 am, BUFFALO, SD 57720

Notification Options

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 7750

BILL BRENGLE
11600 LADNER RD
BUFFALO SD 57720 8012

ling.

Waiver of Signature ☐ YES ☐ NOPostmark
Here**POSTAL CUSTOMER:**

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

- ☐ Priority Mail™ Service
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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2010

1020-1

Bill Brengle
11600 Ladner Rd
Buffalo SD 57720 8012

Dear Mr. Brengle:

I am writing to acknowledge receipt of your 2009 irrigation questionnaire. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right No. 1020-1.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



1020-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 24, 2012

NOTICE

TO: BILL BRENGLE, 11600 LADNER RD, BUFFALO, SD 57720 8012

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire has not been submitted for Permit No(s) 1020-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

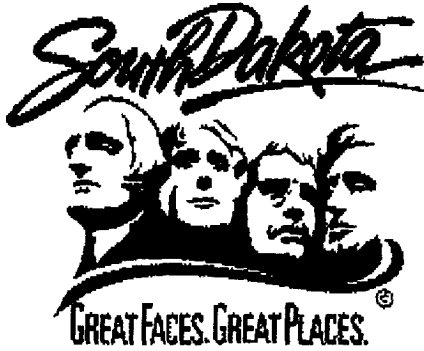
The hearing will be held at **10:00 am, March 7, 2012**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1020-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or 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 the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
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PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 1, 2012

1020-1

Bill Brengle
11600 Ladner Rd
Buffalo SD 57720 8012

Dear Mr. Brengle:

I am writing to acknowledge receipt of your 2011 irrigation questionnaire.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right No. 1020-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



DEPARTMENT of ENVIRONMENT
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January 18, 2013

NOTICE

TO: BILL BRENGLE, 11600 LADNER RD, BUFFALO, SD 57720 8012

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire has not been submitted for Permit No(s) 1020-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **8:30 am, March 7, 2013**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1020-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or 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 the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2013**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Than Brengle, 11598 Ladner Rd, Buffalo SD 57720

DATE: April 1, 2013

TELEPHONE: 605 210 0794

RE: Water Right No. 1020-1

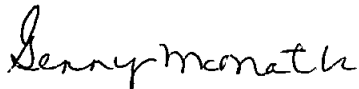
COMMENTS:

Water Right No. 1020-1 is currently listed in the name of William Brengle. After sending out the January 18, 2013 notice concerning the 2012 irrigation questionnaire and subsequent violation, I was informed that Mr. Brengle had passed away last fall. Since the original questionnaire and follow-up notice went to William, I pulled the matter from agenda for the March meeting pending contact with the new owner(s).

On today's date, I spoke with Than Brengle who indicated he now owned the land. The land has not been irrigated for some time and he does not feel he will be irrigating in the future.

I explained how water rights are maintained and about legal excuse for not irrigating. No irrigation due to the unavailability of water or too much water would not jeopardize the water right. Since the water right is for a series of dams on Smith Creek, water availability can be an issue but he indicated that he just does not irrigate.

Since the series of dams store over 25 acre feet of water, a water right is still needed. I explained to him that since the water right already covered the dams, all he would be required to do is file a transfer of ownership to get Water Right No. 1020-1 into his name. It would be our intent to schedule the irrigation component of the water right for cancellation and then reissue the water right for domestic use from the dams. He was agreeable to that process.



Genny McMath
Water Rights Program



**DEPARTMENT of ENVIRONMENT
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April 2, 2013

1020-1

Than Brengle
11598 Ladner Rd
Buffalo SD 57720

Dear Mr. Brengle:

I am writing in follow-up to our phone conversation of April 1st concerning Water Right No. 1020-1, currently listed in the name of William Brengle. Enclosed is a copy for your review.

The water right authorizes irrigation of land from a series of six dams on Smith Creek. It is my understanding from our conversation that even though water availability may or may not be a problem in any given year, you have discontinued irrigation and do not intend to irrigate in the future.

With this information, our intent is to schedule the irrigation portion of the water right for cancellation consideration in front of the Water Management Board. Once the board takes action to cancel that portion of the water right, the water license will be reissued to authorize continued use of water from the six existing dams for livestock purposes.

One thing that needs to be taken care of prior to any board action or reissuance of the water license is to have the water right transferred to your name to reflect current ownership. Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

June 10, 2013

NOTICE OF CANCELLATION

TO: Than Brengle, 11598 Ladner Rd, Buffalo SD 57720

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Cancellation of the irrigation component of Water Right No. 1020-1

Water Right No. 1020-1, listed in the name of William Brengle, authorizes irrigation of land from a series of six dams on Smith Creek. On April 1, 2013, Genny McMath spoke with you about the water right. During the conversation you confirmed that you owned the land but no longer irrigate. The storage dams on Smith Creek are used only for livestock watering. Based on this information, the chief engineer of the Water Rights Program is recommending cancellation of the irrigation component of Water Right No. 1020-1 due to abandonment.

The Water Management Board will consider cancellation of the irrigation component of Water Right No. 1020-1 at 10:00 a.m., July 11, 2013 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate and the actual time of hearing may be later than 10:00 a.m.*)

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Right No. 1020-1 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water right. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by July 1, 2013. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

This hearing may be an adversarial proceeding. Any party has the right to be present or 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.

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by July 1, 2013.

Prior to July 1, 2013, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

Please note:

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by June 20, 2013.



**DEPARTMENT of ENVIRONMENT
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523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

RECOMMENDATION OF CHIEF ENGINEER

FOR WATER RIGHT NO. 1020-1, WILLIAM BRENGLE

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Right No. 1020-1, now owned by Than Brengle.

The Chief Engineer is recommending cancellation of the above the irrigation component of Water Right No. 1020-1 due to abandonment. On April 1, 2013, Genny McMath with the Water Rights Program spoke with Than Brengle. Mr. Brengle indicated that water availability is an issue in any given year however they have discontinued irrigation and do not intend to irrigate in the future. The storage dams on Smith Creek are still in place and used for livestock watering purposes.

A handwritten signature in black ink, appearing to read "Ron Duvall".

RON DUVALL, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
June 10, 2013

Note:

Once action is taken to cancel the irrigation component of the water right, the water right will be amended by reissuing the water license to allow for continued storage of water in the existing dams for domestic use. Prior to reissuance of the water license, the water right will need to be transferred to reflect current ownership.

CERTIFICATION

I hereby certify that on June 10, 2013, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated June 10, 2013 regarding cancellations addressed as stated below:

Than Brengle, 11598 Ladner Rd, Buffalo SD 57720 **Permit No. 1020-1**

Ron Walker, 17532 425th Ave, Clark SD 57225 **Permit No. 765-3**

Michael Bunning, PC, LLC, 225 E Deerpath Rd, # 210, Lake Forest IL 60045 Permit No. 765-3

Terry Johnsen, 19191 374th Ave, Wessington SD 57381 Permit No. 6828-3

L. L. Jacobson

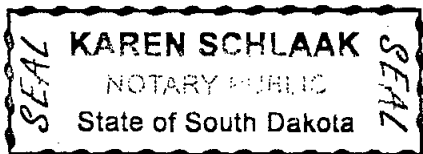
Gail Jacobson
Secretary/Water Rights

[illegible]

Sworn to, before me, this 11th day of June, 2013.

Karin Ahlback

Karen Schlaak
Notary Public
My Commission expires April 1, 2019





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.gov

July 15, 2013

1020-1

NOTICE

Than Brengle
11598 Ladner Rd
Buffalo SD 57720

Dear Mr. Brengle:

This will notify you that the Water Management Board cancelled the irrigation component of Water Right No. 1020-1 on July 11, 2013. This action was taken under the conditions outlined in our notice to you dated June 10, 2013.

With cancellation of the irrigation component of the water right, the water license will now be reissued to allow continued use of the storage dams for domestic livestock watering purposes. Prior to reissuance of the water license, the water right will need to be transferred to your name.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions concerning the Board action or questions involving the transfer of ownership, please contact Genny McMath, with our program, at (605) 773-3352.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program

enclosure

CERTIFICATION

I hereby certify that on July 15, 2013, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated July 15, 2013 regarding cancellations addressed as stated below:

Terry Johnsen, 19191 374th Ave, Wessington SD 57381

No. 6828-3

Daniel Ulmer, PO Box 433, Menno SD 57045

No. 6709-3

Bill Huether, Wood Acres Inc, 44755 309th St, Gayville SD 57031

No. 6772-3

Clinton Bauer, 27825 431st Ave, Freeman SD 57029

No. 5191-3

Than Brengle, 11598 Ladner Rd, Buffalo SD 57720

No. 1020-1

Ron Walker, 17532 425th Ave, Clark SD 57225

No. 765-3

Michael Bunning, 225 E Deerpath Rd, # 210, Lake Forest IL 60045

No. 765-3

Jerry Van Zee, 28051 Five Mile Ranch Rd, Platte SD 57360

No. 2685-3

Dr. Francis M Armstrong, 120 Harvard, Vermillion SD 57069

No. 3797-3

Earl Jacobson

Gail Jacobson
Secretary/Water Rights

[illegible]

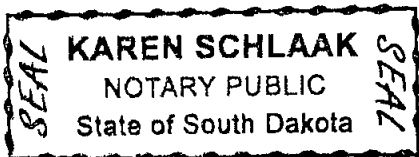
Sworn to, before me, this 15th day of July, 2013.

Karen A. Plack

Karen Schlaak

Notary Public

My Commission expires April 1, 2019





DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



April 28, 2014

1020-1

Than Brengle
11598 Ladner Rd
Buffalo SD 57720

Dear Mr. Brengle:

I am writing in regard to Water Right No. 1020-1, currently listed in the name of William Brengle.

In July 11, 2013 action was taken by the Water Management Board to cancel the irrigation component of the water right. The board's action allowed continued use of water from the storage dams for domestic livestock watering purposes. Prior to reissuance of the water license for domestic use, the water right needs to be transferred to your name.

A transfer of ownership form was sent to you July 15, 2013 and to date we have not received anything back from you. In the event you do not have the original form, I am enclosing an additional form for filing the ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

As soon as the ownership change is filed, the water license can be reissued in your name to allow for continued storage of water in the dams for domestic use. If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



June 26, 2014

1020-1

Than Brengle
11598 Ladner Rd
Buffalo SD 57720

Dear Mr. Brengle:

I am contacting you in regard to Water Right No. 1020-1, currently listed in the name of William Brengle.

In July 11, 2013 action was taken by the Water Management Board to cancel the irrigation component of the water right. The board's action allowed continued use of water from the storage dams for domestic livestock watering purposes. Prior to reissuance of the water license for domestic use, the water right needs to be transferred to your name.

Transfer forms were sent to you July 15, 2013 and April 28, 2014 and to date we have not received anything back from you. I am enclosing another partially completed form for filing the ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

As soon as the ownership change is filed, the water license can be reissued in your name to allow for continued storage of water in the dams for domestic use. If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

RECEIVED

JAN 12 2015

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 1020-1

Date: 1-8-15

I/We request that Water Right No. 1020-1

formerly owned by: William Brengle

be transferred to: (name & address) Than Brengle

11598 Ladner Rd

Buffalo, SD 57720 Telephone No. 605-375-3154

Title to the following described land(s)/property has been transferred as described above:

A series of 6 dams within Section 26, T22N, R3E

I/We understand that the validity of Water Right No. 1020-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Than Brengle, the new owner, certify that the above information is true and correct.

Than Brengle

(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/12, 2015

RECEIVED OF Than Brengle 11598 Ladner Rd Buffalo SD 57720

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	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1020-1</u>		
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	50 00

No. 07119

By *James Goodman*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

JAN 22 2015

1020-1

Than Brengle
11598 Ladner Rd
Buffalo SD 57720

Dear Mr. Brengle:

Enclosed is your Reissued Water License No. 1020-1.

On July 11, 2013, the Water Management Board cancelled the irrigation component of the water right. The reissued water license authorizes continued impoundment of water in the storage dams for domestic purposes.

The ownership change filed with Water Right No. 1020-1 has been completed. The water right formerly held by William Brengle is now listed in your name. Your receipt for the filing fee is enclosed.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 1020-1

(1) William Brengle was issued Water License No. 1020-1, January 23, 1985 for a water right to divert 1.28 cubic feet of water per second from six storage dams on Smith Creek, Harding County, South Dakota for irrigation purposes. Water License No. 1020-1, with a priority date of June 27, 1974 was and issued to the permit holder for diversion of water with construction of the described water supply system and the application of water to beneficial use completed.

On July 11, 2013, the Water Management Board took action to cancel the irrigation component of the water right. The series of six dams are still in place and used for livestock watering purposes.

The original water permit application included both domestic and irrigation use. Water License No. 1020-1 is being reissued to remove irrigation use as canceled by the Water Management Board and allow continued impoundment of water in the storage dams for domestic use.

On January 12, 2015, Water Right No. 1020-1 was transferred from William Brengle to Than Brengle.

(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 Water Law 46-5-30.1 Than Brengle, 11598 Ladner Rd, Buffalo SD 57720 the holder and/or owner of Water Right No. 1020-1 is issued a license bearing a priority date of June 27, 1974 to impound 115 acre feet of water in six storage dams on Smith Creek for domestic livestock watering purposes.

The dams are located as follows:

- 860 feet N 40°E of the W ¼ corner of Section 26, T22N, R3E;
- 1,450 feet S 73°E of the N ¼ corner of Section 26, T22N, R3E;
- 2,370 feet N 90°W of the E ¼ corner of Section 26, T22N, R3E;
- 750 feet S 72°W of the E ¼ corner of Section 26, T22N, R3E;
- 2,050 feet S 85°W of the E ¼ corner of Section 26, T22N, R3E;
- 650 feet N 25°W of the S ¼ corner of Section 26, T22N, R3E.

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1020-1, including the following qualification:

- Approval authorizes storage of 115 acre feet of water annually.



Jeanne Goodman, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

JAN 22 2015

date

