

**WATER PERMIT NO. 1922-1**

Name of Applicant: Cabbage Patch River Ranch LLP

Address: 19153 Vista Place, Howes SD Phone: 605 985-5401

Amount of Water Claimed: 1.0 Total Acres: 70

Source of Water Supply: well near Cheyenne River

Water to be used for: irrigation County: Meade

Type of Waste Disposal System:

Location: 20 miles southeast of Enning

PRIORITY Date Received: 1-25-2011

Application/License Fee: \$950

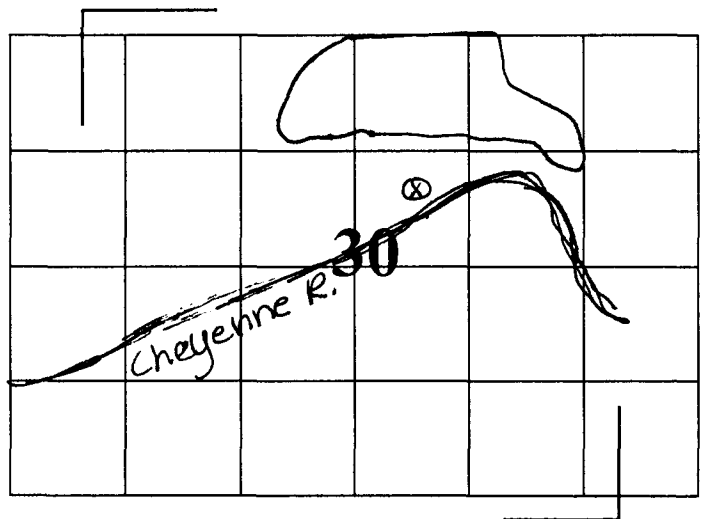
Corrected Application Received:

Period of Annual Use: May 1 – September 30

Remarks:

Diversion Point: SW ¼ NE ¼ Sec 30-T6N-R16E

Land to be Irrigated: NE ¼ NW 1/4, N ½ NE ¼  
Sec 30; all in T6N-R16E



Depth of Well:

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Travis Hunn, NRCS

Reviewed and the Number Assigned on: 1-25-2011

By: Karen Schlaak

Notice of Hearing - date to intervene: \_\_\_\_\_

|                                                                                                                    |                                                                     |
|--------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| Mail to:<br>Water Rights Program<br>Joe Foss Building<br>523 E. Capitol<br>Pierre, SD 57501-3181<br>(605) 773-3352 | No. <u>1922-1</u> (office use only) Hydrologic Unit <u>10120112</u> |
|                                                                                                                    | Basin <u>Louis Cheyenne</u>                                         |
|                                                                                                                    | Newspaper <u>Meado Co. Times</u>                                    |
|                                                                                                                    |                                                                     |

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JAN 25 2011  
WATER RIGHTS  
PROGRAM

## Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. \_\_\_\_\_  
(Use predates Mar 2, 1955)

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

- Name of Applicant Cabbage Patch River Ranch LLLP Phone 605-985-5401  
(check one) Owner ☐ Tenant/lessee ☐  
Mailing Address 19153 Vista Place, Howes State SD 57748  
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.0 \*CFS or 452 \*\*GPM \*\*\*AF Total Acreage 70  
(\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*\*)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Wet Well from Cheyenne River
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)  
SW 1/4 of the NE 1/4 6N 16E Section 30  
County Meade
- County or counties where water will be used Meade
- Annual period during which water is to be used May 1 through September 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.  
(Attach sheet if more space is needed)

| Land Description                  | Acres | Land Description | Acres |
|-----------------------------------|-------|------------------|-------|
| NE 1/4 of NW 1/4 Sect 30 T6N R16E | 18    |                  |       |
| NW 1/4 of NE 1/4 Sect 30 T6N R16E | 30    |                  |       |
| NE 1/4 of NE 1/4 Sect 30 T6N R16E | 22    |                  |       |
|                                   |       |                  |       |

8. Give a description of the project. (Attach sheet if more space is needed)  
Sprinkler Pivot System for raising corn and alfalfa for livestock feed.

STATE OF SOUTH DAKOTA) SS  
County of Meade

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Pete Reinert, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Pete Reinert

Subscribed and sworn to before me this 24<sup>th</sup> day of January 20 11

Notary Public

Notary Public signature

Application 2 1.0 cfs of 452 gpm

|                  |      |    |     |       |                       |
|------------------|------|----|-----|-------|-----------------------|
| NE 1/4 of NW 1/4 | sect | 30 | T6N | R 16E | 18 <del>8</del> acres |
| NW 1/4 of NE 1/4 | "    | "  | "   | "     | 30 acres              |
| NE 1/4 of NE 1/4 | "    | "  | "   | "     | 22 acres              |

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JAN 25 2011

WATER RIGHTS  
PROGRAM

~~70~~ acres

**SOUTH DAKOTA  
WATER PERMIT NO. 1922-1**

---

Date of first receipt of application January 25, 2011

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1922-1 to Cabbage Patch River Ranch, LLLP, 19153 Vista Place, Howes SD 57748 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. 1922-1 appropriates 1.0 cubic feet of water per second from one well (adjacent to the Cheyenne River) located in the SW 1/4 NE 1/4 Section 30 to irrigate 70 acres located in the NE 1/4 NW 1/4, N 1/2 NE 1/4 Section 30; all in T6N-R16E.
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 – September 30.
3. The date from which applicant may claim right is January 25, 2011.
4. The date of approval of Permit No. 1922-1 is May 2, 2011.
5. One-fifth of the construction is to be completed on or before November 2, 2013.
6. All construction is to be completed on or before May 2, 2016.
7. Water is to be put to beneficial use on or before May 2, 2020.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

**QUALIFICATIONS**

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed. Diversion under this permit shall be in accordance with any written orders issued by the Chief Engineer.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

**WATER MANAGEMENT BOARD**

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

MAY 11 2011  
date



2253-4-1 NKS 024  
1/29/2011

24 24

19

Golf Ranch

Newcombe  
Ranch

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30

MEADE CO  
PENNSYLVANIA

MEADE CO  
PENNSYLVANIA

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2013

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2012

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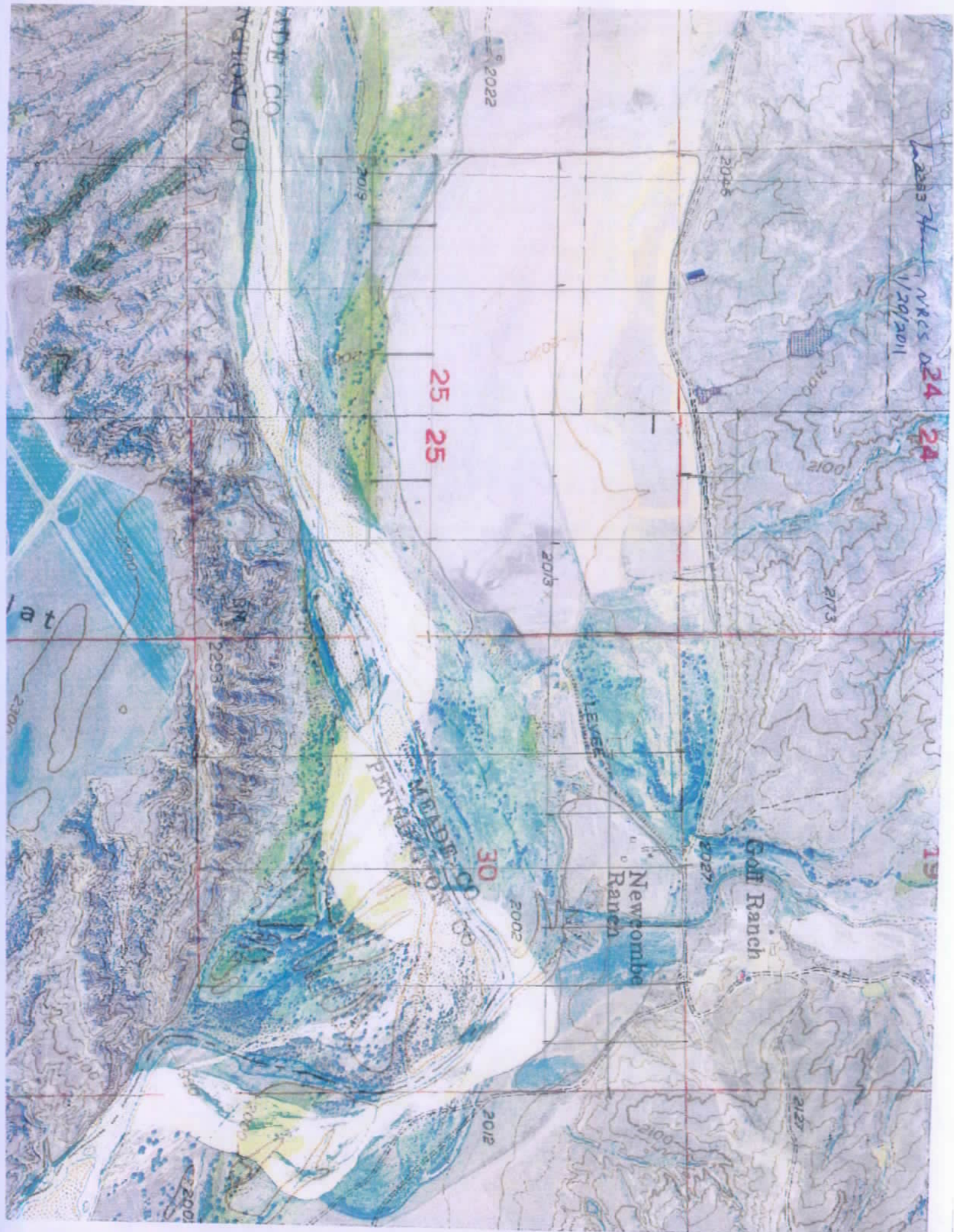
2027

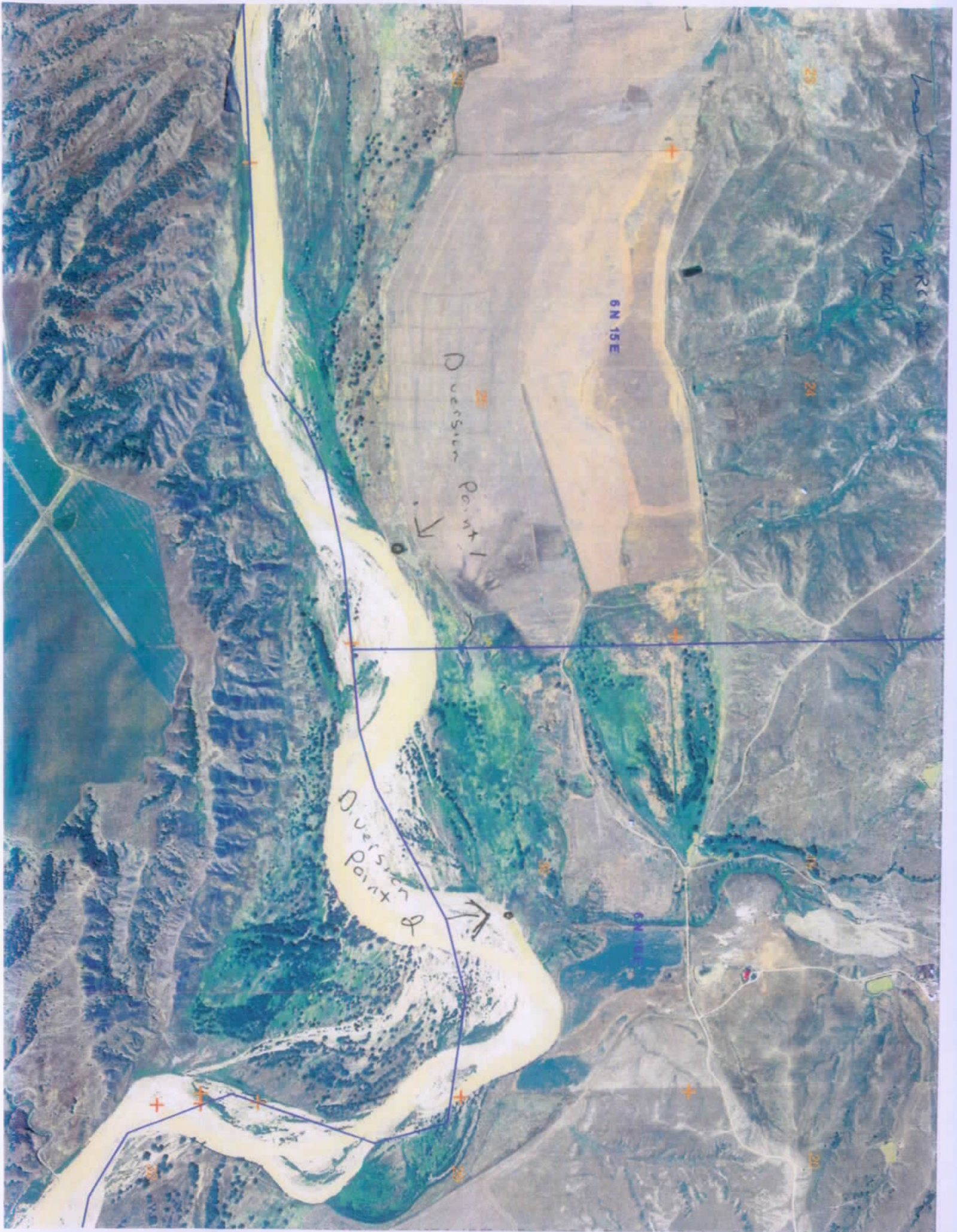
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LEVER

2293

lat





# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/25, 20 11

RECEIVED OF Morse Rainey Ranch 1020 Lake Sumter Landing The Villages FL 32162

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

|                                                                                                                        |       |        |
|------------------------------------------------------------------------------------------------------------------------|-------|--------|
| Fee for Application for Permit No. <u>1922-1</u> to Appropriate Water, to construct and to put water to beneficial use | 950   | 00     |
| Fee for Application for Permit No. _____ to Appropriate Water for Future use                                           |       |        |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                                 |       |        |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1922-1</u>            | 200   | 00     |
| Fee for Filing Transfer Form _____                                                                                     |       |        |
| Fee for _____                                                                                                          |       |        |
| Fee for Issuing New Well Driller's License No. _____ for C.Y. _____                                                    |       |        |
| Fee for Renewal of Well Driller's License No. _____ for C.Y. _____                                                     |       |        |
| Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____                                                 |       |        |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                              |       |        |
| (Any Other Work Provided by Law)                                                                                       | TOTAL | 950 00 |

No.

**04882**

By

*Laurel Edwards*  
Chief Engineer



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 1922-1, Cabbage Patch River Ranch, LLP**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 1922-1, Cabbage Patch River Ranch LLP, c/o Pete Reinert, 19153 Vista Place, Howes SD 57748

The Chief Engineer is recommending APPROVAL of Application No. 1922-1 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) it is 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. Diversion under this permit shall be in accordance with any written orders issued by the Chief Engineer.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer  
April 5, 2011

**NOTE:** The Water Rights Program intends to proceed with cancellation of Water Right No. 1053-1 and Water Permit No. 1060-1 which appropriated water from the Cheyenne River for irrigation. Notice will be provided to Cabbage Patch River Ranch regarding scheduling a hearing for cancellation before the Water Management Board.

## REPORT ON APPLICATION NO. 1922-1

Cabbage Patch River Ranch, LLP

March 9, 2011

Water Permit Application No. 1922-1 proposes to appropriate 1.0 cubic feet of water per second (cfs) from the Cheyenne River, utilizing a wet well adjacent to the river, located in the SW¼ NE¼ Section 30 to irrigate 70 acres located in the NE¼ NW¼, N½ NE¼ Section 30, all in T6N-R16E. The project is located in Meade County approximately 20 miles southeast of Enning and about 2½ miles below the confluence of the Belle Fourche River with the Cheyenne River.

### WATER SOURCE – CHEYENNE RIVER

Formed by the confluence of Antelope and Dry Fork creeks, the Cheyenne River rises in northeastern Wyoming in the Thunder Basin National Grassland in northeastern Converse County, Wyoming. It flows east into South Dakota, passes Edgemont, and skirts the southern end of the Black Hills, passing through Angostura Reservoir.

On the east side of the Black Hills, the river flows northeast, past Oral and the Buffalo Gap National Grassland, and along the northwestern boundary of the Pine Ridge Indian Reservation and Badlands National Park. It is joined by Rapid Creek, passes Wasta and is joined by the Belle Fourche River in eastern Meade County, after which it flows east-northeast along the southern boundary of the Cheyenne River Indian Reservation. It is joined by Cherry Creek at the town of Cherry Creek and then flows into the Missouri River approximately 32 miles north-northwest of Pierre, with the lower 35 miles of the river forming an arm of Lake Oahe.

Perennial Cheyenne River flows, above and below Angostura Reservoir, are normally low with occasional high flows occurring during spring snowmelt and periodic rainstorms. Average precipitation in the area is about 16-inches per year, most of which occurs from April through September. In dry to normal periods, Angostura reservoir does not normally contribute flow to the Cheyenne River.

Since 1929, the USGS has maintained a stream flow gaging station on the Cheyenne River near Wasta. Data from this gaging station for the June through August interval indicate there is a 50-percent probability the median flow rate will range from 102 to 324 cfs or greater at this location during this interval of any given year. There is a 75-percent probability the median flow rate will range from 59 to 106 cfs or greater for the same interval at this location (Table 1).

Table 1. USGS Gage Near Wasta Median Flow Probabilities (cfs)

| Probability | Jan | Feb | Mar | Apr  | May  | Jun  | Jul | Aug | Sep | Oct | Nov | Dec |
|-------------|-----|-----|-----|------|------|------|-----|-----|-----|-----|-----|-----|
| 90%         | 35  | 47  | 100 | 77   | 50   | 58   | 32  | 32  | 40  | 60  | 63  | 44  |
| 75%         | 53  | 70  | 140 | 119  | 89   | 106  | 66  | 59  | 62  | 76  | 92  | 64  |
| 50%         | 80  | 108 | 241 | 234  | 217  | 324  | 149 | 102 | 92  | 105 | 120 | 90  |
| 25%         | 128 | 182 | 495 | 460  | 629  | 1040 | 377 | 188 | 149 | 163 | 159 | 125 |
| 10%         | 180 | 316 | 974 | 1022 | 1560 | 2402 | 799 | 493 | 280 | 278 | 252 | 185 |

Since 1935, the USGS has maintained a stream flow gaging station on the Belle Fourche River near Elm Springs. Data from this gaging station for the June through August interval indicate there is a 50-percent probability the median flow rate will range from 235 to 311 cfs or greater at this location during this interval of any given year. There is a 75-percent probability the median flow rate will range from 143 to 161 cfs or greater for the same interval at this location (Table 2).

**Table 2. USGS Gage Near Elm Springs Median Flow Probabilities (cfs)**

| <b>Probability</b> | <b>Jan</b> | <b>Feb</b> | <b>Mar</b> | <b>Apr</b> | <b>May</b> | <b>Jun</b> | <b>Jul</b> | <b>Aug</b> | <b>Sep</b> | <b>Oct</b> | <b>Nov</b> | <b>Dec</b> |
|--------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| <b>90%</b>         | 5          | 5          | 15         | 38         | 34         | 73         | 87         | 85         | 65         | 38         | 35         | 15         |
| <b>75%</b>         | 13         | 16         | 39         | 63         | 56         | 158        | 143        | 161        | 155        | 61         | 49         | 28         |
| <b>50%</b>         | 25         | 31         | 70         | 183        | 198        | 311        | 250        | 235        | 233        | 105        | 62         | 40         |
| <b>25%</b>         | 50         | 64         | 198        | 561        | 644        | 804        | 442        | 341        | 307        | 191        | 88         | 55         |
| <b>10%</b>         | 106        | 204        | 623        | 1299       | 1694       | 2032       | 824        | 437        | 383        | 304        | 170        | 106        |

Flows from the upper Cheyenne and Belle Fourche Rivers combine and flow northeast past the proposed project site to Lake Oahe and the Missouri River.

Since 1951, the USGS has maintained a stream flow gaging station on the Cheyenne River near Plainview, approximately 23 miles downstream from the proposed project. Data from this gaging station for the June through August interval indicate there is a 50-percent probability the median flow rate will range from 401 to 822 cfs or greater at this location during this interval of any given year. There is a 75-percent probability the median flow rate will range from 285 to 342 cfs or greater for the same interval at this location (Table 3).

**Table 3. USGS Gage Near Plainview Median Flow Probabilities (cfs)**

| <b>Probability</b> | <b>Jan</b> | <b>Feb</b> | <b>Mar</b> | <b>Apr</b> | <b>May</b> | <b>Jun</b> | <b>Jul</b> | <b>Aug</b> | <b>Sep</b> | <b>Oct</b> | <b>Nov</b> | <b>Dec</b> |
|--------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| <b>90%</b>         | 30         | 79         | 122        | 141        | 125        | 223        | 204        | 204        | 153        | 125        | 100        | 64         |
| <b>75%</b>         | 58         | 105        | 234        | 259        | 242        | 342        | 297        | 285        | 246        | 165        | 144        | 93         |
| <b>50%</b>         | 90         | 180        | 500        | 515        | 550        | 822        | 460        | 401        | 328        | 217        | 175        | 130        |
| <b>25%</b>         | 170        | 346        | 1049       | 1163       | 1705       | 2375       | 885        | 544        | 422        | 271        | 224        | 170        |
| <b>10%</b>         | 316        | 912        | 2150       | 2070       | 3410       | 4692       | 1402       | 788        | 608        | 499        | 369        | 315        |

During severe drought in the Upper Cheyenne River Basin, Water Rights with diversions from the Cheyenne River could be subject to Shut-off Orders issued by the Chief Engineer. The orders affect the Cheyenne River stretching from the Wyoming/South Dakota State Line to the confluence of the Belle Fourche River. The orders terminate at the Belle Fourche River confluence due to the additional flow provided by the Belle Fourche River (Table 2).

Shut-off Orders have been issued for the Cheyenne River in 1989, 1990, 2006 and 2007. Although the 2006 Order was issued on June 30 it was rescinded on September 5<sup>th</sup> allowing diversions from the Cheyenne River. The 2007 Order was issued on June 27<sup>th</sup> was rescinded on two or three instances allowing junior water right holders to divert water from the Cheyenne River for short durations (i.e. 24 to 48 hours).

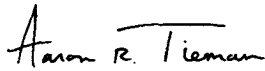
## **REVIEW OF EXISTING WATER PERMITS/RIGHTS**

Upstream of this project to the confluence with the Belle Fourche River there is one existing water right appropriating 9.57 cfs and downstream there are 12 existing water rights appropriating 39.49 cfs. At times, especially during drought periods, low flows occur in the Cheyenne River reach from the reservoir to the confluence with the Belle Fourche River.

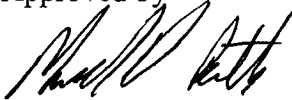
Except during severe drought conditions in the Upper Cheyenne River Basin, historical USGS stream flow data indicates that a diversion rate of 1.0 cfs of water should not adversely impact existing water rights or domestic water use downstream of this proposed project.

## CONCLUSIONS

1. Water Permit Application No. 1922-1 proposes to appropriate 1.0 cfs from a well adjacent to the Cheyenne River for irrigation use.
2. During extremely dry conditions, a low-flow bypass or shutoffs may be ordered by the Chief Engineer in order to protect downstream domestic use and prior water rights.
3. Except during severe drought conditions in the Upper Cheyenne River Basin, historical USGS stream flow data indicates that a diversion rate of 1.0 cfs of water should not adversely impact existing water rights or domestic water use downstream of this proposed project.



Aaron R. Tieman  
Natural Resources Project Engineer  
Approved by



Mark D. Rath  
Natural Resources Engineering Specialist

## BIBLIOGRAPHY

USGS National NWISWeb Water Information System 2011, Historical Stream Flow for South Dakota.

Water Right, 2011, Unpublished Water Rights Data, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

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APR 21 2011

Form 8

WATER RIGHTS  
PROGRAM

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County of Meade ) SS

I, Pam Buhler

certify that the attached printed Notice was  
taken

from the Meade County Times  
Tribune

printed and published in Sturgis, SD

County of Meade and

state of South Dakota. The notice was  
published

in the newspaper on the following two dates:

April 13, 2011

April 20, 2011

Cost of Printing \$44.16

Pam Buhler  
(Signature)

office manager  
(Title)

4/20/2011  
(Date Signed)

### NOTICE OF APPLICATION NOS. 1921-1 and 1922-1 to Appropriate Water

Notice is given that Cabbage Patch River Ranch LLP, c/o Pete Reinert, 19153 Visfa Place, Howes SD 57748 has filed the following applications for a water permit.

Application No. 1921-1 proposes to appropriate 4.0 cubic feet of water per second (cfs) from the Cheyenne River located in NW 1/4 SE 1/4 Section 25 for irrigation of 364 acres located in the S 1/2 SE 1/4 Section 24, N 1/2, N 1/2 SW 1/4, NW 1/4 SE 1/4, Section 25; all in T6N-R15E.

Application No. 1922-1 proposes to appropriate 1.0 cfs from one well (adjacent to the Cheyenne River) located in the SW 1/4 NE 1/4 Section 30 to irrigate 70 acres located in the NE 1/4 NW 1/4, N 1/2 NE 1/4 Section 30; all in T6N-R16E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 1921-1 & 1922-1 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 2, 2011.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications.

/s/ Steven M. Pirner, Secretary, Department of Environment and Natural Resources  
Published twice at the total approximate cost of \$44.16.

**Published Wed., April 13  
and Wed., April 20, 2011  
Meade County Times  
Tribune**



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

April 7, 2011

Meade County Times-Tribune  
1022 Main St  
Sturgis SD 57785

ATTENTION: Legal Public Notice

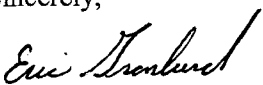
Enclosed is a Notice on Application Nos. 1921-1 & 1922-1 to Appropriate Water to be published twice. Please publish the first notice on April 13, 2011 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Cabbage Patch River Ranch LLP, c/o Pete Reinert, 19153 Vista Place, Howes SD 57748 (Ph # 605-985-5401).

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

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

Sincerely,

  
Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

-----CUT HERE-----

Nos. 1921-1 & 1922-1

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

Date \_\_\_\_\_

We are in receipt of your letter of April 7, 2011 enclosing Notice to Appropriate Water by Application Nos. 1921-1 & 1922-1 which was first published in our issue of \_\_\_\_\_. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

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

April 7, 2011

Cabbage Patch River Ranch LLP  
Pete Reinert  
19153 Vista Place  
Howes SD 57748

Dear Mr. Reinert:

Water Permit Application Nos. 1921-1 & 1922-1 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Meade County Times-Tribune printed at Sturgis SD (Ph # 605-347-2503). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports 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 and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
(605) 773-3352  
[eric.gronlund@state.sd.us](mailto:eric.gronlund@state.sd.us)

cc: Doris Pardo, 1020 Lake Sumter Landing, The Villages FL 32162

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.

Instruction to Newspaper - Publish first Notice on April 13, 2011 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

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NOTICE OF APPLICATION NOS. 1921-1 and 1922-1 to Appropriate Water

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Application No. 1921-1 proposes to appropriate 4.0 cubic feet of water per second (cfs) from the Cheyenne River located in NW ¼ SE ¼ Section 25 for irrigation of 364 acres located in the S ½ SE ¼ Section 24, N ½, N ½ SW ¼, NW ¼ SE ¼, Section 25; all in T6N-R15E.

Application No. 1922-1 proposes to appropriate 1.0 cfs from one well (adjacent to the Cheyenne River) located in the SW ¼ NE ¼ Section 30 to irrigate 70 acres located in the NE ¼ NW ¼, N ½ NE ¼ Section 30; all in T6N-R16E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 1921-1 & 1922-1 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 2, 2011.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of\_\_\_\_\_.



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

MAY 11 2011

Cabbage Patch River Ranch LLLP  
19153 Vista Place  
Howes SD 57748

Dear Mr. Reinert:

Enclosed are Water Permit Nos. 1921-1 and 1922-1 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses may be issued, thus completing the acquisition of a water right.

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

Sincerely,

A handwritten signature in cursive script that reads "Garland Erbele".

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

enclosures



1922-1  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 24, 2013

NOTICE

TO: CABBAGE PATCH RIVER RANCH LLP, PETE REINERT, 19153 VISTA PLACE, HOWES,  
SD 57748

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(s) has not been submitted for Permit No(s) 1921-1 & 1922-1. 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(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) 1921-1 & 1922-1 qualification:

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

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. 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) 1921-1 & 1922-1 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 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](mailto: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  
and NATURAL RESOURCES

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PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

March 8, 2013

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: CABBAGE PATCH RIVER RANCH LLP, PETE REINERT, 19153 VISTA PLACE, HOWES, SD 57748

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

SUBJECT: One Year Suspension of Water Permit Nos. 1921-1 and 1922-1

On March 7, 2013, the Water Management Board ordered:

**Effective April 7, 2013, Water Permit Nos. 1921-1 and 1922-1 be suspended for the 2013 irrigation season for failure to submit the 2012 irrigation questionnaires.**

**If the 2012 irrigation questionnaires are received prior to April 7, 2013 the suspensions will not take effect.**

Suspension of a water permit or right means water may not be pumped during the 2013 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2013 unless the irrigation questionnaire is submitted by April 7<sup>th</sup>.

After April 7<sup>th</sup>, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2012 irrigation questionnaires and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 1 and 2, 2013 in Pierre, SD. The letter should include your reasons for not completing the 2012 irrigation questionnaires. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water permits this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.

## CERTIFICATION

I hereby certify that on March 8, 2013, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 8, 2013 regarding cancellations addressed as stated below:

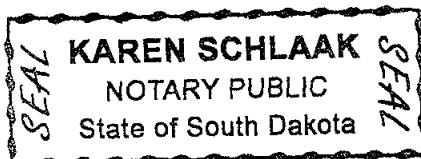
Edward Patrick Henry, PO Box 11, White Clay NE 69365 #672-2  
Richard Will, 1104 Vista Dr, Milbank SD 57252 #4084A-3  
Lane Tekrony, 47840 180<sup>th</sup> St, Clear Lake SD 57226 #2954-3  
Jeff & Jeril Kessel, 2114 Mustang Lane, Spearfish SD 57783 #508A-1  
Robert Hattum, 21744 W Bend Rd, Harrold SD 57536 #6168-3  
Cabbage Patch Ranch, Pete Reinert, 19153 Vista Pl, Howes SD 57748 #'s 1921-1 & 1922-1  
Wendell Schubloom, 20608 Hwy 25, DeSmet SD 57231 #3937-3  
Duane Rogers, 13575 383<sup>rd</sup> Ave, Aberdeen SD 57401 #2943-3  
Donald Schmidt, 19053 427<sup>th</sup> Ave, Willow Lake SD 57278 #'s 2696-3A & 4414-3  
Bruce Weyrich, 20080 145<sup>th</sup> Ave, Sturgis SD 57785 #996-1  
Burnell & Helen Gaskins, 821 Fox Run Rd, #124, Rapid City SD 57701 #953-1  
Samuel & Angela Fousek, 29972 396<sup>th</sup> Ave, Wagner SD 57380 #2323A-3  
Brink Bros, Todd Brink, 5825 7<sup>th</sup> Ave SW, Watertown SD 57201 #2717-3A

  
Gail Jacobson  
Secretary/Water Rights

[illegible]

Sworn to, before me, this 8<sup>th</sup> day of March, 2013.

Karen Schlaak  
Karen Schlaak  
Notary Public  
My Commission expires April 1, 2013





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

April 5, 2013

1921-1  
1922-1

Pete Reinert  
Cabbage Patch River Ranch LLLP  
19153 Vista Place  
Howes SD 57748

Dear Mr. Reinert

On March 7<sup>th</sup>, the Water Management Board ordered Water Permit Nos. 1921-1 and 1922-1 be suspended if the 2012 irrigation questionnaires were not received prior to April 7, 2013. Both questionnaires have now been received.

Since the irrigation questionnaires are on file, no violation has occurred and no suspensions will take place. You may irrigate during the 2013 irrigation season.

If you have any questions, please contact Genny McMath at (605) 773-3352.

Sincerely,

Jeanne Goodman, Chief Engineer  
Water Rights Program



1922-1  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 15, 2016

NOTICE

TO: CABBAGE PATCH RIVER RANCH LLLP, PETE REINERT, 19153 VISTA PLACE, HOWES, SD 57748

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1921-1 & 1922-1. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 1921-1 & 1922-1 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** 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) 1921-1 & 1922-1 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 before the **March 3, 2016** hearing 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](mailto: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.



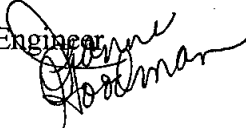
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

March 3, 2016

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER PERMITS

TO: Pete Reinert, Cabbage Patch River Ranch LLLP, 19153 Vista Place, Howes SD 57748

FROM: Jeanne Goodman, Chief Engineer, Water Rights Program 

SUBJECT: One Year Suspension of Water Permit Nos. 1921-1 and 1922-1

On March 3, 2016, the Water Management Board ordered:

**Effective April 4, 2016, Water Permit Nos. 1921-1 and 1922-1 be suspended for the 2016 irrigation season for failure to submit the 2015 irrigation questionnaires.**

**If the 2015 irrigation questionnaires are received prior to April 4, 2016, the suspension will not take effect.**

Suspension of a water permit or right means water may not be pumped during the 2016 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2016 unless the 2015 irrigation questionnaires are submitted by April 4<sup>th</sup>.

After April 4<sup>th</sup>, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2015 irrigation questionnaires and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 4-5, 2016, in Pierre, SD. The letter should include your reasons for not completing your 2015 irrigation questionnaires. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.

LAW OFFICES  
**NOONEY & SOLAY, LLP**  
632 MAIN STREET, SECOND FLOOR  
P.O. Box 8030  
RAPID CITY, SOUTH DAKOTA 57709-8030

JOHN K. NOONEY  
KURT E. SOLAY  
ROBERT J. GALBRAITH  
MARLI A. SCHIPPERS  
EMILY M. SWANSON

{Email: [john@nooneysolay.com](mailto:john@nooneysolay.com)}

TELEPHONE 605.721.5846  
FACSIMILE 605.721.5867

March 25, 2016

***VIA EMAIL ONLY***

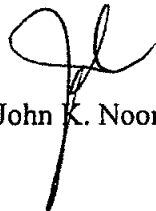
Genny McMath  
Waters Rights Program  
[Genny.McMath@state.sd.us](mailto:Genny.McMath@state.sd.us)

Re: Cabbage Patch River Ranch LLLP  
*Our File No. 16N158*

Dear Genny:

To follow up our telephone conversations and email exchange of earlier this week, I have forwarded the 2015 Water Management Board Irrigation Questionnaire on to the client. I have asked them to get back to me at their first convenience and have identified April 4<sup>th</sup> as a target date to get that done. As I generally understand your email of Wednesday, March 23, 2016, at 2:52 p.m. (MDT), to the extent they are unable to get these matters completed by April 4<sup>th</sup>, I will of course be in contact with you. Please appreciate they understand the urgency of these matters and are moving those issues forward. If I can provide you anything else or if you need any further follow-up as it concerns these matters, please feel free to contact me.

Sincerely yours,



John K. Nooney

JKN:ll

cc: Clients



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

April 6, 2016

1921-1  
1922-1

Chris Cammack  
Cammack Cattle Co  
PO Box 2  
Union Center SD 57787

RE: Cabbage Patch River Ranch LLLP

Dear Mr. Cammack:

The 2015 irrigation questionnaires for Water Permit Nos. 1921-1 and 1922-1, held by Cabbage Patch River Ranch LLLP were submitted on April 1, 2016. Thank you for helping to get the questionnaires submitted and for your assistance in updating our records with the new contact information.

The questionnaires were originally mailed in October, 2015 to Pete Reinert as manager for Cabbage Patch River Ranch LLLP. When the forms were not returned, a notice was sent to Mr. Reinert scheduling a hearing for March 3, 2016. At that time, the Water Management Board suspended both permits for a period of one year effective 30 days from the date of the hearing.

After the March 3<sup>rd</sup> hearing, we became aware the contact information we had on file was incorrect. The water permits were removed from the list of those suspended by the Board due to improper notice. With your help, the questionnaires are now on file and our records have been changed to reflect Cammack Cattle Company as the manager for the ranch.

The 2016 irrigation questionnaires will be directed to your attention in October, 2016. If you have any questions, please get in touch with me.

Sincerely,

Genny McMath  
Water Rights Program  
605 773-5455

RECEIVED

1922-1

AUG - 4 2016

WATER RIGHTS  
PROGRAM

**GUNDERSON, PALMER, NELSON & ASHMORE, LLP**

**ATTORNEYS AT LAW**

506 SIXTH STREET  
POST OFFICE BOX 8045  
RAPID CITY, SOUTH DAKOTA 57709-8045

TELEPHONE (605) 342-1078

[www.gundersonpalmer.com](http://www.gundersonpalmer.com)

ATTORNEYS LICENSED TO PRACTICE IN  
SOUTH DAKOTA, NORTH DAKOTA,  
NEBRASKA, WYOMING, MONTANA,  
MINNESOTA, KENTUCKY, AND PENNSYLVANIA

J. CRISMAN PALMER  
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DANIEL E. ASHMORE  
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TALBOT J. WIECZOREK  
DAVID E. LUST  
TERRI LEE WILLIAMS  
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JASON M. SMILEY  
QUENTIN L. RIGGINS

RONALD G. SCHMIDT  
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ANDREW J. KNUITSON  
KYLE L. WIESE  
JANA SMOOT WHITE  
TYLER C. WETERING  
NATHAN R. CHICOINE  
KATELYN A. COOK

WYNN A. GUNDERSON  
*Of Counsel*

*Writer's E-mail Address: [dlust@gpnalaw.com](mailto:dlust@gpnalaw.com)*

*Writer's Fax No.: (605) 342-9503*

August 2, 2016

PMB 2020  
DENR - Water Rights Program  
523 E. Capitol Ave.  
Pierre, SD 57501-3182

Re: Notice of Transfer of Ownership  
Water Right Permits  
GPNA File No. 12770.0003

Dear Sir/Madam:

Enclosed please find four Notices of Transfer of Ownership with attached documentation pertaining to Water Right Permits numbered 542-1, 543-1, 1921-1, and 1922-1. Also enclosed is a check drawn on my firm for \$200 to cover the filing fees for these Transfers.

It is my understanding that an irrigation water use questionnaire must be filed annually for Water Right Permits 1921-1 and 1922-1 and request that notice of the same, as well as any other communication regarding these water rights be provided to Mr. James Feist as follows:

James Feist  
P.O. Box 25  
Enning, SD 57737  
(605) 985-5501

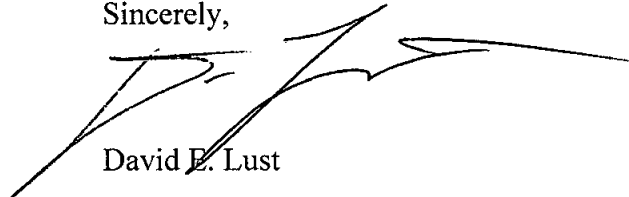
**GUNDERSON, PALMER, NELSON & ASHMORE, LLP**

August 2, 2016

Page - 2 -

Should there be any question, or if you need anything further on the transfers, please contact me.  
Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'David E. Lust', written over the printed name.

David E. Lust

DEL:bjs

Enclosures

C: Client

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/4, 20 16

RECEIVED OF Gumerson, Palmer, Nelson & Ashmore PO Box 8045 Rapid City SD 57709

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>1922-1</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. **07891**

By *James Hoalman*  
Chief Engineer

## NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

AUG - 4 2016

WATER RIGHTS  
PROGRAM

Mail to: PMB 2020  
DENR - Water Rights Program  
523 E Capitol Ave  
Pierre, SD 57501-3182

Water Right/Permit No. 1922-1Date: July 2016

I/We request that Water Right/Permit No. 1922-1 formerly owned by:  
Cabbage Patch River Ranch, LLLP be transferred to:

New Owner Name: James FeistAddress: P.O. Box 25City, State, Zip Enning SD 57737 Telephone No. 605-985-5501

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

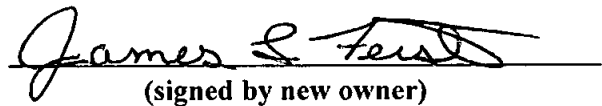
Real Property located in Section 30, Township 6 N, Range 16, EBHM, Meade County, SD totalling  
70 acres per attached document

☒ I understand that the validity of Water Right/Permit No. 1922-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 included to cover the filing fee as required by SDCL 46-2-13.

I, James Feist, the new owner, certify that the above information is true and correct.

  
(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.

# 2015 Water Management Board Irrigation Questionnaire

Please fill out and return before December 1, 2015

**REMEMBER!** Return of this questionnaire is required whether or not you irrigated this year.  
Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501 3181 ph. (605) 773 3352  
or send your form(s) electronically over the internet at <http://denr.sd.gov/iq.aspx>

Permit No. 1922-1

PETE REINERT  
CABBAGE PATCH RIVER RANCH LLLP  
19153 VISTA PLACE  
HOWES SD 57748

Any address/ownership corrections?

Email \_\_\_\_\_

Phone \_\_\_\_\_

1. Did you irrigate in 2015? \*yes ☐ \*\*no ☐

\*If yes, number of acres irrigated? \_\_\_\_\_

\*\*If no, check reason(s) for not irrigating acres covered by Permit No. 1922-1

sufficient moisture ☐ no water available ☐

system not constructed ☐ use abandoned ☐

enrolled in CRP ☐ through what year? \_\_\_\_\_

other ☐ please explain in the Comment Box:

Comment Box

2. If your answer to question No. 1 is "no," you are done!  
If you answered "yes," please complete Nos. 3, 4 & 5.

3. Did you apply chemicals or fertilizer through the system in 2015? yes ☐ no ☐

4. If more than one water source is listed below, circle each source used. A. CHEYENNE RIVER

5. Provide your water use on the back of this form.



Office use only

Acreage permitted for irrigation under No. 1922-1

(see above section map for help reading legal descriptions)

sec 30-T006N-R16E, NE1/4NW1/4 - 18.00 acres

sec 30-T006N-R16E, NW1/4NE1/4 - 30.00 acres

sec 30-T006N-R16E, NE1/4NE1/4 - 22.00 acres

Please provide your 2015 water use to irrigate the above acreage on the REVERSE side of this form.

For an example of a completed questionnaire, please refer to the reverse side of your cover letter.

DUE DILIGENCE000383

Type of system used: center pivot ☐ towline ☐ big gun ☐ flood ☐ sprinklers ☐ other \_\_\_\_\_  
 (check all that apply) If center pivot, how many? \_\_\_\_ Please note, pivots need end gun stops to prevent overspray!  
 If more room is needed, copies of this page may be made or complete blank pages and attach to this form.

| MONTH IRRIGATED | CROP TYPE | *NUMBER OF ACRES IRRIGATED | PUMP RATE IN GALLONS PER MINUTE | DAYS PER MONTH WATER WAS APPLIED | AVERAGE HOURS PER DAY |
|-----------------|-----------|----------------------------|---------------------------------|----------------------------------|-----------------------|
| MARCH           |           |                            |                                 |                                  |                       |
|                 |           |                            |                                 |                                  |                       |
|                 |           |                            |                                 |                                  |                       |
|                 |           |                            |                                 |                                  |                       |
| APRIL           |           |                            |                                 |                                  |                       |
|                 |           |                            |                                 |                                  |                       |
|                 |           |                            |                                 |                                  |                       |
|                 |           |                            |                                 |                                  |                       |
| MAY             |           |                            |                                 |                                  |                       |
|                 |           |                            |                                 |                                  |                       |
|                 |           |                            |                                 |                                  |                       |
|                 |           |                            |                                 |                                  |                       |
| JUNE            |           |                            |                                 |                                  |                       |
|                 |           |                            |                                 |                                  |                       |
|                 |           |                            |                                 |                                  |                       |
|                 |           |                            |                                 |                                  |                       |
| JULY            |           |                            |                                 |                                  |                       |
|                 |           |                            |                                 |                                  |                       |
|                 |           |                            |                                 |                                  |                       |
|                 |           |                            |                                 |                                  |                       |
| AUGUST          |           |                            |                                 |                                  |                       |
|                 |           |                            |                                 |                                  |                       |
|                 |           |                            |                                 |                                  |                       |
|                 |           |                            |                                 |                                  |                       |
| SEPTEMBER       |           |                            |                                 |                                  |                       |
|                 |           |                            |                                 |                                  |                       |
|                 |           |                            |                                 |                                  |                       |
|                 |           |                            |                                 |                                  |                       |
| OCTOBER         |           |                            |                                 |                                  |                       |
|                 |           |                            |                                 |                                  |                       |
|                 |           |                            |                                 |                                  |                       |
|                 |           |                            |                                 |                                  |                       |

\*Total number of acres irrigated should be the same as your answer in question No. 1 on reverse side of this form.

Prepared by: Marli A. Schippers  
Nooney & Solay, LLP  
P.O. Box 8030  
Rapid City, SD 57709  
(605) 721-5846

### WARRANTY DEED

Cabbage Patch River Ranch, LLLP, a South Dakota limited liability limited partnership, Grantor, of 1020 Lake Sumter Landing, The Villages, FL 32162, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, grants, conveys and warrants to James Feist, Grantee, of P.O. Box 25, Enning, SD 57737, the following described real estate in the County of Meade, in the State of South Dakota:

Township 6 North, Range 15 East of the Black Hills Meridian, Meade County,

South Dakota:

Section 1: SW1/4NW1/4; W1/2SW1/4; and SE1/4SW1/4  
Section 2: Lots 1, 2 and 3; SE1/4NW1/4; E1/2SW1/4; S1/2NE1/4; and SE1/4  
Section 11: NE1/4NW1/4; S1/2NW1/4; NE1/4; E1/2SW1/4; and SE1/4  
Section 12: NW1/4; W1/2NE1/4; and S1/2  
Section 13: All  
Section 14: NE1/4; E1/2SE1/4  
Section 24: All  
Section 25: Lots 1, 2, 3 and 4; and N1/2

Township 7 North, Range 15 East of the Black Hills Meridian, Meade County,

South Dakota:

Section 9: W1/2  
Section 14: W1/2SE1/4; and SW1/4  
Section 15: S1/2N1/2; and S1/2  
Section 16: All  
Section 21: E1/2; and E1/2SW1/4  
Section 22: All  
Section 23: W1/2; NE1/4; and E1/2SE1/4  
Section 24: NE1/4NW1/4; S1/2NW1/4; and SW1/4  
Section 25: NW1/4; and E1/2SW1/4  
Section 26: E1/2NE1/4; SW1/4; and W1/2SE1/4  
Section 27: W1/2; W1/2E1/2; and E1/2SE1/4  
Section 35: W1/2E1/2; NE1/4NW1/4; and E1/2SW1/4  
Section 36: All

Township 6 North, Range 16 East of the Black Hills Meridian, Meade County,  
South Dakota:

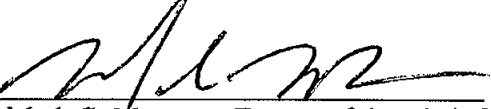
Section 5: S1/2; SE1/4NE1/4; and SW1/4NW1/4  
Section 6: N1/2SE1/4  
Section 8: NE1/4  
Section 18: Lot 4; SE1/4SW1/4; and SE1/4  
Section 19: Lots 1, 2, 3 and 4; E1/2W1/2; and E1/2  
Section 30: Lots 1 and 2; E1/2NW1/4; and NE1/4

Subject to easements, restrictions, covenants, reservations, and rights-of-way of record, if any.

Transfer Fee: \$ \_\_\_\_\_

Dated this 28<sup>th</sup> day of July, 2016.

CABBAGE PATCH RIVER RANCH, LLLP

By:   
Mark G. Morse, as Trustee of the Mark G.  
Morse Ranch Trust - General Partner

STATE OF FLORIDA )  
 )SS  
COUNTY OF SUMTER )

On this 26 day of JULY, 2016, before me, the undersigned officer, personally appeared Mark G. Morse, as Trustee of the Mark G. Morse Ranch Trust, known to me or satisfactorily proven to be a General Partner of Cabbage Patch River Ranch, LLLP, and acknowledged that, being so authorized, he executed the same in the capacity and for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



  
Notary Public – State of FLORIDA  
My Commission Expires: 7/29/2017



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

August 4, 2016

James Feist  
PO Box 25  
Enning SD 57737-0025

RE: Water Right Nos. 542-1, 543-1, 1921-1 and 1922-1

Dear Mr. Feist:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted on your behalf by Gunderson, Palmer, Nelson & Ashmore Law Firm in Rapid City.

The ownership changes have been completed. Water Right Nos. 542-1, 543-1, 1921-1 & 1922-1 formerly held by Cabbage Patch River Ranch LLLP are now listed in your name.

For informational purposes, each October our program mails out irrigation questionnaires to water right holders in South Dakota who utilize pumping systems. The forms are typically due back in our office by the first week in December. I have enclosed a copy of last years' forms for your review and to give you an idea of what type of information is required. The actual forms you will need to complete and return will be mailed to you in October.

If you have any questions concerning the water rights, please give me a call.

Sincerely,

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

c: David Lust, Gunderson, Palmer, Nelson & Ashmore LLP (with receipts)

## Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 1922-1

I have this day, Aug 12, 2016 made a thorough examination of the water use system constructed by Jim Feist, 18535 Torchlight Place, White Owl, SD 57792 of Permit No. 1922-1, bearing priority of 1/25/2011 authorizing the diversion of 1.0 cu. ft. per second of water of a Cheyenne River well for irrigation purposes in Meade County.

Inspection contact & relationship to permit holder : **Jim Feist, owner**  
**605-985-5501**

### A. Works used to divert the water:

#### Pump:

- 1) Make American Marsh
- 2) Model 8KS
- 3) Size 6 stage turbine
- 4) Capacity 200 gpm

#### Power:

- 1) Source Electric
- 2) Horsepower rating 10 hp

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

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 1,955 feet

### C. Works used to apply water to beneficial use:

#### Center Pivot #1 (west)

- 1) Make Reineke
- 2) Pipe length 669 feet
- 3) Number of towers 4 End Gun 81.9 ft.
- 4) Capacity 200 gpm
- 5) Acres 20.3 ac. (half circle)

#### Center Pivot #2 (east)

- Make Reineke
- Pipe length 745 feet
- Number of towers 4 End Gun 81.8 ft.
- Capacity 200 gpm
- Acres 16.5 (1/3 circle)

**D. Chemigation Equipment:**

- 1) Does chemigate: No

**E. Compliance with Permit Requirements:**

- 1) Permit qualifications being abided by Yes  
2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes  
3) List any extended period of nonuse: none  
4) Exceptions to compliance are: none

**F. Condition and Location:**

1. The system is in good condition with the point of diversion located as follows:  
1,461' S and 1,438' W of the NE corner Section 30 T6N R16E ( 44.455012, - 102.227373).
2. The works are capable of diverting and conveying to the place of use 0.45 cu. ft. per second of water (200 gpm) which is to be used for sprinkler irrigation. Water has been put to beneficial use to the maximum extent as follows:

Section 19 T6N R16E:  
SW ¼ SE ¼ 0.3 acres

Section 30 T6N R16E:  
NE ¼ NW ¼ 9.9 acres  
NW ¼ NE ¼ 20.1 acres  
NE ¼ NE ¼ 6.3 acres  
SE ¼ NW ¼ 0.2 acres

comprising a total of 36.8 acres of land and the license should be issued for 0.45 cfs.  
All structures, wells and lands on map: Yes

**G. Comments or other permits associated with the project:**

The pivots are not operated simultaneously. The permit holder also holds permit # 1921-1 with priority date of 1/25/2011 authorizing a Cheyenne River well for sprinkler irrigation, vested right #542-1 authorizing diversion from Pine Creek for water spreading, and vested right #543-1 authorizing diversion from Tee Pee creek for water spreading.



Steven Quissell  
Water Rights Inspector  
DENR, Water Rights Program

Date report completed: 8/15/2016

## Licensing of Acreage Outside of Permitted Area

**NAME:** James Feist

**ADDRESS:** 18535 Torchlight Place, White Owl SD 57792

**DATE:** August 17, 2016      **COUNTY:** Meade      **TELEPHONE:** (605) 985-5501

### AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

### **NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:**

The acreage developed for irrigation is 36.8 acres as compared to 70 acres authorized by the permit. Licensing of the permit will result in no increase in the amount of water appropriated.

### **UNPERMITTED ACREAGE:**

- **Contiguous to Permitted Acreage**

0.3 acres located in Section 19 and 0.2 acres located in Section 30; all in T006N-R16E.

- **Owned by Same Property Owner**

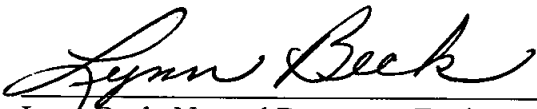
YES

- **Developed Prior to Expiration of Construction Period**

YES

### RECOMMENDED ACTION

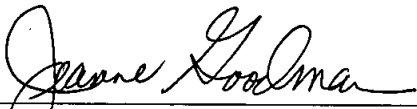
Based on the above criteria, it is recommended that the <sup>0.5</sup># acre area<sup>s</sup> be included in the water license.



Lynn Beck, Natural Resources Engineer III  
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Jeanne Goodman, Chief Engineer  
Water Rights Program

Department of Environment and Natural Resources



20.3 acre west pivot



16.5 acre east pivot



Turbine pump serving both east and west pivots -  
PVC pipe in foreground is routed to unused center  
pivot pad

An aerial photograph of a river with rapids and a dam in the background. The text is overlaid on the image.

**Water Right # 1921-1 and # 1922-1**  
**Jim Feist**  
**8/12/2016**

Sec 24  
T006N  
R15E

Sec 19  
T006N  
R16E

Sec 20  
T006N  
R16E

SW SE S24  
7.9 ac.

SE SE S24  
4.4 ac.

SW SE S19  
0.3 ac.

16.5 ac. pivot

20.3 ac. pivot

NW NE S30  
20.1 ac.

NE NE S30  
6.3 ac.

pivot pad (unused)  
a 4 tower pivot was originally  
installed here and later moved

Permit # 1922-1  
Cheyenne River Well  
Lat: 44.455012  
Lon: -102.227373

NE NW S25  
10.4 ac.

NW NE S25  
39.4 ac.

NE NE S25  
35.1 ac.

NW NW S30  
0.4 ac.

NE NW S30  
9.9 ac.

Sec 25  
T006N  
R15E

SE NW S25  
8.5 ac.

SW NE S25  
39.1 ac.

SE NE S25  
33.2 ac.

SW NW S30  
0.3 ac.

SE NW S30  
0.2 ac.

183.7 ac. pivot

NW SE S25  
3.5 ac.

NE SE S25  
1.5 ac.

Permit #1921-1  
Cheyenne River well  
Lat: 44.451328  
Lon: -102.244982

Sec 30  
T006N  
R16E

Sec 29  
T006N  
R16E

Sec 36  
T006N  
R15E

Sec 31  
T006N  
GeoEye  
N 15E

Sec 32  
T006N  
AEX  
R16E

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community

*James J. Quinn*

**Steven Quissell**  
**Water Rights Inspector**  
**DENR Water Rights Program**



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

October 11, 2016

1921-1  
1922-1

James Feist  
PO Box 25  
Enning SD 57735-0025

Dear Mr. Feist:

Enclosed are Water License Nos. 1921-1 and 1922-1. These are the final water right documents completing your process of obtaining Water Rights. Included with each license is a map prepared by the staff engineer who conducted the field investigation.

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.

Sincerely,

A handwritten signature in black ink that reads "Jeanne Goodman". The signature is fluid and cursive, with the first name "Jeanne" being more prominent than the last name "Goodman".

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

enclosures

**STATE OF SOUTH DAKOTA**  
**WATER LICENSE NO. 1922-1**

(1) Cabbage Patch River Ranch LLC, Howes SD made Application No. 1922-1, January 25, 2011 for a water permit to divert 1.0 cubic feet of water per second from the Cheyenne River, Meade County, South Dakota for irrigation purposes. Permit No. 1922-1, with a priority date of January 25, 2011 was approved May 2, 2011 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 2, 2016 and for the application to beneficial use of water on or before May 2, 2020.

On August 4, 2016, Water Permit No. 1922-1 was transferred to James Feist, PO Box 25, Enning SD 57735.

An investigation conducted for licensing purposes found acreage developed for irrigation outside of the area described on the permit. Pursuant to SDCL 46-5-30.5, the Chief Engineer makes a finding that existing water rights will not be impaired and the overall project, as developed, is consistent with the original application.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 1922-1 is issued a license, bearing a priority date of January 25, 2011 to appropriate 0.45 cubic feet of water per second from the Cheyenne River to irrigate 36.8 acres.

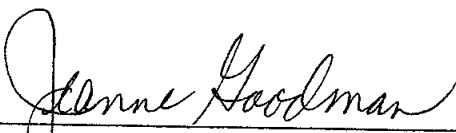
The diversion point is located: 1,461 feet S and 1,438 feet W of the NE corner of Section 30-T6N-R16E SW 1/4 NE 1/4. The acres authorized for irrigation are as follows:

| <u>Section 19-T6N-R16E</u> |           | <u>Section 30-T6N-R16E</u> |            |
|----------------------------|-----------|----------------------------|------------|
| SW 1/4 SE 1/4              | 0.3 acres | NE 1/4 NW 1/4              | 9.9 acres  |
|                            |           | NW 1/4 NE 1/4              | 20.1 acres |
|                            |           | NE 1/4 NE 1/4              | 6.3 acres  |
|                            |           | SE 1/4 NW 1/4              | 0.2 acres  |

Total 36.8 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1922-1 including the following qualifications:

- Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed. Diversion under this permit shall be in accordance with any written orders issued by the Chief Engineer.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

  
\_\_\_\_\_  
Jeanne Goodman, Chief Engineer  
Water Rights Program  
Department of Environment and Natural Resources

**OCT 11 2016**  
\_\_\_\_\_  
date





1922-1

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

December 12, 2017

1922-1

James Feist  
PO Box 25  
Enning SD 57737

Dear Mr. Feist:

Thank you for sending in the 2017 irrigation questionnaire for Water Right No. 1922-1. Water Right No. 1922-1 authorizes diversion of water from the Cheyenne River to irrigate 36.8 acres located in the N 1/2 NE 1/4, E 1/2 NW 1/4 Section 30 and SW 1/4 SE 1/4 Section 19; all in T6N-R16E.

On the form, you checked the box "use abandoned". You commented the REA had disconnected power to both the small pivots. Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water permit.

If the use has been abandoned and you do not intend to irrigate in the future, the water right could be scheduled for cancellation consideration. Prior to doing that, I wanted to touch base with you to verify your intentions regarding the water right.

Please take a few minutes and give me a call concerning the water right. Thank you in advance for your help.

Sincerely,

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

# 2017 Water Management Board Irrigation Questionnaire

Please fill out and return before **December 1, 2017**

**REMEMBER! Return of this questionnaire is required whether or not you irrigated this year.**

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501 3181 ph. (605) 773 3352  
or send your form(s) electronically over the internet at <http://denr.sd.gov/iq.aspx>

**Permit No. 1922-1**

JAMES FEIST  
PO BOX 25  
ENNING SD 57737 0025

1. Did you irrigate in 2017? \*yes ☐ \*\*no ☒

\*If yes, number of acres irrigated? \_\_\_\_\_

\*\*If no, check reason(s) for not irrigating acres covered by Permit No. 1922-1

sufficient moisture ☐ no water available ☐

system not constructed ☐ use abandoned ☒

enrolled in CRP ☐, through what year? \_\_\_\_\_

other ☐, please explain in the Comment Box:

## Comment Box

Had REA disconnect  
Power to both small  
Pivots

**Any address/ownership corrections?**

Email \_\_\_\_\_

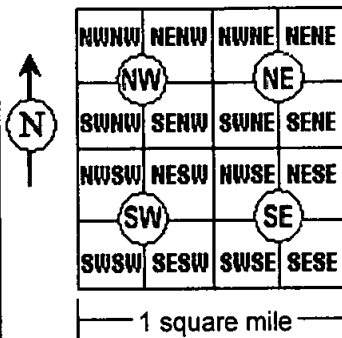
Phone \_\_\_\_\_

2. If your answer to question No. 1 is "no," you are done!  
If you answered "yes," please complete Nos. 3, 4 & 5.

3. Did you apply chemicals or fertilizer through the system in 2017? yes ☐ no ☐

4. If more than one water source is listed below, circle each source used. A. CHEYENNE RIVER

5. Provide your water use on the back of this form.



Office use only

RECEIVED

NOV 27 2017

WATER RIGHTS  
PROGRAM

**Acreage permitted for irrigation under No. 1922-1**

(see above section map for help reading legal descriptions)

sec 30-T006N-R16E, NE1/4NW1/4 - 9.90 acres

sec 30-T006N-R16E, NW1/4NE1/4 - 20.1 acres

sec 30-T006N-R16E, NE1/4NE1/4 - 6.30 acres

sec 30-T006N-R16E, SE1/4NW1/4 - 0.20 acres

sec 19-T006N-R16E, SW1/4SE1/4 - 0.30 acres

*last used in 2013  
was licensed in 2016*

Please provide your 2017 water use to irrigate the above acreage on the REVERSE side of this form.