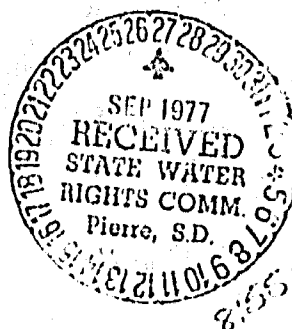


- 1623-2
1. Considered 1-25 19 77
2. Name of Applicant BONDURANT RANCH, INC.
3. Post Office Address BUFFALO GAP
4. Amount of Water claimed .53
5. Source of Water supply COTTONWOOD CREEK
6. Water to be used for IRRIGATION
- Acres to be irrigated 37
7. Water to be diverted and used in CUSTER County
about 2N, 10E miles of BUFFALO GAP
8. Proof of Publication Received 2-17-78
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____

*Call from Mrs. Bondurant
@ Custer Paper -
not advertised twice*

10. Remarks:

*Will have to be advertised for 7 days 6N should
March - several new from 6 be 65 -*

No. 1623-2Map No. 1387-2 Water Division No. 2 FALL 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 Robert Frew Boardman Farm, Inc.
 Postoffice address Buffalo Gap, State So. Dak.
 If a corporation show date and place of incorporation Sept 16, 1961
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work -
4. Amount of water claimed (cubic feet per second) 53 CFS
5. Source of water supply Cottonwood Creek
6. Location of point of diversion SW 1/4 SE 1/4 NE 1/4 NW 1/4 Sec 18 T6 R9

County Custer

7. Annual period or periods during which water is to be used when water is available
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 37

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>SE 1/4 NW 1/4 Sec 18 T6 R9</u>	<u>18</u>		
<u>NE 1/4 NW 1/4 Sec 18 T6 R9</u>	<u>19</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system one years. Additional time required to complete application of water to the proposed beneficial use 0 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Custer Chronicle
12. Principal Features of the Proposed Water Supply System.

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

portable pump

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

Combination of pipe and ditches

C. Works proposed to apply water to beneficial use.

Some leveling may be needed to flood irrigateEstimated Total Cost \$ 5000Attachments: 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 CusterI, Robert Frew Boardman Farm, Inc., 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 Robert Frew Boardman Farm, Inc.Subscribed and sworn to before me this 15 day of SEPTEMBER 1977R. J. Nelson
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1623-2
BONDURANT RANCH, INC BUFFALO GAP
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57122 With the following modifications:
 (State)

Diversion of water under this permit is contingent upon water supplies being first available to the prior water rights on the CHENNA River. Flow records show that there are occasional years when the flows of the CHENNA River in this area are definitely and recognizably lower than usual during the months of July, August and September. Diversions of water are not to be made, under this permit, during such low flow periods.

Date of first receipt of application SEPTEMBER 27, 1977
 Date of return to applicant for correction, amendments or changes required SEPTEMBER 27, 1977
 Date of receipt of corrected application JANUARY 5, 1978
 Approved MARCH 28, 1978 Recorded in Book 19 Page 282

WATER RIGHT PERMIT NO. 1623-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1623-2 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 JANUARY 5, 1978
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 28, 1978
3. The whole of said work is to be completed on or before MARCH 28, 1979
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 28, 1979
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 .53 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 MARCH 28, 1979; said water to be used during the following described annual period: APRIL THEN OCTOBER

Extension granted 9/25/80

Witness my hand this 5TH day of APRIL, 1978

WATER RIGHTS COMMISSION

By:

John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

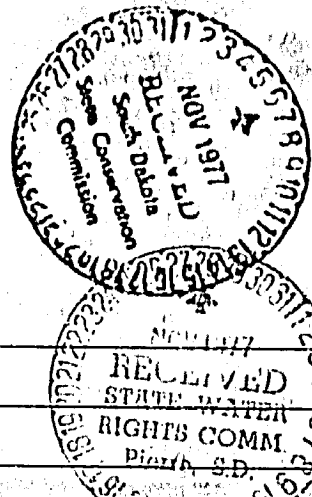
CONSERVATION COMMISSION
FORM WI #1
6/77

SOIL/WATER COMPATIBILITY APPLICATION FORM

STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

IMPORTANT: Read Instructions Before Proceeding!!!

NAME Bondurant Ranch, Inc.
ADDRESS Buffalo Gap, South Dakota
COUNTY Custer



In accordance with State Law (Section 1, SB-58), if a water right is granted with a conditional permit (Soil/Water compatibility), a copy of such conditional permit must be filed with the County Register of Deeds.

This action must be taken by the holder of a water right within 6 months of receipt of such water right.

LEGAL DESCRIPTION:

1. WELL LOCATION OR DIVERSION POINT Cottonwood Creek
2. LOCATION OF AREA TO BE IRRIGATED Sec 18-6-9
SW 1/4 - NE 1/4 - Sec 18 - NE 1/4 NW 1/4

TYPE OF IRRIGATION:

3. GRAVITY Hand TOWLINE _____ CENTER PIVOT _____ GUN _____
OTHER (SPECIFY) _____
4. CROPS TO BE IRRIGATED alfalfa

WATER QUALITY: (To be completed by SDSU Water Quality Lab)

5. SAMPLE NUMBER _____
6. SALINITY (EC X 10⁶) _____
7. SODIUM (SAR) _____
8. RESIDUAL SODIUM CARBONATE (meg/1.) _____

I do hereby certify that a chemical analysis of the irrigation water representative of that used to irrigate shall be acquired from South Dakota State University and the soils information has been acquired from Custer County Conservation District, County Extension Office or Soil Conservation Service; and further, that the legal description for the location of the well and land to be irrigated is true and correct.

SUBSCRIBED AND SWORN BEFORE ME THIS
DAY OF _____, 19____.

(TITLE OR SEAL)

Bondurant Ranch, Inc.
APPLICANT'S SIGNATURE
Albert L. Bondurant, Jr.

Approved

Disapproved

X

Conditionally Approved

(SOILS INFORMATION ON REVERSE SIDE)

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

(RECOMMENDED MANAGEMENT)

NAME OF APPLICANT Bondurant Ranch, Buffalo Gap, SD

RECOMMENDED MANAGEMENT:

1. Water should not be applied more than 1, 2, (3), 4, 5, times during the irrigation season.
2. Each uninterrupted application (one rotation of center pivot) should be of at least 1, 2, (3, 4) inches of water.

3. ☐ Yes ☐ No Surface drainage suggested

4. ☐ Yes ☐ No Subsurface drainage suggested

5. ☒ Yes ☐ No Specific land areas that ~~should be avoided~~ need special consideration

The Lohmiller soils under gravity conditions and with deep chisel-type tillage to open the soil for winter and/or spring moisture may work. Normal flows from Cottonwood Creek should not be used very much. Suggest you analyze the water on the higher flows.

6. ☒ Deep tillage (For the purpose of aiding movement of water through dense subsoils)

7. ☒ Heavy fall application of irrigation water

I would not advise trying to irrigate with this water, if you were to buy an expensive irrigation system. With gravity however, you have a chance to use water management techniques, that is, leaching with furrow irrigation with better river flows by natural moisture. If you see indicators of clodiness on the Lohmiller soils, you should discontinue irrigation of it.

	EC	SAR
Actual	2632	3.71
Permitted		
Haverson &		
Glenberg Soil	1700-2500	
Lohmiller Soil	1000-1200	

Copy to Applicant - 1
Copies to Water Rights - 2
Copy to File - 1

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

Submitted by: Bondurant Ranch, Inc.
 Address: Buffalo Gap, SD 57722

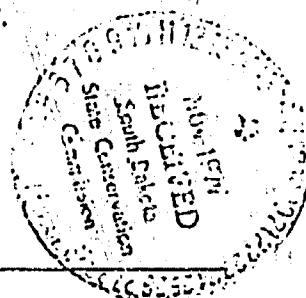
Date Rec'd. November 3, 1977
 Sample No. 77-1556
 Identification Water for Irrigation

WATER ANALYSIS

Calcium (Ca)	285	ppm*	14.25	me/l**
Magnesium (Mg)	90	ppm	7.38	me/l
Sodium (Na)	281	ppm	12.22	me/l
Potassium (K)	21	ppm	0.55	me/l
Sulfate (SO ₄)	1280	ppm	26.62	me/l
Nitrate (NO ₃)		ppm		me/l
Chloride (Cl)	142	ppm	3.98	me/l
Bicarbonate (HCO ₃)	342	ppm	5.60	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	280	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	2632	microhmhos per cm at 25° C.		
Sodium Adsorption Ratio	3.71			
Sodium	35.52	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.79			

*ppm=parts per million
 **me/l=millequivalents per liter

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



COMMENTS: Total cations 34.40 me/l
 Total anions 36.20 me/l

By: Shirley Mittan

Service Performed	Amount Due
Irrigation analysis	\$15.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 77-1556

Amount Enclosed \$

Signed

Form 6 - Notice of Intent to Appropriate Water
SURFACE WATER

No. 1623-2

Publish first publication, on or before February 10, 1978

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierrre, South Dakota 57501

February 2, 1978

Notice is hereby given that Bondurant Ranch Inc. whose post office address is Buffalo Gap, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use .53 cubic feet of water per second of time from the Cottonwood Creek through the Bondurant Project, the point of diversion of which is to be located in the NE 1 NW 1

of Section 18, Twp. 6N Range 9E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

E 1 NW 1 Section 18-T6N-R9E

This Application No. 1623-2 will be considered by the Water Rights Commission at

The Guest House, Watertown, SD upon the 28 th day of March, 1978 at 10A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

NOTE: The final proof of publication must be received before the hearing date for the Commission to take action.

WATER RIGHTS COMMISSION

Betty Westlund
Water Rights Specialist

cc: Bondurant Ranch, Inc.
Buffalo Gap SD 57722

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Custer) ss.

I, Jessie Y. Sundstrom hereby

certify that the annexed printed copy of Notice

Water was taken from the Feb. 16, 1

A newspaper which during the whole time of pu
herein after stated, has been and is printed and p

City of Custer

County of Custer and
that the said notice was published in said new
dates:

Feb. 9, 1978

Feb. 16, 1978

Jessie Y. Sundstrom
(Signature)

Publisher
(Title)

Feb. 16, 1978
(Date Signed)

notice of hearing

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE
WATER

Pierre, South Dakota 57501
February 2, 1978
Notice is hereby given that Bon-
durant Ranch, Inc. whose post office
address is Buffalo Gap, South Da-
kota, has made an application in ac-
cordance with the provisions of
SDCL 46-1-1 through 46-1-8, 46-
2-9 through 46-2-11, 46-2-13, 46-
46-5-1 through 46-5-8, 46-5-10, 46-
through 46-5-22, 46-5-41, and Com-
mission Rules ARSD 52:01:01:01
through 52:01:01:13, for a permit
to appropriate for beneficial use
.53 cubic feet of water per second
of time from the Cottonwood Creek
through the Bondurant Project, the
point of diversion of which is to be
located in the NE1/4 NW1/4 of Sec-
tion 18, Twp. 6N Range 9E, Sald
water to be used for the purpose
of providing irrigation on portions
of the following described land:

E 1/2 NW 1/4 Section 18, T6N
R9E, S44E, 44E
This application No. 1623-3 will
be considered by the Water Rights
Commission at The Guest House,
Watertown, SD upon the 28th day of
March, 1978 at 10 A.M. The Com-
mission is authorized to make a
determination on this application
at the hearing. All interested per-
sons may appear and be heard.
Any person who may be affected
by a Commission decision who de-
sires to present evidence or
cross examine witnesses according
to SDCL 1-26 may notify the Com-
mission in writing prior to the
hearing or orally at the hearing.
NOTE: Final Proof of Publica-
tion must be received by the hearing
date for the Commission to take
action.
BETTY WESTLUND
Water Rights Specialist
Bondurant Ranch, Inc.
Buffalo Gap, SD #32-2-16-78



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7589

PIERRE, July 14, 19 80

RECEIVED OF Bondurant Ranch, Inc., Buffalo Gap, SD 57222

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

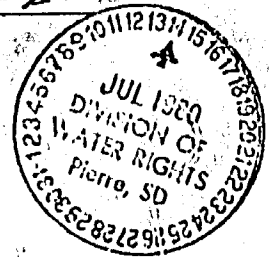
Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filling		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for XXXXXXXXXX Extension of Time 1623-2 1623-2	2	50
(any other work as provided by law)		
TOTAL,	2	50

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH *bt*

Form 18.

No. 1623-2



APPLICATION FOR EXTENSION OF TIME

TO: Water Rights Commission
Foss Building
Pierre, South Dakota 57501

Date July 8, 1980

Dear Sirs:

In Water Right Permit No. 1623-2 it is specified that (the water diversion system is to be completed by March 28, 1979 and that the water is to be put to the limit of beneficial use by March 28, 1979.

I hereby request that the date for completing the diversion system be extended to March 28, 1983 and that the date for putting the water to the limit of beneficial use be extended to March 28, 1983.

The extension of time for the completion of these works is requested for the following reasons: There are 12 acres and I want to Re-seed
for Pasture. Price for sprinkles cost \$24,000 or more.
So I am waiting to see if other means that would
be cheaper.

Enclosed herewith is a fee of Two Dollars and Fifty Cents (\$2.50) to pay the cost of filing this request for extension of time.

Robert J. Smith
Robert J. Smith (Signed)
1623-2
Permit Number

APPROVED:

WATER RIGHTS COMMISSION

BY:



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

October 31, 1986

Bob Trew
Bondurant Ranch, Inc.
HCR 57, Box 5
Buffalo Gap, South Dakota 57722

Dear Mr. Trew:

I am contacting you regarding the final inspection of Water Permit No. 1623-2. I discussed this permit with you on August 28, 1986. You also showed me the pump that you used for the irrigation.

The notice published for Permit No. 1623-2 in the CUSTER CHRONICLE on February 9 and 16, 1978 contained errors in the legal descriptions. Permit No. 1623-2 will be readvertised to correct the errors in the original advertisement. The readvertisement cost will be paid by the Division of Water Rights.

After the readvertisement and approval by the Water Management Board Permit No. 1623-2 can be licensed. If I can answer any questions, please contact me.

Sincerely,

Delvin D. Brosz, P.E.
Hydrologist

DDB:ms
Enc.

Equal Opportunity Employer

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1623-2

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 1623-2, Bondurant Ranch, Inc, Buffalo Gap SD.

The Chief Engineer is recommending APPROVAL of Application No. 1623-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

Diversion of water under this permit is contingent upon water supplies being first available to prior water right on the Cheyenne River. Flow records show that there are occasional years when the flows of the Cheyenne River in this area are definitely and recognizably lower than usual during the months of July, August and September. Diversion of water are not to be made, under this permit, during such low flow periods.

See the attached report for additional information.

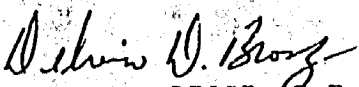

JOHN HATCH, Chief Engineer
October 7, 1986

REPORT ON THE READVERTISEMENT OF PERMIT NO. 1623-2
BONDURANT RANCH, INC.
September 10, 1986

The final inspection of Water Permit NO. 1623-2 was completed on August 28, 1986. The irrigation system has been partially developed. The project is located within the legal descriptions listed on Permit Application No. 1623-2 and as outlined on the attached map.

The application was for a diversion from Cottonwood Creek in the SW 1/4 and SE 1/4 and NE 1/4 all of the NW 1/4 in Section 18, T6S, R9E. It was to irrigate 37 acres in the E 1/2 NW 1/4 Section 18, T6S, R9E. The permit was originally advertised on February 9 and 16, 1978. The legal descriptions in the advertisement all were listed as in Township 6N instead of 6S. The diversion point was only advertised for the NE 1/4 NW 1/4 of Section 18. The diversion point has been developed in the SE 1/4 NW 1/4 of Section 18 and irrigation is being done on land in the SE 1/4 NW 1/4 of Section 18. The readvertisement is needed to accurately describe the location of the permit.

The readvertisement does not authorize any increase in the diversion rate or the acres irrigated. Since the correct legal descriptions were listed on the application, the readvertisement cost will be paid by the Division of Water Rights.


DELVIN D. BROSZ, P.E.
Hydrologist



Department of
Water & Natural Resources

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

Water Rights Division
605 773-3352

No. 1623-2

October 31, 1986

Custer County Chronicle
Box 551
Custer, South Dakota 57730

Dear Sir:

Enclosed is a Notice of Intent to Appropriate Water by Bondurant Ranch Inc.

Application No. 1623-2, in Custer County, South Dakota. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on, or before November 5, 1986.

Please bill the Water Rights Division for the cost of the publications.

A copy of BOTH publications must be sent to the Water Rights Division. IMMEDIATELY after the FIRST publication, return a copy of the notice with the FIRST Publication Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made before the second notice is published.

Please be sure the SECOND publication is return with the enclosed Proof of Publication form. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

RON DUVAL
Natural Resources Engineer

***** CUT HERE

No. _____

Date _____

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501

We are in receipt of your letter of _____, 1984 enclosing Notice of Proposed Appropriation of Water, as proposed in Application No. _____ which was first published in our issue of _____, 1984. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

NAME _____

NEWSPAPER _____

Equal Opportunity Employer

Instruction to Newspaper - Publish first publication of the following Notice on or before November 5, 1986 with 2nd publication 1 week later. ~~The applicant is responsible for payment.~~

READVERTISEMENT OF NOTICE OF HEARING on Application No. 1623-2 to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~

Notice is hereby given that Bondurant Ranch, Inc. whose mailing address is HCR 57, Box 5, Buffalo Gap, South Dakota has made an application for a ~~permit~~ water permit on January 5, 1978. This notice is a readvertisement of the original notice published on February 9 and 16, 1978 for Permit Application No. 1623-2. The original advertisement gave notice of an intent to irrigate lands by diverting flows from Cottonwood Creek. The original notice contained errors regarding the legal descriptions of the diversion point and of the land to be irrigated. The correct description of the diversion point is SW1/4, E1/4, Section 18, T6S-R9E. The correct land description is E1/4, Section 18, T6S-R9E. This notice is not to authorize any increase in diversions from Cottonwood Creek or any increase in acres irrigated.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1623-2 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, December 10, 1986 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by November 28, 1986. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2 46-5-30.4, 46-5-31; ~~(ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, (future use) 46-5-38 thru 46-5-40, (transfer lands) 46-5-30.4, 46-5-33 thru 46-5-35, (10,000 AFA) 46-5-20.1, 46-5-8.1, and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25, (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05.~~

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNHR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 28, 1986.

AFFIDAVIT OF PUBLICATION

STATE OF (OUTH DAKOTA)

SSS

COUNTY OF CUSTER)

Randall O'Neill

of said county, being duly sworn, on oath says that
 X he is publisher of ~~XXXXXX~~ of the CUSTER
 COUNTY CHRONICLE, a weekly newspaper printed and
 published in Custer City, said County of Custer and
 has full and personal knowledge of all the facts
 herein stated; that said newspaper is a legal news-
 paper and has a bona-fide circulation of at least
 two hundred copies weekly, and has been published
 within said County for fifty-two successive weeks
 next prior to the publication of the notice herein
 mentioned, and was and is printed wholly or in part
 in an office maintained at said place of publica-
 tion; that the Notice of Hearing on Application
No. 1623-2

, a printed copy of
 which, taken from the paper in which the same was
 published, is attached to this sheet, and is made a
 part of this Affidavit, was published in said news-
 paper at least once in each week for 2 successive
 weeks, on the day of each week on which said news-
 paper was regularly published, to wit:

November 5, 1986: November 12, 1986
 _____, 19____: _____, 19____:
 _____, 19____: _____, 19____:
 _____, 19____: _____, 19____:
 _____, 19____: _____, 19____:

that the full amount of the fees for the publica-
 tion of the annexed notice is \$51.80

Randall O'Neill

Subscribed and sworn to me before this 12

of November, 1986:

Quarone Quick

Notary Public

My commission expires June 30, 1994

Notice of Hearing

NOTICE OF HEARING on Application No. 1623-2

Notice is hereby given that Honduran Ranch, Inc., whose mailing address is HCR 57, Box 5, Buffalo Gap, South Dakota made an application for a water permit on January 5, 1978. This notice is a readvertisement of the original notice published on February 9 and 16, 1978 for Permit Application No. 1623-2. The original advertisement gave notice of an intent to irrigate lands by diverting flows from Cottonwood Creek. The original notice contained errors regarding the legal descriptions of the diversion point and of the land to be irrigated. The correct description of the diversion point is SW1/4 NW1/4, E1/2 NW1/4, Section 18, T6S-R9E. The correct land description is E1/2 NW1/4, Section 18, T6S-R9E. This notice is not to authorize any increase in diversions from Cottonwood Creek or any increase in acres irrigated.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends approval of Application No. 1623-2

APPROVAL of Application No. 1623-2 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at room 216, Joe Foss Building, 521 E. Capitol, Pierre, South Dakota, December 10, 1986 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by November 28, 1986. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02-01:01 thru 74:02-01:15.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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. Any person wishing a copy of the Chief Engineer's recommendation, or further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg, Pierre, SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 28, 1986.

#386 11-05-86

11-12-86



South Dakota
Department of
Water & Natural Resources

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

March 23, 1987

Bondurant Ranch Inc.
HCR 57, Box 5
Buffalo Gap, SD 57722

Dear Sirs:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under Water Permit No. 1623-2 was completed August 28, 1986. The readvertisement of your permit was approved by the Water Management Board December 10, 1986.

Water License No. 1623-2 can now be issued. Statutes require that we charge a \$50.00 fee for the inspection and issuance of the water license. Upon receipt of the \$50.00 fee from you, your water license will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst
605 773-3352

SOUTH DAKOTA
Department of
Water & Natural Resources

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

SECOND NOTICE
Permit No. 1623-2

July 14, 1987

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Bondurant Ranch
HCR 57 Box 5
Buffalo Gap, SD 57722

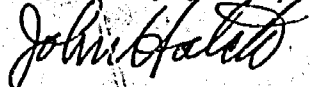
Dear Sirs:

March 23, 1987 you were notified the final inspection fee of \$50.00 is due before Water License No. 1623-2 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,



John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352



Enclosed please find \$50.00

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

410944

Pierre, July 24, 1987, 19

RECEIVED OF Robert D. Trew, Bondurant Ranch, HCR 57, Box 5, Buffalo Gap, SD 57722
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. 1623-2	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer JOHN HATCH 

Permit No. 1623-2Water District 11**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWRN, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Bon Durant Ranch, Inc of HCR 57 Box 5, Buffalo Gap, SD 57722 holder of Permit No. 1623-2, bearing the priority of January 5 1978 authorizing the diversion of 0.53 cu. ft. per second of the waters of Cottonwood Creek for irrigation purposes, in Custer County.

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

A. Works used to divert the water: A portable centrifugal pump. Make = Pacific, Model = 3DL4E, Capacity = 300 gpm. The pump is mounted to a Waukesha gasoline engine, model XAHU 5737L

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

4" rubber hose

C. Works used to apply water to beneficial use:

Big gun sprinkler.

This is not owned. It was rented during the 1985 irrigation season. It is contemplated that another sprinkler will be rented during 1987. No irrigation during 1986.

The system is in the following condition Fair.

The point of diversion is located Between the following two points on Cottonwood Creek: S35°E 2430 Ft and S56°E 2400 Ft both from the NW corner of Sec 18, T6S, R9E.

The works are capable of diverting and conveying to the place of use 300 gpm (.66 cfs) 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:

SE 1/4 NW 1/4, Sec 18, T6S, R9E - 13 acrescomprising a total of 13 acres of land and the license should be issued for 0.19 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date Aug. 28, 1986

Helwin D. Berg, P.E.
(signature) Hydrologist

State of South Dakota
Water License No. 1623-2

(1) Bondurant Ranch, Inc.
of HCR 57, Box 5, Buffalo Gap, South Dakota 57722
made Application No. 1623-2, September 27, 1977 for a water permit to appropriate
0.53 cubic feet per second of water from Cottonwood Creek,
Custer County, South Dakota for irrigation purposes.
Permit No. 1623-2, with a priority date of January 5, 1978
was approved March 28, 1978 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before March 28, 1983 and for the application to beneficial use of said
water on or before March 28, 1983.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 0.19 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is between the following two points on
Cottonwood Creek: S35°E 2430 ft and S 56°E 2400 ft both from the NW Corner of
Section 18, T6S, R9E

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land:

SE 1/4 NW 1/4, Section 18, T6S, R9E 13 Acres

(4) Pursuant to §46-5-30.1 Bondurant Ranch, Inc.

of HCR 57, Box 5, Buffalo Gap, South Dakota 57722

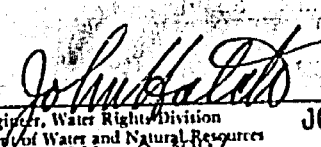
the holder(s) and/or owner(s) of Water Permit No. 1623-2 is issued a license to appropriate water, the right to

0.19 cubic feet per second of water from Cottonwood Creek with a priority date

of January 5, 1978 from the location specified in (2) of this license. The water to be

conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in Water Permit No. 1623-2 and subject to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JOHN HATCH

NOV 2 1987



**Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

No. 1623-2

NOV 2 1987

Bondurant Ranch, Inc.
HCR 57, Box 5
Buffalo Gap, South Dakota 57722

Dear Sir:

Enclosed herewith is, Water License No. 1623-2. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:MS

Enclosures

WNR-817 3/83

Transmittal of Water License.

State of South Dakota
Water License No. 1623-2

(1) Bondurant Ranch, Inc.
of HCR 57, Box 5, Buffalo Gap, South Dakota 57722
made Application No. 1623-2, September 27, 1977 for a water permit to appropriate
0.53 cubic feet per second of water from Cottonwood Creek,
Custer County, South Dakota for irrigation purposes.
Permit No. 1623-2, with a priority date of January 5, 1978
was approved March 28, 1978 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before March 28, 1983 and for the application to beneficial use of said
water on or before March 28, 1983.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 0.19 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is between the following two points on
Cottonwood Creek: S35°E 2430 ft and S 56°E 2400 ft both from the NW Corner of
Section 18, T6S, R9E



January 9, 1998

1623-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: BONDURANT RANCH INC, BOB TREW, HC 57 BOX 5, BUFFALO GAP, SD 57722

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) 376-2 & 1623-2. 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) 376-2 & 1623-2 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.



1623-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 1998

376-2
1623-2

Bob Trew
Bondurant Ranch Inc
HC 57 Box 5
Buffalo Gap, SD 57722

Dear Mr. Trew:

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. 376-2 and 1623-2.

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

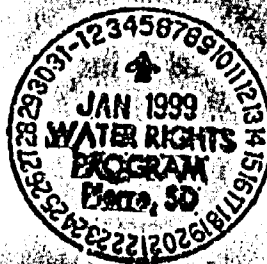


BONDURANT RANCH INC
BOB TREW
HC 57 BOX 5
BUFFALO GAP, SD 57722

October 16, 1998

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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



376-2

NOTICE TO SUBMIT THE 1998 IRRIGATION QUESTIONNAIRE
AND CHEMIGATION REPORTING FORM

Please complete the enclosed 1998 Irrigation Questionnaire(s) and return them in the postage paid envelope by December 15, 1998. Chemigation reporting form(s) are also enclosed for irrigators who have reported in previous years applying chemicals through their irrigation system. However, if you apply chemicals through your irrigation system, but did not receive a report form, please indicate so on the water use questionnaire and a report form will be forwarded to you.

Submission of the Irrigation Questionnaire(s) and Chemigation Reporting form(s) is required whether or not you irrigated this year. Some of the items to be aware of when completing the enclosed form(s) are:

1. Make necessary changes to the address label. Please include a phone number where you can be reached during the day. This will assist us in contacting you if we have questions.
2. If you have multiple permits and do not know the specific legal descriptions which pertain to each permit, please contact us. It is acceptable to put the information for all permits on one form, however, ALL forms need to be returned.
3. A WATER RIGHT OR PERMIT IS SUBJECT TO SUSPENSION OR CANCELLATION IF THE IRRIGATION QUESTIONNAIRE(S) AND/OR CHEMIGATION REPORTING FORM(S) ARE NOT RETURNED.

If you have questions or need assistance with completion of the irrigation questionnaire or chemigation reporting form, please contact Genny McMath, at (605) 773-3352. For those with internet access, you can send the information to her or ask questions by emailing gennym@denr.state.sd.us. The questionnaire can also be downloaded for use. The form can be found by going to the Department website: <http://www.state.sd.us/denr> and selecting "Water Rights" and then "Download forms." You will find directions from there on how to download the forms.

For the Water Management Board

John Hatch

JOHN HATCH, Chief Engineer
Water Rights Program

*I definitely need
the water rights as
I am continuing
the ranching business.*

enclosures

*Dear Sir -
We did irrigate this season. However,
Bob developed Cancer in late August and passed away in
October. I don't know the exact figures. Could you send me a
copy of last year's it would be about the same. Thank you.*



1623-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 11, 1999

376-2

1623-2

Marian Trew
Bondurant Ranch, Inc
HC 57 Box 5
Buffalo Gap, SD 57722

Dear Mrs. Trew:

Thank you for returning the 1998 irrigation questionnaires and for your letter of explanation received January 5th.

I was able to obtain enough information from the data you supplied and by reviewing the 1997 irrigation questionnaires to complete the 1998 forms. If you can continue to keep track of the number of days and hours per month the systems are running, the forms will be fairly easy to fill out.

As I indicated above, the 1998 questionnaires have been completed and are now on file in our office. I will mail future correspondence concerning the water rights to Bondurant Ranch, Inc in-care-of your name. Thank you again for letting us know about Bob.

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

Sincerely,

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



1623-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 5, 2000

Marian Trew
Bondurant Ranch, Inc
HC 57 Box 5
Buffalo Gap, SD 57722

Dear Ms. Trew:

Thank you for returning the 1999 irrigation questionnaires for Water Right Nos. 376-2 & 1623-2.

You indicated you were not sure what the pump rate was for each system. I checked back to the last ones Robert filled out and found the following information:

- 1800 gallons per minute from the system described in Water Right No. 376-2; and
- 750 gallons per minute from the system described in Water Right No. 1623-2.

I have included these pump rate figures on the questionnaires you mailed in. Thank you again for following up on the questionnaires. 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



1623-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 19, 2001

NOTICE

TO: BONDURANT RANCH INC, MARIAN TREW, HC 57 BOX 5, BUFFALO GAP, SD 57722

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaires

Our records indicate that the 2000 Irrigation Questionnaire has not been submitted for Permit Nos. 376-2 & 1623-2. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 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 10:00 am, March 7, 2001, 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 Nos. 376-2 & 1623-2 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 questionnaires are received in this office on/or before March 2, 2001, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaires, 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 31, 2001

376-2
1623-2

Marian Trew
Bondurant Ranch, Inc
HC 57 Box 5
Buffalo Gap, SD 57722

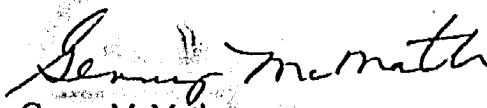
Dear Mr. Trew:

I am writing to acknowledge receipt of your 2000 irrigation questionnaires. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right Nos. 376-2 and 1623-2.

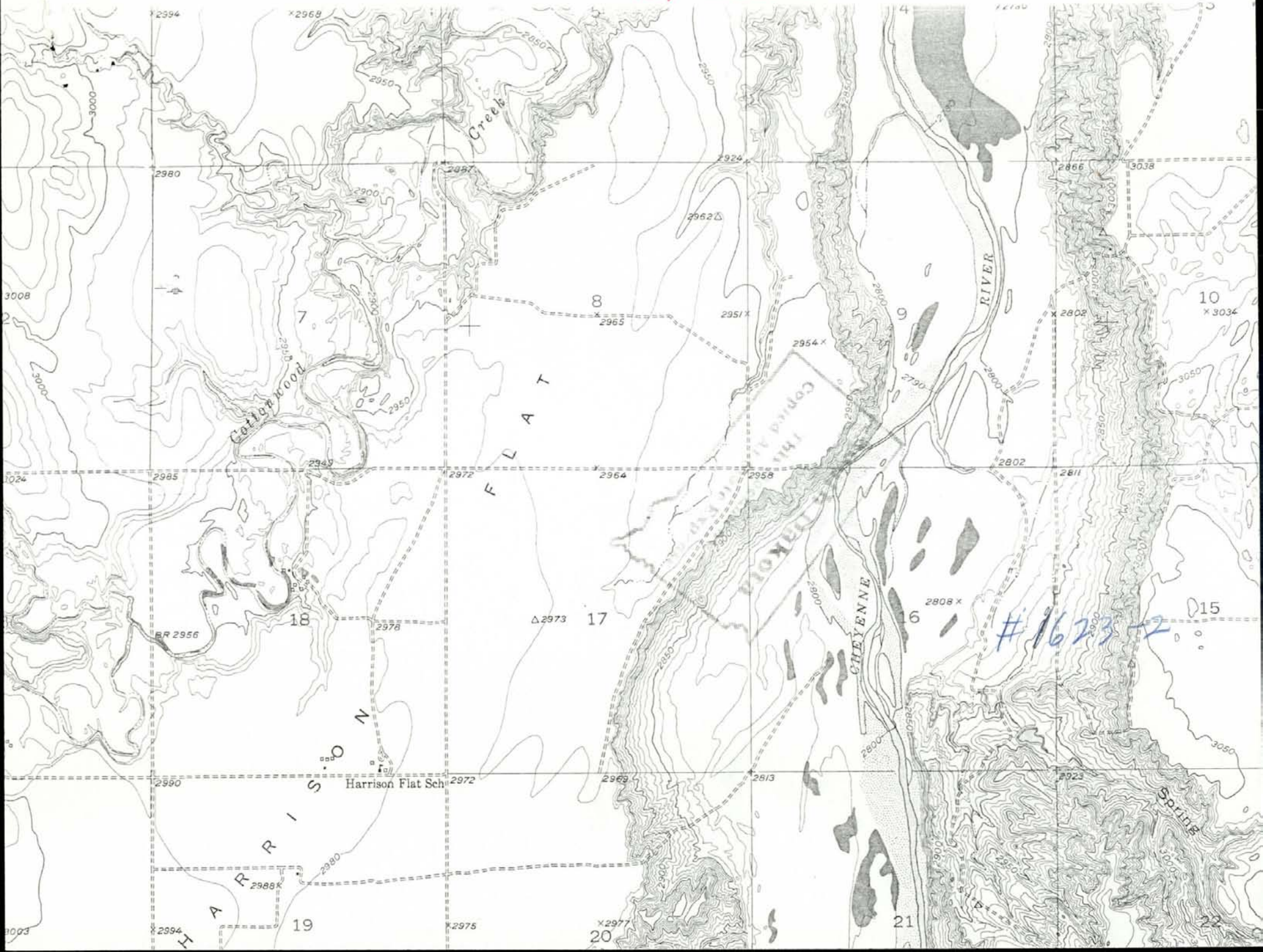
The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

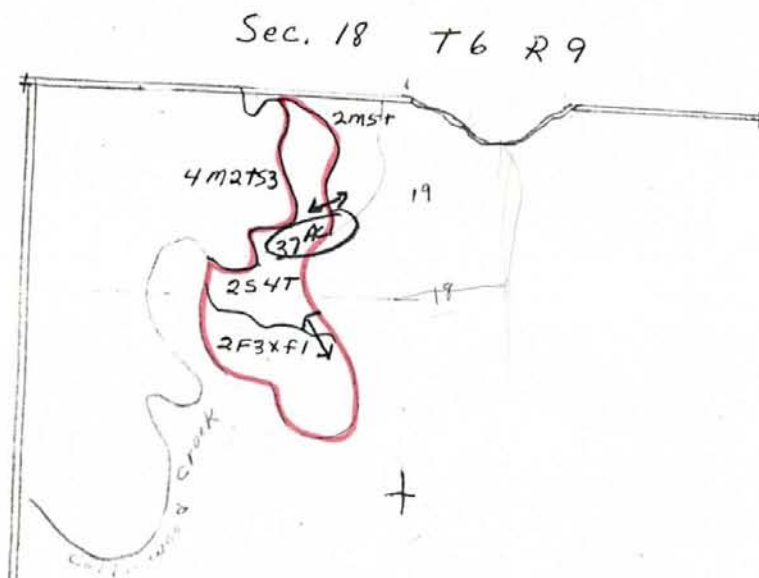

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

Map # ~~1787~~ 2



Map # 1387-2 Appl # 1623-2

Sourdant Ranch Tr.
Robert Trew



Scale = 4" = 1 mi

Legend

- 2mst - Haverson
- 254t - Glenberg
- 2F3xf1 - Lokmiller
- 4m2ts3 - Mosher/minature

The Glenberg has some clay washin, in places up to 4-6 inches over the top of the sandy loam material.

The Mosher-minature has a pan and is not recommended for irrigation.

Intake family

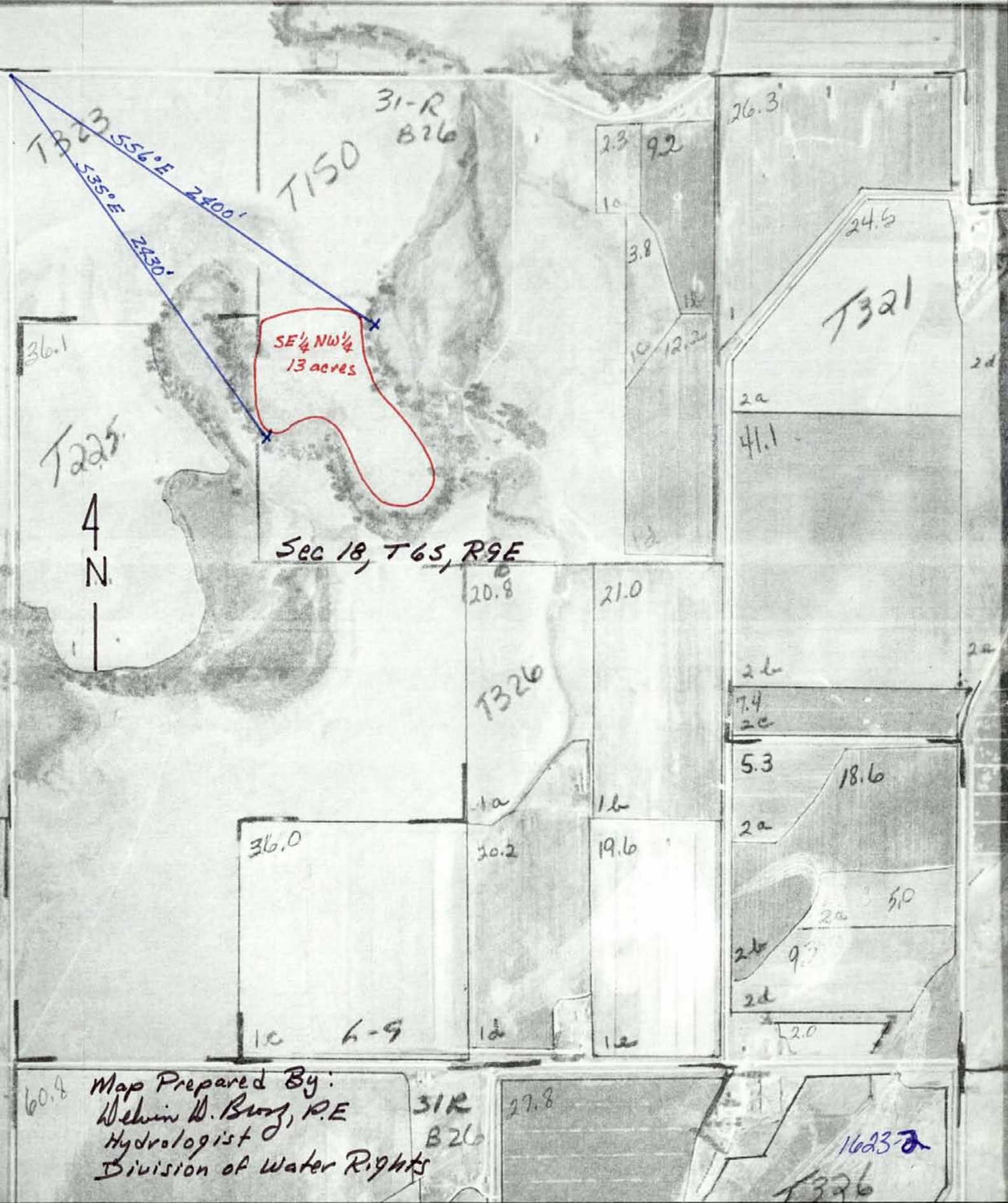
- 2mst - 1.0
- 254t - 1.5
- 2F3xf1 - 0.3
- 4m2ts3 - Not recommended for irrigation

Kerry Stiner
Soil Conservation Service, Custer S.D.

~~MAP # 1387-2~~ APPL # 1623-2

Soil survey interpretations for Haverson, Glenberg and Lokmiller attached.

NOT TO SCALE





1623-2

**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: BONDURANT RANCH INC, MARIAN TREW, HC 57 BOX 5, BUFFALO GAP, SD 57722

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire has not been submitted for Permit No(s) 376-2 & 1623-2. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 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 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 376-2 & 1623-2 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 24, 2006**, 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.



**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 28, 2006

376-2
1623-2

Marian Trew
Bondurant Ranch Inc
HC 57 Box 5
Buffalo Gap SD 57722

Dear Ms. Trew:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. I completed forms for you based on our telephone conversation.

You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right Nos. 376-2 and 1623-2. 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 and if you have any questions, please contact me.

Sincerely,

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

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

AUG 13 2007

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 1623-2

Date: 8/3/07

I/We request that Water Right/Permit No. 1623-2 formerly owned by:

Bondurant Ranch, Inc

be transferred to:

New Owner Name: Day's Limit Ranch, LLC

Address: 13825 Ember Road

City, State, Zip Rapid City SD 57702 Telephone No. (605) 484-3808

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

TWP 6 RNG 9 E2NW4 Sec 18

☒ I understand that the validity of Water Right/Permit No. 1623-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Two Dollars and Fifty Cents (\$2.50) is included to cover the filing fee as required by SDCL 46-2-13.

I, Rod Marchiando (Day's Limit Ranch, LLC), the new owner, certify that the above information is true and correct.



(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/13, 2007

RECEIVED OF Rod J Marchiando 5535 Bitter Root Ct Rapid City SD 57702

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	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1623-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

03114

By

Laurel Erbe

Chief Engineer

[Signature]



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 13, 2007

1623-2

Rod J Marchiando
Day's Limit Ranch LLC
13825 Ember Rd
Rapid City SD 57702

Dear Sir:

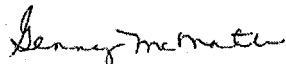
I am writing to acknowledge receipt of the ownership change you filed for Water Right No. 1623-2. The transfer has been completed. The water right formerly listed in the name of Bondurant Ranch Inc is now listed in the name of Day's Limit Ranch LLC.

Each year in October, we mail out the annual irrigation questionnaire. Enclosed is a copy of one of the past forms for your review. This will give you an idea of what type of information you will need to keep track of during the irrigation season.

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

Also enclosed is your Receipt No. 03114 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,


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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2008

NOTICE

TO: DAYS LIMIT RANCH LLC, ROD MARCHIANDO, 13825 EMBER RD, RAPID CITY, SD 57702

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire has not been submitted for Permit No(s) 1623-2. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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 **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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1623-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 3, 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.

1623-2

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SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 3912

DAYS LIMIT RANCH LLC
ROD MARCHIANDO
13825 EMBER RD
RAPID CITY SD 57702

Waiver of Signature ☐ YES ☐ NO

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

January 31, 2008

1623-2

Rod Marchiando
Days Limit Ranch LLC
5535 Bitter Root Ct
Rapid City SD 57702

Dear Sir:

I am writing to acknowledge receipt of your 2007 irrigation questionnaire. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right No. 1623-2.

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
and NATURAL RESOURCES**

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

January 23, 2009

NOTICE

TO: DAYS LIMIT RANCH LLC, ROD MARCHIANDO, 5535 BITTER ROOT COURT, RAPID CITY, SD 57702

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire has not been submitted for Permit No(s) 1623-2. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 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 **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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1623-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 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.pd>

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.

1623-2

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Your item was delivered at 5:24 PM on January 24, 2009 in RAPID CITY, SD 57702. The item was signed for by E M.

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SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 5442

**DAYS LIMIT RANCH LLC
ROD MARCHIANDO
5535 BITTER ROOT COURT
RAPID CITY SD 57702**

Waiver of Signature ☐ YES ☐ NO

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www.state.sd.us/denr

February 5, 2009

1623-2

Rod Marchiando
Days Limit Ranch LLC
5535 Bitter Root Court
Rapid City SD 57702

Dear Sir:

I am writing to acknowledge receipt of your 2008 irrigation questionnaire. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 1623-2.

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



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

January 22, 2010

NOTICE

TO: DAYS LIMIT RANCH LLC, ROD MARCHIANDO, 5535 BITTER ROOT COURT, RAPID CITY, SD 57702

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire has not been submitted for Permit No(s) 1623-2. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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 **10:00 am, March 10, 2010**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1623-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, 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 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq/aspx>

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

1623-2

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Service(s): **Signature Confirmation™**Status: **Delivered**

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[Redacted]	
SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 7811	DAYS LIMIT RANCH LLC ROD MARCHIANDO 5535 BITTER ROOT COURT RAPID CITY SD 57702
	Waiver of Signature ☐ YES ☐ NO
	Postmark Here
	POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com ® or call 1-800-222-1811
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[Redacted]	



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www.state.sd.us/denr

February 17, 2010

1623-2

Rod Marchiando
Days Limit Ranch LLC
5535 Bitter Root Court
Rapid City SD 57702

Dear Mr. Marchiando:

I am writing to acknowledge receipt of your 2009 irrigation questionnaire. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right No. 1623-2.

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
email: genny.mcmath@state.sd.us



1623-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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January 21, 2011

NOTICE

TO: DAYS LIMIT RANCH LLC, ROD MARCHIANDO, 5535 BITTER ROOT COURT, RAPID CITY, SD 57702

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire has not been submitted for Permit No(s) 1623-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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 **10:00 am, March 9, 2011**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1623-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2011**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

1623-2

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Service(s): **Signature Confirmation™**Status: **Delivered**

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- Notice Left, January 22, 2011, 11:23 am, RAPID CITY, SD 57702
- Out for Delivery, January 22, 2011, 8:19 am, RAPID CITY, SD 57701
- Sorting Complete, January 22, 2011, 8:09 am, RAPID CITY, SD 57701
- Arrival at Post Office, January 22, 2011, 5:00 am, RAPID CITY, SD 57701

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SIGNATURE CONFIRMATION NUMBER: 459 2000 0000 0802 0959	DAYS LIMIT RANCH LLC ROD MARCHIANDO 5535 BITTER ROOT COURT RAPID CITY SD 57702		ling.
	Waiver of Signature ☐ YES ☐ NO		
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www.state.sd.us/denr

January 31, 2011

1623-2

Rod Marchiando
Days Limit Ranch LLC
5535 Bitter Root Court
Rapid City SD 57702

Dear Sir:

I am writing to acknowledge receipt of your 2010 irrigation questionnaire.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right No. 1623-2. 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 black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



1623-2

DEPARTMENT of ENVIRONMENT
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January 18, 2013

NOTICE

TO: DAYS LIMIT RANCH LLC, ROD MARCHIANDO, 5535 BITTER ROOT COURT, RAPID CITY, SD 57702

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire has not been submitted for Permit No(s) 1623-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **8:30 am, March 7, 2013**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1623-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2013**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



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PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 29, 2013

1623-2

Rod Marchiando
Days Limit Ranch
5535 Bitter Root Court
Rapid City SD 57702

Dear Mr. Marchiando:

I am writing to acknowledge receipt of your 2012 irrigation questionnaire.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right No. 1623-2. 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 black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2014

NOTICE

TO: DAYS LIMIT RANCH LLC, ROD MARCHIANDO, 5535 BITTER ROOT COURT, RAPID CITY, SD 57702

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire has not been submitted for Permit No(s) 1623-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

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

1. Amend Permit No(s) 1623-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

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

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

1623-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

February 18, 2014

NOTICE

TO: Rod Marchiando, Days Limit Ranch LLC, 5535 Bitter Root Court, Rapid City SD 57702

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

SUBJECT: Unclaimed Certified Mail Concerning Violation of Water Right No. 1623-2

The attached notice was sent certified mail. The post office has returned the certified mail to our office marked "unclaimed". The envelope indicated the post office notified you January 27 and February 11th to pick up and sign for the certified mail.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

RETURN SERVICE REQUESTED



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10852007087

JAN 24 2014

MAILED FROM ZIP CODE 57501

1st NOTICE 1-27

2nd NOTICE 2-11

RETURNED 2-11

DAYS LIMIT RANCH LLC
ROD MARCHIANDO
5535 BITTER ROOT COURT
RA

NIXIE

571 DE 1009

0002/14/14

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 57501318299

*0135-11243-24-43

5770230002-H042
5750103182



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 25, 2014

1623-2

Rod Marchiando
Days Limit Ranch LLC
5535 Bitter Root Court
Rapid City SD 57702

Dear Mr. Marchiando:

I am writing to acknowledge receipt of your 2013 irrigation questionnaire.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Right No. 1623-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

CERTIFICATION

I hereby certify that on February 18, 2014, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated February 18, 2014 regarding unclaimed irrigation questionnaires addressed as stated below:

Rod Marchiando, Days Limited Ranch LLC, 5535 Bitter Root Ct, Rapid City SD 57702
1623-2

Robert Phelps, 16220 Spring Valley Rd, Piedmont SD 57769 # 842-1



Gail Jacobson
Secretary/Water Rights

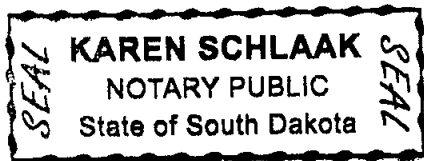
STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 18th day of February, 2014.



Karen Schlaak
Notary Public

My Commission expires April 1, 2019





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 1, 2016

1623-2

Rod Marchiando
2941 NW Chardonnay Ln
Bend OR 97703 5292

Dear Mr. Marchiando:

Enclosed is a "Notice" dated October 21, 2016 concerning the 2016 irrigation questionnaire.

The notice was originally mailed to 5535 Bitter Root Court, Rapid City SD. The post office notified us that your address has changed and I will update our records accordingly.

If you no longer own the land or no longer irrigate, please get in touch with me as soon as possible.

Sincerely,

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

enclosures

McMath, Genny

From: Rod Marchiando <rmarchiand@hotmail.com>
Sent: Wednesday, November 22, 2017 10:36 AM
To: McMath, Genny
Subject: Re: [EXT] irrigation questionnaire

Oh man... it's every year I forget about that. Still own the property the new address is 4967 Raven Circle, Rapid City 57702. I will go on line and get it done.

Thank you.

Rod

On Nov 22, 2017, at 9:18 AM, McMath, Genny <Genny.McMath@state.sd.us> wrote:

Rod,
I tried sending you correspondence concerning the 2017 irrigation questionnaire. The letter was returned due to a wrong address.
Please send me your updated address and I can remail the letter. If you have sold the land covered under the water permit, please let me know.
Thank you in advance,

Genny McMath
Water Rights Program
605.773.5455