

WATER PERMIT NO. 1985-1

Name of Applicant: Hostler Farms

Address: 39886 252nd St, Mt Vernon SD 57363

Phone: 605 770-1321

Amount of Water Claimed: no add'l

Total Acres: 28.7 acres

Source of Water Supply: Belle Fourche River

Water to be used for: irrigation

County: Butte

Type of Waste Disposal System:

Location: 5 miles southwest of Newell

PRIORITY

Date Received: 9-7-18

Application/License Fee: \$ 500

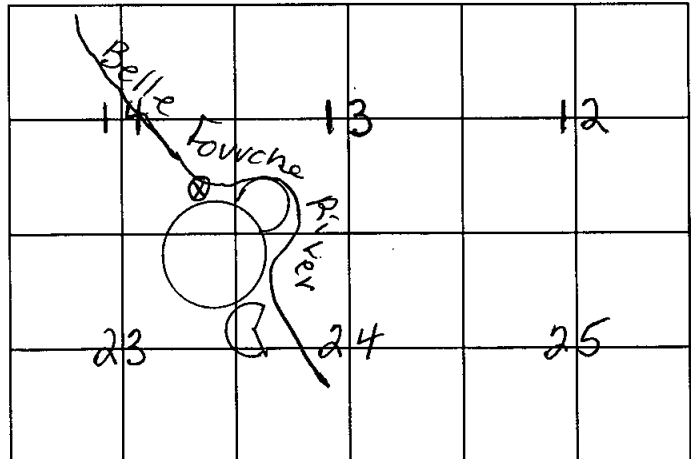
Corrected Application Received:

Period of Annual Use: April 1 – October 31

Remarks: Additional acres to what was authorized by Water Permit No. 1952-1

Diversion Point: SE 1/4 SE 1/4 Sec 14-T8N-R5E

Land to be Irrigated: SW 1/4 SW 1/4 Sec 13, S 1/2
SE 1/4 Sec 14, N 1/2 NE 1/4, SE 1/4 NE 1/4 Sec
23, W 1/2 NW 1/4, NW 1/4 NW 1/4 Sec 24; all in
T8N-R5E



Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Steven Quissell

Reviewed and the Number Assigned on: 9-10-18

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>1985-1</u> (office use only) Hydrologic Unit <u>10120202</u>
	Basin <u>Belle Fourche River</u>
	Newspaper <u>Black Hills Pioneer, Spearfish</u>

RECEIVED
SEP 07 2018
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.)

additional acres to what is authorized by Water Permit No. 1952-1

1. Name to Appear on Irrigation Permit Hostler Farms % Travis Hostler

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address 39886 252nd Street Mt Vernon SD 57363
(Address) (City) (State) (Zip Code)

Phone _____ Mobile 770-1321 Email _____

2. Amount of water claimed no add'l *CFS or ***GPM ***AF Total Acreage 28.7
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Belle Fourche River

4. Location of point of diversion SE 1/4 SE 1/4 Section 14-T008N-R05E
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County Butte

5. County or counties where water will be used Butte

6. Annual period during which water is to be used April 1 - October 31

7. 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
land under No. 1952-1 and this application		NW 1/4 NE 1/4 Sec 23-T008N-R05E	11.2
SW 1/4 SW 1/4 Sec 13-T008N-R05E	33.3	NE 1/4 NE 1/4 Sec 23-T008N-R05E	40
SW 1/4 SE 1/4 Sec 14-T008N-R05E	3.5	SE 1/4 NE 1/4 Sec 23-T008N-R05E	14.4
SE 1/4 SE 1/4 Sec 14-T008N-R05E	23.3	NW 1/4 NW 1/4 Sec 24-T008N-R05E	24.3

8. Give a description of the project. (Attach sheet if more space is needed)

SW 1/4 NW 1/4 Sec 24-T008N-R05E - 14.6 acres NW 1/4 SW 1/4 Sec 24-T008N-R05E - 1.1 acres

A water right inspection conducted August 15, 2018 found that 28.7 additional acres were developed that what was authorized by Permit No. 1952-1. This application seeks to add the additional acres and specify the legal location of the developed acreage.

I, Travis Hostler, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

SOUTH DAKOTA
WATER PERMIT NO. 1985-1

Date of first receipt of application September 7, 2018.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1985-1 to Hostler Farms, c/o Travis Hostler, 39886 252nd St. Mt. Vernon SD 57363 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. 1985-1 authorizes irrigation of 28.7 additional acres. Water Permit No. 1952-1 appropriates 1.96 cubic feet of water per second (cfs) from the Belle Fourche River with the developed pump site located in the SE 1/4 SE 1/4 Section 14 for irrigation of 137 acres located in the SE 1/4 SE 1/4 Section 14, SW 1/4 SW 1/4 Section 13, N 1/2 NE 1/4, SE 1/4 NE 1/4 Section 23 and the W 1/2 NW 1/4 Section 24; all in T8N-R5E. An investigation of the permit found the system irrigating an additional 28.7 acres located within the area described above and the SW 1/4 SE 1/4 Section 14 and the NW 1/4 SW 1/4 Section 24; all in T8N-R5E which is approximately 5 miles southwest of Newell SD. This permit and Water Permit No. 1952-1 will authorize a total of 1.96 cfs for irrigation of 165.7 acres to reflect the system as developed.
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: April 1 – October 31.
3. The date from which applicant may claim right is September 7, 2018 (additional 28.7 acres).
4. The date of approval of Permit No. 1985-1 is October 15, 2018.
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. Diversion under this permit shall be in accordance with written orders issued by the Chief Engineer.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: *Jeanne Goodman*

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

OCT 17 2018

date



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1985-1

(1) Hostler Farms, c/o Travis Hostler, 29886 252nd St, Mt. Vernon SD 57363 made Application No. 1985-1, September 7, 2018 for additional acres to Water Permit No. 1952-1 from the Belle Fourche River, Butte County, South Dakota for irrigation purposes. Permit No. 1985-1, with a priority date of September 7, 2018 was approved October 15, 2018 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

Water Permit No. 1952-1, with an April 9, 2015 priority date, authorizes 1.96 cubic feet of water per second from the Belle Fourche River. The applicable portions of No. 1952-1 are incorporated into Water License No. 1985-1.

(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 Incorporated Water Right No. 1985-1 is issued a license, bearing priority dates of April 9, 2015 (137 acres and 1.96 cfs) and September 7, 2018 (28.7 acres) to appropriate 1.96 cubic feet of water per second from the Belle Fourche River to irrigate 165.7 acres.

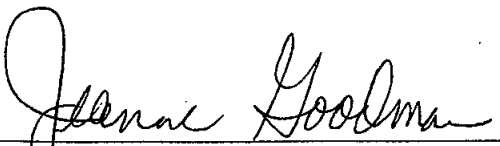
The diversion point is located: 1,150 feet N and 1,110 feet W of the SE corner of Section 14-T8N-R5E (SE 1/4 SE 1/4) Latitude 44.651214 Longitude -103.471393 The acres authorized for irrigation are as follows:

<u>Sec 13-T8N-R5E</u>	<u>Sec 14-T8N-R5E</u>	<u>Sec 23-T8N-R5E</u>	<u>Sec 24-T8N-R5E</u>
SW 1/4 SW 1/4 33.3 ac	SW 1/4 SE 1/4 3.5 ac	NW 1/4 NE 1/4 11.2 ac	NW 1/4 NW 1/4 24.3 ac
	SE 1/4 SE 1/4 23.3 ac	NE 1/4 NE 1/4 40.0 ac	SW 1/4 NW 1/4 14.6 ac
		SE 1/4 NE 1/4 14.4 ac	NW 1/4 SW 1/4 1.1 ac

Total 165.7 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit No. 1985-1 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 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 17 2018

date



Report of Examination of Works and/or Application of Water to Beneficial Use For Permits No. 1952-1

I have this day Aug 15, 2018 made a thorough examination of the water use system constructed by Hostler Farms, % Travis Hostler, 39886 252nd St., Mt. Vernon SD 57363 of Permit No. 1952-1, bearing the priority of 4/9/2015 authorizing the diversion of 1.96 cu. ft. per second of water of the Belle Fourche River for irrigation purposes in Butte County.

Inspection contact & relationship to permit holder : **Larry Hostler , manager**
605-933-0869 (cell)

A. Works used to divert the water:

Pump:

- 1) Make Berkeley
- 2) Model 6JR-CCW
- 3) Size 8 x 6 trailer mounted centrifugal
- 4) Capacity 880 gpm @ 100' TDH, 1340 rpm

Power:

- 1) Source Diesel
- 2) Horsepower rating 30 hp

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

- 1) Type PVC pipe
- 2) Size 6 and 10 inches
- 3) Length 5,040 feet

C. Works used to apply water to beneficial use:

Pivot No. <u>#1</u>	<u>#2</u>	<u>#3</u>
1) Make <u>T & L</u>	Make <u>T & L</u>	Make <u>T & L</u>
2) Machine length <u>660</u> feet	Machinge length <u>1,241</u> feet	Machine length <u>512</u> feet
3) Towers <u>4</u> End Gun <u>Yes</u>	Towers <u>7</u> End Gun <u>Yes</u>	Towers <u>5</u> End Gun <u>Yes</u>
4) Capacity <u>450</u> gpm	Capacity <u>880</u> gpm	Capacity <u>350</u> gpm
5) Acres <u>22.5</u> (part circle)	Acres <u>128</u> (full circle)	Acres <u>15.2</u> (part circle)
Comment: Pivots 1 & 3 are operated simultaneously		

D. Chemigation Equipment: operator does not chemigate

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

Report of Examination of Works

Permit No. 1952-1



Pivot No. 2



Pivot No. 3



Supply line from river and manifold piping to each of the three pivots (in foreground) at No. 2 pivot



Belle Fourche Irrigation District wasteway pond with embankment washed out. This was the supply source for gravity irrigation when the acreage was supplied by the Irrigation District. The pond is no longer used for irrigation supply.

F. Condition and Location:

1. The system is in good condition with the point of diversion located as follows:
1,150' N and 1,110' W of the SE corner Section 14 T8N R5E (44.651214, -103.471393).
2. The works are capable of diverting and conveying to the place of use 1.96 cu. ft. per second of water (880 gpm) which is to be used for sprinkler irrigation. Water has been put to beneficial use to the maximum extent as follows:

<u>S 13 T8N R5E:</u>	<u>S 14 T8N R5E:</u>	<u>S23 T8N R5E</u>	<u>S24 T8N R5E</u>
SW ¼ SW ¼ 33.3 ac.	SW ¼ SE ¼ 3.5 ac.	NW ¼ NE ¼ 11.2 ac.	NW ¼ NW ¼ 24.3 ac.
	SE ¼ SE ¼ 23.3 ac.	NE ¼ NE ¼ 40.0 ac.	SW ¼ NW ¼ 14.6 ac.
		SE ¼ NE ¼ 14.4 ac.	NW ¼ SW ¼ 1.1 ac.

comprising a total of 165.7 acres of land and the license should be issued for 1.96 cfs.

All structures, wells and lands on map: Yes

G. Comments or other permits associated with the project: Permit No. 1952-1 appropriated 1.96 cfs for irrigation of 137 acres in the SW ¼ S13, SE ¼ S14, NE ¼ S23, NW ¼ S24 and SW ¼ S24 all in T8N R5E. The system as developed covers 165.7 acres. The permit holder needs to file an application for an additional 28.7 acres with no increase in diversion rate.



Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: 8/20/2018

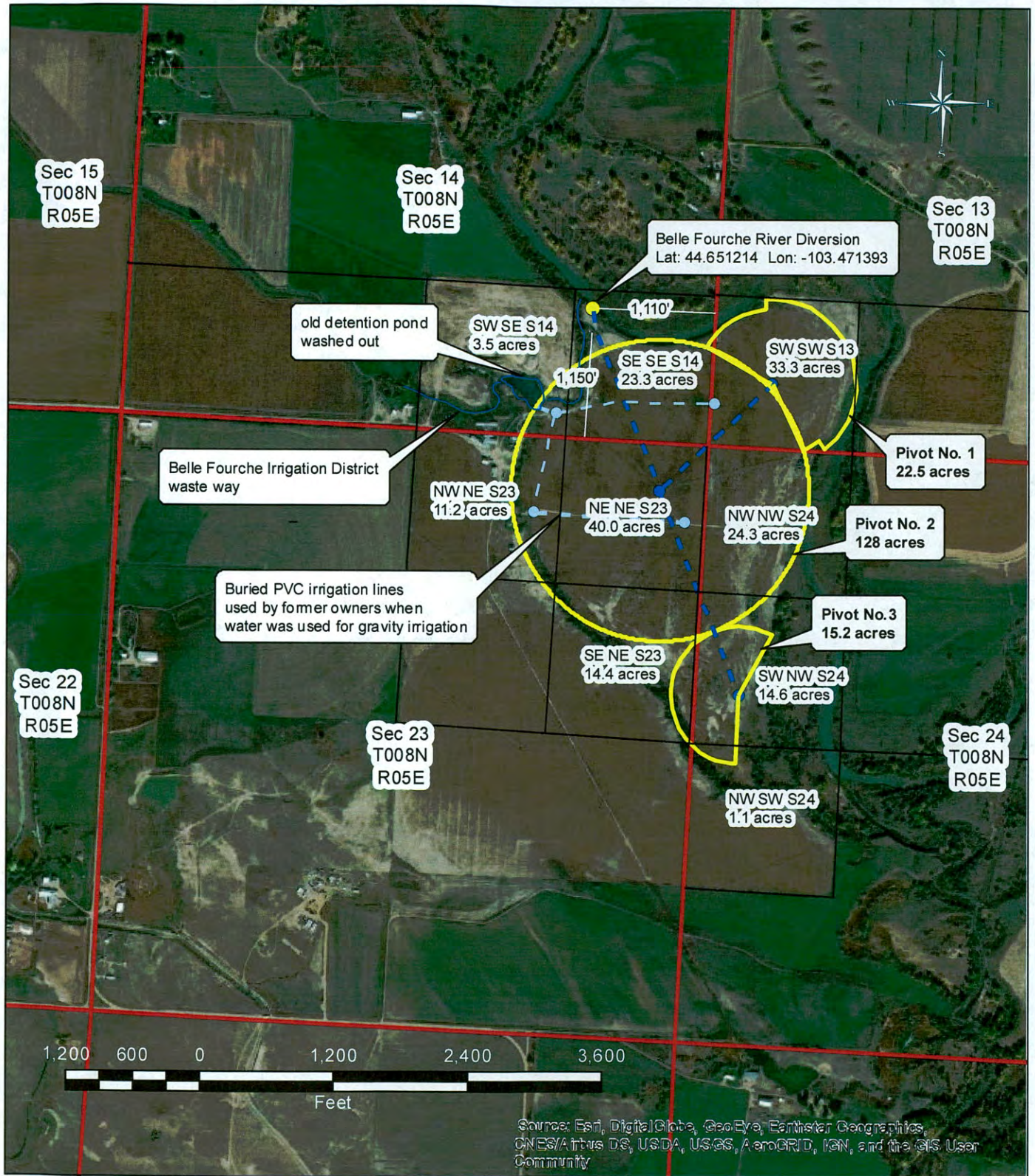


Belle Fourche diversion site and pump



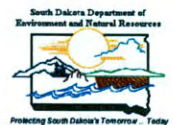
Pivot No. 1

**Water Right #1952-1
Hostler Farms
8/13/2018**



Steven Quissell

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

denr.sd.gov

August 29, 2018

Travis Hostler
Hostler Farms
39886 252nd Street
Mt Vernon SD 57363

Dear Mr. Hostler:

Hostler Farms obtained Water Permit No. 1952-1 in 2015 to appropriate 1.96 cubic feet of water per second (880 gpm) from the Belle Fourche River to irrigate 137 acres in Butte County. A water right inspector conducted an on-site investigation of the system to determine the level of development for licensing purposes. The inspector found that 165.7 acres were developed for irrigation. This is 28.7 acres more than what is authorized by Permit No. 1952-1. A map is enclosed showing what was found to be irrigated

Enclosed is a partially completed application form for you to review and if in agreement sign and return in the self-addressed stamped envelope along with the application filing fee of \$500. Once DENR's review of the application is complete, the application will need to be public noticed at your expense. DENR will walk you through the public notice process when we get to that point.

Please do not hesitate to contact me if you have questions or disagree with the number of acres developed for irrigation.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 7, 20 18

Hostler Farms LLC 39886 252nd St Mount Vernon 57363

RECEIVED OF _____

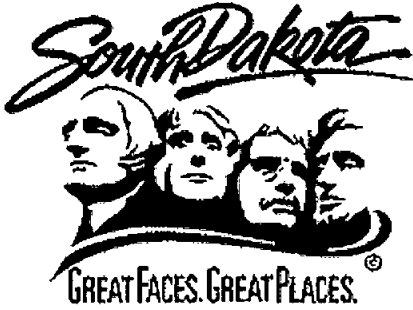
The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>1985-1</u> to Appropriate Water, to construct and to put water to beneficial use	500	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 _____		
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	500 00

No. **08758**

By

Jeane Goodman
Chief Engineer
JH



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

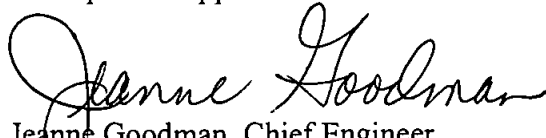
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1985-1, Hostler Farms**

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. 1985-1, Hostler Farms, c/o Travis Hostler, 39886 252nd Street, Mt Vernon SD 57363.

The Chief Engineer is recommending APPROVAL of Application No. 1985-1 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.
2. Diversion under this permit shall be in accordance with written orders issued by the Chief Engineer.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


Jeanne Goodman, Chief Engineer
September 27, 2018

REPORT ON WATER PERMIT APPLICATION NO. 1985-1

Hostler Farms

September 26, 2018

Application No. 1985-1, proposes to irrigate 28.7 additional acres. Water Permit No. 1952-1 appropriates 1.96 cubic feet of water per second (cfs) from the Belle Fourche River located in the SE 1/4 SE 1/4 Section 14 for irrigation of 137 acres located in the SE 1/4 SE 1/4 Section 14, SW 1/4 SW 1/4 Section 13, N 1/2 NE 1/4, SE 1/4 NE 1/4 Section 23 and the W 1/2 NW 1/4 Section 24; all in T8N-R5E. An investigation of the permit found the system irrigating an additional 28.7 acres located within the area described above and the SW 1/4 SE 1/4 Section 14 and the NW 1/4 SW 1/4 Section 24; all in T8N-R5E. This application, if approved and Water Permit No. 1952-1 will authorize a total of 1.96 cfs for irrigation of 165.7 acres to reflect the system as developed. The project is located in Butte County approximately 5 miles southwest of Newell SD.

Review of the Proposed Project

Water Rights staff inspector Steve Quissell completed a water permit inspection of Water Permit No. 1952-1 for licensing on August 15, 2018. The inspection found the irrigation system had been constructed and placed into use, but was irrigating 28.7 acres more than what was authorized. This application is to rectify this by increasing the number of acres authorized to be irrigated. There is no request to increase the authorized diversion rate.

Review of the Proposed Water Source

The Belle Fourche River headwaters in northeast Wyoming and flows northeast around the northern edge of the Black Hills of South Dakota then east to the Cheyenne River confluence north of Wasta, South Dakota, for an approximate distance of 290 river miles. Included in this stretch is the Belle Fourche Reservoir, which is part of the United States Department of the Interior's Belle Fourche Project. This project was completed in 1914 and includes a diversion dam, storage dam and a system of canals that irrigate 57,068 acres within the Belle Fourche Irrigation District located in southern Butte County in western South Dakota.

United States Geological Survey (USGS) maintains stream flow gaging stations on the Belle Fourche River near Sturgis, SD (Figure 1). This application is to increase acres for an existing irrigation project located within the external boundaries of the Belle Fourche Irrigation District in the river reach 45 miles upstream of the Sturgis gage. This gage is located downstream of several Belle Fourche Irrigation District waste ways and tributaries such as Owl and Horse Creeks. This project is located approximately 1 mile downstream from the confluence of Owl Creek with the Belle Fourche River. Large portions of the water in the reach of the river where

this irrigation project is located consist of irrigation return flows coming from the Belle Fourche Irrigation District during the irrigation season.

Unlike a typical prairie river with flows peaking in the March and April with snow melt and spring rains then trailing off throughout the summer months into fall, flow in the Belle Fourche River in this reach is affected by irrigation runoff. The impact of the irrigation return water can be observed in Figure 1 with a large increase in the flows during the months of May through September. Because the amount of water or method of irrigation can change from one season to the next, return flows should not be expected to provide a reliable supply of water.

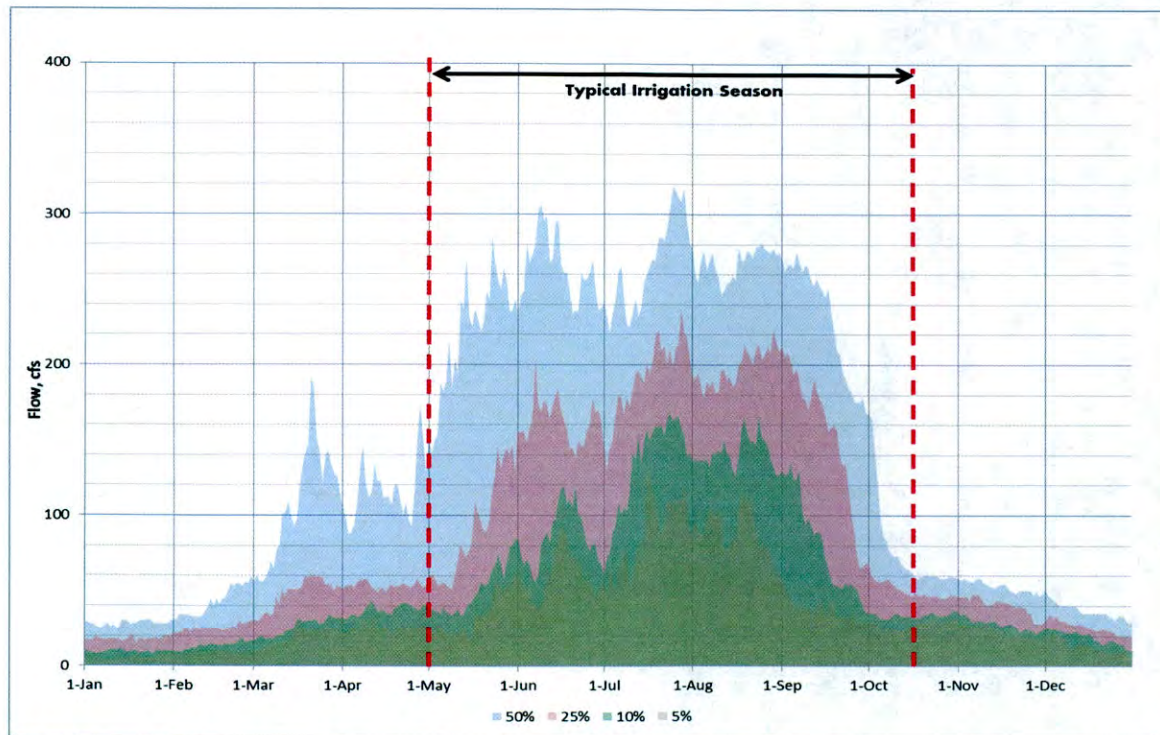


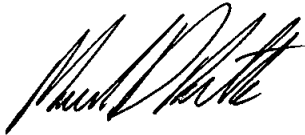
Figure 1. Daily percentile flow hydrographs for the USGS Belle Fourche River near Sturgis, 1953-2017, contributing drainage area 5798 mi² (USGS, 2018).

Review of Existing Water Rights

There are 89 existing water rights/permits appropriating 1668.24 cfs from the Belle Fourche River in South Dakota. This includes the US Bureau of Reclamation's water right for the diversion of up to 1440 cfs for use by the Belle Fourche Irrigation District. There are 56 existing water rights/permits appropriating 166.51 cfs from the Belle Fourche River located downstream from this project's diversion point to the confluence with the Cheyenne River. Except during severe drought conditions in the Belle Fourche River Basin, historical USGS stream flow data indicates that approving this permit likely would not adversely impact existing water rights or domestic water use downstream of this proposed project.

Conclusions

1. This application proposes add 28.7 irrigated acres to irrigation authorized by Water Permit no. 1952-1
2. If this application is approved and combined with No. 1952-1 the authorized diversion rate would be 1.96 cubic feet of water per second (cfs) from the Belle Fourche River to irrigate a total of 165.7 acres.
3. There are 56 existing water rights/permits appropriating 166.51 cfs from the Belle Fourche River downstream of this proposed project to the confluence with the Cheyenne River.
4. Large portions of the water in the reach of the river where this irrigation project is located consist of irrigation return flows coming from the Belle Fourche Irrigation District during the irrigation season.
5. Approval of this permit likely would not adversely impact existing water rights or domestic water use downstream of this proposed project



Mark D. Rath

Natural Resources Engineer III

References

1. USGS. 2018. United States Geological Survey, National Water Information System – Stream Gaging Station Network for South Dakota.
2. Water Rights. 2018. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

RECEIVED

OCT 11 2018

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA:

COUNTY OF LAWRENCE:

Letitia Lister of said County and State being first duly sworn, on her oath says: That the BLACK HILLS PIONEER is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Letitia Lister, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and that I, Letitia Lister, the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

Notice of Application NO. 1985-1

a printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive and consecutive weeks, the first publication being made on the 4th day of Oct., 2018, and the last publication on the _____ day of _____, that the full amount of fees charged for publishing same, to-wit: The sum of \$ 28.64, insures solely to the benefit of the publisher of the BLACK HILLS PIONEER, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Letitia Lister
Subscribed and sworn to before me this 5th day of Oct., 2018

Jami Allen
Notary Public, Butte County, South Dakota
My commission expires: 3-21-2023

NOTICE OF APPLICATION NO. 1985-1 to Appropriate Water

Notice is given that Hostler Farms, c/o Travis Hostler, 39886 252nd St, Mt. Vernon SD 57363 has filed an application for a water permit to irrigate 28.7 additional acres. Water Permit No. 1952-1 appropriates 1.96 cubic feet of water per second (cfs) from the Belle Fourche River with the developed pump site located in the SE 1/4 SE 1/4 Section 14 for irrigation of 137 acres located in the SE 1/4 SE 1/4 Section 14, SW 1/4 SW 1/4 Section 13, N 1/2 NE 1/4, SE 1/4 NE 1/4 Section 23 and the W 1/2 NW 1/4 Section 24; all in T8N-R5E. An investigation of the permit found the system irrigating an additional 28.7 acres located within the area described above and the SW 1/4 SE 1/4 Section 14 and the NW 1/4 SW 1/4 Section 24; all in T8N-R5E which is approximately 5 miles southwest of Newell SD. This application, if approved, and Water Permit No. 1952-1 will authorize a total of 1.96 cfs for irrigation of 165.7 acres to reflect the system as developed.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1985-1 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by October 15, 2018.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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

Published once at the
total approximate cost of
\$30.49.

#987
Oct 4

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, September 27, 2018 4:04 PM
To: Legals (legals@bhpioneer.com)
Subject: 1985-1, Hostler Farms
Attachments: 1985-1public.short.docx; FORM8.FRM.doc

Attached is a notice to be published in the Black Hills Pioneer on October 4, 2018.

Hostler Farms c/o Travis Hostler, 39886 252nd St, Mt. Vernon SD 57363 (605 770-1321) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

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

September 28, 2018

Hostler Farms
c/o Travis Hostler
39886 252nd St
Mt. Vernon SD 57363

Dear Mr. Hostler:

Water Permit Application No. 1985-1 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Black Hills Pioneer printed at Spearfish SD (Ph # 605 642-2761). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and 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 and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

NOTICE OF APPLICATION NO. 1985-1 to Appropriate Water

Notice is given that Hostler Farms, c/o Travis Hostler, 39886 252nd St, Mt. Vernon SD 57363 has filed an application for a water permit to irrigate 28.7 additional acres. Water Permit No. 1952-1 appropriates 1.96 cubic feet of water per second (cfs) from the Belle Fourche River with the developed pump site located in the SE 1/4 SE 1/4 Section 14 for irrigation of 137 acres located in the SE 1/4 SE 1/4 Section 14, SW 1/4 SW 1/4 Section 13, N 1/2 NE 1/4, SE 1/4 NE 1/4 Section 23 and the W 1/2 NW 1/4 Section 24; all in T8N-R5E. An investigation of the permit found the system irrigating an additional 28.7 acres located within the area described above and the SW 1/4 SE 1/4 Section 14 and the NW 1/4 SW 1/4 Section 24; all in T8N-R5E which is approximately 5 miles southwest of Newell SD. This application, if approved, and Water Permit No. 1952-1 will authorize a total of 1.96 cfs for irrigation of 165.7 acres to reflect the system as developed.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1985-1 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by October 15, 2018.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

OCT 17 2018

Hostler Farms
c/o Travis Hostler
39886 252nd St
Mt. Vernon SD 57363

Dear Mr. Hostler:

Enclosed is Water Permit and Water License No. 1985-1. These are the final water right documents completing your process of obtaining a Water Right.

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

Sincerely,

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

Note: The applicable portions of No. 1952-1 are incorporated into Water License No. 1985-1.

enclosure



1985-1
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 25, 2019

NOTICE

TO: HOSTLER FARMS, TRAVIS HOSTLER, 39886 252ND STREET, MT VERNON, SD 57363
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1985-1. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 1985-1 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 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) 1985-1 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 6, 2019** 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. 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.

1985-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 6, 2019

1985-1

Larry Hostler
Hostler Farms
39886 252nd St
Mt Vernon SD 57363

Dear Mr. Hostler:

I am writing to acknowledge receipt of your 2018 irrigation questionnaire.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Permit No. 1985-1. 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 black ink, appearing to read "Genny McMath".

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

PAID

SEP 13 2021

Ck# 229221

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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

Water Right/Permit No. 1985-1

Date: 9/7/21

I/We request that Water Right/Permit No. 1985-1 formerly owned by:

Hostler Farms LLC

be transferred to:

New Owner Name: Antlers Angus Ranch LLC

Address: PO Box 7070

City, State, Zip Sheridan WY 82801 Telephone No. _____

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

See Attached legal description: (WR 1985-1)

☒ I understand that the validity of Water Right/Permit No. 1985-1 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, Antlers Angus Ranch LLC, the new owner, certify that the above information is true and correct.

Earl Williams manager
(signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date September 13, 2021

RECEIVED OF Black Hills Title Inc. PO Box 459, Spearfish SD 57783

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	\$ _____
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>1985-1</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer
EG



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

September 14, 2021

1985-1

Earl Williams, Mgr
Antlers Angus Ranch LLC
PO Box 7070
Sheridan WY 82801

RE: Hostler Farms LLC - Antlers Angus Ranch LLC

Dear Mr. Williams:

I am writing in follow-up to the transfer forms and filing fees submitted by the Black Hills Title Company to change ownership on Water Right Nos. 1952-1 and 1985-1.

The ownership change for Water Right No. 1985-1 has been completed. The water right formerly held by Hostler Farms is now listed under Antlers Angus Ranch LLC.

In 2018, after an inspection of the water use system and additional permitting, Water Permit No. 1952-1 was incorporated into Water Right No. 1985-1. An ownership change is not needed for No. 1952-1.

Each year we mail irrigators in South Dakota an irrigation questionnaire for reporting how much water they pumped during that specific crop season. I am enclosing a copy of the form to give you an idea of what type of information to keep track of during the growing season. The actual form that will need to be completed and returned to us will be mailed to you in **October**. We realize you may not have had the land during the 2021 irrigation season. Hopefully the previous owner will be able to supply the information to you.

Also enclosed is a copy of the water right for your records. The \$50 filing fee paid by the title company for No. 1952-1, will be reimbursed to them under separate cover within the next couple weeks. If you have any questions, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures

c: Black Hills Title Company w/Receipt for 1985-1