

Considered: _____

WATER PERMIT NO. 1519-1

Phone: 257-2212

Name of Applicant: ~~L & M Farms~~ Bobby Dean Lewis

Post Office Address: HCR 76, Box 152, Nisland SD 57762

Amount of Water Claimed: no add'l (3.11) Total Acres: 3¹/₂ add'l

Source of Water Supply: Belle Fourche River

Water to be used for: irrigation County: Butte

About 2 miles SW of Nisland

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C/.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY Date Received: 4-15-91 Fee: \$150.00 Remarks Additional

acreage on Water Permit No. 1126-1

Corrected Application Received _____ Period of Annual Use May 1 - Nov 30

WATER QUALITY APPROVAL RECEIVED 4-25-91 APPROVED/CONDITIONAL (Circle one)

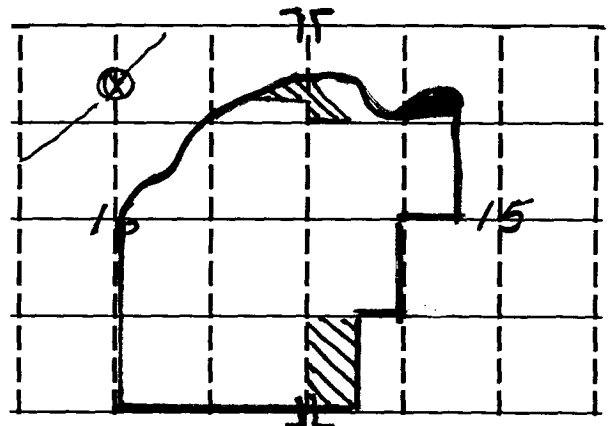
WI-1 Description same as Application YES X NO _____ REMARKS _____

Diversion Point: approx. center between the

NE 1/4 NW 1/4 and the NW 1/4 NE 1/4 Sec 16-T8N-R5E

Land to be Irrigated: N 1/2 NW 1/4, SW 1/4 SW 1/4,

Sec 15; NE 1/4 NE 1/4 Sec 16; all in T8N-R5E



Well Log: Driller: NA Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: aerial PREPARED BY: LeRoy Mernaugh Reviewed and the Number

Assigned on 4-26-91 By Karen Schlaak

SOUTH DAKOTA
WATER PERMIT No. 1519-1 FOR IRRIGATION

Date of first receipt of application April 15, 1991.

Date Soil/Water Compatibility Permit received April 25, 1991.

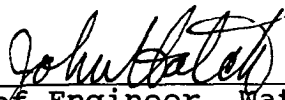
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1519-1 to Bobby Dean Lewis, HCR 76, Box 153, Nisland SD 57762 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1519-1 authorizes irrigation of 31 additional acres. Water Permit No. 1126-1 appropriates 3.11 cubic feet of water per second from the Belle Fourche River at a point located in the approximate center between the NE 1/4 NW 1/4 and the NW 1/4 NE 1/4 Section 16; to irrigate lands located in the SE 1/4, S 1/2 NE 1/4, NE 1/4 NE 1/4 Section 16; NW 1/4 SW 1/4, S 1/2 NW 1/4 Section 15; all in T8N-R5E. This permit is to irrigate 31 additional acres located in the N 1/2 NW 1/4, SW 1/4 SW 1/4 Section 15; NE 1/4 NE 1/4 Section 16; all in T8N-R5E from the Belle Fourche River. This permit does not authorize any increase in the developed diversion rate.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 - November 30.
3. The date from which applicant may claim right is April 15, 1991.
4. The date of approval of Permit No. 1519-1 is August 7, 1991.
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. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 
Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

SEP 16 1991
date

FORM 2: Application for irrigation (type or print)
in South Dakota

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

(See instructions)

No. 1519-1 Hydrologic Unit 10120202
Basin Belle Fourche River
Newspaper Butte Co. Valley Irrigator, Box 67,
Newell, SD 57760 (Wed)

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☒ Add Acreage ☐ Increase diversion rate ☐ Other 1126-1

1. Name of Applicant XXXXXXXXXXXX Bobby Dean Lewis Phone No. 257-2212
Post Office Address HCR 76, Box 153, Nisland State SD Zip Code 57762
(Street, RR or Box) (City)

2. Amount of water claimed (c.f.s) no add'l Total acres irrigated XXX additional

3. Source of Water supply Belle Fourche River

4. Location of point of diversion 755 ft south of NW corner of
Section 16, T8N, R5E In the approximate center between
the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ County Butte

5. Counties where water will be used Butte

6. Annual period during which water is to be used May 1 - November 30

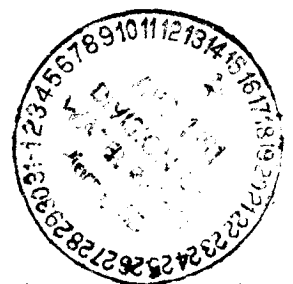
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 15-T8N-R5E	4
NE $\frac{1}{4}$ NW $\frac{1}{4}$ "	7
SW $\frac{1}{4}$ SW $\frac{1}{4}$ "	18
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 16-T8N-R5E	3

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: ☒ Towline: _____ Center Pivot: ☒ Gun: _____ Other: _____
(Specify)
9. Crops to be Irrigated: corn hay barley wheat
10. Give a description of proposed project. (Attach sheet if more-space is needed)



Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Butte)^{ss}

I, Bob Lewis, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Bob D Lewis

Subscribed and sworn to before me this 5th day of March 1991

DIANE J. SCHMIDT, Notary Public
My Commission Expires January 24, 1992

Diane J. Schmidt
Notary Public
Notary Public in and for said County and State

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412642

Pierre, _____ April 15, 1991

RECEIVED OF Lewis Brothers Farms, Bob Dean Lewis, HCR 76, Box 153, Nisland, SD 57762
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>1519-1</u> to Appropriate Water, to construct works and to put water to beneficial use _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	150 00

By John Hatch (CF)
Chief Engineer

1-181R

Mission Point

SW 1/4 NE 1/4 Sec 11 T8N R5E

NE 1/4 NE 1/4
13.40

SE 1/4 NE 1/4
40.00

SW 1/4 NE 1/4
2.90

NE 1/4 SE 1/4
40.00

NW 1/4 SE 1/4
40.00

SW 1/4 SE 1/4
39.00

SE 1/4 SE 1/4
39.00

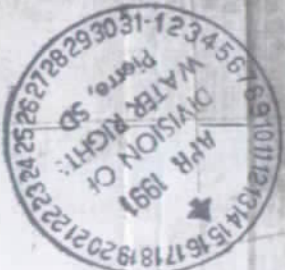
NW 1/4 NW 1/4
4.00

NE 1/4 NW 1/4
7.00

SE 1/4 NW 1/4
22.00

NW 1/4 SW 1/4
40.00

SW 1/4 SW 1/4
18.00



L & M Farms

Permit

1519-1

Department of Agriculture
WI#1
5/87



SOIL/WATER COMPATIBILITY PERMIT

Division of Conservation



Office Use Only

4604

WR#

OWNERS NAME: L & M FARMS

OWNERS ADDRESS: BOX 76, BOX 153

WISLAND, SD 57762

COUNTY LAND LOCATED IN: BUTTE PHONE: 257-

BELLE FOURCHE RIVER

LEGAL DESCRIPTION:

☐ Well

☒ Surface

1. LOCATION 755' South of N1/4 corner of 16-T8N-R5E

Depth _____

Legal Description	Acres	Legal Description	Acres
NW1/4 NW1/4 15-T8N-R5E	4		
SW1/4 SW1/4 15-T8N-R5E	13		
NE1/4 NW1/4 15-T8N-R5E	7		
NE1/4 NE1/4 16-T8N-R5E	3		

2. TYPE OF IRRIGATION: GRAVITY: XXX TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ OTHER: (Specify) _____

3. CROPS TO BE IRRIGATED: CORN, HAY, BARLEY, WHEAT

WATER QUALITY:

4. WATER SAMPLE NUMBER: BELLE FOURCHE RIVER 7. ADJUSTED (SAR): _____
5. SALINITY (EC X 10⁶): 1100-2300 8. PERCENT SODIUM: 3 - 43
6. SODIUM (SAR): 0.8 - 3.0

Requirements:

The maximum allowable limits of salt and sodium buildup in the profile at the root zone (upper 12 inches of the soil profile) at the beginning of the growing season apply. They become applicable upon the issuing of a Soil and Water Compatibility Permit by the Division, or the Commission.

Director, Division of Conservation

APRIL 22, 1991

Date

XXX APPROVED XXX REQUIREMENTS
____ DISAPPROVED
____ WAIVER

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.



DEPARTMENT OF WATER & NATURAL RESOURCES

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 8, 1991

L & M Farms
HCR 76, Box 153
Nisland SD 57762

Dear Sir:

On January 15, 1985, you were sent applications forms for a permit to appropriate water based on an inspection of Water Permit No. 1126-1 by LeRoy Mernaugh, an engineer with this office. This inspection showed that your system was not developed as originally permitted. This application is necessary to obtain a permit which will reflect your water use. To date, we have not received a response from you regarding this application.

Enclosed is another set of partially completed application forms. Please review these forms and make any corrections necessary, then please sign and notarize the forms where indicated. The filing fee for this application will be \$150.00. Enclosed is a map showing the lands that are irrigated and not covered by Permit No. 1126-1.

Obtaining water permits that accurately reflect your water use ultimately benefits you by protecting your right to use water. Water Permit No. 1126-1 can not be licensed until this application is processed and a permit obtained to reflect your current water use in accordance with state statutes. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

Please respond by completing the application forms or contacting me by April 1, 1991.

Sincerely,

Eric Gronlund
Eric Gronlund
Water Rights Division
Phone: (605) 773-3352

enclosures

Conversation or File Documentation

NAME OF PERSON OR FILE: Bobby Dean LewisADDRESS: Nisland COUNTY ButteDATE: 7/2/91 TELEPHONE _____RE: Name change

COMMENTS:

Mr. Lewis called and stated he would like
the name changed on his application from
L.E.M Farms to Bobby Dean Lewis.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Karen Schlaak

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1519-1, L & M Farms

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 1519-1, L & M Farms, HCR 76, Box 152, Nisland, SD 57762.

The Chief Engineer is recommending APPROVAL of Application No. 1519-1 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) in the public interest with the following qualifications:

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


JOHN HATCH, Chief Engineer
June 17, 1991

Report on Water Permit Application No. 1519-1
L & M Farms
May 15, 1991

Background

Water Permit Application No. 1519-1 requests to add 31 acres to the acreage covered under Water Permit No. 1126-1. Water Permit No. 1126-1 appropriates 3.11 cubic feet of water per second (cfs) from the Belle Fourche River for irrigation of 339 acres with a priority date of January 7, 1977. The additional acreage is located in the N1/2 NW1/4, SW1/4 SW1/4 Section 15 and NE1/4 NE1/4 Section 16, all in T8N-R5E, in Butte County. No additional diversion rate is requested by this application.

Discussion

On June 5, 1985, Division of Water Rights Engineer, LeRoy Mernaugh, inspected the acreage covered under Water Permit No. 1126-1. The inspection showed that 31 acres were being irrigated which were not covered by Water Permit No. 1126-1. This application, if approved does not authorize any increase in the diversion rate authorized by Water Permit No. 1126-1.

Although the application does not request any increase in the diversion rate, the volume of water authorized for diversion from the river may increase. There are no other water permits/rights between the diversion point for Water Permit No. 1126-1 and the confluence of Owl Creek and the Belle Fourche River. There are, however, 55 water permits/rights, for a total of 180 cfs, between the confluence of Owl Creek and the Belle Fourche River and the confluence of the Belle Fourche River and the Cheyenne River.

Return flows from the Belle Fourche Irrigation Project and other irrigation projects in the area have supplied enough water to meet the needs of the water permits/rights below the confluence of Owl Creek and the Belle Fourche River. However, on going rehabilitation of the Belle Fourche Irrigation Project and subsequent conservation measures may reduce return flows to the Belle Fourche River.

At the time of inspection, on June 5, 1985, water was being used for irrigation of the additional 31 acres. No complaints have been received regarding use of water by the applicant or adverse affects by the irrigation project on any other diversions from the Belle Fourche River.

Conclusions

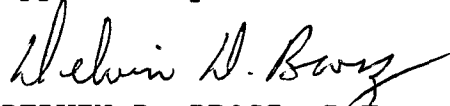
1. Water has been used for Water Permit No. 1126-1 since it was approved.
2. No increase in the diversion rate is requested by this application.

3. Flows in this reach of the Belle Fourche River are mainly dependent on irrigation return flows.
4. Water had been diverted and applied to the 31 acres prior to June 1985.
5. No complaint has been received from irrigators or domestic users in the area regarding use of water by the applicant for irrigation of the 31 acres.
6. Rehabilitation of the Belle Fourche Project and subsequent conservation measures may reduce return flows to the Belle Fourche River. If flows in this reach of the Belle Fourche River fall below that which is needed, shutoff orders may need to be issued.

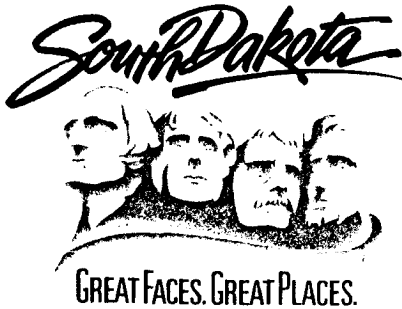


M. RASSOOL AHADI
Natural Resources Engineer III

Approved By:



DELVIN D. BROSZ, P.E.
Natural Resources Engineer IV



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

June 28, 1991

Bob Lewis
L & M Farms
HCR 76, Box 152
Nisland, SD 57762

Dear Mr. Lewis:

Water Permit Application No. 1519-1 for irrigation 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 Butte Co. Valley Irrigator printed at Newell, SD. 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,

Karen Schlaak
for 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.



June 28, 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Butte Co. Valley Irrigator
Box 67
Newell, SD 57760

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1519-1 to be published twice. Please publish the first notice on July 10, 1991, 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 L & M Farms, HCR 76, Box 152, Nisland, SD 57762.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Karen Schlaak
for
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ 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 or before July 10, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1519-1 to Appropriate Water
and to Amend Water Permit No. 1126-1

Notice is given that L & M Farms, HCR 76, Box 152, Nisland, SD 57762 has filed an application for a water permit to irrigate 31 additional acres. Water Permit No. 1126-1 appropriates 3.11 cubic feet of water per second from the Belle Fourche River at a point located in the approximate center between the NE 1/4 NW 1/4 and the NW 1/4 NE 1/4 Section 16; to irrigate lands located in the SE 1/4, S 1/2 NE 1/4, NE 1/4 NE 1/4 Section 16; NW 1/4 SW 1/4, S 1/2 NW 1/4 Section 15; all in T8N-R5E. This application is to irrigate 31 additional acres located in the N 1/2 NW 1/4, SW 1/4 SW 1/4 Section 15; NE 1/4 NE 1/4 Section 16; all in T8N-R5E from the Belle Fourche River. This application, if approved, does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1519-1 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

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 Division, 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 July 29, 1991. 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.

For purposes of publishing 1) the notice of hearing on Application No. 1519-1 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for August 7, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the August 7, 1991, hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The August 7, 1991, 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 July 29, 1991.

If a hearing is held, 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. 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 the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

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; 46-5-1 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Conversation or File Documentation

NAME OF PERSON OR FILE: Bob LewisADDRESS: _____ COUNTY ButteDATE: 7/8/91 TELEPHONE 257-2212RE: Reason they did not authorize publication

COMMENTS:

Called Mrs. Lewis and she said the reason they did not authorize publication is that the corporation L&M Farm no longer exists and the name of the applicant should be Bobby Dean Lewis. I stated that we would amend the application and send it out for publication again.

Also stated that we would send the necessary transfer form to ~~the~~ transfer ownership of WP No. 1126-1

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Hurland



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

July 10, 1991

Bobby Dean Lewis
HCR 76, Box 152
Nisland, SD 57762

Dear Mr. Lewis:

Water Permit Application No. 1519-1 for irrigation 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 Butte Co. Valley Irrigator printed at Newell, SD. 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.



July 10, 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Butte Co. Valley Irrigator
Box 67
Newell, SD 57760

ATTENTION: Legal Department

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Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

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

Name Newspaper

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NOTICE OF HEARING on Application No. 1519-1 to Appropriate Water
and to Amend Water Permit No. 1126-1

Notice is given that Bobby Dean Lewis, HCR 76, Box 152, Nisland, SD 57762 has filed an application for a water permit to irrigate 31 additional acres. Water Permit No. 1126-1 appropriates 3.11 cubic feet of water per second from the Belle Fourche River at a point located in the approximate center between the NE 1/4 NW 1/4 and the NW 1/4 NE 1/4 Section 16; to irrigate lands located in the SE 1/4, S 1/2 NE 1/4, NE 1/4 NE 1/4 Section 16; NW 1/4 SW 1/4, S 1/2 NW 1/4 Section 15; all in T8N-R5E. This application is to irrigate 31 additional acres located in the N 1/2 NW 1/4, SW 1/4 SW 1/4 Section 15; NE 1/4 NE 1/4 Section 16; all in T8N-R5E from the Belle Fourche River. This application, if approved, does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1519-1 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

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 Division, 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 August 5, 1991. 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.

For purposes of publishing 1) the notice of hearing on Application No. 1519-1 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for August 14, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the August 14, 1991, hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The August 14, 1991, 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 August 5, 1991.

If a hearing is held, 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. 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 the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

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; 46-5-1 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

OK

STATE OF SOUTH DAKOTA }
 County Butte } ss.



I, Sharon Allison

certify that the attached printed Notice was taken
 from the Butte County Valley Irrigator

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

Times of Hardisty

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

July 17, 1991

July 24, 1991

(Signature)

Shilling Clerk

(Title)

July 24, 1991

(Date Signed)

Cost of Printing: \$52.35

Notice of Hearing on Application No. 1519-1 to Appropriate Water and to Amend Water Permit No. 1126-1

Notice is given that Bobby Dean Lewis, HCH 76, Box 152, Nisland, SD 57762 has filed an application for a water permit to irrigate 31 additional acres. Water Permit No. 1126-1 appropriates 3.11 cubic feet of water per second from the Belle Fourche River at a point located in the approximate center between the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16, to irrigate lands located in the SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16; NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 15; all in T8N-R5E. This application is to irrigate 31 additional acres located in the N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15; NE $\frac{1}{4}$, NE $\frac{1}{4}$ Section 16; all in T8N-R5E from the Belle Fourche River. This application, if approved, does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1519-1 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

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 Division, Foss Building, 523 E Capitol, Pierre, SD 57501 (605 773-2822)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 28, 1991. 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.

For purposes of publishing 1) the notice of hearing on Application No. 1519-1 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for August 7, 1991, at 9 a.m. in Room 413, Joe Foss Building, 523 E Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the August 7, 1991, hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The August 7, 1991, 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 July 29, 1991.

If a hearing is held, 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. 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 the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

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; 46-5-1 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Published Wednesday, July 17, 1991
and Wednesday, July 24, 1991
Pierre Co. Valley Irrigator
Newell, South Dakota 57760



SEP 16 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Bobby Dean Lewis
HCR 76 Box 153
Nisland, SD 57762

Dear Mr. Lewis:

Enclosed is Water Permit No. 1519-1 authorizing your water diversion system and the application of water beneficial use, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 15, 1992

SECOND NOTICE

Permit No. 1519-1

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Bobby Dean Lewis
HCR 76, Box 152
Nisland, SD 57762

Dear Mr. Lewis:

On September 16, 1991, you were notified the final inspection fee of \$50.00 is due before Water License No. 1519-1 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to: Bobby Dean Lewis HCR 76, Box 152 Nisland, SD 57762	4. Article Number P 757 566 248 Type of Service: <table border="0"> <tr> <td>☐ Registered</td> <td>☐ Insured</td> </tr> <tr> <td>☒ Certified</td> <td>☐ COD</td> </tr> <tr> <td>☐ Express Mail</td> <td>☐ Return Receipt for Merchandise</td> </tr> </table> Always obtain signature of addressee or agent and <u>DATE DELIVERED</u>.	☐ Registered	☐ Insured	☒ Certified	☐ COD	☐ Express Mail	☐ Return Receipt for Merchandise
☐ Registered	☐ Insured						
☒ Certified	☐ COD						
☐ Express Mail	☐ Return Receipt for Merchandise						
5. Signature — Addressee X <i>Bobby Dean Lewis</i>	8. Addressee's Address (ONLY if requested and fee paid)						
6. Signature — Agent X							
7. Date of Delivery JUN 18							

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413256

Pierre, _____ June 22, 1992

RECEIVED OF Lewis Brothers Farms, HC 76 Box 180, Nisland, SD 57762

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>1519-2</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

(Signature)

Belle Fourche River Water District 10120202**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 L & M Farms
HCR-76, Box 153 of Nisland, S. Dak 57762 holder of
 Permit No. 1126-1, bearing the priority of January 7, 1977 authorizing
 the diversion of 3.11 cu. ft. per second of the waters of Belle Fourche River.
 for Irrigation purposes, in Butte County.

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

A. Works used to divert the water:

Pump = Cornell - Model 6RBF8, ser #45233, Pumps 1500 gpm
 Motor = Electro Dynamics, 100 HP, 1760 RPM, Frame 504-S
 Type TN, ser #71500792A1.

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

3 Miles of 9" & 10" Alum Pipe - Mostly Gated.; 2000 ft 8" PVC pipe.
 Two Regulating Reservoirs (Dams). Dimensions as shown on Form 2A.
 Pumps Berkeley - Model B6EXRBH. ser #748299. Pumps 1500+ gpm.
 Engine - Cummins - 290 HP. 6 cyl. Diesel. Portable. For flood from dam.

C. Works used to apply water to beneficial use:

Gated Pipe for flood & furrow irrigation
 Olson Center Pivot. No model. or serial number available.
 Pump for CP. from regulating reservoir = Gorman Rupp; Model 86B2-B
 ser #5936371. Pumps 1000 gpm; Motor US Elec, 60 HP. ID #C5457-00-11-8-74
 85-00839

The system is in the following condition Good.

The point of diversion is located 755 ft S of the N $\frac{1}{4}$ Corner of sec. 16,
T8N R5E

The works are capable of diverting and conveying to the place of use 3.33cu. 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 FormNote: Permit is for 339 Ac. . Irrigating 370 Ac.Need permit To cover additional areds.comprising a total of 370 acres of land and the license should be issued for 3.11 cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are:

Water Permit No. 1519-1 was obtained to
 cover the additional acreage. Approved: 8-7-91

Date June 5, 1985

Leroy J. Mernaugh.
 (signature)

Acreage Irrigated

Section 15 T8N R5E

$$NW\frac{1}{4}NW\frac{1}{4} = 4 \text{ Ac}$$

$$NE\frac{1}{4}NW\frac{1}{4} = 7 \text{ Ac}$$

$$SW\frac{1}{4}NW\frac{1}{4} = 39$$

$$SE\frac{1}{4}NW\frac{1}{4} = 22$$

$$NW\frac{1}{4}SW\frac{1}{4} = 40$$

$$SW\frac{1}{4}SW\frac{1}{4} = 18$$

Section 16 T8N R5E

$$NE\frac{1}{4}NE\frac{1}{4} = 13 \text{ Ac.}$$

$$SW\frac{1}{4}NE\frac{1}{4} = 29$$

$$SE\frac{1}{4}NE\frac{1}{4} = 40$$

$$NW\frac{1}{4}SE\frac{1}{4} = 40$$

$$NE\frac{1}{4}SE\frac{1}{4} = 40$$

$$SW\frac{1}{4}SE\frac{1}{4} = 39$$

$$SE\frac{1}{4}SE\frac{1}{4} = 39$$

Total 370 Ac

Owners of L & M Farms

Bob Lewis - HCR-76, Box 153, Nisland, S.D. 57762

Lynn Mohler, Star R Box 176 Nisland, S.D. 57762

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1519-1

(1) Bobby Dean Lewis of HCR 76, Box 153, Nisland, SD 57762 made Application No. 1519-1, April 15, 1991 for a water permit to appropriate no additional cubic feet of water per second from the Belle Fourche River, Butte County, South Dakota for irrigation purposes. Permit No. 1519-1 with a priority date of April 15, 1991 was approved August 7, 1991 and issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 1519-1 authorizes irrigation of 31 additional acres that were developed, but not permitted, under Water Permit No. 1126-1. No. 1519-1 did not allow for an increase in the developed diversion rate.

The applicable portions of No. 1126-1 have been incorporated into Water License No. 1519-1. Priority dates, as they pertain to the acres irrigated, are described in (3) of this License. The priority date of January 7, 1977 was established under No. 1126-1. The priority date of April 15, 1991 was established under No. 1519-1.

(2) It is certified that the applicant 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 3.11 cubic feet of water per second for beneficial use. The location of the diversion point is: 755'S of the N 1/4 corner of Section 16, T8N, R5E.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

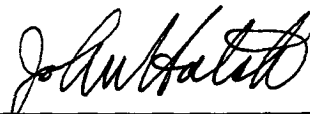
T8N, R5E Section 15

NW 1/4 NW 1/4	4 Acres	April 15, 1991 Priority Date
NE 1/4 NW 1/4	7 Acres	April 15, 1991 Priority Date
SW 1/4 NW 1/4	39 Acres	January 7, 1977 Priority Date
SE 1/4 NW 1/4	22 Acres	January 7, 1977 Priority Date
NW 1/4 SW 1/4	40 Acres	January 7, 1977 Priority Date
SW 1/4 SW 1/4	18 Acres	April 15, 1991 Priority Date

T8N, R5E Section 16

NE 1/4 NE 1/4	13 Acres	(10 Acres) January 7, 1977 Priority Date
		(3 Acres) April 15, 1991 Priority Date
SW 1/4 NE 1/4	29 Acres	January 7, 1977 Priority Date
SE 1/4 NE 1/4	40 Acres	January 7, 1977 Priority Date
NW 1/4 SE 1/4	40 Acres	January 7, 1977 Priority Date
NE 1/4 SE 1/4	40 Acres	January 7, 1977 Priority Date
SW 1/4 SE 1/4	39 Acres	January 7, 1977 Priority Date
SE 1/4 SE 1/4	39 Acres	January 7, 1977 Priority Date
Total-----	370 Acres	

(4) Pursuant to Section 46-5-30.1 Bobby Dean Lewis of HCR 76, Box 153, Nisland, SD 57762 the holder(s) and/or owner(s) of Incorporated Water Permit No. 1519-1 is issued a license to appropriate water, the right to use 3.11 cubic feet of water per second from the Belle Fourche River with priority dates of April 15, 1991 and January 7, 1977 from the location specified in (2) of this license. The water is 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 Incorporated Water Permit No. 1519-1 and subject to South Dakota State Law.



NOV 24 1992

JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources



GREAT FACES. GREAT PLACES.

NOV 24 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

1519-1

Bobby Dean Lewis
HCR 76, Box 153
Nisland, SD 57762

Dear Mr. Lewis:

Enclosed is Water License No. 1519-1 and Receipt No. 413256 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 1519-1 is the final document which completes the process of obtaining a water right.

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.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures

NOTE: The applicable portions of No. 1126-1 have been
incorporated into Water License No. 1519-1.



1519-1
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 2001

NOTICE

TO: BOBBY DEAN LEWIS, HCR 76 BOX 180, NISLAND, SD 57762
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire(s)

Our records indicate that the 2000 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1519-1. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1519-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 10:00 am, March 7, 2001 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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1519-1 in accordance with applicable provisions of SDCL 46-1-12;
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, 2001, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in 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 57501-3182
www.state.sd.us/denr

February 1, 2001

1519-1

Bobby Dean Lewis
HCR 76 Box 180
Nisland, SD 57762

Dear Mr. Lewis:

I am writing to acknowledge receipt of your 2000 irrigation questionnaire. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right No. 1519-1.

I completed a questionnaire for you based on our February 1st telephone conversation. The questionnaire reflects that you did not irrigate during 2000. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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

1519-1

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. - Print your name and address on the reverse so that we can return the card to you. - Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) B. Date of Delivery	
1. Article Addressed to: BOBBY DEAN LEWIS HCR 76 BOX 180 NISLAND SD 57762		C. Signature x <i>Bobby Dean Lewis</i> ☒ Agent ☐ Addressee	
		D. Is delivery address different from item 1? ☐ Yes ☐ No If YES, enter delivery address below:	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	
2. Article Number (Copy from service label) 7000 0600 0026 9814 2294			

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

WATER RIGHTS DIVISION
(605) 773-3352

January 15, 1986

L & M Farms
HCR 76, Box 153
Nisland, South Dakota 57762

ATTENTION: Bob Lewis

Dear Mr. Lewis:

On June 5, 1985 I made a final inspection on your Water Permit No. 1126-1. I found that you were irrigating 32 acres that are not covered under this permit. In order to comply with the South Dakota Water Laws you will need to submit an application to this office to cover the additional acreage.

To assist you in submitting your application I am enclosing two completed copies of Form 2, "Application for Permit" for the additional acreage. Please check the form over and make any corrections necessary to make them as accurate as possible. Then sign all forms and have them notarized and then return them to this office with a check for \$150.00 to cover the cost of the filing fee.

Also enclosed is a map of the area. The area outlined in red is the area you are irrigating. The area not covered under Permit No. 1126-1 is shaded in yellow. Please check the map and make any corrections necessary. If you do make corrections on the map please return it along with the Form 2's so that we may correct our office copy. If you do not make any corrections you may keep the map for your use.

You will also need soil and water compatibility approval on this additional acreage. See Paragraph Number 6 on the enclosed instruction sheet.

Enclosed is a nearly completed Form WI-1, "Soil/Water Compatibility" to be submitted in accordance with the instruction sheet. You will need to indicate the crops that you will be irrigating. I was unable to fill this portion out. Then sign and notarize the WI-1 form. I discussed your situation with the Division of Conservation and they said to send the WI-1 Form, a copy of the Water Right Map and a copy of Water Permit No. 1126-1 to them for a possible waiver of the Soil/Water Compatibility requirement. Send to: Division of Conservation, Dept. of Agriculture, Anderson Building, Pierre, South Dakota 57501.

Enclosed also is a transfer form to transfer Water Permit No. 1126-1 from John Lewis to L & M Farms. The transfer fee for this is \$2.50.

If you have any questions regarding the matter please feel free to contact this office.

Sincerely,

LeRoy J. Mernaugh
Natural Resources Engineer



1579-1
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 23, 2009

NOTICE

TO: BOBBY DEAN LEWIS, 12722 SNOMA RD, NISLAND, SD 57762
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1519-1. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1519-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **10:00 am, March 11, 2009** 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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1519-1 in accordance with applicable provisions of SDCL 46-1-12;
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 6, 2009**, 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

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.

1519-1

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February 11, 2009

1519-1

Bobby Dean Lewis
12722 Snoma Rd
Nisland SD 57762

Dear Mr. Lewis:

I am writing to acknowledge receipt of your 2008 irrigation questionnaire. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 1519-1.

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