

Water Right Number 1320-2

1. Considered 1-22, 1976
2. Name of Applicant LOGAN THOENE
3. Post Office Address BONESTEEL
4. Amount of water claimed 3.0
5. Source of water supply PONCA CREEK
6. Water to be used for IRRIGATION
Acres to be irrigated 305
7. Water to be diverted and used in GREGORY County
about 6 1/2, 45 Miles of BONESTEEL
8. Proof of Publication
Received 1-6-76
Not received _____
9. Application
Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

PERMIT NO. 1212.2 WAS ISSUED TO MR. THOENE IN NOVEMBER, CALLING FOR A DIVERSION RATE OF 15 CFS, AND STORAGE OF 250 ACRES FEET. WHEN THE DAM WAS STAKED, IT WAS DETERMINED THAT IT WOULD HOLD 600 AC FT. THIS APPL. IS FOR THE ADDITIONAL STORAGE, PLUS A HIGHER DIVERSION RATE FOR PUMPING FLOOD WATERS FROM PONCA CREEK TO STORAGE

No. 1520-2Map No. 1118-2 Water Division No. 2 PONCA CREEK District _____
(Blanks to be filled by the Engineer for the W. B. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Logan Thoene
 Postoffice address Bonesteel, 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) Contract
3. Name of diversion work Thoene #1
4. Amount of water claimed (cubic feet per second) 8.0
5. Source of water supply Ponca Creek
6. Location of point of diversion NE $\frac{1}{4}$ Sec. 25-95-70

County Gregory

7. Annual period or periods during which water is to be used March-June
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 305

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.
NE $\frac{1}{4}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$ 25-97-70	15	N $\frac{1}{4}$, Sec 30-95-69	140
NE $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$ 25-97-70	15	SW $\frac{1}{4}$, Sec 19-95-69	120
SW $\frac{1}{4}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$ 25-97-70	15		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 2 years. Additional time required to complete application of water to the proposed beneficial use _____ years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Bonesteel Enterprise
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Centrifugal pump to pump flood waters from Ponca Creek to a storage dam.

B. Works proposed to transport water to place of use.

Turbine pump and plastic mainline from dam to field

C. Works proposed to apply water to beneficial use.

Gated pipe a small center pivot (1100') and towline

Estimated Total Cost \$ 80,000Attachments: 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 Gregory)I, Logan Thoene 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 Logan ThoeneSubscribed and sworn to before me this 15th day of December 19 75Bernice Jones
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No 1320-2

LOGAN THORNE

(Applicant)

BONESTEEL

(Post Office Address)

SOUTH DAKOTA 57317

(State)

With the following modifications:

LOW FLOWS OF PONCA CREEK AS NEEDED FOR DOWNSTREAM DOMESTIC USE, INCLUDING LIVESTOCK WATERING MUST BE BY-PASSED.

APPROVAL OF THIS PERMIT AUTHORIZES STORAGE OF 600 ACRE FEET OF WATER ANNUALLY.

THE PERTINENT PORTIONS OF PERMIT NO 1292-2 HAVE BEEN TRANSFERRED TO THIS PERMIT, AND PERMIT NO 1292-2 IS CANCELLED.

THIS PERMIT DOES NOT AUTHORIZE PUMPING FROM PONCA CREEK AFTER JUNE 1, OF EACH CALENDAR YEAR UNLESS SUCH WRITTEN PERMISSION IS ISSUED BY THE STATE WATER RIGHTS COMMISSION OR ITS LEGALLY APPOINTED REPRESENTATIVE.

Date of first receipt of application DECEMBER 15, 1975

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

Date of receipt of corrected application —, 19—

Approved JANUARY 22, 1976, Recorded in Book 14 Page 186

WATER RIGHT PERMIT NO. 1320-2

The Water Rights Commission hereby grants and issues this Water Right Permit No 1320-2 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 1.5 CFS. FROM SEPTEMBER 5, 1975
4.5 CFS FROM DECEMBER 15, 1975
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 22, 1977
3. The whole of said work is to be completed on or before JANUARY 22, 1978
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 22, 1978
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 8.0 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 JANUARY 22, 1978; said water to be used during the following described annual period: FROM PONCA CREEK TO STORAGE - MARCH TO JUNE 1
FROM STORAGE TO LAND - DURING IRRIGATION SEASON

Witness my hand this 27TH day of JANUARY, 1976

WATER RIGHTS COMMISSION

By:

John H. H. H.
Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 12, 1977

Water License Issued SEPTEMBER 12, 1977

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type _____, Diameter _____, Length _____
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates

- (1) Surface dimensions _____, Depth _____

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

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

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

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

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

G. Water Storage Dams.

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

Dam #1

70' high dam
64' of water
40 surface acres
600 AF storage capacity

Applicant owns all land concerned

Signature of Applicant

Form 15.

Permit No. 1320-2

Water Diversion No. 2 Ponca Creek Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Logan Thoenes

_____ the holder _____ of
Permit No. 1320-2, issued upon Application No. 1320-2, bearing date of priority of December 15,
1975 authorizing the diversion of 8.0 cu. ft. per second of the waters of _____
Ponca Creek County of Gregory, State of South Dakota at _____
a point 1400'S & 2150'W of the NE corner, Section 25, T95N, R70W

_____, for irrigation

_____ purposes, has 9 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 8.0 cu. ft. per second of water.

Date September 12, 1977

WATER RESOURCES COMMISSION

By:

John Hatch
JOHN HATCH, Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1320-2

(1) WHEREAS, On the 15th day of December A. D. 1975

Logan Thoenes

made Water Right Application No. 1320-2 for a permit to use 8.0 cubic feet per second of the waters of Ponca Creek

County of Gregory State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 22nd day of January A. D. 1976

Permit No. 1320-2, with a date of priority of 1.5 cfs from September 5, 1975 and 6.5 from December 15, 1975

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 22nd day of January A. D. 1978 and for the

application to beneficial use of said water on or before the 22nd day of January A. D. 1978

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 3.87 cubic feet per second of water for beneficial use and,

(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:

for irrigating the following land:

<u>T95N, R70W Section 25</u>	<u>NE$\frac{1}{4}$SW$\frac{1}{4}$ 8.0 acres</u>
	<u>SW$\frac{1}{4}$NE$\frac{1}{4}$ 18.0 acres</u>
	<u>NE$\frac{1}{4}$SW$\frac{1}{4}$ 9.0 acres</u>
	<u>NW$\frac{1}{4}$SE$\frac{1}{4}$ 20.0 acres</u>
<u>T95N, R69W Section 19</u>	<u>NW$\frac{1}{4}$SW$\frac{1}{4}$ 29.0 acres</u>
	<u>NE$\frac{1}{4}$SW$\frac{1}{4}$ 28.0 acres</u>
	<u>SE$\frac{1}{4}$SW$\frac{1}{4}$ 17.0 acres</u>
	<u>SW$\frac{1}{4}$SW$\frac{1}{4}$ 3.0 acres</u>
<u>Section 30</u>	<u>NW$\frac{1}{4}$NW$\frac{1}{4}$ 34.0 acres</u>
	<u>NE$\frac{1}{4}$NW$\frac{1}{4}$ 35.0 acres</u>
	<u>NW$\frac{1}{4}$NE$\frac{1}{4}$ 2.0 acres</u>
	<u>SW$\frac{1}{4}$NW$\frac{1}{4}$ 29.0 acres</u>
	<u>SE$\frac{1}{4}$NW$\frac{1}{4}$ 37.0 acres</u>
	<u>SW$\frac{1}{4}$NE$\frac{1}{4}$ 2.0 acres</u>
	<u>TOTAL 271.0 acres</u>

(b) 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 Logan Thoene

_____ of Bonesteel
the holder _____ and owner _____ of said permit No. 1320-2 a water right, dating from September 5, 1975 and
December 15, 1975 to use of 3.71 cubic feet per second of the waters
of Ponca Creek

in the County of Gregory and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at _____
a point 1400' E & 2150' W of the NE corner, Section 25, T95N, R70W

and conduct to and upon portions of Section 25, T95N, R7W and Sections 19 & 30,
T95N, R69W, described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1320-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 12th day of September A. D.
Nineteen Hundred and seventy-seven

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer JOHN HATCH

Form 6 - Notice of Intent to Appropriate Water

1320-2

Publish first publication, on or before January 8, 19 76

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 16, 19 75

Notice is hereby given that Logan Thoene

whose post office address is Bonesteel, 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

8.0 cubic feet of water per second of time from the Ponca Creek through the Thoene No. 1, the point of diversion of which is to be located in the

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

of Section 25, Twp. 97N, Range 70W. Said water to be used for the purpose of providing irrigation on the following described land:

NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 25, T97N, R70W; N $\frac{1}{2}$, Section 30; SW $\frac{1}{4}$, Section 19, T97N, R69W

This application No. 1320-2 will be considered by the Water Rights Commission at their office at Pierre upon the 22nd day of January, 19 76, at 2:30 PM M. All interested persons may appear and be heard.

By:

WATER RIGHTS COMMISSION

BURTON F. JONES

Water Rights Specialist

BFJ/bw

cc: Logan Thoene, Bonesteel, S. D. 57317

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

No. 1320-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Gregory) ss.

I, Dean R. Schalka hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Ponca Creek Enterprise

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 Ponca

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

Dec 25th

Jan 1st

Dean R. Schalka
(Signature)

Publisher
(Title)

1-5-76
(Date Signed)

PUBLIC NOTICE

NOTICE
INTENT TO APPROPRIATE WATER
Pierre, South Dakota 57501
December 16, 1975

Notice is hereby given that Logan
Thoene whose post office address
is Bonesteel, 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 8.0
cubic feet of water per second of
time from the Ponca Creek through
the Thieme Co. 1, the point of
diversion of which is to be located
in the SW 1/4 NE 1/4 of Section 25,
Twp. 97N, Range 70W. Said water
to be used for the purpose of
providing irrigation on portions of
the following described land: NE 1/4
SW 1/4, NW 1/4 SE 1/4, SW 1/4 NE 1/4,
Section 25, T97N, R70W, N 1/2
Section 30, SW 1/4, Section 19,
T97N, R69W.

This application No. 1320-2 will
be considered by the Water Rights
Commission at their office at Pierre
upon the 22nd, day of January,
1976, at 2:30 P.M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSIONS
By: Burton F. Jones
Water Rights Specialist

D-25-J-1

RECEIVED
JAN 6 1976

STATE WATER RIGHTS
PIERRE, SOUTH DAKOTA

September 5, 1975

Logan Thoene
Bonesteel, SD 57317

Dear Sir:

This letter is in response to a telephone conversation on September 5, 1975, with Mr. Leonard Nelson, whom on your behalf, requested information concerning Ponca Creek.

Flow records of station No. 4534, belonging to the United States Department of the Interior-Geological Survey Water Supply, located in Section 22, T95N., R70W., are not available for reasons unknown to this office. However, flow records of gaging station No. 4535, located near Anoka Nebraska, are available and in my judgement will provide the desired information.

I have enclosed copies of "High Flow Frequency Curves", "Low Flow Frequency Curves", "Daily Flow Duration Curves", and Monthly flows of February, March, April, May, and June for water years 1951-1970. I hope this information will be helpful.

Attention should be given to the fact that Anoka is a few miles south and east of the proposed irrigation site. The flows at the irrigation site will, therefore, be some what less.

Also, our records indicate that Water Permit No. 1008-2 was issued to Leonard & Denise Zeisler, authorizing the diversion of .30 cubic feet per second of water from Ponca Creek for irrigational purposes. This water permit (No. 1008-2), as well as low flows as needed for downstream domestic use including livestock watering, will have to be respected by any future irrigation developer.

Mr. Thorne
September 5, 1975
Page 2

Should you have any questions, feel free to contact
this office.

Sincerely,

THOMAS A. GARDNER
Water Resources Engineer

TAG/tjb

Encl: As stated

1970-2 Logan Thorne by H. H. H. H. H.

3-2-77 Hydro. Pump for 55 Acres

Engine Chrysler Model H 316-723

Seri # 349097 also Compressor

Pump Capacity 4R6084-4

Seri # 13683 - Pump Dec 12th

at 100 gpm

Hydro. Cover 55 acres full and

hole drive

1200 ft. 1" dia. Aluminum pipe to CP

750 ft. 12" dia. covered to bottom

" Brother pump from previous

two parts. Berkeley Model

B6 J K M B M - C N

Seri # 7575209, Pump Dec 13th

Logan Thorne

Main Pump. Case Diesel Engine

Model # 504 BDT 175 HP

Seri # 2573753

Pump. Berkeley Model B86 K M R M - C N

Seri # 7579132, Pump Dec 12th

2600 gpm.

Pipe line 2800 ft. 10" - 700' 8" to

S.C.P. 3200 ft 8" PVC to H. H. H.

750 ft 12" dia. 1300 ft 8" dia.

South Center Pivot

Booster Engine Allis Chalmers Diesel

2800 Model I Ser # 90-34577

C.P. Electropump - Model 2-6E5-C

Serial # 476787 Cover 130 acres

8" barrow pipe from 1-700 ft

Boiler Model B4JKA1 - CW

North E.P. Allis Chalmers Diesel 804P

2800 Model I Ser 90-34577

Pump Body B4JRM B M - CW

Ser 7574387 - Insulation 73 1/2"

C.P. Electropump Model 2-6E5-C

Serial # 4763200

7.7 Acres

Permit No. 1320-2Water Division 2 Ponca Creek Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Hogan
Thoene of Bonesteel, S. Dak 57317 holder
of Permit No. 1320-2, bearing date of priority of December 15, 1975, 19____
authorizing the diversion of 8.0 cu. ft. per second of the waters of Ponca Creek
for Irrigation purposes, in Gregory Co. 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: Case Diesel Engine. Model # 504 BDT, Serial #
2573753, 175 HP. Pump - Berkeley Model B86 RMRM - CIV. Serial #
7574132, Imp dia. 12 1/2" - 3600 GPM.
Booster Pump - Chrysler Model H 315-323. Ser # 349097, Propane. Pump
Cornell Model 4R6084-4, Ser # 13683, Imp Dia 12 1/2" est 500 gpm
(See Back of sheet)

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

Pipeline - 750 ft - 12" dia; 2800 ft, 10" dia; 3900 ft - 8" dia
1300 ft. - 6" dia.

C. Works used to apply water to beneficial use.

Valley C.P. Water Drive.

Electroqator CP. Model 2-6E5-C Serial # 4763187
Electroqator CP. Model 2-6E5-C Serial # 4763200

The system is in the following condition: Good

The point of diversion is located 1400 ft south and 2150 ft west of the North-
East corner of Section 25, T95N R70 W.

The works are capable of diverting and conveying to the place of use 8.0cu. 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: SW 1/4 NE 1/4 - 18.0 Ac, NE 1/4 SW 1/4 - 9.0 Ac

NW 1/4 SE 1/4 - 20.0 Ac. all in Sec. 25, T95N R70W, NW 1/4 SW 1/4 - 29.0 Ac, NE 1/4 SW 1/4 - 28.0 Ac;
SE 1/4 SW 1/4 - 17.0 Ac; SW 1/4 SW 1/4 - 3.0 Ac all in Sec. 19, T95N R69W, NW 1/4 NW 1/4 - 34.0 Ac;
NE 1/4 NW 1/4 - 35.0 Ac; NW 1/4 NE 1/4 - 2.0 Ac, SW 1/4 NW 1/4 - 29.0 Ac; SE 1/4 NW 1/4 - 37.0 Ac;
SW 1/4 NE 1/4 - 2.0 Ac. all in Sec. 30, T95N R69W, SE 1/4 NW 1/4 - 25, T95N R70W - 8.0 Ac.

comprising a total of 271 acres of land.

March 21, 1977

By: Leroy Menaugh

(Signature)

A. (cont)

Booster Pump. South Electrogenerator Engine - Allis Chalmers, Diesel
2800 Mark I, Ser # 3D-84597. 80 HP. Pump - Berkeley
Model. B4JRM - CW - Imp Dia. 13 $\frac{1}{2}$ "

Booster Pump. North Electrogenerator Engine - Allis Chalmers Diesel:
2800 Mark I, Ser # 2D-34592, Pump - Berkeley B4JRM-BM-4.
Ser # 7574382, Imp Dia. 13 $\frac{1}{2}$ "

E-41

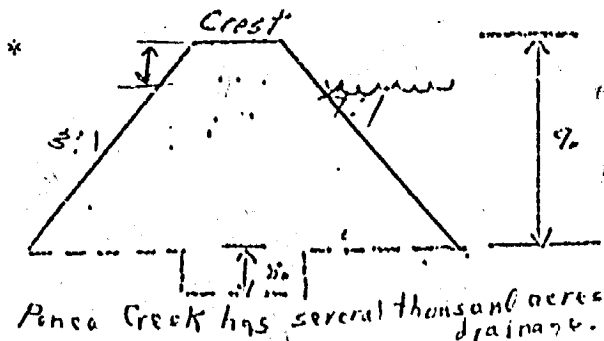
2191

Gregory

SAFETY OF DAMS QUESTIONNAIRE NR 1320-2

no financial help - Fed

1. Name of dam - *Thoene Dam*
2. Popular name -
(if different from above)
3. Name of impoundment -
(official name of reservoir)
4. River or stream - *dry draw*
5. Type of dam -
(earth, concrete, etc.)
6. Year completed - *1975*
7. Use (Irrigation, etc.) -
- ** 8. Trench depth - *Varied from 6' to 8' ave. Max depth 10'.*
(if part of design) *Depth depended on depth to shale.*
- * 9. Hydraulic height - *Max Height 63' on E.*
- * 10. Impounding acre feet
a. maximum - *Not figured*
b. normal - *2480 ac-ft at spillway level*
- * 11. Crest length -
(includes spillway(s)) *882'*
- * 12. Spillway
a. type - *Excav*
b. width - *24' bottom*
c. side slopes - *3:1 161' 367.1'*
- * 13. Volume of dam - *107,549 c.y + core trench*
(in cubic yards)
14. Owner - *Logan Thoene 624-2196*
15. Designed by - *L. Anderson*
16. Construction by - *Schweigert (Dallas)*
17. Legal description - *N 1/2 NE 25-95N-70W*
(section - township - range)

* 18. Difference between spillway(s) to crest - *4'** 19. Trickle tube(s) size and location
(if present):
None.

*Drainage area very small.
Water is pumped into reservoir
from Pine Creek which flows a
short distance below dam site.*

Lyons House

Called 3:27-30

Just getting enough water
to pump. Had to throttle
down. - Thought people
above were pumping - then
realized. It was too bad saying
they were pumping in a
situation like that. The
ground beneath is all
stone - decided as
though the ground

1320

April 7, 1981

Logan Thoene
Bonasteel
South Dakota 57317

Dear Mr. Thoene:

On Ponca Creek this office has two water rights on record, located above yours. These would be 1650-2 for Waterbury Brothers and 1008-2 for Leonard Zeisler. Leonard Zeisler has priority over you for 0.03 cfs and the Waterbury Brothers are junior in priority to your permit.

To meet the needs of downstream water rights and domestic use, the Waterbury Brothers must bypass approximately 5 cfs when the flows in Ponca Creek are occurring during the irrigation season. Anything that is stored in their dams prior to the irrigation season is not required to be released. I talked to John Waterbury and he is not pumping from the creek and the dam that was proposed by them on Ponca Creek was not approved by the Water Rights Commission. He indicated that it is too dry to pump water at the present time from Ponca Creek.

Leonard Zeisler has priority over you for 0.03 cfs of water. If you have any further questions, do not hesitate to contact this office.

Very truly yours,

James Winterton
Water Resources Engineer
Division of Water Rights
Phone: (605) 775-3552

E42202JH



Department of Water & Natural Resources

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

February 8, 1989

LOGAN THOENE
RR #2, BOX 40
BONESTEEL, SD 57317

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). 1293-2, 1320-2. 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.

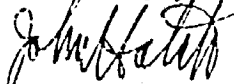
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s). 1293-2, 1320-2 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 24, 1989

1293-2
1320-2

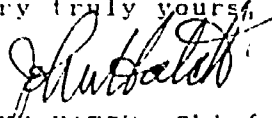
Logan Thoene
RR #2 Box 40
Bonesteel, SD 57317

Dear Mr. Thoene:

I am writing to acknowledge receipt of your 1988 irrigation questionnaires for Water Permit Nos. 1293-2 and 1320-2. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. With receipt of the questionnaires 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



1320-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: LOGAN THOENE
RR #2, BOX 40
BONESTEEL SD 57317

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Violation of Requirement to Submit 1992 Irrigation Questionnaire

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 1293-2 & 1320-2. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1293-2 & 1320-2 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. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, your name will be deleted from the Board agenda.



1320-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 11, 1993

1293-2
1320-2

Logan Thoene
4303 S Marion Road
Sioux Falls, SD 57106

Dear Mr. Thoene:

I am writing to acknowledge receipt your 1992 irrigation questionnaires for Water Right 1293-2 and 1320-2. You may disregard the January 29, 1993, Notice of Violation of the Requirement to Submit the 1992 Irrigation Questionnaire.

The questionnaires were received prior to the Water Management Board meeting, and your name was deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352



1320-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

March 11, 1993

1293-2
1320-2

Mike Baldwin
RR #1 Box 17
Bonesteel, SD 57317

Dear Mr. Baldwin:

I am contacting you in regard to irrigation done under Water Right Nos. 1293-2 and 1320-2. Logan Thoene has notified our office that future irrigation questionnaires should be directed to you, Tom Marts and Donovan Lambley.

I spoke with Mrs. Baldwin earlier today and she indicated that you irrigate the land described in these water rights for Mr. Thoene. I am enclosing copies of the 1991 and 1992 questionnaires as completed by Mr. Thoene.

Our office mails out irrigation questionnaires in October. I will make a notation in the file to send the 1993 form directly to you. This does not change the ownership of these water rights; it merely changes the mailing address for questionnaires.

If you have any questions, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352

enclosures



1320-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: MIKE BALDWIN, RENTER, RR 1 BOX 17, BONESTEEL, SD 57317 9749

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire has not been submitted for Permit No(s) 1293-2 & 1320-2. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 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 9:45 am, February 25, 1998, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1293-2 & 1320-2 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 February 20, 1998, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

1320:2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 1998

1293-2

1320-2

Mike Baldwin
RR 1 Box 17
Bonesteel, SD 57317-9749

Dear Mr. Baldwin:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 1293-2 and 1320-2.

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
Environmental Scientist
Water Rights Program
(605) 773-3352



1320-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2000

NOTICE

TO: MIKE BALDWIN, RENTER, RR 1 BOX 17, BONESTEEL, SD 57317 9749

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire has not been submitted for Permit No(s) 1293-2 & 1320-2. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 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 1:30 pm, March 1, 2000, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1293-2 & 1320-2 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 February 28, 2000, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

c: LOGAN THOENE, 4308 S MARION RD, SIOUX FALLS, SD 57106

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.

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Logan Thoene
4308 S Marion Rd
Sioux Falls SD 57106

A. Received by (Please Print Clearly)

B. Date of Delivery

1-15-00

C. Signature

X

☐ Agent

☐ Addressee

D. Is delivery address different from item 1? ☒ Yes

If YES, enter delivery address below:

☐ No

4300 S. MARION RD

57106

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

2 227 670 314

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MIKE BALDWIN, RENTER
RR 1 BOX 17
BONESTEEL SD 57317 9749

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

MICHAEL BALDWIN

1/15/2000

C. Signature

X

☐ Agent

☐ Addressee

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

2 227 670 313

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789



1320-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2000

1293-2

1320-2

Mike Baldwin
RR 1 Box 17
Bonesteel, SD 57317-9749

Dear Mr. Baldwin:

I am writing to acknowledge receipt of the 1999 irrigation questionnaires for Logan Thoene. Questionnaires were completed for you based on our January 18th telephone conversation.

You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Right No. 1293-2 and 1320-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

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

Sincerely,

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

c: Logan Thoene



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 17, 2000

No. 1293-2 and 1320-2

Tom Lillibridge
Box 168
Bonesteel SD 57317

Dear Mr. Lillibridge:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 1293-2 and 1320-2. The water rights are currently listed in the name of Logan Thoene.

The transfer forms should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (total \$5.00).

South Dakota Water Law 46-5-30.3 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.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

NAME: Tom Lillibridge

ADDRESS: Bonesteel

DATE: 11-3-00 **COUNTY:** Gregory **TELEPHONE:** 605 775-2641

RE: Water Right No. 1320-2

COMMENTS:

I had sent Tom Lillibridge transfer forms for Water Right Nos. 1293-2 and 1320-2. Upon receiving the form Mr. Lillibridge questioned the number and location of the acres listed on Water Right No. 1320-2.

Mr. Lillibridge stated he had just bought the land. From the information Mr. Lillibridge gave me it appears that the existing irrigation is not as listed on the water license.

He indicated that approximately 38 acres are irrigated in the SE ¼ Section 24 and 45 acres are irrigated in Section 25 and not 55 acres as listed on the license.

Mr. Lillibridge would like to know what he needs to do to get the water right in compliance.

I could not find the map for Water Right No. 1320-2

Karen Schlaak

Karen Schlaak
Environmental Scientist

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 1320-2

Date: 11-2-00

I/We request that Water Right No. 1320-2

formerly owned by: Logan Thoene

be transferred to: (name & address) Tom Lillibridge

Box 168, Bonesteel, SD 57317

Telephone No. 605-654-2874

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

271 acres located in NE 1/4 SW 1/4, SW 1/4 NE 1/4 Sec 25-T95N-R70W and SW 1/4 Section 19; NW 1/4, W 1/4 NE 1/4 Sec 30; all in T95N-R69W

I/We understand that the validity of Water Right No. 1320-2 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 attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Gregory)

I/We Tom Lillibridge 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.

Tom Lillibridge
(Signed)

Subscribed and sworn to before me this 2nd day of November, ~~00~~ 2000.

Jody Young
(Notary Public) 12-2-2004

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

NO 416678

Pierre, November 7, 2000, _____

RECEIVED OF Tom Lillibridge, Box 168, Bonesteel SD 57317
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 _____ Water Right No. 1320-2

Fee for Filing Extension Request _____

Fee for _____

2 50

(Any Other Work Provided by Law)

Total

2 50

By Stanley E. Bate
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 14, 2000

Tom Lillibridge
PO Box 168
Bonesteel SD 57317

Dear Mr. Lillibridge:

The Water Rights Program is in receipt of the Transfers of Ownership filed for Water Right Nos. 1293-2 and 1320-2. These two water rights previously held in the name of Logan Thoene are now held in your name. Enclosed are the receipts for the filing fee submitted for the transfer of each water right. You will receive an irrigation questionnaire form each fall to be completed stating the acreage, diversion rates and periods irrigated in the previous irrigation season.

During our phone conversation you indicated that the existing water rights do not include the irrigation of approximately 38.8 acres located in the SE $\frac{1}{4}$ Section 24, T95N, R70W. This pivot is supplied with water from the dam maintained by diversions from Ponca Creek. My review of the existing water rights does not show that a water right was ever held for any acreage located in the SE $\frac{1}{4}$ Section 24, T95N, R70W. However, the enclosed aerial photo appears to show where the pivot is located. Is that a correct representation of the pivot location?

A new water right permit will need to be obtained for these acres in the SE $\frac{1}{4}$ of Section 24. Enclosed is a partially completed application form. The diversion rate in gallons per minute from the dam to supply this pivot will need to be included on the application. You will need to check it over for accuracy and if correct sign it in the presence of a notary public and submit the appropriate filing fee of \$200 (\$150 application fee & \$50 licensing fee).

Since you need to apply for this additional acreage, I raised the question of whether there are any other permitting changes that need to be made to ensure your permits accurately reflect what is in the field. I noticed when I reviewed the file that Water Right No. 1320-2 was issued for 3.71 cfs. I believe this quantity was based on the ability to divert water from the dam to the various pivots. However it is apparent from past inspection reports that the diversion rate from Ponca Creek to the dam is 8.0 cubic feet of water per second (3,600 gpm). This is something I will take care of when we public notice your new application. I will also correct the error on Water Right No. 1320-2 where it lists the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25 twice on the water right (one of them should be the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25).

Finally, it would be helpful if you can provide the pump capacity from the dam to each of the pivots. Nothing in the existing files specifically states these diversion rates.

I realize this may be somewhat confusing. Please do not hesitate to contact me if you have any questions when completing the application.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures

NAME: Tom Lillibridge

ADDRESS: Bonesteel SD

DATE: 12-11-00 **COUNTY:** GY **TELEPHONE:** 605 654-2874

RE: Eric's letter dated 11-14-2000

COMMENTS:

Tom Lillibridge indicated that Rex Pfaff, RR 2 Box 40, Bonesteel SD 57317 should be listed as the operator of these permits and the irrigation questionnaire be sent to him in the future.

Regarding our letter dated 11-14-2000, Mr. Lillibridge stated he did not have the pump capacities and other information requested yet. He stated he was in the process of buying the equipment. He would submit the water permit application when he knows the information.

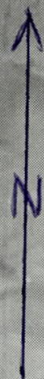


Karen Schlaak
Environmental Scientist

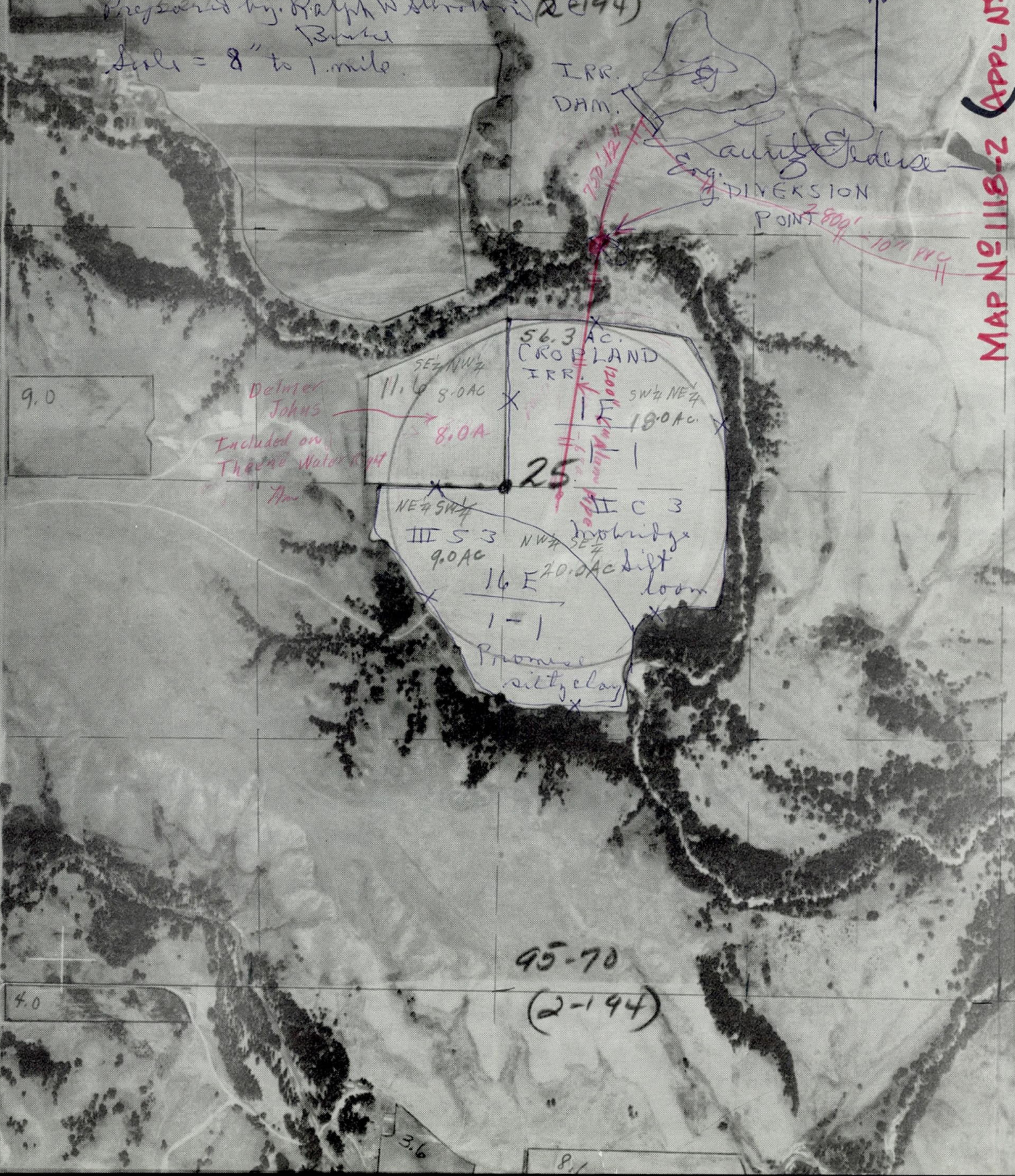
CONSERVATION PLAN MAP
 USDA, SC S BURKE, SD
 GREGORY COUNTY, SD
 DEC. 15, 1975

Prepared by: Ralph W. Storch (2-194)

Scale = 8" to 1 mile



MAP NO. 1118-2 (APPL. NO. 1320-2)



95-69

(2-187)

83.7

70.9

CONSERVATION PLAN MAP
USDA, SOIL CONS. SERVICE
BURKE, S. DAK.

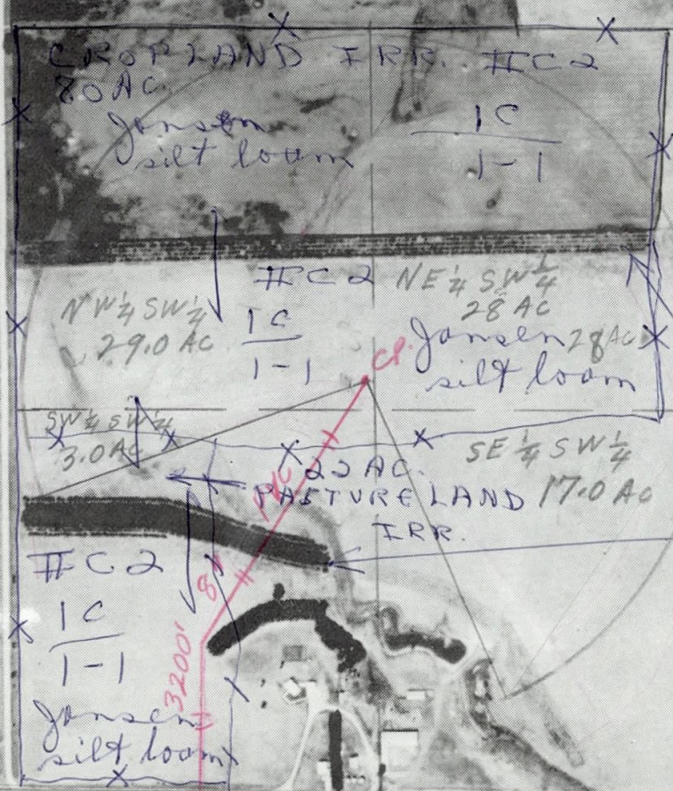
GREGORY COUNTY, SD
DEC. 15, 1975

PREPARED BY.

Ralph L. Stinson, D.C.,
SCS Burke.

SCALE = 8" TO 1 MILE,

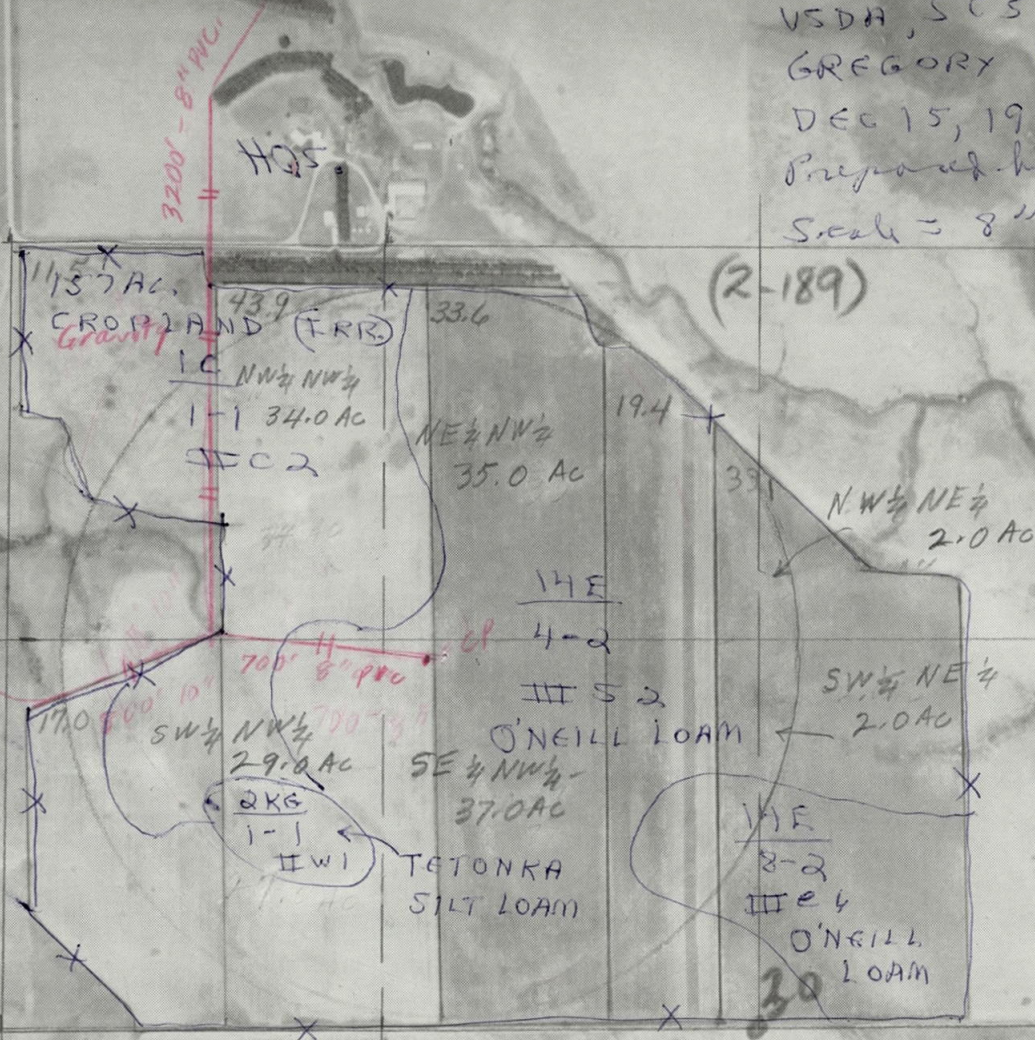
7.0



Prepared by Ralph W. Stensland, DE
Scale = 8" to 1 mile BURKE

Scale = 8" to 1 mile

(2-189)



Transferred

70

Nebr

95-69



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



November 20, 2014

1320-2

2499-2

Tom Lillibridge
PO Box 168
Bonesteel SD 57317 0168

Dear Mr. Lillibridge:

Thank you for contacting me in regard to irrigation questionnaires for Water Right No. 1320-2 and Water Permit No. 2499-2.

I will send future questionnaires directly to your attention. As we discussed, I am sending a copy of Water Right No. 1320-2 for your records. Also included are copies of questionnaires from 2009 to 2014 as submitted by Mr. Pfaff. This will give you an idea of what type of information to keep track of during the irrigation season.

The questionnaires are mailed to irrigators in October of each year and are due back here by the first week in December. Mr. Pfaff has already sent in the information for 2014 and nothing further is needed until 2015.

If you have any questions, please let me know.

Sincerely,

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

enclosures



1320-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

October 5, 2017

Mrs. Cindy Lillibridge
PO Box 168
Bonesteel SD 57317

Dear Mrs. Lillibridge:

This letter is in regards to a telephone call I received from your renter Terry Hausmann requesting a pumping extension for a Ponca Creek water right No 2499-2. Enclosed is a copy of a letter signed by the Chief Engineer granting the extension.

Mr. Hausmann also enquired about transferring this water right we have on file under your late husband's name, Tom Lillibridge, and was questioning what needed to be done with the water right. The water right needs to be transferred from Mr. Lillibridge to the new water right holder.

During our review we also found two other water rights under the name Tom Lillibridge. I understand at least one of these permits may be transferred to Mr. Hausmann. I am enclosing copies of all three permits and partially completed transfer forms for each. I left the name and address lines blank, allowing you to transfer individual permits to the appropriate individual. Please complete each of the transfer forms and submit back to this office along with a \$50 fee for each transfer.

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

Sincerely,

Mark D. Rath
Natural Resources Engineer III
Water Rights Program

1320-2

RECEIVED

OCT 23 2017

WATER RIGHTS
PROGRAM

October 11, 2017

Dear Mark and/or Aaron,

Enclosed you will find the "Transfer of Ownership" forms for water rights #1320-2, #2499-2 & #1293-2. The forms transfer their ownership from my late husband, Tom Lillibridge to me, Cindy Lillibridge.

It is my understanding that the annual reporting information can be forwarded to the operator of the farm. Please consider this letter as my request to have the reporting information sent to the operator.

His name is:

Terry Hausmann
90887 479th Ave.
Butte, NE 68722
Phone: 605-201-6017

Thank you for your assistance.

A handwritten signature in cursive script that reads "Cindy Lillibridge".

Cindy Lillibridge

RECEIVED

OCT 23 2017

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1320-2

Date: 10-11-17

I/We request that Water Right No. 1320-2

formerly owned by: Tom Lillibridge

be transferred to: (name & address) Cindy Lillibridge
PO Box 168

Bonesteel, SD 57317 Telephone No. 605-654-2874

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

271 acres - N 1/2 SW 1/4, SW 1/4 NE 1/4, NW 1/4 SE 1/4 Section 25, T95N, R70W

and SW 1/4 Section 19; NW 1/4, W 1/2 NE 1/4 Section 30, all in T95N, R69W

I/We understand that the validity of Water Right No. 1320-2 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 Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

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

Dr. Cindy Lillibridge
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 23, 2017

RECEIVED OF Ponca Creek Chittie Co PO Box 168 Bonesteel 57317-0168

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____ 1320-2		
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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **08363**

By Jeanne Goodman
Chief Engineer *JMG*

1320-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 23, 2017

1293-2
1320-2
2499-2

Cindy Lillibridge
PO Box 168
Bonesteel SD 57317 – 0168

Dear Mrs. Lillibridge:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right Nos. 1293-2, 1320-2 and 2499-2.

The ownership changes have been completed. The above listed water rights, formerly listed under Tom Lillibridge are now listed in your name.

As you requested, the annual irrigation questionnaires will be directed to your operator, Terry Hausmann. Enclosed for your records are the receipts for the filing fees you submitted.

If you have any questions, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 5, 2021

No. 1320-2

Terry Hausmann, Operator
90887 479th Ave
Butte NE 68722

Dear Mr. Hausmann,

This letter is in reference your telephone request to allow you an extension to pump from Ponca Creek under Water Permit No. 1320-2. Upon reviewing the downstream Ponca Creek USGS Gaging flow data, it shows flows have significantly increased over the past several days. Based upon this you are authorized to pump from Ponca Creek to fill the storage dam authorized by the permit.

If you have any questions, please contact Mark Rath of the Water Rights Program at phone (605) 773-3352.

Sincerely,

For 
Eric Gronlund, Chief Engineer
Water Rights Program

C: Cindy Lilibridge