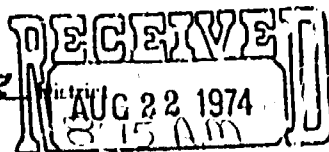


Map No. 657-2 Water Division No. 2 EAST CHEYENNE RIVER
 (Blanks to be Filled by the Engineer for the W. H. C.)


APPLICATION FOR PERMIT

STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant F. Julian Cheney
 Postoffice address Creighton, State South Dakota
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor
3. Name of diversion work Cheney Irrigation Project Number 2
4. Amount of water claimed (cubic feet per second) 1.20
5. Source of water supply Little Cheyenne River
6. Location of point of diversion South 86° 33' West, 8043.7 feet from the NE Corner,
Section 4, T4N, R15E
 _____ County Pennington
7. Annual period or periods during which water is to be used April 1 thru December 1
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
9. For irrigation use, _____ Total number of acres to be irrigated 84 9/4

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
Lot 6, Sec. 5, T4N, R15E =	38		
Lot 5, Sec. 5, T4N, R15E	10		
SE 1/4 SE 1/4, Sec. 32, T5N, R15E	10		
NE 1/4 SE 1/4, Sec. 32, T5N, R15E	26 3/4		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Pennington County Courant, Wall, SD
12. Principal Features of the Proposed Water Supply System.
- A. Works proposed to divert water from its natural source.
- Pump and motor
- B. Works proposed to transport water to place of use.
- Mainline and ditches
- C. Works proposed to apply water to beneficial use.
- Gated pipe - gravity flow

Estimated Total Cost \$ _____

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

STATE OF SOUTH DAKOTA)

County of Hughes) ss.
 I, J. Julian Cheney the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.
Signed J. Julian CheneySubscribed and sworn to before me this 22nd day of August, 19 74

Notary Public (or other qualified officer)

BETTY WESTLUND, Land/Water Clerk II

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1202-2
F. JULIAN CHENEY CREIGHTON
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57729 With the following modifications:
 (State)

DIVERSIONS OF WATER UNDER THIS PERMIT ARE CONTINGENT UPON SUPPLIES BEING FIRST AVAILABLE TO THE PRIOR WATER RIGHTS ON THE CHEYENNE RIVER. FLOW RECORDS SHOW THAT THERE ARE OCCASIONAL YEARS WHEN THE FLOWS OF THE CHEYENNE RIVER ARE DEFINITELY & RECOGNIZABLY LOWER THAN USUAL DURING THE MONTHS OF JULY, AUGUST & SEPTEMBER. DIVERSIONS OF WATER ARE NOT TO BE MADE UNDER THIS PERMIT DURING SUCH LOW FLOW PERIODS.

Date of first receipt of application AUGUST 22 19 74
 Date of return to applicant for correction, amendments or changes required — 19 —
 Date of receipt of corrected application — 19 —
 Approved SEPTEMBER 11 19 74, Recorded in Book 13 Page 69

WATER RIGHT PERMIT NO. 1202-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1202-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is AUGUST 22 19 74.
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MARCH 11 19 77.
3. The whole of said work is to be completed on or before SEPTEMBER 11 19 79.
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith SEPTEMBER 11 19 83.
5. The water appropriated shall be used for the purpose of IRRIGATION.
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 1.20 cubic feet per second, neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before SEPTEMBER 11 19 83 said water to be used during the following described annual period: APRIL 1 THRU DECEMBER 1

Witness my hand this 13TH day of SEPTEMBER 19 74

WATER RIGHTS COMMISSION

By: Daniel Driscoll
 Chief Engineer, Executive Officer

Certificate of Construction Issued December 16 19 80
 Water License Issued December 16 19 80

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1202-2

(1) WHEREAS, On the 22nd day of August A. D. 1974
F. Julian Cheney
 made Water Right Application No. 1202-2 for a permit to use 2.51 cubic feet per second of the waters
 of the Cheyenne River
 County of Pennington, State of South Dakota, for irrigation
 purposes; and

(2) WHEREAS, On the 11th day of September A. D. 1974
 Permit No. 1202-2, with a date of priority of September 10, 1949 and August 23, 1970
 was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
 supply system therein described on or before the 11th day of September A. D. 1979 and for the
 application to beneficial use of said water on or before the 11th day of September A. D. 1985

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to completion of the construction of the water supply system and is entitled to divert 2.4 cubic feet
 per second of water for benefit.

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to the application of water to beneficial use of the following extent,

to irrigate the following lands:	Acres
Section 32, TEN, R15E	
NW1/4 SE1/4	36.10
Lot 6	4.00
SW1/4 SE1/4	39.00
SE1/4 SE1/4	10.50
Section 5, TEN, R15E	
Lot 3	34.25
Lot 5	25.81
SW1/4 NW1/4	1.10
TOTAL ACRES	370.36

* The applicable portions of Water Right No. 183-1 have been incorporated into
 this Water License No. 1202-2

(5) NOW, THEREFORE, by the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to F. Julian Cheney

of Croighton, South Dakota
the holder and owner of said permit No. 1202-2 a water right, dating from September 10, 1949 and August 22, 1971 to use of 2.111 cubic feet per second of the waters of The Cheyenne River

in the County of Pennington and State of South Dakota, or so much thereof as may be necessary for the purposes hereinafter mentioned, to be diverted at a point south 86° 33' West, 8043.7 feet from the NE corner of Section 4, T4N, R15E

and conducted to and upon portions of land in Section 32, T5N, R15E and Section 5, T4N, R15E, more fully described on the face of this license.

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1202-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 16th day of December A. D.
Nineteen Hundred and Eighty

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 1202-2

Water Diversion No. 2 Upper Cheyenne Water District
10120111

CERTIFICATE OF CONSTRUCTION

This is to Certify, That F. Julian Cheney

_____ the holder _____ of
Permit No. 1202-2 issued upon Application No. 1202-2, bearing date of priority of * September 10,
1949 & August 22, 1974 authorizing the diversion of 2.51 cu. ft. per second of the waters of the
Cheyenne River County of Pennington, State of South Dakota at _____
a point south 36° 23' west, 8043.7 feet from the NE corner of Section
4, T4N, R15E
_____ for irrigation

_____ purposes ^{as} is complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 6.22 cu. ft. per second of water.

Date December 16, 1980

* The applicable portions of
Water Right No. 103-1 have been
incorporated into this Water
License No. 1202-2

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57006

Submitted by: F. J. Oheney
 Address: Greighton, South Dakota
57729

Date Rec'd: May 13, 1974
 Sample No. 74-278
 Identification Well
Loc. 32, T 5N, R 18E

WATER ANALYSIS

Calcium (Ca)	620	ppm*	31.00	me/l**
Magnesium (Mg)	180	ppm	14.76	me/l
Sodium (Na)	1080	ppm	45.68	me/l
Potassium (K)	20	ppm	0.53	me/l
Sulfate (SO ₄)	3200	ppm	66.50	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	132	ppm	3.71	me/l
Bicarbonate (HCO ₃)	420	ppm	5.88	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	344	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	5478	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	9.55			
Sodium	49.66	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.40			
Others:				

*ppm=parts per million

**me/l=milliequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations 91.97 me/l
 Total anions 77.15 me/l

By: Shirley Mitten

Service Performed

Amount Due

Irrigation analysis

6.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 74-278

Amount Enclosed \$

Signed

REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57006

Submitted by: F. J. Cheney
 Address: Oradenton, South Dakota
57789

Date Rec'd May 13, 1974
 Sample No. 74-279
 Identification Cheyenne River

WATER ANALYSIS

Calcium (Ca)	280	ppm*	14.00	me/l**
Magnesium (Mg)	78	ppm	6.40	me/l
Sodium (Na)	300	ppm	13.05	me/l
Potassium (K)	18	ppm	0.46	me/l
Sulfate (SO ₄)	1040	ppm	21.63	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	122	ppm	3.18	me/l
Bicarbonate (HCO ₃)	183	ppm	3.00	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	150	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	2351	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	4.09			
Sodium	38.49	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.00			
Others:				

*ppm=parts per million

**me/l=milliequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations 33.90 me/l
 Total anions 27.82 me/l

By: Shirley Litten

Service Performed	Amount Due
Irrigation analysis	6.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 74-279

Amount Enclosed \$

Signed

RECEIVED
MAY 20 1974
STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

May 24, 1974



Mr. F. Julian Shaney
Crosbyton, SD 57729

Dear Mr. Shaney:

Enclosed please find the original copies of reports of analysis for your well water recently submitted and the Cheyenne River water sample submitted. A copy of these analyses, your WI-1 form, and a copy of this letter are being sent to the State Conservation Commission.

The well water is entirely unsuitable for irrigation. The electrical conductivity shows a salt content in the vicinity of 5000 ppm which would cause very severe difficulties with most crops in a matter of a few years and perhaps permanently damage or ruin the soil.

The Cheyenne River water is also quite saline, but only about half as bad as the well water. I would suggest that you use this water with caution and only irrigate with fairly large amounts but rather infrequently. That is, the use of small amounts numerous times during the growing season leads to an accumulation of salts in the surface soil because a greater portion of the water evaporates directly and thus, leaves the soil saltier than if you irrigate with larger portions. Also, you should follow the practice of irrigating very thoroughly in late fall just before freeze-up or in early spring after the frost is out so that natural events of substantial rainfall, which we occasionally receive, will cause leaching of the salts and displace them on down into the soil. This will help to keep the land productive in spite of considerable salt being added in this irrigation water.

I have plotted the quality of this well water and the Cheyenne River water on the back cover of Extension Circular 654, enclosed for your use. The red encircled crosses denote the relative quality of these two water sources in a nationally used quality diagram. Please read this circular carefully. If you have further questions, I would be happy to hear from you.

Sincerely yours,

Lawrence O. Fine
Lawrence O. Fine
Water Quality Lab

LOF:111

Enclosures

CC: State Conservation Commission

Lyndell Paterson, Pennington County Agent

Darrel Pahl

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(This Form Required for Proposed Well Irrigation Only)

FOR COMMISSION USE ON

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: _____

Disapproved: 5/29/74

Becky Rempel

NAME: F. JULIAN CHENEY

ADDRESS: CREIGHTON, S. DAK. 57729

COUNTY: PENNINGTON

LEGAL DESCRIPTION

1. WELL LOCATION: LOT 6, SEC. 32, T5N R15E
2. AREA TO BE IRRIGATED: 100 ACRES SURROUNDING WELL

TYPE OF IRRIGATION

3. GRAVITY ^{FROM} RIVER SPRINKLER (Indicate Type): (FROM WELL)
4. CROPS TO BE IRRIGATED: ALFALFA (GRAVITY FROM RIVER)
PASTURE FROM WELL BY SPRINKLER

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 1 1/2% 2% Slope
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Pierre Clay loams
with moderate permeability over laying
well drained sands and gravels.

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 74-278
8. SALINITY: 5478 micromhos/cm (very high)
9. SODIUM: SAR = 9.55 (high)

I do hereby certify that a chemical analysis of the ground water to be
acquired for irrigation from South Dakota State University and:

the land capability for irrigation information has been acquired from

Soil Survey data from East Pennington Cons
Dist. File

and:

that the legal description for the location of the well and land to be
irrigated is true and correct.

L. Julian Cheney

Subscribed and sworn before me this

9th day of May 1974.

[Signature]

Notary Public

(Title)

1202-2

Publish first publication, on or before August 29, 1974

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

August 22, 1974

Notice is hereby given that F. Julian Cheney
whose post office address is Creighton, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
1.2 cubic feet of water per second of time from the Cheyenne River through the
Cheney Irrigation Project #2, the point of diversion of which is to be located in the

Lot 6

of Section 5, Twp. 4N, Range 15E. Said water to be used for the purpose
of providing irrigation on portions of the following described land:

Lots 5 and 6, Section 5, T4N, R15E; E½ SE¼, Section 32, T3N, R15E

This application No. 1202-2 will be considered by the Water Resources Commission at their office at
Pierre upon the 11th day of September, 1974 2:30 P. M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON P. JONES, Water Rights Specialist

BYJ/bw

cc: F. Julian Cheney, Creighton, S.D. 57729

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

No. 1202-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Pennington) s.

I, R. F. Lewis hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Pennington County Conrant

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

City of Wall

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

August 29, 1974

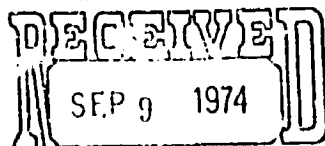
September 5, 1974

R. F. Lewis
(Signature)

Editor
(Title)

September 7, 1974
(Date Signed)

No. 1202-2
NOTICE OF INTENT
TO APPROPRIATE WATER
Pierre, South Dakota 57501
August 27, 1974
Notice is hereby given that F.
Julian Cheney whose post office
address is Creighton, South Dak-
ota, has made an application in
accordance with the provisions of
the water laws of South Dakota
for a permit to appropriate for
beneficial use 1.2 cubic feet of
water per second of time from the
Cheyenne River through the
Cheney Irrigation Project No. 2,
the point of diversion of which is
to be located in Lot 6 of Section
5, Twp. 4N, Range 15E. Said
water to be used for the purpose
of providing irrigation on portions
of the following described land:
Lots 5 & 18, Section 5, T4N,
R15E, E1/4 SE1/4, Section 32,
T5N, R15E.
This application No. 1202-2 will
be considered by the Water Re-
sources Commission at their office
at Pierre upon the 11th day of
September 1974, at 2:30 P. M. All
interested persons may appear and
be heard.
WATER RESOURCES
COMMISSION
By: Burton F. Jones,
Water Rights Specialist
cc: F. Julian Cheney,
Creighton, S. D. 57729
Pub. Aug. 19, Sept. 5



STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

183-1

" 1702-2 F. J. Cheney

11-15-80 Pumping est 1000 gpm
from River.

Head = 15' above 1700 ft

14" - 10" gate. 1000 gpm

Flow control to River & all.

Pump at River, 45 ft/sec.

70 H.P. 1200 RPM Ser. 3323078.

Bellby Mill 856 R.

Bellby Pump Contingency Water

25 H.P. 1150 RPM

Part No. 6-335020-01

Pump Bellby 862 P.H.

1750 RPM Ser. 7413483

Head from River 17 ft

1800 gpm

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7806

PIERRE, December 2, 1920

RECEIVED OF F. Julian Cheney, Creighton, SD 57729,
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No. 1202-2	12	00
Fee for inspecting Beneficial Use, and issuing Water License No. 1202-2		
Fee for issuing Location Certificate Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	12	50

WATER RIGHTS COMMISSION

By (John Hatch)
Chief Engineer, Executive Officer
JOHN HATCH / CV

Permit No. 1202-2Water Division 2 East Cheyenne Water District

**REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by F. Julian Cheney of Creighton, S. Dak. holder of Permit No. 1202-2, bearing date of priority of 1.31 cfs September 10, 1949 1.20 cfs August 22, 1974 authorizing the diversion of 2.51 cu. ft. per second of the waters of Cheyenne River for Irrigation purposes, in Pennington County.

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

The Water Use System consists of,

- A. Works used to divert the water:
 Motor: US Elec., 20 HP, ser # 3325098, 12 RPM
 Pump Berkeley, Model B5GR Pumping 1000 gpm
 Motor: Century Part # 6-330020-01, 25 HP, 1750 RPM
 Pump Berkeley B6ZPH, Ser # 7473483, 1750 RPM Pumping 1500 gpm.
- B. Works used to transport water to place of use,
Diversion Ditches
1700 ft 10" Aluminum.
- C. Works used to apply water to beneficial use.
Level Ditches
1400 ft 10" Gated Pipe

The system is in the following condition: Good

The point of diversion is located South 86°33' West 8043.7 ft from the NE Corner Section 4, T4N R15E

The works are capable of diverting and conveying to the place of use 6.22 cu. ft. per second of water which is to be used for Irrigation

Water has been put to beneficial use to the maximum extent as follows: In Sec. 32, T5N R15E.
NE 1/4 SE 1/4 - 36.1 Ac., Lot 6 - 4 Ac., SW 1/4 SE 1/4 - 39 Ac., SE 1/4 SE 1/4 - 10.6 Ac.
In Sec. 5, T4N R15E, Lot 6 - 54.25 Ac., Lot 5 - 25.81 Ac.
SW 1/4 NE 1/4 1.1 Ac.

comprising a total of 170.86 acres of land.

The applicable portions of Water Right Permit #183-1 are incorporated into this Form #12.

Date April 15, 1980
Lesley J. McNaught
 (Signature)

SOUTH DAKOTA Department of
Water & Natural Resources
Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 (605) 773-3352

December 29, 1980

F. Julian Cheney
Creighton,
South Dakota 57729

Dear Mr. Cheney:

Enclosed herewith are, Water License No. 1202-2 and Certificate of Construction.

Water License No. 1202-2 is the final water right document completing your process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: kw

enclosures

NOTE: The applicable portions of Water Right No. 183-1 have been incorporated into this Water License No. 1202-2.



**Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 1202-2

November 15, 1983

William B Cheney
SR #1, Box C10
Creighton SD 57729

Dear Mr. Cheney:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. South Dakota Water Law 46-5-50.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

KAREN SCHLAACK
Administrative Aide

enclosure

DWNR-820A-8/83

WATER RIGHTS DIVISION
(605) 773-3352

February 2, 1984

William B. Cheney
Star Route #1, Box C 10
Creighton, South Dakota 57713

Dear Mr. Cheney:

This will acknowledge receipt of the transfer form you submitted for transferring Water Right No. 1202-2 from F. Julian Cheney to your name. However the water right cannot be transferred without the required filing fee of \$2.50.

Please remit this amount as soon as possible. Upon receipt of the \$2.50 filing fee, Water Permit No. 1202-2 will be transferred to your name. If you have any questions, please contact this office.

Sincerely,

Genny McMath
Water Resources Analyst

GM:ms

NO. 1202-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

This is to notify you that the title to the lands described as follows:

170.86 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$, Lot 6, S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 32, T5N, R15E

Lot 5 & 6, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 5, T4N, R15E

formerly owned by F. Julian Cheney

has been transferred to William B Cheney, SR #1, Box CID, Creighton SD 57729

(Please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1202-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Pennington) ss.

I, William B. Cheney being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

William B. Cheney
(Signed)

Subscribed and sworn to before me this 23rd Day of January, 1984.

Larry L. Graham
(Notary Public)

WRR-520-9/83
Notice of Transfer of Water Permit



RECEIPT

Division of Water Rights

No 4 9555

South Dakota Department of Water and Natural Resources

Pierrre, February 21, 1924

RECEIVED OF William B. Cheney, Star Route #1, Box C 10, Creighton, SD 57729

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____

Fee for Filing Transfer Form 1202-2 _____

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

John Hatch

Chief Engineer

JOHN HATCH

(ms)

No. _____

**Department of
Water & Natural Resources**

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352
February 29, 1984

William B Cheney
SR #1, Box C1D
Creighton SD 57729

Dear Mr. Cheney:

Enclosed is receipt No. 4 9555 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 1202-2.

Our records now show you as the owner of this Water Right.

Sincerely,

KAREN SCHLAAK
Administrative Aide

enclosure

 **Department of
Water & Natural Resources**

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

March 23, 1987

WILLIAM B. CHENEY
SR 1 BOX C1D
CREIGHTON, SD 57729

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

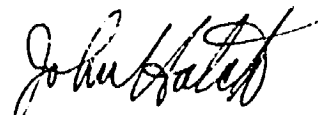
Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 1202-2. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 1202-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.



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

NOTE: If the questionnaire(s) is received in this office before the hearing date, your name will be deleted from the agenda for the hearing.



Sent form ¹²⁰²⁻²
4-21-87

William B. Cheney
St. Rt 1 Box 610
Coughton, S.D. 57729

John Hatch, Chief Engineer
Labor Rights Division

Dear Mr Hatch:

Enclosed is a letter concerning a questionnaire that we have either not received or mis-
placed. I would be happy to fill one
out if you will send another one please.

Thank you.

Bill Cheney

**South Dakota Department of
Water & Natural Resources**

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

April 29, 1987

1202-2

William B Cheney
SR 1 Box CID
Creighton, SD 57729

Dear Mr. Cheney:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaire. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit No. 1202-2 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



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

**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3101

1202-2

January 29, 1988

WILLIAM D. CHENEY
SR 1 BOX C1D
CREIGHTON, SD 57720

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 1202-2. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 1202-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.


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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.

South Dakota
Department of
Water & Natural Resources

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

February 9, 1988

1202-2

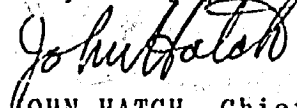
William B Cheney
Sk 1, Box C1D
Creighton SD 57729

Dear Mr. Cheney:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 1202-2 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,



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

 **Department of
Water & Natural Resources**

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

June 24, 1988

1202-2

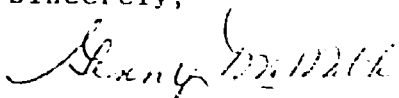
Bill Cheney
SR #1 Box CID
Creighton, SD 57729

Dear Mr. Cheney:

Enclosed is a copy of Water Right No. 1202-2 and also a copy of our Water Rights Laws. I hope the information contained in the "laws" will help explain some of the questions you had.

If you have any further questions, please contact us.

Sincerely,



GENNY MCMATH
Natural Resources Analyst

enclosures



 **Department of
Water & Natural Resources**

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

February 8, 1989

WILLIAM B. CHENEY
SR 1 BOX C1D
CREIGHTON, SD 57729

NOTICE

RE: Violation of Requirement to Submit 1988 Irrigation Questionnaire

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 1202-2.) The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of hearing to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s). 1202-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
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 is received in this office before the March 1st hearing date, your name will be deleted from the agenda for the hearings.

Very truly yours,



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



**SOUTH Dakota Department of
Water & Natural Resources**

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

February 23, 1989

1202-2

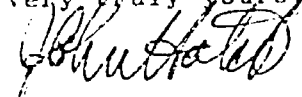
William B Cheney
SR 1 Box C1D
Creighton, SD 57729

Dear Mr. Cheney:

I am writing to acknowledge receipt of your 1988 irrigation questionnaire for Water Permit No. 1202-2. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. With receipt of the questionnaire your name has been deleted from the March Water Management Board meeting agenda.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

November 29, 1999

1202-2

Clay Griffith
5409 Pinedale Heights
Rapid City, SD 57702

Dear Mr. Griffith:

Enclosed, as you requested, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change with Water Right No. 1202-2. The water right is currently listed in the name of William Cheney.

Please review the form for accuracy and complete as needed. The form will need to be signed in the presence of a notary public by the new owner(s). A \$2.50 filing fee is required for filing the transfer form. Upon completion, please return the form and filing fee to our office.

Thank you for contacting me about the ownership change. If you have any questions, please let me know.

Sincerely,

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1202-2



Date: _____

I/We request that Water Right No. 1202-2

formerly owned by: William Cheney

be transferred to: (name & address) Chayenne Ralick - Suite #302

3600 S. Hwy 100, R.C. 50, 57201 Telephone No. 605-342-5288

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

170.86 acres - Lot 6, NE 1/4 SE 1/4, S 1/2 SE 1/4 Section 32, T5N, R15E; Lots 5 & 6, SW 1/4 NE 1/4 Section 5, T4N, R15E

I/We understand that the validity of Water Right No. 1202-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

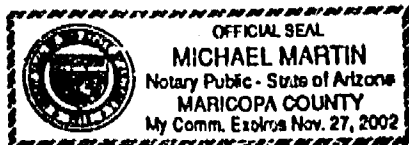
STATE OF SOUTH DAKOTA)

County of Minnehaha)

I/We MICHAEL MARTIN being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

MICHAEL MARTIN
(Signed)

Subscribed and sworn to before me this 14 day of FEB, 192000.



MICHAEL MARTIN
(Notary Public)

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

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

RECEIPT
Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 416387

Pierre, February 18, 2000

RECEIVED OF Gary Lundstrom (Cheyenne Ranch), 3600 Sheridan Lake Rd., Ste. 302, Rapid City, SD
the following amount in fees for services rendered as provided for by law: 57702

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 Water Right No. 1202-2

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By Harold G. Gable
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 9, 2001

1202-2

Cheyenne Ranch
3600 Sheridan Lake Rd - Suite 302
Rapid City SD 57702

Dear Sir:

I am contacting you in regard to Water Right No. 1202-2. In February of last year, you sent in a transfer of ownership form and fee to have ownership of the water right transferred from William Cheney to Cheyenne Ranch.

In reviewing the file, I found that I did not get the receipt sent out to you nor the notification that the transfer had been completed. The transfer was effective the date you filed the form. All records pertaining to the water right were transferred to the ranch name back in February, 2000.

I apologize for setting this back and not notifying you earlier. Enclosed is your Receipt No. 416387. If I can answer any questions for you, please get in touch with me.

Sincerely,

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2001

1202-2

Gary Lundstrom
Cheyenne Ranch
3600 Sheridan Lake Rd -- Suite 302
Rapid City SD 57702

Dear Mr. Lundstrom:

Enclosed is your Receipt No. 416387 and your Check No. 1142 in the amount of \$2.50. The document I mailed to you last week was a receipt for the fee you paid back in February, 2000. It was not an additional bill.

The ownership change for Water Right No. 1202-2 was completed and no additional fees are required.

Thank you again and if I can answer any questions for you, please get in touch with me.

Sincerely,

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

enclosures

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Cheyenne Ranch

DATE: September 4, 2003

RE: ownership of land

COMMENTS:

A realtor in Sturgis (Artie Gifford) contacted the office concerning the land described in the water right. He spoke with Jim Goodman about the pending sale and whether or not the water right was intact.

A quick review of the irrigation questionnaires show the land has been continually irrigated up until the last couple years. The questionnaire records for the past 4 years are not reflective of what actually may or may not have happened as far as irrigation.

Correspondence sent to Cheyenne Ranch over the past couple years have been refused by the owner and then subsequent correspondence was returned by the post office marked "unable to forward". ~~More letters were sent to other addresses for Cheyenne Ranch but were also returned by the post office.~~ The letters were asking for irrigation questionnaire information. The last letter returned by the post office dealt with low flows on the river and possible shut orders if the flows continued to decrease.

RECOMMENDED ACTION:

Send Mr. Gifford a transfer of ownership to be used by the new owner when the sale is finalized.



Genny McMath
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 4, 2003

1202-2

Artie Gifford
2320 S Junction Ave
Sturgis SD 57785

Dear Mr. Gifford:

Thank you for contacting our office concerning the pending sale of land described in Water Right No. 1202-2.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. The new owner of the land should complete and sign the form. Upon completion, please return the form to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 6, 20 03

RECEIVED OF Larry W & Chris E Insley, 21081 Cheney Rd., Creighton SD 57729

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. _____	2	50
Fee for Filing Transfer Form <u>1202-2</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	2.50

No.

000898

By

Darlene Eide
Chief Engineer

gm

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

OCT - 6 2003

WATER RIGHTS
PROGRAM

No. 1202-2

Date: 10/3/03

I/We request that Water Right No. 1202-2

formerly owned by: Cheyenne Ranch

be transferred to: (name & address) LARRY W. and CHRIS E. INSLEY
21081 Cheney Rd.
Creighton, SD. 57729 Telephone No. _____

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

170.86 acres - Lot 6, NE 1/4 SE 1/4, S 1/2 SE 1/4 Section 32, T5N, R15E,

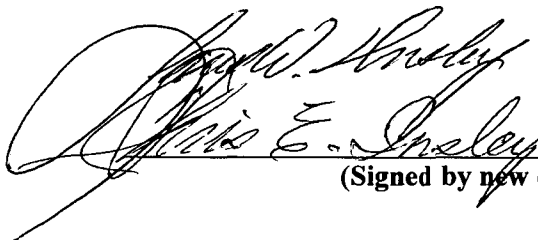
Lots 5 & 6, SW 1/4 NE 1/4, Section 5, T4N, R15E

I/We understand that the validity of Water Right No. 1202-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Larry W. & Chris E. Insley, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 7, 2003

1202-2

Larry W & Chris E Insley
21081 Cheney Rd
Creighton SD 57729

Dear Mr. & Mrs. Insley:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for transferring ownership of Water Right No. 1202-2. The transfer has been completed. The water right formerly listed in the name of Cheyenne Ranch is now listed in your names.

Enclosed is your Receipt No. 000888 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure

P O I N T

MEADE CO
PENNINGTON CO

CHEYENNE

Talton F Cheney
Permit # 1202-2

POINT

MEADE CO
PENNINGTON CO

CHEYENNE

Juan A Cheney
Permit # 1203-2

657-2
May 14 1963



1202-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 5, 2007

Dear Water Right Holder;

Due to the ongoing drought I am advising Cheyenne River water right holders of the possibility of shutoff orders in 2007 for the river reach from Angostura Dam to the Belle Fourche River confluence. This is **not a shutoff order**.

As a result of the continuing lack of precipitation, tributary flows throughout the Cheyenne River basin remain well below the historical average. Angostura Reservoir ended February almost 21-feet below full and the forecast for improved conditions throughout the summer months is not favorable.

This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shut-off orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and trying to avoid wasting water.

South Dakota water law gives the highest priority to domestic use, which includes livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses, including irrigation, will begin to interfere with domestic use. If levels become critically low, the department must issue shut-off orders to protect domestic water uses. Once these orders are issued, the department will continue to monitor water availability and should conditions improve, the shutoff orders would be rescinded.

If you are interested, the US Geological Survey has an Internet site showing river flows at 150 stream gauging stations across the state. Go to sd.water.usgs.gov and click on "[Realtime streamflow data via satellite](#)".

Thank you for your cooperation. If you have any questions, please contact Mark Rath or Mike DeFea at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE OF SHUTOFF ORDER

June 27, 2007

TO: LARRY W & CHRIS INSLEY
21081 CHENEY RD
CREIGHTON SD 57729

FROM: GARLAND ERBELE, Chief Engineer
SD DENR Water Rights Program

SUBJECT: Cheyenne River Shutoff Order for Junior Priority Date Water Rights

Shutoff Order for Water Right Nos. 1202-2

To protect the senior priority water rights, the department is issuing shutoff orders to junior water right holders with priority dates between January 1, 1970 and present for the river reach between the Angostura Dam to Belle Fourche River confluence. Effective immediately, diversions of water from the Cheyenne River and tributaries will not be allowed for those permits with a priority date after January 1, 1970. This shutoff order applies only to the junior priority portion of No. 1202-2 for 1.49 cfs.

Flow in the Cheyenne River continues to decline to the point where domestic use of water, which includes livestock watering from the river, has become a concern. This order will be rescinded as soon as conditions improve. If conditions do not improve, this order will remain in effect until the end of the calendar year.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

<http://waterdata.usgs.gov/sd/nwis/rt>

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river.

If you have any questions concerning this order, please contact either Mark Rath at (605) 773-3352 or Aaron Tieman at (605) 394-2229. Thank you.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 17, 2010

1202-2

John E Link
PO Box 33
Minong WI 54859-0033

Dear Mr. Link:

I am writing in regard to the "Notice of Transfer of Ownership" form and filing fee you submitted for changing Water Right No. 1202-2 to your name.

Unfortunately, since the time you printed off the form, the fee for filing an ownership change has gone up. The 2009 Legislature raised all of our fees effective July 1, 2009. The fee for filing an ownership change went from \$2.50 to \$50.00. I am returning your check in the amount of \$2.50. Please remit a check or money order for \$50.00. The check or money order can be made payable to the Water Rights Program.

Another thing I wanted to touch base with you on is Exhibit A with the legal descriptions you attached to the ownership change. The land authorized for irrigation under Water Right No. 1202-2 is only a small portion of the acreage you have listed. I am enclosing a copy of the water right for your review. I am guessing that you just submitted the exhibit showing all of the land you purchased rather than just the portion on the water right. You don't need to change anything on the transfer form you filled out; I just wanted to make you aware that not all of the land you listed is covered.

If you have any questions, please contact me.

Sincerely,

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

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

RECEIVED

FEB 16 2010

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 1202-2

Date: 2/2/2010

I/We request that Water Right/Permit No. 1202-2 formerly owned by:

Larry + Christine Insley

be transferred to:

New Owner Name: John E. Link

Address: PO Box 33

City, State, Zip

Minong WA 98859-0033

Telephone No. 715-466-6647

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

(Attached)

☒ I understand that the validity of Water Right/Permit No. 1202-2 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 Two Dollars and Fifty Cents (\$2.50) is included to cover the filing fee as required by SDCL 46-2-13.

I, John E. Link, the new owner, certify that the above information is true and correct.

John E. Link
(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.

Exhibit A

Township 4 North of Range 15 East of the Black Hills Meridian, Pennington County, South Dakota

Section 3: Government Lots 2, 3, 4, 5, 6, 7, 9, 10, 11 and 12; the SW1/4; and the W1/2SE1/4.

Section 4: Government Lots 1, 2, 3 and 4; the S1/2N1/2; the N1/2SW1/4; and the SE1/4.

Section 5: Government Lots 5, 6, 7, 9 and 10; the SW1/4NE 1/4; and the NW1/4SE1/4.

Section 9: The N1/2NW1/4; the S1/2NE1/4; and the NE1/4SE1/4.

Section 10: All.

Section 11: The NW1/4NW1/4; and the SW1/4SW1/4.

Township 5 North of Range 15 East of the Black Hills Meridian, Pennington County, South Dakota

Section 32: Government Lots 6 and 8; the SE1/4SW1/4; the NE1/4SE1/4; and the S1/2SE1/4.

Section 33: The SW1/4; and the SW1/4SE1/4.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 17, 2010

RECEIVED

MAR 03 2010

1202-2

John E Link
PO Box 33
Minong WI 54859-0033

DEPT. OF ENVIRONMENT &
NATURAL RESOURCES,
GROUND WATER PROGRAM

Dear Mr. Link:

I am writing in regard to the "Notice of Transfer of Ownership" form and filing fee you submitted for changing Water Right No. 1202-2 to your name.

Unfortunately, since the time you printed off the form, the fee for filing an ownership change has gone up. The 2009 Legislature raised all of our fees effective July 1, 2009. The fee for filing an ownership change went from \$2.50 to \$50.00. I am returning your check in the amount of \$2.50. Please remit a check or money order for \$50.00. The check or money order can be made payable to the Water Rights Program.

Another thing I wanted to touch base with you on is Exhibit A with the legal descriptions you attached to the ownership change. The land authorized for irrigation under Water Right No. 1202-2 is only a small portion of the acreage you have listed. I am enclosing a copy of the water right for your review. I am guessing that you just submitted the exhibit showing all of the land you purchased rather than just the portion on the water right. You don't need to change anything on the transfer form you filled out; I just wanted to make you aware that not all of the land you listed is covered.

If you have any questions, please contact me.

Sincerely,

Lorrie Money



Lorrie Money
EXECUTIVE ADMIN. ASSISTANT,
/ RISK MANAGER

1 SNACK FOOD LANE
P.O. BOX 397
MINONG, WISCONSIN 54859

(MAIN) 715.466.2234
(DIRECT) 715.466.6647
(FAX) 715.466.6747
LORRIEM@JACKLINKS.COM
WWW.JACKLINKS.COM

Thank you!
Appreciate you noting
the Actual land
affected - Thank you!
Lorrie Money

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/3, 20 18

RECEIVED OF John E Link 21081 Cheney Rd Creighton SD 57790

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>1202-2</u>	50	00
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.

04498

By

[Signature]
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 23, 2010

1202-2

John E Link
PO Box 33
Minong WI 54859-0033

Dear Mr. Link:

Thank you for following up on the ownership change for Water Right No. 1202-2. The transfer has been completed. The water right formerly listed in the name of Larry & Christine Insley is now listed in your name.

Each year in October, we mail out the annual irrigation questionnaire. Enclosed is a copy of the 2007 questionnaire returned by the former owners. This will give you an idea of what type of information you will need to keep track of during the irrigation season.

An additional item I wanted to make you aware of is that in order to maintain water rights, they need to be used. I am including excerpts of our water laws and Water Management Board rules dealing with this issue.

Enclosed is your Receipt No. 04498 in the amount of \$50.00. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures



1202-2
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 24, 2014

NOTICE

TO: JOHN E LINK, PO BOX 33, MINONG, WI 54859 0033

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire has not been submitted for Permit No(s) 1028-2 & 1202-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **9:00 am, March 6, 2014**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1028-2 & 1202-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office on/or before **March 3, 2014**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 2014

1028-2
1202-2

John E Link
PO Box 33
Minong WI 54859 0033

Dear Mr. Link:

I am writing to acknowledge receipt of your 2013 irrigation questionnaires. Larry Insley filed the forms on-line this morning.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Right Nos. 1028-2 and 1202-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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

c: Larry Insley, 21081 Cheney Rd, Creighton SD 57790

1202-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 27, 2019

1028-2
1202-2

Joe Radzak
Link Realty Holdings LLC
PO Box 397
Minong WI 54859-0397

Dear Mr. Radzak:

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with Water Right Nos. 1028-2 and 1202-2. The water rights are currently listed in the name of John E Link.

Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

Copies of the entire administrative file for Water Right Nos. 1028-2 and 1202-2 can be found by following our DENR Water Rights home page at: <https://denr.sd.gov/des/wr/wr.aspx>. Once you get to the site, click on databases along the left side of the page and then click on Water Rights.

If you have any questions, please let me know.

Sincerely,

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



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 2, 2020

1028-2

1202-2

Larry Insley
43564 229th St
Howard SD 57349-6934

Dear Mr. Insley:

Enclosed is a "Notice" dated October 23, 2020 concerning the 2020 irrigation questionnaires for water rights we have you listed as manager.

The notice was originally mailed to Creighton SD. The post office notified us that your address has changed, and I will update our records accordingly. If you no longer farm for John Link, please let us know who to contact. Thank you!

If you have any questions, please contact me.

Sincerely,

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

enclosures



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 8, 2020

1028-2

1202-2

Riter, Rogers, Wattier & Northrup LLP
National Registered Agents Inc
319 Coteau St
Pierre SD 57501

Dear Sirs:

Your firm is listed on the Secretary of States web site as being the registered agent for Link Snacks Inc. I have tried to call the company and am getting no response.

The issue at hand is submission of the annual irrigation questionnaires for the property listed under John Link Trust. The forms were originally sent to the renter of the property – Larry Insley. We received an email from a relative of Mr. Insley indicating he had passed away. The property in question is the Cheyenne River Ranch out by Creighton SD.

The two irrigation questionnaires are for Water Right Nos. 1028-2 and 1202-2 with land in Pennington County. We need to know who will be responsible for the forms and how to get ahold of them. The deadline for submitting those forms was December 4th. As the registered agent, please have the owner contact us with the information so we can follow-up with them. Copies of the water rights can be found on our website at: <https://denr.sd.gov/des/wr/dbwrsearch.aspx>

Thank you in advance for your help.

Sincerely,

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

1202-2

LAW OFFICES OF
BENNETT MAIN GUBBRUD & WILLERT
A PROFESSIONAL CORPORATION
618 STATE STREET
BELLE FOURCHE, SOUTH DAKOTA 57717-1419
TEL (605) 892-2011
FAX (605) 892-4084
Email: bellelaw@bellelaw.com

RECEIVED

JAN 21 2021

WATER RIGHTS
PROGRAM

MAX MAIN*
DWIGHT A. GUBBRUD*
*LICENSED in SOUTH DAKOTA and WYOMING

Est. 1908

KELLEN B. WILLERT**
**LICENSED in SOUTH DAKOTA, WYOMING and COLORADO

January 18, 2021

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

Re: Notice of Transfer of Ownership; Our File No. 6327.002020.

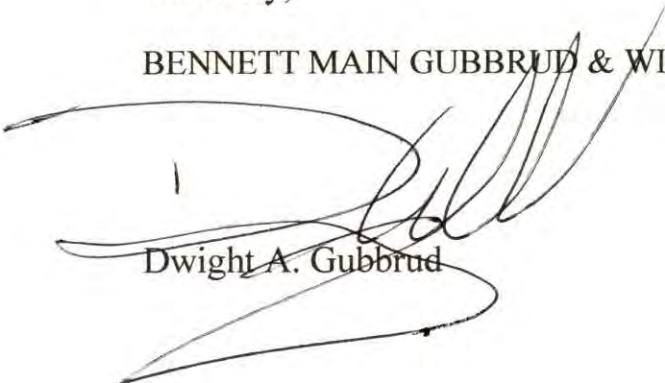
Dear Water Rights Program:

Enclosed for filing with your office is a Notice of Transfer of Ownership for Water Right/Permit No. 1202-2. Also enclosed is our firm's check in the amount of \$50 for the filing fee.

Please return a filed-stamped copy of this Notice to our office in the enclosed self-addressed stamped envelope.

Sincerely,

BENNETT MAIN GUBBRUD & WILLERT, P.C.


Dwight A. Gubbrud

DAG/jn
Enclosure

1202-2

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 21, 2021

RECEIVED OF Bennett Main Gubbrud & Willert PC 618 State St. Belle Fourche SD 57717

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>1202-2</u>	\$50.00
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	\$50.00

By Eric Gronlund
Chief Engineer
Um

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

PAID

JAN 21 2021

Ck# 003876

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

RECEIVED

JAN 21 2021

WATER RIGHTS
PROGRAM

Water Right/Permit No. 1202-2

Date: 12-17-2020

I/We request that Water Right/Permit No. 1202-2 formerly owned by:

John E. Link

be transferred to:

New Owner Name: Link Realty Holdings LLC

Address: One Snack Food Lane, P.O. Box 597

City, State, Zip Minong WI 54859 Telephone No. 717-466-2234

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

Township 4 North, Range 15 East, BHM, Pennington County, South Dakota:
Sec. 5: Government Lots 5-7 and 9-10; SW1/4NE1/4; NW1/4SE1/4

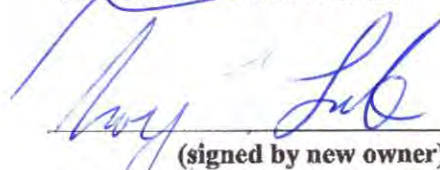
- ☒ I understand that the validity of Water Right/Permit No. 1202-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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, Troy Link, Managing Member of Link Realty Holdings LLC, the new owner, certify that the above information is true and correct.

LINK REALTY HOLDINGS LLC



(signed by new owner)

By: Troy Link, Managing Member

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.

1202-2

RECEIVED

JAN 28 2021

WATER RIGHTS
PROGRAM

LAW OFFICES OF
BENNETT MAIN GUBBRUD & WILLERT
A PROFESSIONAL CORPORATION
618 STATE STREET
BELLE FOURCHE, SOUTH DAKOTA 57717-1419
TEL (605) 892-2011
FAX (605) 892-4084
Email: bellelaw@bellelaw.com

Est. 1908

MAX MAIN*
DWIGHT A. GUBBRUD*
*LICENSED in SOUTH DAKOTA and WYOMING

KELLEN B. WILLERT**
**LICENSED in SOUTH DAKOTA, WYOMING and COLORADO

January 26, 2021

PMB 2020
DENR – Water Rights Program
Attn: Genny McMath
523 E. Capitol Ave.
Pierre, SD 57501-3182

Re: Notices of Transfer of Ownership; Our File No. 6327.002020.

Dear Water Rights Program:

Enclosed for filing with your office are the following documents:

1. Notice of Transfer of Ownership for Water Right/Permit No. 1028-2; and
2. Amended Notice of Transfer of Ownership for Water Right/Permit No. 1202-2.

Also enclosed is our firm's check in the amount of \$50 for the filing fee for Water Right/Permit No. 1028-2.

Please return filed-stamped copies of these Notices to our office in the enclosed self-addressed stamped envelope.

Sincerely,

BENNETT MAIN GUBBRUD & WILLERT, P.C.



Joy Norlin, Legal Assistant

/jn
Enclosure

**Amended
NOTICE OF TRANSFER OF OWNERSHIP**

For assistance call (605) 773-3352

RECEIVED

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

JAN 28 2021

Water Right/Permit No. 1202-2WATER RIGHTS
PROGRAMDate: 01/21/2021I/We request that Water Right/Permit No. 1202-2 formerly owned by:John E. Link

be transferred to:

New Owner Name: Link Realty Holdings LLCAddress: One Snack Food Lane, P.O. Box 597City, State, Zip Minong ☒ WI ☒ 54859 Telephone No. 715-466-2234

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

Township 4 North, Range 15 East, BHM, Pennington County, South Dakota:
Sec. 5: Government Lots 5 and 8, SW1/4NE1/4.

Township 5 North, Range 15 East, BHM, Pennington County, South Dakota:
Sec. 32: Lot 6, NE1/4SE1/4, S1/2SE1/4

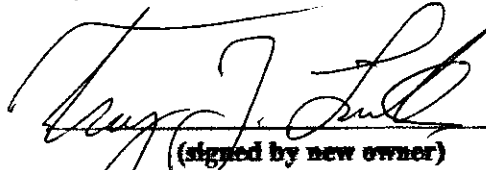
- ☒ I understand that the validity of Water Right/Permit No. 1202-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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, Troy Link, Managing Member of Link Realty Holdings LLC, the new owner, certify that the above information is true and correct.

LINK REALTY HOLDINGS LLC


(signed by new owner)By Troy Link, Managing Member

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.



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 2021

1028-2

1202-2

Dwight Gubbrud
Bennett Main Gubbrud & Willert PC
618 State St
Belle Fourche SD 57717

Dear Mr. Gubbrud:

Thank you for handling the ownership changes for Water Right Nos. 1028-2 and 1202-2.

The ownership changes have been completed. The water rights formerly held by John E Link are now listed under Link Realty Holdings LLC.

Enclosed for your records are receipts for the filing fees paid by your firm and copies of the transfer forms filed. If you have any questions, please let me know.

Sincerely,

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

enclosures

1202-2



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2022

NOTICE

TO: LINK REALTY HOLDINGS LLC, TROY LINK, PO BOX 597, MINONG, WI 54859 0597

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire has not been submitted for Permit No(s) 1028-2 & 1202-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 2, 2022 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1028-2 & 1202-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** 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: <https://danr.sd.gov/iq> using this password: PGHCHO**

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.

1202-2



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 7, 2022

616-2
1028-2
1202-2

Troy Link
PO Box 597
Minong WI 54859 0597

RE: Irrigation Questionnaires for Link SD Ranches LLC and Link Realty Holdings LLC

Dear Mr. Link:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires. The forms were completed on-line by Jace Shearer.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 616-2, 1028-2 and 1202-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

c: Jace Shearer, 18870 222nd St, Wall SD 57790



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2023

NOTICE

TO: LINK REALTY HOLDINGS LLC, TROY LINK, PO BOX 597, MINONG, WI 54859 0597

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire has not been submitted for Permit No(s) 1028-2 & 1202-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 8, 2023 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1028-2 & 1202-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 8, 2023** 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: <https://danr.sd.gov/iq> using this password: GEKNKH**

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 AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 26, 2023

616-2
1028-2
1202-2

Troy Link
Link SD Ranches LLC
PO Box 597
Minong WI 54859-0597

Dear Mr. Link:

I am writing to acknowledge receipt of the 2022 irrigation questionnaires for Link SD Ranches LLC and Link Realty Holdings LLC.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right Nos. 616-2, 1028-2 & 1202-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 14, 2025

NOTICE

TO: LINK SD RANCHES LLC, PO BOX 597, MINONG, WI 54859 0597

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire has not been submitted for Permit No(s) 616-2, 1028-2 & 1202-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held on **Wednesday, March 5, 2025, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 616-2, 1028-2 & 1202-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 5, 2025**, 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: IJIONR**

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 AGRICULTURE
and NATURAL RESOURCES**

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

February 21, 2025

616-2
1028-2
1202-2

Link Realty Holdings LLC
Link SD Ranches LLC
c/o Neil Muscat, Mgr
21432 Babcock Rd
Wall SD 57790

Dear Mr. Muscat:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 616-2, 1028-2 & 1202-2. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us