

1. Considered MAY 20, 1976
2. Name of Applicant JOE LYTLE & PAT TRASK
3. Post Office Address WASTA
4. Amount of water claimed 11.1
5. Source of water supply CHEYENNE RIVER
6. Water to be used for IRRIGATION
- Acres to be irrigated 711.7
7. Water to be diverted and used in PENNINGTON county
about 4E, 3N miles of WASTA.
8. Proof of Publication Received 1st
Not received
9. Application Approved
Subject to
Not Approved
Action deferred
10. Remarks:

No. 1380-2Map No. 1167-2 Water Division No. 2 EAST CHEYENNE RIVER District
(Blanks to be Filled by the Engineer for the W. R. 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 Joe Lytle and Pat Trask 915 12th Street
Postoffice address Walter Rapid City, State South Dakota 57701
3125 Orchard Lane

If a corporation show date and place of incorporation W O Ranch Partnership2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor & Hired3. Name of diversion work Pump from Cheyenne River4. Amount of water claimed (cubic feet per second) 11.1 cfs5. Source of water supply Cheyenne River6. Location of point of diversion 500' S, 1200' W from NE corner, NE 1/4 of Sec 23, T2N, R14E; 2145' NN, 1220' W from SE corner Sec 23, T2N, R14E; 2310' N, 2555' E from SW corner of Sec 26T2N, R14E; 2475' W 445' S, NE corner Sec 35, T2N, R14E County Pennington7. Annual period or periods during which water is to be used May - Oct. (esp Aug - Oct)8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use, Total number of acres to be irrigated 711.7

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>Shown on attached Sheet 6</u>			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 3 years. Additional time required to complete application of water to the proposed beneficial use 2 years.

11. Choice of newspaper for Notice of Intent to Appropriate Water publication Pennington County Courier

12. Principal Features of the Proposed Water Supply System.

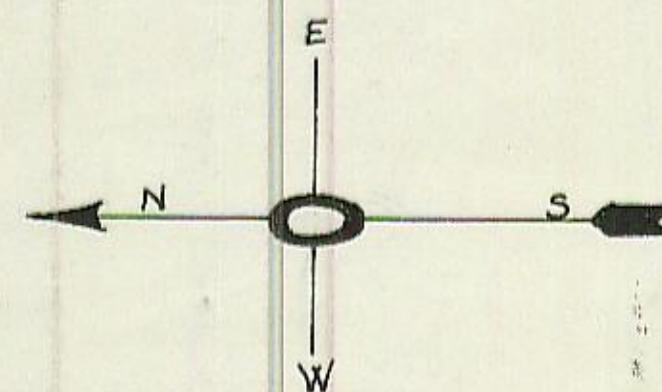
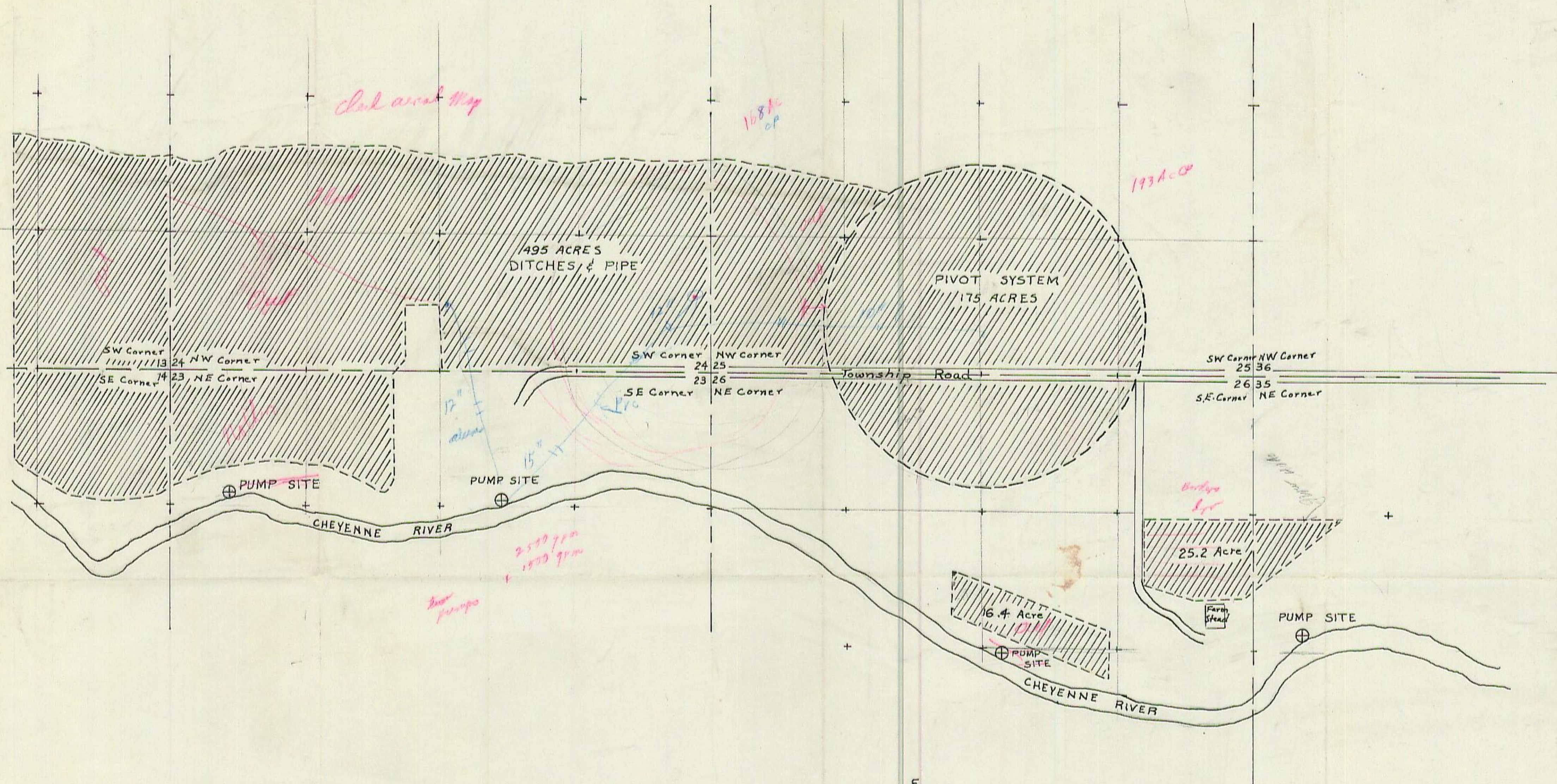
A. Works proposed to divert water from its natural source. Tractor Driven PTO pumps and Electric pump or pumpsB. Works proposed to transport water to place of use. Pipe (all 400 Teflon coated)C. Works proposed to apply water to beneficial use. Flood, gated pipe, and sprinkler!Estimated Total Cost \$150,000

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

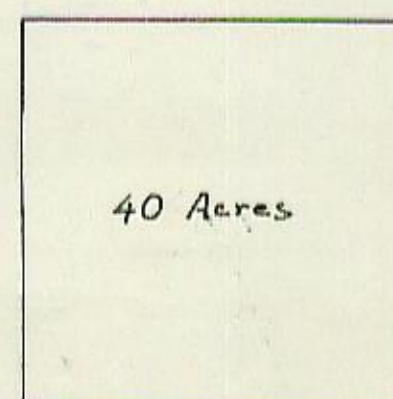
County of Pennington ss.I, Joe Lytle and Pat Trask the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Pat TraskSubscribed and sworn to before me this 26th day of April 19 76

Notary Public (or other qualified officer)



Scale: 8" = 1 Mile

Township 2 N - Range 14 E



Pat Trask & Joe Lytle
Wasta, So. Dak

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed	Date	Approved by
Drawn	4-26-76	Title
Traced		Title
Checked		Sheet No. of
		Drawing No.

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1380-2JOE LITTLE & PAT TRANK
(Applicant)WASTA ^{915 12th Street}
~~225 Exchange Lane~~, Rapid City
(Post Office Address)SOUTH DAKOTA 57791 57701 With the following modifications:See Permit #1768-2Portions of land covered under this Permit

DIVERSION OF WATER UNDER THIS PERMIT IS CONTINGENT UPON WATER SUPPLIES BEING FIRST AVAILABLE TO THE PRIOR WATER RIGHTS DOWNSTREAM ON THE CHEYENNE RIVER. FLOW RECORDS SHOW THAT THERE ARE OCCASIONAL YEARS WHEN THE FLOWS OF THE CHEYENNE RIVER ARE DEFINITELY AND 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 APRIL 27, 1976

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

Date of receipt of corrected application _____, 19____

Approved MAY 20, 1976, Recorded in Book 15 Page 200WATER RIGHT PERMIT NO. 1380-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1380-2 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 APRIL 27, 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 20, 1977
3. The whole of said work is to be completed on or before MAY 20, 1979
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 20, 1981
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 11.1 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 MAY 20, 1981; said water to be used during the following described annual period: MARCH - OCTOBER

Witness my hand this 16TH day of JUNE, 1976

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

State of South Dakota)
County of Pennington) ss.

Notice Intent to Appropriate Water

Affiant further says the fee charged for the publication is \$ 9.42 and that the full amount of said fee insures to the benefit of the Pennington County Cour-
ant; that no agreement or understanding for a division thereof has been made with any person whomsoever.

any person whomsoever.

L. R. Lewis

Subscribed and sworn to before me this
29 day of July, 1976

No. 1380-2

**NOTICE
INTENT TO APPROPRIATE
WATER**

Pierre, S.D. 57501
April 29, 1976

Notice is hereby given that Joe Lytle and Pat Trask whose post office address is Wasta, South Dakota, have made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 11.1 cubic feet of water per second of time from the Cheyenne River through the W.O. Ranch #1, the point of diversion of which is to be located between points in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23 and in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, Twp. 2N, Range 14E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

$\frac{1}{2}$ SW $\frac{1}{4}$, Section 13; SE $\frac{1}{4}$ -SE $\frac{1}{4}$, Section 14; E $\frac{1}{2}$ NE $\frac{1}{4}$, Section 23; W $\frac{1}{2}$, Section 24; W $\frac{1}{2}$, Section 25; E $\frac{1}{2}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26; NW $\frac{1}{4}$ -NE $\frac{1}{4}$, Section 35; all in T2N, R14E.

This application No. 1380-2 will be considered by the Water Rights Commission at their office at Pierre upon the 20th day of May, 1976, at 1:00 P.M. All interested persons may appear and be heard.

**WATER RIGHTS
COMMISSION**

By: BURTON F. JONES

Water Rights Specialist
Pub.: May 6 and 13



LAND TO BE IRRIGATED.

NE ⁴ SW ⁴	SEC 13 ✓	3.1	Ac ✓
NW ⁴ SW ⁴	SEC 13 ✓	8.4	Ac ✓
SE ⁴ SW ⁴	SEC 13	23.7	Ac ✓
SW ⁴ SW ⁴	SEC 13	40.0	Ac ✓
NE ⁴ SE ⁴	SEC 14 ✓	5.5	Ac ✓
SE ⁴ SE ⁴	SEC 14	33.8	Ac ✓
NE ⁴ NE ⁴	SEC 23	29.2	Ac ✓
SE ⁴ NE ⁴	SEC 23	20.3	Ac ✓
NW ⁴ NW ⁴	SEC 24	40.0	Ac ✓
SW ⁴ NW ⁴	SEC 24	35.1	Ac ✓
NE ⁴ NW ⁴	SEC 24	24.3	Ac ✓
SE ⁴ NW ⁴	SEC 24	24.5	Ac ✓
NW ⁴ SW ⁴	SEC 24	40.0	Ac ✓
SW ⁴ SW ⁴	SEC 24	40.0	Ac ✓
NE ⁴ SW ⁴	SEC 24	23.5	Ac ✓
SE ⁴ SW ⁴	SEC 24	21.8	Ac ✓
NW ⁴ NW ⁴	SEC 25	40.0	Ac ✓
NE ⁴ NW ⁴	SEC 25	20.1	Ac ✓
SW ⁴ NW ⁴	SEC 25	40.0	Ac ✓
SE ⁴ NW ⁴	SEC 25	17.6	Ac ✓
NW ⁴ SW ⁴	SEC 25	40.0	Ac ✓
NE ⁴ SW ⁴	SEC 25	18.5	Ac ✓
SW ⁴ SW ⁴	SEC 25	6.7	Ac ✓
SW ⁴ SE ⁴	SEC 26	18.3	Ac ✓
NE ⁴ NE ⁴	SEC 26	1.0	Ac ✓
SE ⁴ NE ⁴	SEC 26	26.3	Ac ✓
NE ⁴ SE ⁴	SEC 26	27.2	Ac ✓

(OVER)

SE ⁴	SE ⁴	SEC 26	1.2 Ac.
SW ⁴	NE ⁴	SEC 26	2.9 Ac
NW ⁴	SE ⁴	SEC 26	11.0 Ac
NE ⁴	SW ⁴	SEC 26 ✓	2.5 Ac.
SW⁴	SE⁴	SEC 26	18.3 Ac. <i>Lateral Overlap</i>
NW ⁴	NE ⁴	SEC 35	6.9 Ac.

Total

711.7 Ac ~~711.7~~

No. 1380-2Publish first publication, on or before May 6, 19 76NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

S April 29, 19 76Notice is hereby given that Joe Lytle and Pat Traskwhose post office address is Wasta, 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 use11.1 cubic feet of water per second of time from the Cheyenne River through theW.O. Ranch #1, the point of diversion of which is to be located in the ~~xxxx~~between points in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23 and in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, Twp. 2N, Range 14E. Said water to be used for the purpose of providing irrigation on ^{portions of} the following described land:S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 13; SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14; E $\frac{1}{2}$ NE $\frac{1}{4}$, Section 23;W $\frac{1}{2}$, Section 24; W $\frac{1}{2}$, Section 25; E $\frac{1}{2}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26;NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35; all in T2N, R14E

This application No. 1380-2 will be considered by the Water Rights Commission at their office at Pierre upon the 20th day of May, 19 76, at 1:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: Pat Trask, Wasta, S.D. 57791*E. Chey*

Joe Lyle

Pump - Remi Motor

Model 77-8 VP Ser # 180623

Tractor power taken off. Inlet

Pumps - M. 14C Tractor

Set 1000 gpm
1200

11 Pump side from pond

Pump - Motor General 100 HP 1770

Ser # 1735002 COTM 3420-A1

Pumps - Hsman - Rupp 750 gpm

Ser # 624658, Model 610420-B

11 Pump Motor - Century 30 HP 1700 RPM

Part # 6-323052-01

Pump Belling L. # 726501

Model B6ZPH 1000 gpm

 **Department of
Water & Natural Resources**

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

March 23, 1987

JOSEPH M LYTTLE
3125 ORCHARD LN
RAPID CITY, SD 57701

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). 713-2, 1380-2. 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). 713-2, 1380-2 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.

South Dakota
Department of
Water & Natural Resources

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

April 24, 1987

713-2
1380-2
1735-2
1768-2

Joseph Lytle
3125 Orchard Lane
Rapid City, SD 57701

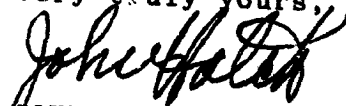
Dear Mr. Lytle:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 713-2, 1380-2, 1735-2 and 1768-2 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



DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

March 12, 1991

713-2
1380-2
1735-2
1768-2

Joe Lytle
3125 Orchard Lane
Rapid City, SD 57701

Dear Mr. Lytle:

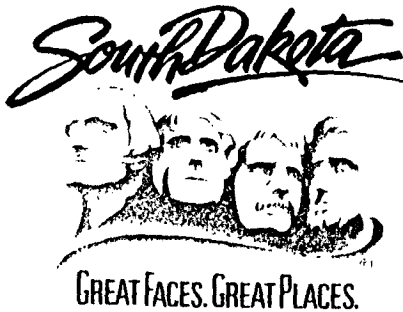
I am writing in followup to our telephone conversation of March 12, 1991 in which you inquired about placing some of your irrigated land in the CRP Program. The following is an excerpt of the South Dakota Water Laws dealing with acreage reserve programs or production quota programs and their affect on water permits and/or rights:

SDCL 46-5-37.2. Exceptions to forfeiture for nonuse. No water right or permit may be forfeited for nonuse if land authorized for irrigation by a permit or right is placed under an acreage reserve or production quota program, or otherwise withdrawn from use as required for participation in any federal program, if the water source is not fully appropriated, if the withdrawal from use does not prevent approval of new permits from the same source, and if the appropriated water has been applied to beneficial irrigation use prior to participation in federal program.

If you have any questions concerning the above Statute, please contact us.

Sincerely,

Genny McMath
Water Rights Division
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 5, 1991

Joseph Lytle
3125 Orchard Lane
Rapid City, SD 57701

RE: Water Permits Nos. 713-2, 1380-2, and 1768-2

Dear Mr. Lytle:

Enclosed please find a set of partially completed application forms to file for storage of water from Cheyenne River. Please complete the forms, review them for accuracy, sign in presence of a notary, and return them to our office with the application fee. The fee depends on the amount of water you store in the pond. Please refer to the enclosed instruction sheet and determine the fee. This application is also to authorize using water from the canyon. A soil/water compatibility permit must be obtained from the Department of Agriculture for water from the canyon.

I have also enclosed the list of acreage you presently irrigate based on my inspections. I have come up with 766 acres for a diversion rate of 10.94 cfs.

If you have any questions, please do not hesitate to contact me.

Sincerely,

M. RASSOOL AHADI
Natural Resources Engineer
Phone: (605) 773-3352

enclosures

Permit Nos. 713-2/1380-2/1768-2

Water District: Upper Cheyenne

Report Of Examination Of Works And/Or Application of Water To Beneficial Use:

I have this day made a thorough examination of the water use system constructed by Joseph Lytle of 3125 Orchard Lane, Rapid City, SD 57701 holder of Permit Nos.

713-2/1380-2/1768-2, bearing the priority of June 5, 1961/ April 27, 1976/March 9, 1981 authorizing the diversion of 1.4/8.9/4.3 cu. ft. per second of the waters of Cheyenne River for irrigation purposes, in Pennington County.

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

A. Works used to divert the water:

Pump A: Berkeley, 1250 gallons per minute capacity.

Motor A: Century, 30 horse power.

Pump B: No tag, 2000 gallons per minute.

Motor B: V8 Cat. 125 horse power.

Pump #1: Cornell, 1250 gallons per minute capacity.

Motor #1: GE, 40 horse power.

Pump #2: Cornell, 1100 gallons per minute capacity.

Motor #2: GE, 60 horse power.

Pump #3: Vertiline, 1100 gallons per minute capacity.

Motor #3: Newman, 60 horse power.

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

1500 feet of 10 inch Aluminum pipe.

700 feet of 36 inch Steel pipe.

1700 feet of 10 inch Polyvinyl Chloride (PVC) pipe.

6200 feet of 15 inch Polyvinyl Chloride (PVC) pipe.

2500 feet of earthen ditch.

C. Works used to apply water to beneficial use:

Pivot #1: Linsey, 1250 gallons per minute capacity.

Pivot #2: Zimatic, 1100 gallons per minute capacity.

Pivot #3: Zimatic, 1100 gallons per minute capacity.

Water is also applied to the land using gravity system of irrigation.

The system is in the following condition Very good. The point of diversion is located:
DP #1: Approximately 268 feet north, 2290 feet west from the Southeast corner of Section 26 (SW1/4 SE1/4); DP #2: Approximately 916 feet north, 1084 west from the Southeast corner of Section 23 (SE1/4 SE1/4); DP #3: Approximately 1677 feet north, 722 feet west from the Southeast corner of Section 23 (NE1/4 SE1/4); DP #4: Approximately 2330 feet south, 640 feet west from the Northeast corner of Section 23 (SE1/4 NE1/4); DP #5: 963 feet west, 534 feet south from the center of Section 13 (NE1/4 SW1/4); DP# 6: Approximately 590 feet north, 240 feet west from the center of Section 24 (SE1/4 NE1/4), all in T2N-R14E. The works are capable of diverting and conveying to the place of use 14.00 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:

See attached sheet

comprising a total of 766.0 acres of land and the license should be issued for 10.94 cfs

Application permit qualifications have been complied with ☒ Yes No

Exceptions to compliance are: None

Date: 8/28/1991



M. RASSOOL AHADI

Natural Resources Engineer III
DENR, Water Rights Division

- **** Diversion points No. 2 and 3 are from a pond . There is no authorization in the permits for storage of water. Application forms have been prepared and will be sent to Mr. Joe Lytle to apply for storage of water.
- ***** Surface runoff is diverted at diversion point # 6 into diversion point # 5 and from there the water is pumped to irrigate approximately 46 acres in Sections 13 and 24. There is no authorization in the permits to use the surface runoff.

Page 1

The following is a list of land under 713-2, 1380-2, and 1768-2

Section 13, T2N-R24E

NE1/4 SW1/4	26.0	ac.		
SE1/4 SW1/4	18.8	ac.		
NW1/4 SW1/4	33.0	ac.		
SW1/4 SW1/4	40.0	ac.	Subtotal	117.8 acres

Section 14, T2N-R24E

NE1/4 SE1/4	4.6	ac.		
SE1/4 SE1/4	4.4	ac.	Subtotal	9.0 acres

Section 23, T2N-R14E

NE1/4 NE1/4	8.0	ac.		
SE1/4 NE1/4	13.0	ac.		
NE1/4 SE1/4	10.2	ac.		
SE1/4 SE1/4	26.5	ac.	Subtotal	57.7 acres

Section 24, T2N-R14E

NW1/4 NW1/4	40.0	ac.		
NE1/4 NW1/4	21.3	ac.		
SW1/4 NW1/4	40.0	ac.		
SE1/4 NW1/4	26.2	ac.		
SW1/4 SW1/4	40.0	ac.		
SE1/4 SW1/4	14.2	ac.		
NW1/4 SW1/4	37.6	ac.		
NE1/4 SW1/4	20.3	ac.	Subtotal	239.6 acres

Section 25, T2N-R14E

NW1/4 NW1/4	39.0	ac.		
SW1/4 NW1/4	40.0	ac.		
SE1/4 NW1/4	13.7	ac.		
NE1/4 NW1/4	11.9	ac.		
NW1/4 SW1/4	39.0	ac.		
NE1/4 SW1/4	9.8	ac.		
SW1/4 SW1/4	3.9	ac.	Subtotal	157.3 acres

Page 2

Section 26, T2N-R14E

NE1/4 NE1/4	38.4	ac.
SE1/4 NE1/4	39.0	ac.
NW1/4 NE1/4	3.6	ac.
SW1/4 NE1/4	26.3	ac.

NE1/4 SE1/4	33.0	ac.
NW1/4 SE1/4	11.6	ac.
SW1/4 SE1/4	24.7	ac.

Subtotal	176.6	acres
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Section 35, T2N-R14E

NW1/4 NE1/4	8.0	ac.
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Subtotal	8.0	acres
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TOTAL:	766.0	acres
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LICENSE FOR PERMIT NUMBER 713-2/1380-2/1768-2

Div. Pt. No. 1

1. Legal location of

Dams and Structures: SW1/4 SE1/4 Section 26, T2N-R14E

2. Well Information: Well Drilling Firm

Completion Report?	Yes	No	No. of Wells	Depth(s)	feet
--------------------	-----	----	--------------	----------	------

Casing	a) diameter	inches	Screen	a) type	
	b) length	feet		b) length	feet
	c) type		Static Water Level		feet

Pump	a) make <u>Berkely</u>	Motor	a) make <u>Century</u>
<u>A</u>	b) model <u>B6ZPH</u>		b) model no. <u>6323052-01</u>
	c) size <u>10 inch</u>		c) horsepower rating <u>30</u>
	d) capacity <u>1250</u> GPM		d) serial no.
	e) turbine pump - no. of stages		
	f) operating PSI		

3. Distribution lines or canals

a) size 10 inches
b) type Aluminum
c) length 1500 feet

Yes	No	Check Items
-----	----	-------------

- | | |
|----------|---|
| <u>X</u> | 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit? |
| <u>X</u> | 2. Special qualifications to permit being abided by? |
| | 3. All structures, wells and lands on map? |
| <u>X</u> | 4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period? |
| <u>X</u> | 5. Is chemigation used? |
| | 6. If yes, does equipment comply with chemigation rules? |

REMARKS: **Water is used to irrigate 32.7 acres using gravity system of irrigation.**

LICENSE FOR PERMIT NUMBER 713-2/1380-2/1768-2

Div. Pt. No.2

1. Legal location of

Dams and Structures: SE1/4 SE1/4 Section 23, T2N-R14E

2. Well Information: Well Drilling Firm

Completion Report? Yes No No. of Wells Depth(s) feet

Casing a) diameter inches Screen a) type

b) length feet b) length feet

c) type Static Water Level feet

Pump a) make Motor a) make

b) model b) model no.

c) size c) horsepower rating

d) capacity GPM d) serial no.

e) turbine pump - no. of stages

f) operating PSI

3. Distribution lines or canals

Water is diverted from Cheyenne River

a) size 36 inches

into a pond located in the E1/2 Section

b) type Steel

23, T2N-R14E. A 36 inch headgate

c) length 700 feet

controlls flow of water into the pond.

Yes No Check Items

X 1. Soil and water permit lands agree with lands being irrigated
and lands listed on permit?

X 2. Special qualifications to permit being abided by?

X 3. All structures, wells and lands on map?

X 4. Irrigation Questionnaires checked to determine if permit
owner started irrigation by end of construction period?

X 5. Is chemigation used?

6. If yes, does equipment comply with chemigation rules?

REMARKS:

1. Legal location of

Dams and Structures: NE1/4 SE1/4 Section 23, T2N-R14E

2. Well Information: Well Drilling Firm

Completion Report? Yes No No. of Wells Depth(s) feet

Casing a) diameter inches Screen a) type
b) length feet b) length feet
c) type Static Water Level feet

Pump a) make Cornell Motor a) make GE
1 b) model 5RB40-40 b) model no. 5K324JL229-2
c) size 10 inch c) horsepower rating 40
d) capacity 1250 GPM d) serial no.
e) turbine pump - no. of stages
f) operating PSI

3. Distribution lines or canals

a) size 15 inches
b) type Polyvinyl Chloride (PVC)
c) length 4400 feet

c)gun: d) center pivot:

1) make 1) make Linsey
2) nozzle size 2) number of towers 12
3) capacity (GPM) 3) distance between towers 126 feet
4) hose size inches 4) overall length 1380feet
5) hose length feet 5) end gun (Y/N) Y
e) gated pipe: 6) high or low pressure L
1) length feet 7) make and size of nozzles:
2) diameter inches
3) spacing of gates inches 8) capacity (GPM) 1250

Yes	No	Check Items
<u>X</u>		1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
<u>X</u>		2. Special qualifications to permit being abided by?
<u>X</u>		3. All structures, wells and lands on map?
<u>X</u>		4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
	<u>X</u>	5. Is chemigation used?
		6. If yes, does equipment comply with chemigation rules?

REMARKS: **Pump No. 1 supplies water to pivot No. 1**

1. Legal location of

Dams and Structures: NE1/4 SE1/4 Section 23, T2N-R14E

2. Well Information: Well Drilling Firm

Completion Report? Yes No No. of Wells Depth(s) feet

Casing a) diameter inches Screen a) type

b) length feet b) length feet

c) type Static Water Level feet

Pump a) make Cornell Motor a) make GE# 2 b) model 5RB60-40 b) model no. 5K364JL2153c) size 10 inch c) horsepower rating 60d) capacity 1100 GPM d) serial no.

e) turbine pump - no. of stages

f) operating PSI

3. Distribution lines or canals

a) size 15 inchesb) type Polyvinyl Chloride (PVC)c) length 1800 feet

c)gun:

d) center pivot:

1) make

1) make Zimatic

2) nozzle size

2) number of towers 8

3) capacity (GPM)

3) distance between towers 176 feet

4) hose size inches

4) overall length 1380 feet

5) hose length feet

5) end gun (Y/N) Y

e) gated pipe:

6) high or low pressure L

1) length feet

7) make and size of nozzles:

2) diameter inches

3) spacing of gates inches

8) capacity (GPM) 1100

Yes	No	Check Items
<u>X</u>		1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
<u>X</u>		2. Special qualifications to permit being abided by?
<u>X</u>		3. All structures, wells and lands on map?
<u>X</u>		4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
	<u>X</u>	5. Is chemigation used?
		6. If yes, does equipment comply with chemigation rules?

REMARKS: **Pump No. 2 supplies water to Pivot No. 2.**

1. Legal location of

Dams and Structures: SE1/4 NE1/4 Section 23, T2N-R14E

2. Well Information: Well Drilling Firm

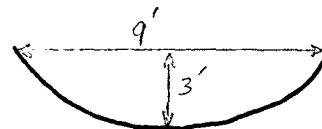
Completion Report? Yes No No. of Wells Depth(s) feet

Casing a) diameter inches Screen a) type
 b) length feet b) length feet
 c) type Static Water Level feet

Pump a) make Vertiline Motor a) make Newman
 # 3 b) model 38073374 b) model no. S22123609
 c) size 10 inch c) horsepower rating 60
 d) capacity 1100 GPM d) serial no.
 e) turbine pump - no. of stages
 f) operating PSI

3. Distribution lines or canals

** See Remarks



a) size 10 inches
 b) type Polyvinyl Chloride (PVC)
 c) length 1700 feet
 c)gun: d) center pivot:
 1) make 1) make Zimatic
 2) nozzle size 2) number of towers 8
 3) capacity (GPM) 3) distance between towers 176
 4) hose size inches 4) overall length 1380 feet
 5) hose length feet 5) end gun (Y/N) Y
 e) gated pipe: 6) high or low pressure L
 1) length feet 7) make and size of nozzles:
 2) diameter inches
 3) spacing of gates inches 8) capacity (GPM) 1100

Yes	No	Check Items
<u>X</u>		1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
<u>X</u>		2. Special qualifications to permit being abided by?
<u>X</u>		3. All structures, wells and lands on map?
<u>X</u>		4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
	<u>X</u>	5. Is chemigation used?
		6. If yes, does equipment comply with chemigation rules?

REMARKS: Pump No. 3 supplies water to Pivot No. 3.

**** Water is also diverted from the pond to irrigate approximately 88.0 acres in Sections 13 and 14 via 2500 feet of earthen irrigation ditch using gravity system of irrigation.**

1. Legal location of

Dams and Structures: NE1/4 SW1/4 Section 13, T2N-R14E

2. Well Information: Well Drilling Firm NA

Completion Report? Yes No No. of Wells Depth(s) feet

Casing a) diameter inches Screen a) type
b) length feet b) length feet
c) type Static Water Level feet

Pump a) make No tag Motor a) make V8-Cat.

B b) model no.
c) size 10 inch c) horsepower rating 125
d) capacity 2000 GPM d) serial no.
e) turbine pump - no. of stages
f) operating PSI

3. Distribution lines or canals

****See Remarks**

a) size 10 inches
b) type Polyvinyl Chloride (PVC)
c) length 300 feet

Yes	No	Check Items
<u>X</u>		1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
<u>X</u>		2. Special qualifications to permit being abided by?
<u>X</u>		3. All structures, wells and lands on map?
<u>X</u>		4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
<u>X</u>		5. Is chemigation used?
		6. If yes, does equipment comply with chemigation rules?

REMARKS: Surface runoff from a canyon (Diversion Point No.6) is diverted into a small pond approximately 10 feet wide, 15 feet long, and 5 feet deep. About 46 acres are irrigated with this water using gravity system of irrigation. There is no authorization on file to use water from this source.

Water Rights Division - DWR
Conversation or File Documentation

File No. _____

NAME OF PERSON OR FILE: JOE Lytle

ADDRESS: Baker City COUNTY _____

DATE: 3/20/92 TELEPHONE _____

RE: IRRIGATION OUT OF CHESTER RIVER

COMMENTS:

JOE LYTLE CALLED TO COMPLAIN ABOUT THE REDUCTION
OF ACRES OUT OF EXISTING PERMITS AND THE REQUIREMENT
TO GET A NEW PERMIT FOR IRRIGATION THAT HAS
OCCURRED SINCE AND WAS APPROVED 13 YEARS AGO.
HE ALSO WAS UNHAPPY ABOUT LITING ALL OF HIS
PERMITS TOGETHER SINCE MANY AREN'T RELATED

File No. 713-2

1380-2

1789-2

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Joseph Lytle

ADDRESS: 3125 Orchard Lane COUNTY: Pennington

DATE: 3-27-92 TELEPHONE: 348-0222

RE: Filing or a Permit

COMMENTS: Mr. Lytle called to express his concerns about my inspection of his permits. He said that he was in the office when he was applying for his permits and he thought that we had taken care of all that. I told him we do not have any document showing that he had a permit to store water or use water from the canyon. He said, the canyon does not flow so often and he can not take a water sample. I told him, send us a letter stating his concerns mentioning the lack of flow in the canyon. He said he would like to come to Pierre to discuss these with us.

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



M. RASSOOL AHADI

Natural Resources Engineer III
DENR, Water Rights Division



1380-2

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

www.state.sd.us/denr

January 22, 1999

NOTICE**TO:** JOSEPH LYTLE, 3125 ORCHARD LANE, RAPID CITY, SD 57701**FROM:** Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program**SUBJECT:** Reporting Requirement for 1998 Irrigation Questionnaires

Our records indicate that the 1998 Irrigation Questionnaires have not been submitted for Permit Nos. 1768-2, 713-2 & 1380-2. The request for the Questionnaires was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 713-2 & 1380-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1768-2 qualification:

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

The hearing will be held at 9:45 am, March 3, 1999 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

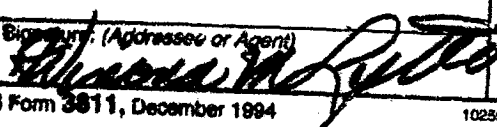
1. Suspend or cancel Permit No(s) 1768-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 713-2 & 1380-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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 questionnaires are received in this office on/or before March 1, 1999, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (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.

1380-2

SENDER: Complete items 1 and/or 2 for additional services. Complete items 3, 4a, and 4b. Print your name and address on the reverse of this form so that we can return this card to you. Attach this form to the front of the mailpiece, or on the back if space does not permit. Write "Return Receipt Requested" on the mailpiece below the article number. The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: JOSEPH LYTLE 3125 ORCHARD LANE RAPID CITY SD 57701		4a. Article Number P 378 080 737 4b. Service Type ☐ Registered ☒ Certified ☐ Express Mail ☐ Insured ☐ Return Receipt for Merchandise ☐ COD 7. Date of Delivery 1-23-99	
5. Received By: (Print Name) 6. Signature: (Addressee or Agent) 		8. Addressee's Address (Only if requested and fee is paid)	

PS Form 3811, December 1994

102595-98-9-0223

Domestic Return Receipt

Thank you for using Return Receipt Service.



1380-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 1999

713-2

1380-2

1768-2

Joe Lytle
3125 Orchard Lane
Rapid City, SD 57701

Dear Mr. Lytle:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Permit Nos. 713-2, 1380-2 and 1768-2.

I completed questionnaires for you based on our January 25th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

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

Sincerely,

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



1380-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 16, 2000

Joseph Lytle
3125 Orchard Lane
Rapid City, SD 57703

Dear Mr. Lytle:

Enclosed, as you requested, are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with Water Permit or Right Nos. 713-2, 1380-2, 1735-2 and 1768-2.

Please review the forms for accuracy and make any necessary corrections. You will need to complete the portion titled "to be transferred to (name & address)...." Upon completion, the forms will need to be signed in the presence of a notary public by the new owner (or representative).

A \$2.50 filing fee is required for each transfer filed (total of \$10.00). 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 get in touch with me.

Sincerely,

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

enclosures



1380-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 22, 2003

713-2
1380-2
1768-2

Joseph Lytle
3125 Lytle Ln
Rapid City SD 57703-8004

Dear Mr. Lytle:

Enclosed is a "Notice" dated October 17, 2003 concerning the 2003 irrigation questionnaire. The notice was originally mailed to 3125 Orchard Lane, Rapid City SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



1380-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2004

NOTICE

TO: JOSEPH LYTLE, 3125 LYTLE LANE, RAPID CITY, SD 57701

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaires

Our records indicate that the 2003 Irrigation Questionnaires have not been submitted for Permit Nos. 1768-2, 713-2 & 1380-2. The request for the Questionnaires was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 713-2 & 1380-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1768-2 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1768-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 713-2 & 1380-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office on/or before February 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (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.



1380-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 2004

713-2
1380-2
1768-2

Joseph Lytle
3125 Orchard Ln
Rapid City SD 57701

Dear Mr. Lytle:

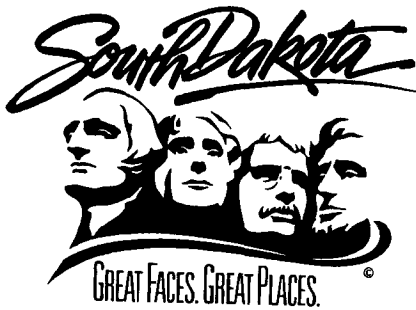
I am writing to acknowledge receipt of your 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Permit and Right Nos. 713-2, 1380-2 and 1768-2.

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



1380-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: JOSEPH LYTLE, 3125 LYTLE LANE, RAPID CITY, SD 57703 8004
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

Our records indicate that the 2004 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 713-2 & 1380-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1768-2 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1768-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 713-2 & 1380-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office on/or before February 25, 2005, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (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.



1380-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 24, 2005

713-2
1380-2
1768-2

Joseph Lytle
3125 Lytle Lane
Rapid City SD 57703-8004

Dear Mr. Lytle:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Permit or Right Nos. 713-2, 1380-2 and 1768-2.

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

NOT TO SCALE

State of S.D.

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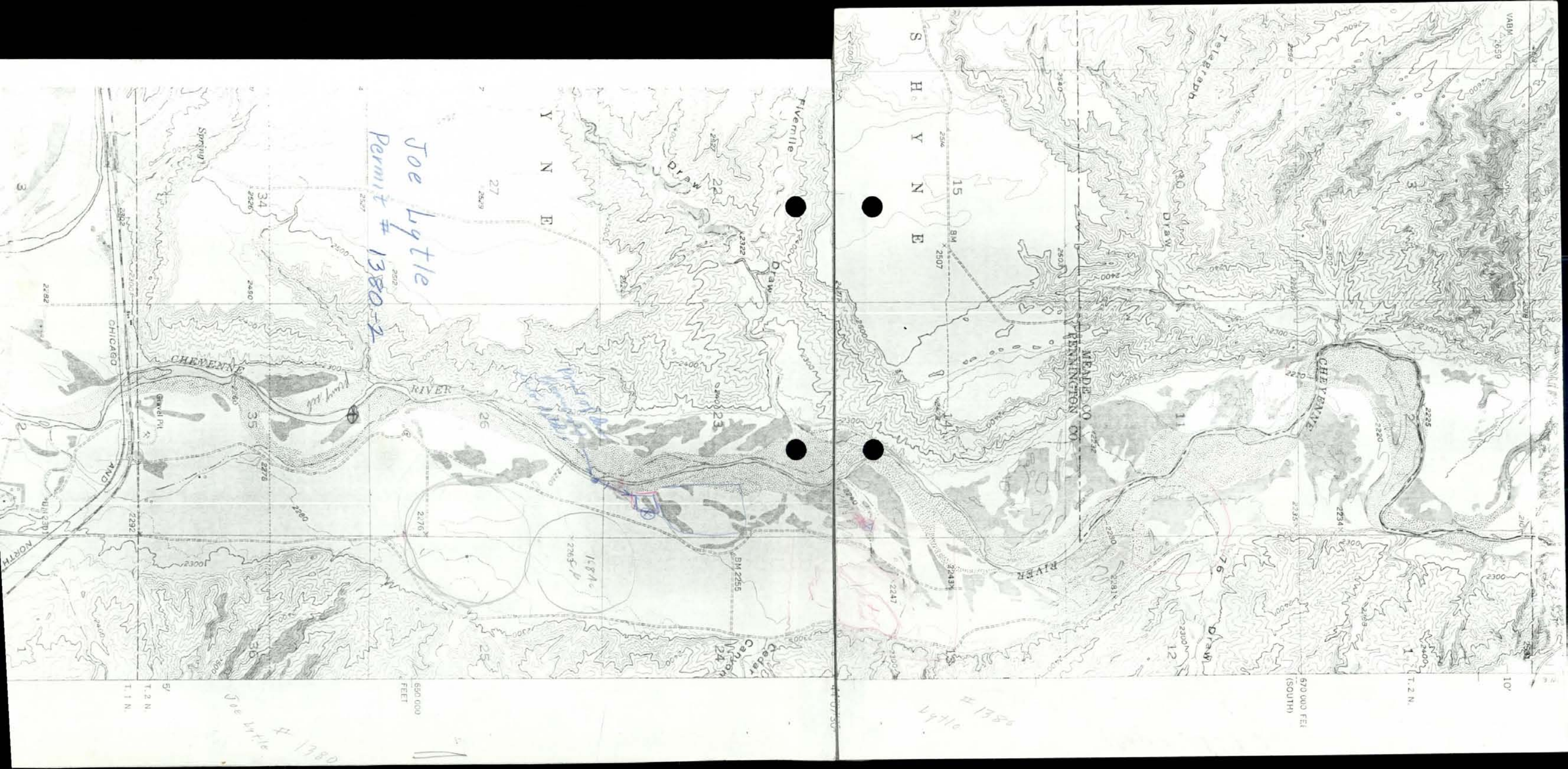
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HEL 59.1
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NOT

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66





1380-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2006

NOTICE

TO: JOSEPH LYTLE, 3125 LYTLE LANE, RAPID CITY, SD 57703 8004
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaires

Our records indicate that the 2005 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 713-2 & 1380-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1768-2 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1768-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 713-2 & 1380-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office on/or before **February 24, 2006**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2006

713-2
1380-2
1768-2

Joseph Lytle
3125 Lytle Lane
Rapid City SD 57703

Dear Mr. Lytle:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Permit Nos. 1380-2 and 1768-2 and Water Right No. 713-2.

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



**DEPARTMENT of ENVIRONMENT
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www.state.sd.us/denr

June 30, 2006

NOTICE OF SHUTOFF ORDER

TO: JOE LYTTLE
3125 LYTTLE LN
RAPID CITY SD 57703

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

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

Shutoff Order for Water Right Nos. 1380-2

To protect the senior priority water rights, the department is issuing shutoff orders to junior water right holders with priority dates after January 1, 1970 from Angostura Dam to Belle Fourche River confluence. Effective immediately, no diversions of water from the Cheyenne River and tributaries will be allowed for those permits with a priority date after January 1, 1970.

Flow in the Cheyenne River has dropped 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.

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, please contact Mark Rath or Lynn Beck with the Water Rights Program at (605) 773-3352. Thank you.

Water Rights Program - DENR

File Documentation

File No. 1380-2, 1768-2 & 713-2

County: Pennington

Name of Person: Rusty Lytle

Address: 22801 Jensen Road

Date: 8-3-06 **Telephone:** 605-279-2648 cell 605-685-8419

Email: lytlerar@gwtc.net

RE: Investigation of shutoff water rights along the Cheyenne River

Comments:

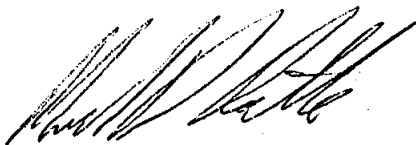
On 8-2-06, Mike DeFea and I flew the Cheyenne River from the Belle Fourche confluence to Angostura Reservoir, to verify shutoff order compliance. We identified and GPS'ed a location of an irrigation system owned by Joe Lytle appeared to having been run very recently.

On 8-3-06, Mike DeFea and I made a personal visit to the Lytle Ranch. We spoke with Rusty Lytle who lives at the ranch. I told him that on our previous day's flight it looked like he had been irrigating in violation of the shutoff order. Mr. Lytle admitted he had run his irrigation at least 4 days after having received the shutoff order. Mr. Lytle wanted to know if he could be allowed to pump his settling pond dry. I told him it also looked as if the gate between the Cheyenne River and his settling pond was open. He admitted it was open about 10 inches. I also told him that the pond was not included in any of his water permits/licenses and that needed to be taken care of.

I told him we wanted to go take a look at this gate. We drove to that site and found that the gate was open. Mike DeFea GPS'ed the location of the gate and took photographs of the low-head dam across the Cheyenne River. Mr. Lytle closed the gate down until it was just cracked open, it appeared some debris or rocks were stopping it from being completely shut. He said he would have his kids come back out and clean out the gate and finish closing it.

On 8-4-06 I called Rusty Lytle and told him that the Chief Engineer denied his request to allow him to pump from the pond with the gate closed. He asked why not. I explained the Chief Engineer feels it is likely the pond is hydraulically connected through the gravels to the river and the pumping would affect flow in the river. Mr. Lytle said he disagreed with that since they pump the pond dry every winter.

I told Mr. Lytle we would be in touch with him on the violation of the shutoff order.



Mark D Rath
Natural Resources Engineering Specialist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

September 5, 2006

1380-2 713-2 1768-2

DR JOSEPH LYTLE
3125 LYTLE LN
RAPID CITY SD 57703

Dear Sir:

This letter is to inform you that until further notice pumping **will be allowed** to continue under your junior priority water right(s) from the Cheyenne River. Due to recent rains and cooler temperatures, flow in the Cheyenne River has improved and appears to holding steady.

We will continue to monitor the daily stream flows. If flow conditions worsen and domestic use flow is again being impacted, DENR may be forced to again limit pumping.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the Cheyenne River and it's tributaries at the following web address:

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

If you have any questions, please contact Mark Rath or Lynn Beck with the Water Rights Program at (605) 773-3352. Thank you.

GARLAND ERBELE, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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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



March 26, 2007

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

713-2

1380-2

1768-2

Rusty Lytle
22801 Jensen Rd
Wall SD 57790

Dear Mr. Lytle:

This letter is in reference to your March 26, 2007 telephone call to Mike DeFea, one of our Water Rights staff, regarding early diversions of water for irrigation from the Cheyenne River for three permits under Joseph Lytle. You indicated that you would like to pump water from the river to irrigate land covered under Water Permits and Water Right Nos. 1380-2, 1768-2 and 713-2 prior to their April and May authorization dates.

Because there is sufficient flow in the Cheyenne River, I am granting your request to withdraw water early for land covered under these water permits and water right. However, please be aware that the water rights will be subject to shut-off orders if Cheyenne flows become low.

Also, in a letter dated March 2, 2007, you were given a copy of the report of examination of works conducted by Don Stroup, and a map for the irrigation system you operate along the Cheyenne River in Pennington County. Please review the report and determine if the report accurately reflects the system that is in place so the Water Rights Program can proceed with licensing the water right. An application form was also enclosed to apply for a permit to authorize diversion of water from your dry draw located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24.

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

Sincerely,

Garland Erbele, Chief Engineer
DENR, Water Rights Program



DEPARTMENT of ENVIRONMENT
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NOTICE OF SHUTOFF ORDER

June 27, 2007

TO: DR JOSEPH LYTLE
3125 LYTLE LN
RAPID CITY SD 57703

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. 1735-2 (1380-2) 1768-2

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 to Nos. 1735-2, 1380-2 and only to the junior priority portion of 1768-2 for 13.2 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
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January 18, 2008

NOTICE

TO: JOSEPH LYTLE, 3125 LYTLE LANE, RAPID CITY, SD 57703 8004

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaires

Our records indicate that the 2007 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 713-2 & 1380-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1735-2, 1768-2 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1735-2, 1768-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 713-2 & 1380-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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



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March 3, 2008

713-2
1380-2
1735-2
1768-2

Joseph Lytle
3125 Lytle Lane
Rapid City SD 57703

Dear Mr. Lytle:

I am writing to acknowledge receipt of your 2007 irrigation questionnaires. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right Nos. 713-2, 1380-2, 1735-2 and Water Permit No. 1768-2.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

I noted on the irrigation questionnaire for Water Right No. 1735-2 that you have placed the land in CRP through 2010. The water right authorizes diversion of water from a dry draw storage dam to irrigate 60 acres in the E ½ NW ¼ and W ½ NE ¼ Section 20, T2N, R14E. You will not receive an irrigation questionnaire for this water right until after it comes out of CRP.

If you have any questions, please contact me.

Sincerely,

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

McMath, Genny

From: Rusty [lytlerar@gwtc.net]
Sent: Monday, March 03, 2008 12:18 PM
To: McMath, Genny
Subject: Re: irrigation questionnaires

Would you please start sending the info to me. I have assumed the manager role and do most of the bookwork.

Lytle Red Angus
Rusty Lytle
22801 Jensen Rd
Wall, SD 57790
Phone- (605) 279-2648 or (605) 685-8419
E-mail: lytlerar@gwtc.net

----- Original Message -----

From: Genny.McMath@state.sd.us
To: lytlerar@gwtc.net
Sent: Monday, March 03, 2008 7:27 AM
Subject: irrigation questionnaires

Rusty,

We received the on-line version of the irrigation questionnaires for Joe Lytle – I am assuming those are the ones you emailed about.

Everything looked great and we will send confirmation out by regular mail that they were received. I have a question though. Do you want correspondence sent to your address or should we continue to send them to Joe's address at 3125 Lytle Lane in Rapid City?

Thank you in advance for your help

Genny McMath

Water Rights Program

773-5455



1380-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PMB 2020
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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 23, 2009

NOTICE

TO: RUSTY LYTLER, MGR, 22801 JENSEN RD, WALL, SD 57790

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaires

Our records indicate that the 2008 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 713-2 & 1380-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1768-2 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1768-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 713-2 & 1380-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

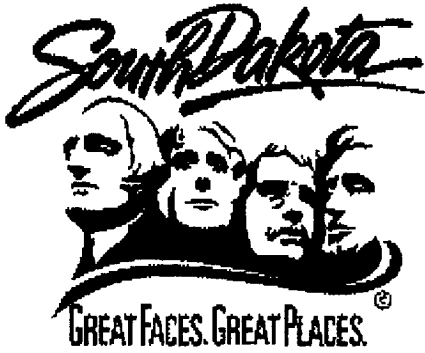
The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by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

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

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

c: JOSEPH LYTLER, 3125 LYTLER LN, RAPID CITY SD 57703-8004

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.



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February 13, 2009

713-2
1380-2
1768-2

Rusty Lytle, Mgr
22801 Jensen Rd
Wall SD 57790

Dear Mr. Lytle:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 713-2 and Water Permit Nos. 1380-2 and 1768-2.

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

c: Joseph Lytle



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

JUN 15 2009

713-2
1380-2
1768-2

Joseph Lytle
3125 Lytle Lane
Rapid City SD 57703-8004

Dear Mr. Lytle:

Enclosed is your Water License No. 1768-2. Water License No. 1768-2 is the final document which completes the process of obtaining a water right.

Also included with your license are the following:

- A map prepared by the staff engineer who conducted the field investigation; and
- Receipt No. 04140 in the amount of \$50.00 which you paid for the investigation and issuance of Water License No 1768-2.

The applicable portions of Water Right No. 713-2 and Water Permit No. 1380-2 were incorporated into Water License No. 1768-2. As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures