

Water Right No. 1735-2

1. Considered 1-28 1981
2. Name of Applicant DR JOSEPH LYTLE
3. Post Office Address 915 12TH ST RAPID CITY
4. Amount of Water Claimed .86
5. Source of Water Supply DAM
6. Water to be used for IRR.
7. Acres to be Irrigated 60 max. num
acre feet
8. Water to be diverted and used in PENNINGTON County
about 3 1/2 miles NORTH of WASTA
9. PROOF OF PUBLICATION Received 12-23-80

APPLICATION

Not Received _____

Approved 1/29/81

Subject to LF - 10

Not Approved _____

Action deferred _____

Priority 9-22-80 Date orig
Received 8-22-80 Application Complete yes no FEE 150⁰⁰
11/7/80
Remarks Recd. Fee

WATER QUALITY

Date Information and/or fee or corrected Application received 11-7-80

Period of Annual use APRIL - THRU OCTOBER

Received yes 9/18/80 no no APPROVED/CONDITIONAL (Circle one)

VI-1 Description same as application yes no _____ Remarks _____

Disapproved _____

Returned _____

Diversion Point FROM A DAM

LOCATED IN THE S 1/2 NW 4
AND N 1/2 NE 4 SW 4 SECTION
20-T2N-R14E

Lands to be irrigated E 1/2 NW 4 & W 1/2 W 1/2 NE 4
SEC 20-T2N-R14E

WELL LOG

Remarks 21' height, 1000 acres of drainage
Shyne Dam

Driller _____ Licensed yes no

Depth _____

103 ac ft Storage

MAP Map No. 993-2 Map located In Water Right X Map file _____
Type of Map AERIAL Prepared by Burt Jones WRS

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 1-28-81
Berty Westland
(Signed)

PROTESTS Letters/Petitions In File - yes _____ no _____ Remarks _____

REMARKS Date
F.F. & C Final Decision, including F.F. & C of Law were adopted _____
OF LAW, Date
FINAL Final Decision mailed to parties and/or parties notified that Final Decision
DECISIONS was adopted _____
ETC.

Remarks _____

Form 2A Wells, Dugouts or Water Storage Dams (Supplement to form 2)

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

D. Well Information or Estimates

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

E. Dugout Information or Estimates.

- (1) Surface dimensions of water 10 acr Depth 10.3

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

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

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

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

On same owner's property 1/2 mile rds. On property owned by others 1/2 mile rds.

G. Water Storage Dams.

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

21' in height
10.3 + water depth
10 acres
103 acre feet
1000 ACRES OF DRAINAGE

Joseph M. Lytle
Signature of Applicant

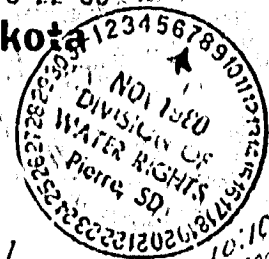
No. 1735-2

Map No. 998-2 Water Division No. 2 UPPER CHEYENNE District

Above for Office Use 10/2/10

Originally received
8-22-80

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota



Check one of the following:

New ☒ Vested Right ☐ Future Use ☐

Change in Diversion ☐ Additional Diversion ☐

Change in Acreage ☐ Additional Acreage ☐

1. Name of Applicant Dr. Joseph Lytle

Phone No. 342-0971

Post Office Address 915 12th St., Rapid City
(Street, R.R. or Box) (Town)

State SD 57701
(Zip Code)

If a corporation show date and place of incorporation

2. Method of accomplishing work (contract, employment of others, or by direct labor) direct labor

3. Name of diversion work Lytle Irrigation Project

4. Amount of water claimed (cubic feet per second) .86

5. Source of water supply Lytle Irrigation Project existing dam

6. Location of point of diversion 40'E from the west edge of dam grade and east side of dam
940'N of east end of dam grade

County Pennington

7. Annual period or periods during which water is to be used April thru October

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 60

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

Land Description	No. Acres Irr.
<u>E 1/4 NW 1/4 & W 1/4 NW 1/4 NE 1/4</u>	<u>60</u>
<u>Sec. 20-T2N-R14E</u>	

Land Description	No. Acres Irr.

Attach sheet if more space is needed.

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Rapid City Journal

12. Principal Features of the Proposed Water Supply System.

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

water to be pumped from existing dam

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

ditches, pipeline and sprinklers

C. Works proposed to apply water to beneficial use.

sprinkler system, flood irrigation and water tanks

Estimated Total Cost \$ 6800

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.

Joseph M. Lytle 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 Joseph M. Lytle

Subscribed and sworn to before me this 31 day of Oct, 1980

Ken E. J. [Signature]
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1735-2

DR. JOSEPH LITTLE
(Applicant)

915 12th ST. RAPID CITY
(Post Office Address)

SOUTH DAKOTA 57701
(State)

.With the following qualifications

Low flows as needed for downstream domestic use, including livestock watering must be by-passed.

Approval of this Permit authorizes storage of 103 acre feet of water annually.

This Permit is approved subject to the Irrigation water use questionnaire being submitted each year.

Date of first receipt of application _____ February 13, 1979
Date of return to applicant for correction, amendments or changes required _____ February 18, 1979, August 18, 1980 & Oct. 17, 1980
Date of receipt of corrected application _____ November 7, 1980
Approved _____ January 29, 1981, Recorded in Book 21 Page 327

WATER RIGHT PERMIT NO. 1735-2

The Water Management Board hereby grants and issues this Water Right Permit No. 1735-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application, and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions,

1. The date from which applicant may claim right is November 7, 1980

2. The equivalent of at least one-fifth of the work above specified is to be completed on or before July 29, 1983.

3. The whole of said work is to be completed on or before January 29, 1986

4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is January 29, 1990.

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 86 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 irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied.

for irrigation on or before January 29th, 1990; said water to be used during the following described

annual period: April thru October

Witness my hand this 4th day of February, 19 81

THE WATER MANAGEMENT BOARD

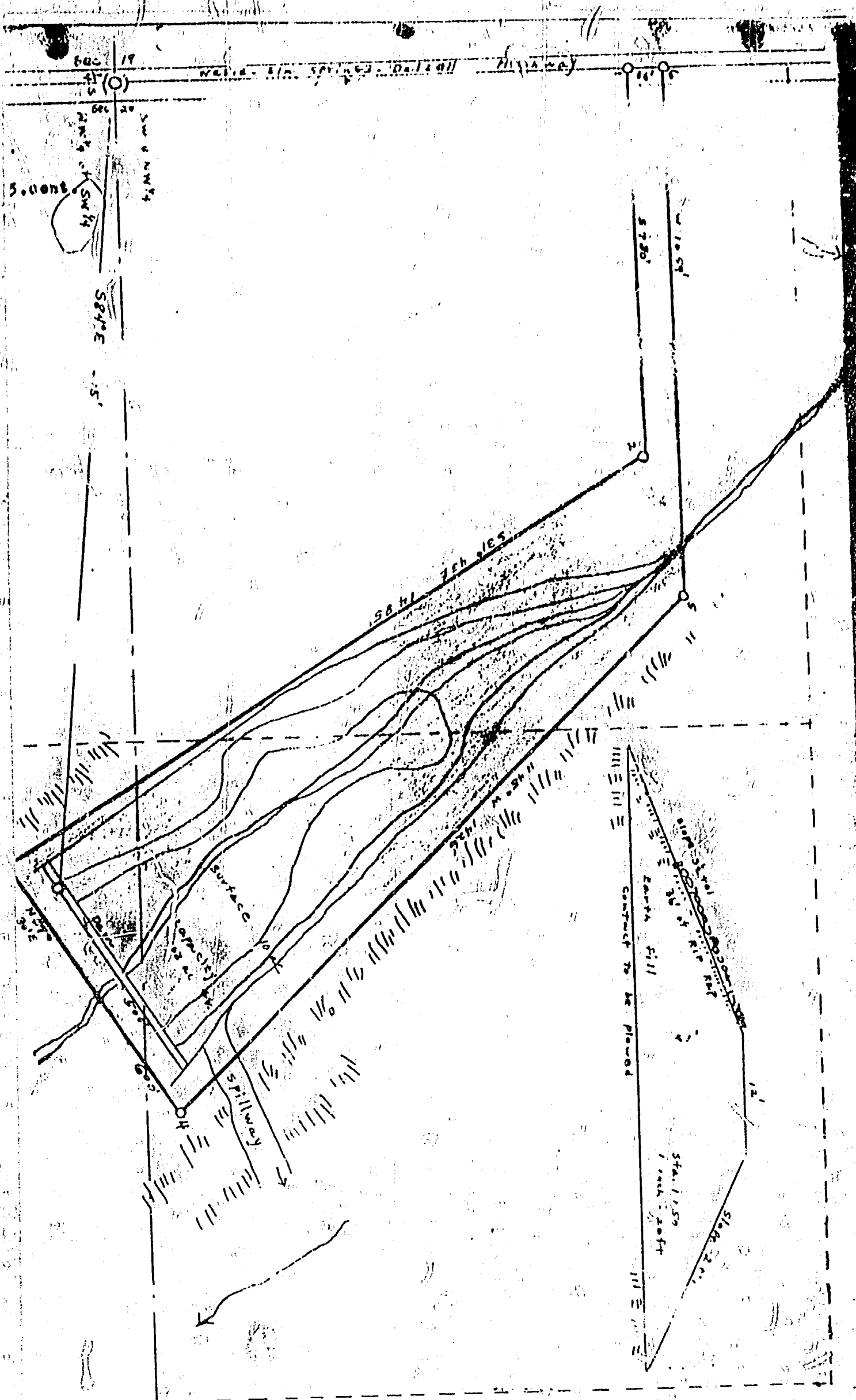
By:

Chief Engineer, Water Rights

JOHN HATCH

Certificate of Construction Issued _____, 19____

Water License Issued _____ 19____



SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM
STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

Received
Sept 18, 1980
WRC

OWNERS NAME: L. G. H. Josephson OWNERS ADDRESS: 915 - 12th St
Sioux Falls, SD
COUNTY LAND LOCATED IN: Pennington PHONE: 342-1222
TENANT'S NAME AND ADDRESS: (If Other Than Owner) None

In accordance with State Law SDCL 46-5-6.5, if a water permit is granted with a conditional Soil/Water Compatibility permit, a copy of such conditional soil/water compatibility permit must be filed with the County Register of Deeds. This action must be taken by the holder of a water permit within 6 months of receipt of such water permit.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

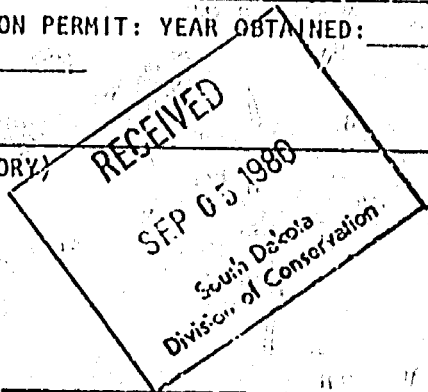
1. WELL LOCATION OR DIVERSION POINT: None
2. SURFACE WATER SOURCE: Pennington River
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
<u>Pennington River</u>	<u>10.00</u>		

4. TYPE OF IRRIGATION: GRAVITY: None TOWLINE: None CENTER PIVOT: None GUN: None OTHER: (Specify)
5. CROPS TO BE IRRIGATED: Alfalfa
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: None
LEGAL DESCRIPTION: None
IN WHAT NAME: None

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 79-184
8. SALINITY ($\text{EC} \times 10^6$): 1075
9. SODIUM (SAR): 1.45
10. ADJUSTED (SAR): 3.28



I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at 12:29 a.m. (p.m.), on Sept 12, 1980, at the following location: Pennington River, by None (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

22 DAY OF September, 19 80.

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Director, Division of Conservation

APPROVED

DISAPPROVED

CONDITIONALLY APPROVED

IMPORTANT
Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER PERMIT must be obtained from the Board of Water Management.

Conditional

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

DIVISION OF CONSERVATION

NAME OF APPLICANT Joseph M. Lytle

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED: unless kept in alfalfa or permanent grass.

Pierre - -- Very dense clayey subsolls, weathered from Clayey shales.

Kyle - - - - - Clayey surface & Subsurface layers.

RECOMMENDED MANAGEMENT:

Water should not be applied more than 2-4 times during the irrigation season.

Each uninterrupted application should be of at least 2-4 inches of water.

Maximum possible without excessive runoff.

Occasionally use deep tillage, as experience dictates.

Heavy fall application of irrigation water should be coordinated with deep tillage.

Any System, such as rowline, that has a low application rate.

No. 1735-2

Publish first publication, on or before December 19, 1980

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

Dec 5
November 26, 1980

Notice is hereby given Dr. Joseph Lytle whose post office

address is Rapid City, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, and Board Rules ARSD 52:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use .86 cubic feet of

water per second of time from XXX an existing dam through the Lytle Irrigation Project, the point XX of diversion of which is (VXX) to be located XXXXXXX from a dam in the S $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$,

of Section 20, Twp. 2N, Range 14E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

E $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$, Section 20-T2N-R14E

This Application No. 1735-2 will be considered by the Water Management Board at the Kneip Building, Meeting Room #1, Illinois & Church Street, Pierre, SD 57501 upon the 28th day of January 1981

at 10 A.M. The Board 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 Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Dr. Joseph Lytle
915 12th St.
Rapid City, SD 57701

BETTY WESTLUND
Water Rights Specialist

WNR-806B-7/79 Notice of Intent to Appropriate Water
SURFACE WATER

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

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County _____)

I, Mary K. Garnesh, Bookkeeper hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Rapid City Journal

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

Sta to _____ of _____ South Dakota _____

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

December 13, 1980

December 20, 1980

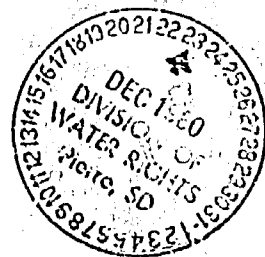
Mary K. Garner
(Signature)

Bookkeeper, Rapid City Journal
(Title)

December 22, 1980
(Date Signed)

Dec. 13, 20
NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER
Pierre, South Dakota 57501
Dec. 3, 1980 7:30 P.M.

Notice is hereby given Dr. Joseph Lytle, whose phone number is 575-11-11, of Pierre, South Dakota, has made an application in accordance with the provisions of SDC 44-1-1 thru 44-1-9, 45-1-16, 44-2-9 thru 44-2-11, 44-2-13, 44-3-3 thru 44-3-8, 44-3-10 thru 44-3-22, 44-4-1, and Board Rules ARS 20-1-1 thru 20-1-13, 20-1-15, 20-1-16, 20-1-17, 20-1-18, 20-1-19, 20-1-20, 20-1-21, 20-1-22, 20-1-23, 20-1-24, 20-1-25, 20-1-26, 20-1-27, 20-1-28, 20-1-29, 20-1-30, 20-1-31, 20-1-32, 20-1-33, 20-1-34, 20-1-35, 20-1-36, 20-1-37, 20-1-38, 20-1-39, 20-1-40, 20-1-41, 20-1-42, 20-1-43, 20-1-44, 20-1-45, 20-1-46, 20-1-47, 20-1-48, 20-1-49, 20-1-50, 20-1-51, 20-1-52, 20-1-53, 20-1-54, 20-1-55, 20-1-56, 20-1-57, 20-1-58, 20-1-59, 20-1-60, 20-1-61, 20-1-62, 20-1-63, 20-1-64, 20-1-65, 20-1-66, 20-1-67, 20-1-68, 20-1-69, 20-1-70, 20-1-71, 20-1-72, 20-1-73, 20-1-74, 20-1-75, 20-1-76, 20-1-77, 20-1-78, 20-1-79, 20-1-80, 20-1-81, 20-1-82, 20-1-83, 20-1-84, 20-1-85, 20-1-86, 20-1-87, 20-1-88, 20-1-89, 20-1-90, 20-1-91, 20-1-92, 20-1-93, 20-1-94, 20-1-95, 20-1-96, 20-1-97, 20-1-98, 20-1-99, 20-1-100, 20-1-101, 20-1-102, 20-1-103, 20-1-104, 20-1-105, 20-1-106, 20-1-107, 20-1-108, 20-1-109, 20-1-110, 20-1-111, 20-1-112, 20-1-113, 20-1-114, 20-1-115, 20-1-116, 20-1-117, 20-1-118, 20-1-119, 20-1-120, 20-1-121, 20-1-122, 20-1-123, 20-1-124, 20-1-125, 20-1-126, 20-1-127, 20-1-128, 20-1-129, 20-1-130, 20-1-131, 20-1-132, 20-1-133, 20-1-134, 20-1-135, 20-1-136, 20-1-137, 20-1-138, 20-1-139, 20-1-140, 20-1-141, 20-1-142, 20-1-143, 20-1-144, 20-1-145, 20-1-146, 20-1-147, 20-1-148, 20-1-149, 20-1-150, 20-1-151, 20-1-152, 20-1-153, 20-1-154, 20-1-155, 20-1-156, 20-1-157, 20-1-158, 20-1-159, 20-1-160, 20-1-161, 20-1-162, 20-1-163, 20-1-164, 20-1-165, 20-1-166, 20-1-167, 20-1-168, 20-1-169, 20-1-170, 20-1-171, 20-1-172, 20-1-173, 20-1-174, 20-1-175, 20-1-176, 20-1-177, 20-1-178, 20-1-179, 20-1-180, 20-1-181, 20-1-182, 20-1-183, 20-1-184, 20-1-185, 20-1-186, 20-1-187, 20-1-188, 20-1-189, 20-1-190, 20-1-191, 20-1-192, 20-1-193, 20-1-194, 20-1-195, 20-1-196, 20-1-197, 20-1-198, 20-1-199, 20-1-200, 20-1-201, 20-1-202, 20-1-203, 20-1-204, 20-1-205, 20-1-206, 20-1-207, 20-1-208, 20-1-209, 20-1-210, 20-1-211, 20-1-212, 20-1-213, 20-1-214, 20-1-215, 20-1-216, 20-1-217, 20-1-218, 20-1-219, 20-1-220, 20-1-221, 20-1-222, 20-1-223, 20-1-224, 20-1-225, 20-1-226, 20-1-227, 20-1-228, 20-1-229, 20-1-230, 20-1-231, 20-1-232, 20-1-233, 20-1-234, 20-1-235, 20-1-236, 20-1-237, 20-1-238, 20-1-239, 20-1-240, 20-1-241, 20-1-242, 20-1-243, 20-1-244, 20-1-245, 20-1-246, 20-1-247, 20-1-248, 20-1-249, 20-1-250, 20-1-251, 20-1-252, 20-1-253, 20-1-254, 20-1-255, 20-1-256, 20-1-257, 20-1-258, 20-1-259, 20-1-260, 20-1-261, 20-1-262, 20-1-263, 20-1-264, 20-1-265, 20-1-266, 20-1-267, 20-1-268, 20-1-269, 20-1-270, 20-1-271, 20-1-272, 20-1-273, 20-1-274, 20-1-275, 20-1-276, 20-1-277, 20-1-278, 20-1-279, 20-1-280, 20-1-281, 20-1-282, 20-1-283, 20-1-284, 20-1-285, 20-1-286, 20-1-287, 20-1-288, 20-1-289, 20-1-290, 20-1-291, 20-1-292, 20-1-293, 20-1-294, 20-1-295, 20-1-296, 20-1-297, 20-1-298, 20-1-299, 20-1-300, 20-1-301, 20-1-302, 20-1-303, 20-1-304, 20-1-305, 20-1-306, 20-1-307, 20-1-308, 20-1-309, 20-1-310, 20-1-311, 20-1-312, 20-1-313, 20-1-314, 20-1-315, 20-1-316, 20-1-317, 20-1-318, 20-1-319, 20-1-320, 20-1-321, 20-1-322, 20-1-323, 20-1-324, 20-1-325, 20-1-326, 20-1-327, 20-1-328, 20-1-329, 20-1-330, 20-1-331, 20-1-332, 20-1-333, 20-1-334, 20-1-335, 20-1-336, 20-1-337, 20-1-338, 20-1-339, 20-1-340, 20-1-341, 20-1-342, 20-1-343, 20-1-344, 20-1-345, 20-1-346, 20-1-347, 20-1-348, 20-1-349, 20-1-350, 20-1-351, 20-1-352, 20-1-353, 20-1-354, 20-1-355, 20-1-356, 20-1-357, 20-1-358, 20-1-359, 20-1-360, 20-1-361, 20-1-362, 20-1-363, 20-1-364, 20-1-365, 20-1-366, 20-1-367, 20-1-368, 20-1-369, 20-1-370, 20-1-371, 20-1-372, 20-1-373, 20-1-374, 20-1-375, 20-1-376, 20-1-377, 20-1-378, 20-1-379, 20-1-380, 20-1-381, 20-1-382, 20-1-383, 20-1-384, 20-1-385, 20-1-386, 20-1-387, 20-1-388, 20-1-389, 20-1-390, 20-1-391, 20-1-392, 20-1-393, 20-1-394, 20-1-395, 20-1-396, 20-1-397, 20-1-398, 20-1-399, 20-1-400, 20-1-401, 20-1-402, 20-1-403, 20-1-404, 20-1-405, 20-1-406, 20-1-407, 20-1-408, 20-1-409, 20-1



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7778

PIERRE, Nov: 7, 1980

RECEIVED OF LYTTE'S Haven & Farm, Dr. Joseph Lytle, 915 12th St., Rapid City, SD 57701
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to appropriate Water No. <u>1735-2</u> (examination, processing, recording and filing) -----	150.00
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 filing -----	
Fee for certified copy of -----	
Fee for Print copy of map -----	
Fee for Certifying -----	
Fee for ----- (any other work as provided by law)	
TOTAL	150.00

WATER RIGHTS COMMISSION

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

STATEWIDE FISHERIES SURVEYS, 1976-77
Management Plan Completion for Permanent and Semi-Permanent Waters

SOUTH DAKOTA

by
Richard C. Ford

(Progress Report)

Dingell-Johnson Project ----- F-21-R-11
Study No. 1 ----- Job 1
Date ----- August, 1977

Jack Merwin, Secretary
Department of Game, Fish and Parks

David Hamm
Grants Coordinator

Warren Jackson, Director
Game and Fish Division

Robert L. Hanten
Fisheries Staff Specialist

SHYNE DAM
Pennington County

by
Larry Stomprud

ORIGIN

Shyne Dam was constructed in the 1930's by the Works Progress Administration. It derives its name from D. A. Shyne upon whose land the dam was constructed. The dam is located in Section 20, Township 2 North, Range 14 East, one mile east and four miles north of Wasta. A warranty deed granting easement to the State of South Dakota to construct and maintain a dam with right-of-way for ingress and egress is recorded in Book 56, page 47, with the Pennington County Register of Deeds. The Plat is described in Plat Book 3, page 62. The entire watershed, approximately 1.1 square miles, is agricultural land. Hay and pasture land compose approximately 80 percent of the watershed and farmland the remaining 20 percent (Figure 1).

There is only one dam above on the Shyne Dam watershed. Soils which drain the watershed are moderately deep, well drained gently sloping to strongly sloping, silty soils over soft, silty shales.

PHYSICAL

Shyne Dam covers approximately eight acres, has a maximum depth of 13 feet and an average depth of 7 feet. Chemical parameters of the water are revealed in Table 1.

Table 1. Field water chemistry results of Shyne Dam, Pennington County.

Date	Depth Feet	Temp F°	D.O. ppm	phth Alk. ppm CaCO ₃	M.O. Alk. ppm CaCO ₃	pH
8/2/68	surface	66	11.2	0	108	8.2
	13	64	----	-	---	---

The dam is gravel overlain with silt and muck. Gravel is evident in the shoal waters of the west side of the lake. There is very little emergent vegetation, however submergent vegetation is evident in depth up to eight feet. The water is very clear. Recent conversion into farmland of the land immediately adjacent to the dam will no doubt increase the silt load coming into the lake and hasten the process of eutrophication.

RECREATIONAL ASPECTS

Access should be across a 66-foot lane dedicated to the public. This access lane has been farmed along with the adjacent private land and access in reality is across private land (Figure 2).

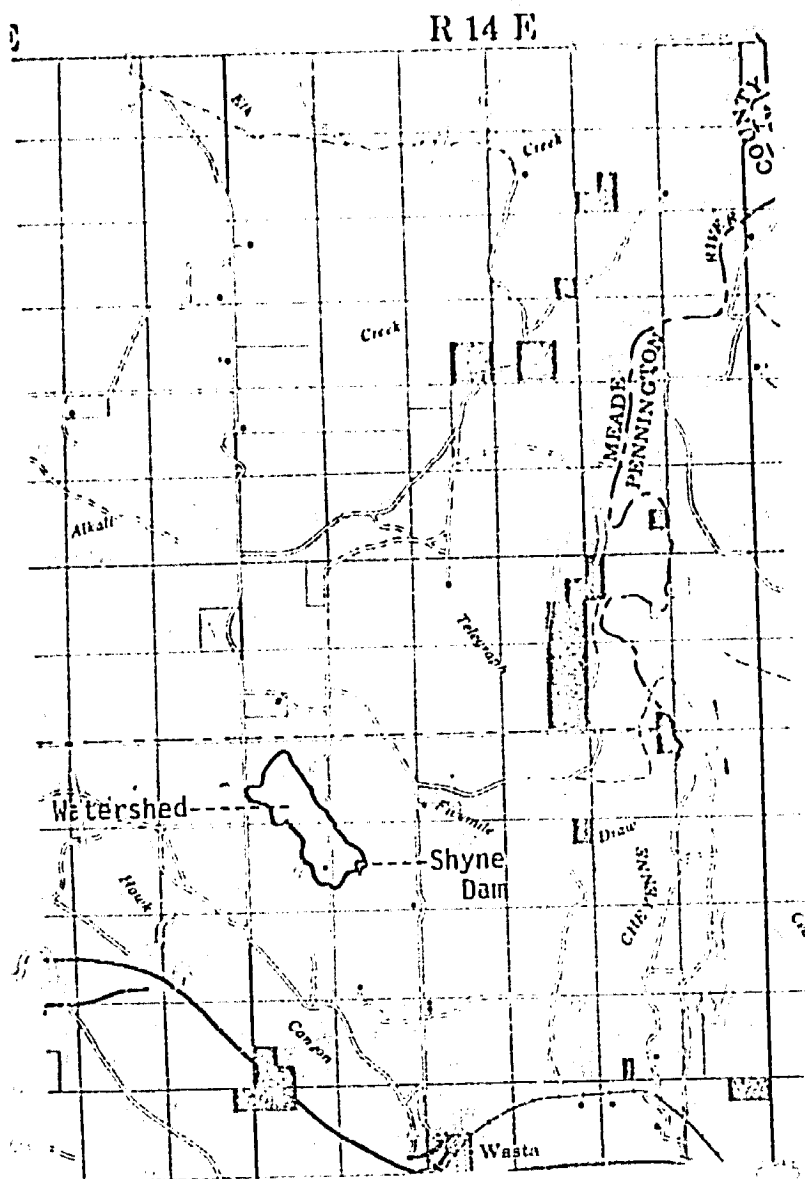


Figure 1. Watershed map of Shyne Dam, Pennington County.

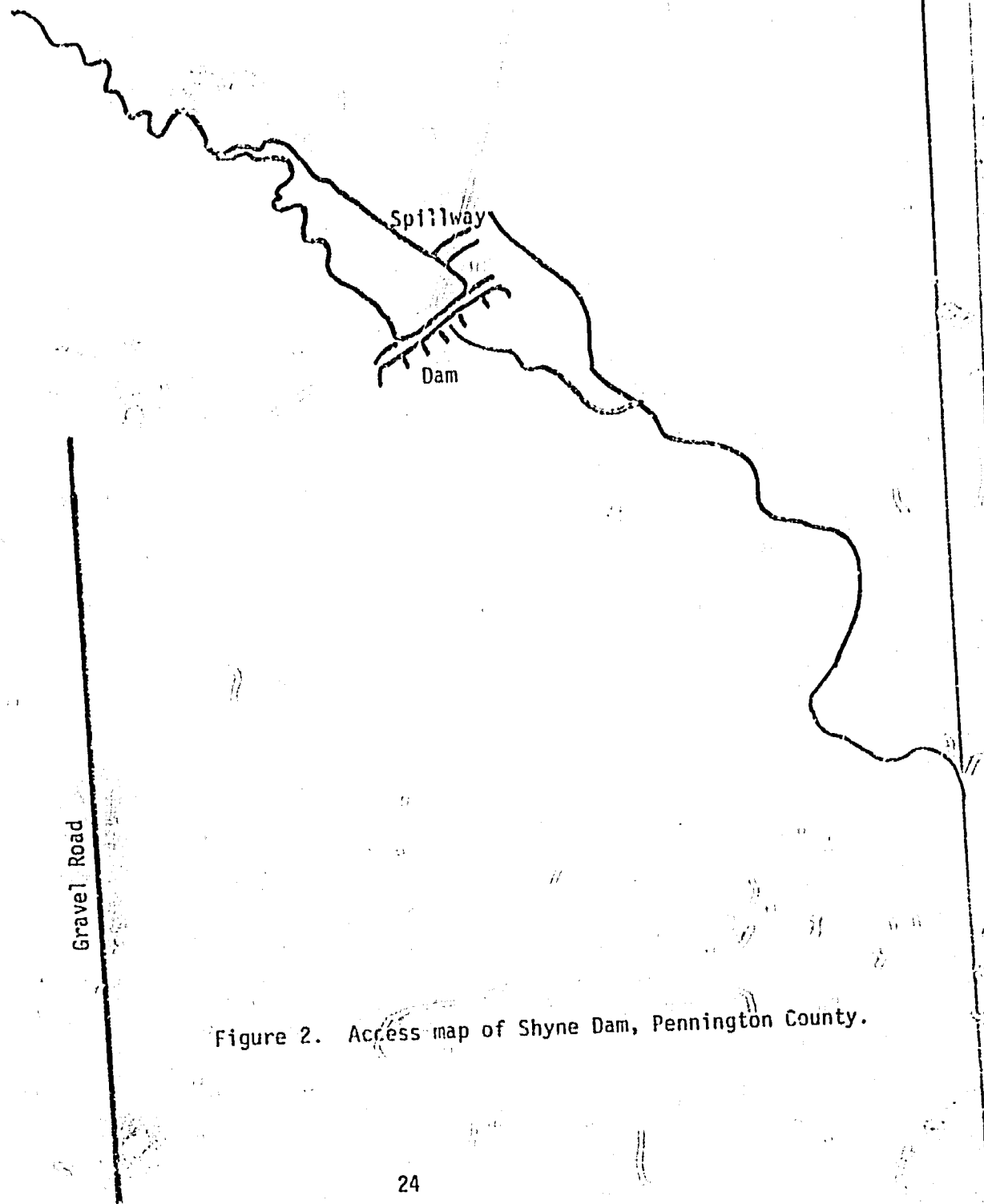


Figure 2. Access map of Shyne Dam, Pennington County.

Fishing had been poor prior to the 1968 survey. Some northern pike fishing has taken place since renovation in 1968.

At the present time, Shyne Dam provides no fishery. Tisdale Lake, Curlew Lake, Wicksville Dam, New Underwood Dam and New Wall Lake are other public fishing waters in the area that provide substantial amount of fishing recreation.

PAST MANAGEMENT

According to local residents, fishing at one time was good. The first recorded management was a netting survey on July 1-2, 1968, (Table 2). Fishing had been poor and local residents expressed an interest in improving the fishery. Fish taken indicated that the dam was overstocked with stunted bullheads and green sunfish. Shyne Dam was recommended for immediate chemical rehabilitation. This was carried out on August 26, 1968. Post treatment netting indicated a complete kill was achieved on Shyne Dam, however, a second application was necessary to remove the remaining green sunfish from a small dam above Shyne Dam.

Table 2. Total catch of four 24-hour frame net sets in Shyne Dam, Pennington County, July 1-2, 1968.

Species	Number	Percent	Weight	Percent	Average Size		Average Catch/Net	
					inches	pounds	number	weight
Green Sunfish	1082	70.9	97	41.3	5.0	.09	271	24.2
	445	29.1	138	58.7	8.3	.31	111	34.5
TOTAL	1527	100	235	100	---	---	382	58.7

On May 22, 1969, a stocking of 500 northern pike was made to establish a predator species. Also 500 fingerling and adult golden shiners and 250 adult fine scale dace were stocked to provide forage species. Fifty adult perch were stocked in 1970 (Table 3).

Table 3. Stocking record for Shyne Dam, Pennington County.

Date	Species	Number	Size
1969	Northern Pike	500	Fingerling
	Golden Shiner	500	Fingerling/Adult
	Fine Scale Dace	250	Adult
1970	Yellow Perch	50	Adult
1976	Largemouth Bass	880	Fingerling
	Minnow	1 quart	Adult

Sometime between the stocking of perch in 1970 and the spring of 1976, there was a fish kill. On May 4, 1976, three small frame nets produced no evidence of fish life, however many tiger salamander larvae were caught. Local residents implicate the adjacent landowner of introducing chlorine bleach into the water with the purpose of killing the fish. The rationale behind the act is probably "no fish - no fishermen - no trespass." Large-mouth bass fingerlings and minnows were stocked in the summer of 1976.

MANAGEMENT

Shyne Dam will be resurveyed in 1979 to determine the status of the fish population and to obtain and update required data on GF-Form 71-6 and GF Form 71-1. The demand for fishing in the 40-mile area around the lake is calculated to be approximately 390,000 man days (Martin 1970). Shyne Dam is able to provide 216 man days of angler opportunity (Martin 1970). The harvest goal, as established by the Department of Game, Fish and Parks, is two pounds of fish per fisherman day.

Shyne Dam classified as warmwater, permanent will be managed for largemouth bass. The minnows and salamanders should provide sufficient forage base.

RECOMMENDATIONS

Immediate Plan for Management

Shyne Dam is to be managed as a largemouth bass fishery. No further stocking or introduction of a new species is recommended at this time. The lake should be test netted and electrofished in 1977 and 1978 to evaluate the success of the largemouth bass stockings.

Long Range Plan for Management

The area should be fenced, or a mutual agreement for public access be negotiated with the landowner and a survey should be made to determine where property boundaries.

REFERENCES

Anonymous. 1970. Fish Stocking Report 1970. South Dakota Department of Game, Fish and Parks.

Anonymous. 1975. Long Range Program. Pennington Conservation District.

Martin, Dale N. 1970. "Documenting Needs for Fish and Wildlife Expenditures." 32nd Midwest Fish and Wildlife Conference.

Pennington County Official Records. Office of the Register of Deeds.

Sneve, Virginia. South Dakota Geographic Names. Drevet Press. Sioux Falls, SD.

July 20, 1978

Larry Stomprud
Game Warden
Wall, SD 57790

Dear Mr. Stomprud:

In reply to the situation concerning the irrigation being conducted by Joe Lytle from the dam located in Sec. 20, T2N, R14E; I have discussed the situation with Mr. Lytle. Mr. Lytle mentioned certain water rights held by him and verified by a letter from this office on July 6, 1978. These water rights were contained in the location notice file which were microfilmed some years back. In this letter, a copy of which is attached, it talks of the water rights recorded as Location Notice No.200-2, Location Notice No.201-2 and Location Notice No.134-2. These were originally located by Dan Shyne of Wasta, S.D.

In further discussions with Joe Lytle, it is claimed that the dam is now owned completely by him as the easement reverted back to him when the State did not maintain the structure. If this is the case where the State no longer has control of the easement and if Mr. Lytle has in the past irrigated from the dam on a continuous basis pursuant to the old water rights, then no action could be taken by this office against Mr. Lytle.

In order to remedy the situation, documentation would have to be provided this office showing that the State has an easement in force as granted or conveyed by the Federal Government. Further documentation would be necessary to show that Mr. Lytle had forfeited his rights to the water by not putting the water to beneficial use on a continuous basis. State law provides pursuant to SDCL 46-5-36 "If the owner of the land to which water has become appurtenant abandons the use of such water upon such land, such water shall become public water, subject to general appropriation." SDCL 46-5-37 states: "When any person entitled to the use of appropriated water fails to use beneficially all or any part of such water for the purpose for which it was appropriated, for a period of three years, such unused water shall revert to the public and shall be regarded as unappropriated public water."

Please advise this office of any documentation showing a possible loss of rights by Mr. Lytle and documentation showing the State

Larry Stomprud
Page 2
July 20, 1978

having jurisdiction to this water body. If there are any questions,
do not hesitate to contact this office.

Very truly yours,

James Winterton
Water Resources Engineer

JW/bt

cc: Joseph Lytle, Rapid City, SD

M E M O

DATE: July 19, 1978
SUBJECT: Complaint of G, F & P pursuant to the pumping of water by Joe Lytle from an old W.F.A. Dam
TO: File
FROM: Jim Winterton

1. This writer called Mr. Larry Stomprud of the G, F & P Department located at Wall, South Dakota. A complaint is being lodged against Joe Lytle for pumping water for irrigation purposes from a WPA dam. According to Mr. Stomprud, the dam and easements to the dam are held by State and were turned over to them by the Federal Government. The State then stocked fish in the dam. Now the supply of water is being threatened by Mr. Lytle irrigating from the dam.
2. This writer called Mr. Lytle, and he claims the waters of the dams have vested rights for irrigation by the authority of certain location notices filed back in the early 1900's. According to Mr. Lytle, G, F & P lost the easement to the dam when the dam was not maintained by them and has subsequently been turned back over to the landowner. The structure has been in need of repair and since the State did not maintain the dam as required on the easement, the easement was forfeited by the State and thereby reverted back to the landowner as called for on the easement.
3. This writer asked Mr. Lytle that documentation pursuant to this action be sent to this office showing that the State no longer has control of the easement. If this is the case and irrigation has taken place on a continuous basis pursuant to the water rights as listed in Betty Westlunds letter to Verne E. Thorstenson dated July 6, 1978, then there would be no action taken by this office.
4. An inspection, however, should be conducted, however, by the staff, to determine the actual usage of water and a vested right be filed with the Water Rights Commission.

[illegible]

WARRANTY DEED RECORD No. 56

Warranty Deed to South Dakota from

#313:

D. A. Shyne and J. C. Shyne

of Fastid, Pennington County, State of South Dakota Grantor
for and in consideration of one dollar the receipt whereof is hereby acknowledged
GRANTS, CONVEYS AND WARRANTS TO State of South Dakota, an Easement to construct &
maintain a dam with right of way for ingress & egress to

the following described real estate in the County of Pennington, in the State of South Dakota:
P.O.

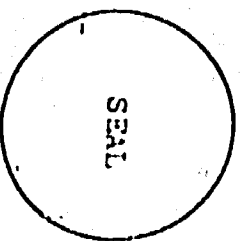
Beginning at Cor. No. 1, from which the 1/4 sec. cor. cotton to Secs. 19 & 20
T. 2 N. 2. 14 E. B. H. bears S. 1006 feet, thence East 750 feet to Cor. No. 2, thence
S. 31° 45' East 1485 feet to Cor. No. 3, thence N. 57° 30' East 600 feet to Cor. No. 4
thence N. 45° West 1436 feet to Cor. No. 5, thence W. 1059 feet to Cor. 6 on sec. line,
thence South 66 feet to Cor. No. 1 and place of beginning - enclosing 16 acres.

It being further understood that this easement shall cease to exist and the rights herein
conveyed shall revert to the Grantor upon non use thereof for three consecutive years.

Dated this 6th day of JANUARY, 1934.

D. A. Shyne
J. C. Shyne

STATE OF SOUTH DAKOTA
County of Pennington



On this 6th day of JANUARY, in the year 1934
before me the undersigned, a Notary Public, within and for said
County and State personally appeared
D. A. Shyne and J. C. Shyne
known to me to be the persons who are identified and who executed the within and foregoing
instrument, and acknowledged to me that they executed the same.

M. M. Battenwin

Notary Public

County of S. D.

STATE OF SOUTH DAKOTA, County of Pennington

A. L. Keiser, a single person

BOOK 169 PAGE 75

Grantor, of Pennington County,
State of South Dakota, for and in consideration of One Dollar (\$1.00) and
other good and valuable consideration

GRANTS, CONVEYS AND WARRANTS TO Joseph M. Lytle and R. Larry Lytle, as
tenants in common

of Rapid City, South Dakota P. O., the following described
real estate in the County of Pennington In the State of South Dakota:

All of Section Twenty (20), with the exception of the
Dam Site consisting of 16 acres, and the North Half
(N $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Twenty-
nine (29), all in Township Two (2) North, Range Fourteen
(14), East of the Black Hills Meridian, Pennington
County, South Dakota.

EXEMPT FROM TRANSFER FEE

Dated this 10th day of June, 1966

A L Keiser

RECORDED

INDEXED

ACKNOWLEDGMENT BY INDIVIDUAL 20615 INDEXED 206
STATE OF SOUTH DAKOTA, COUNTY OF PENNINGTON

STATE OF SOUTH DAKOTA

County of PENNINGTON

FILED BY 6 DAY OF Jan 1972 AT 11 O'CLOCK A.M. BOOK 169 PAGE 75
SS Robert H. Hansen DEPUTY
REGISTER OF DEEDS

On this the 10th day of June, 1966, before me,

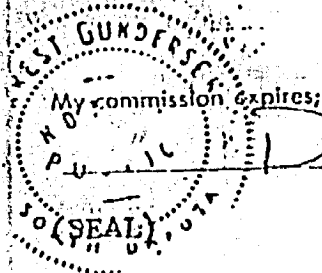
the undersigned officer, personally appeared

A. L. Keiser, a single person

known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument
and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

Robert H. Hansen
Notary Public, South Dakota
Title of Officer



1977

D. A. Shyne and Margaret M. Shyne, husband and wife,

Grantors
of Pennington County,

State of South Dakota, for and in consideration of One Dollar (\$1.00)
and other good and valuable consideration DOLLARS

Conveys and quit claims to Joseph M. Lytle
of Rapid City and all other interest subsequently acquired
real estate in the County of Pennington in the State of South Dakota

The West Half (WS) of Section Twenty
(20), Township Two (2) North, Range
Fourteen (14) East of the Black Hills
Meridian, Pennington County, South
Dakota.

EXEMPT FROM TRANSFER TAX

Dated this 2 day of May 1977

RECORDED
INDEXED

ACKNOWLEDGMENT BY INDIVIDUAL

STATE OF SOUTH DAKOTA
County of Pennington

On this the 2 day of May 1977 before me,

D. A. Shyne and Margaret M. Shyne, husband and wife

known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument
and acknowledged that they executed the same for purposes therein contained

In witness whereof I hereunto set my hand and official seal.

Notary Public, South Dakota
Title of Officer

AFFIDAVIT

To whom it may concern:

I, Mrs. John C. Shyne, wife of the late John C. Shyne, am writing this in regard to the easement of the land designated for a dam.

The land was set aside for a dam to be open to the public. It is my understanding that this has been violated. In the past, the dam has been used for picnics, swimming and fishing. Many people from the community and surrounding area have readily used this dam.

I have no knowledge of past irrigating from the dam and it is my wish that the irrigating that is now taking place be stopped.

I would sincerely like to see the Shyne Dam continue to be open for public use in the future.

I swear this statement to be true.

Signed

Mrs. John C. Shyne
Mrs. John C. Shyne
1229 Spruce Street
Sturgis, SD 57785
347-3939

Subscribed and sworn to before me this 26th day of
July, 1978.

Vicki L. Bradley
NOTARY PUBLIC

AFFIDAVIT

I, D. A. Shyne, am making this statement to clarify the history on the Shyne Dam located in W $\frac{1}{2}$ Section 20, T2N, R14E.

My father, Dan Shyne, filed water rights on parts of the above described land in 1909. He built a water spreading system consisting of small dikes and terraces. After about two or three years it was apparent that the system failed to work and he then quit maintaining them. They eventually washed out and silted in, but when I sold the property to A. L. and Kathleen Keiser in 1945 on a contract for deed, the scars were still visible.

In 1934 my brother, J. C. Shyne, and I granted an easement to build a WPA Dam on the property. The intent was to dedicate the dam for public use and carry on the Shyne family name forever. I helped build the dam in 1936. Fishermen and cattlemen shipping cattle from Wasta used the dam continuously from the time it was built until I sold it. As far as I know it has been used continuously by fishermen ever since. I, at no time drew water from the dam for irrigation purposes.

I would definitely like to see the dam remain in public use and carry on the family name.

I swear this to be a true statement.

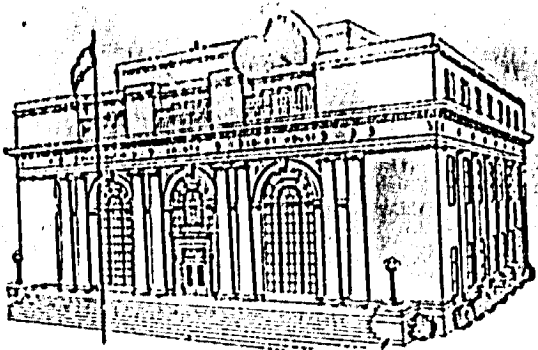
D. A. Shyne
D. A. Shyne

State of South Dakota
County of Burke

Subscribed and sworn to before me this 27 day of July, 1978.

Don H. Kuehn
Notary Public

My Comm. expires: 8-5-84



Pennington County

OFFICE OF DIRECTOR OF EQUALIZATION

RAPID CITY, SOUTH DAKOTA 57701

AFFIDAVIT

TO WHOM IT MAY CONCERN:

Our records in the Office of the Director of Equalization show that the property described as the following:

Dam site in SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, containing 16 ac Sec. 20, T2NR14E has been exempt of taxes as far back as we have records, which is 1958.

I swear this to be a true statement.

Richard L. Engstrom, Deputy

James F. Engstrom, Deputy
James F. Engstrom, Deputy



Department of Game, Fish and Parks

Division of Game and Fish

Box 34
Wall, SD 57790

July 27, 1978

James Winterton
Water Resources Engineer
Water Rights Commission
Joe Foss Bldg.
Pierre, SD 57501



Dear Mr. Winterton:

In reply to your letter of July 20, 1978 regarding Shyne Dam, I have obtained the enclosed documentation proving conclusively that:

1. The water rights originally located by Dan Shyne in 1909, Location Notice 200-2, 201-2 and 134-2 have long since reverted to the public because of non-use.
2. The State of South Dakota does have a public use easement in force and that Mr. Lytle has no valid claim of ownership to the 16 acre dam site.

The old water rights question hinges on the fact that the water spreading system built by Dan Shyne has failed to function for many years, and the fact that until Mr. Lytle began pumping illegally, no one had drawn water from the dam for irrigation purposes.

The question of the easement reverting to Mr. Lytle has absolutely no foundation. Records of the Director of Equalization indicate that the 16 acre dam site in W $\frac{1}{2}$ of Section 20, T2N, R14E has been tax exempt since at least 1958. Records prior to that time were not checked because I felt they would prove nothing further. I was told by D. A. Shyne, however, that the land was taken off the tax rolls at the time the dam was built. It is therefore apparent that Mr. Lytle has not paid any taxes on that land and therefore has no claim to ownership. It is also apparent that the township and the county still regard the land as being dedicated to the public.

It is pertinent to note that in all of the land transactions since the easement was granted, the dam site consisting of 16 acres was excluded from the deed.



Mr. Winterton
July 27, 1978
Page 2

On May 22, 1978, D. A. and Margaret M. Shyne, husband and wife, granted a quit claim deed to Mr. Lytle. Mrs. J. C. Shyne, widow of the co-grantor of the easement has not however conveyed her interest to anyone and states emphatically that the land has not yet reverted to the grantors.

Interviews with several long time Wasta residents indicate that there has been public use of the dam continuously since the dam was built with the exception of a period of time in the early 1970's when the fish mysteriously died and Mr. Lytle illegally denied access by padlocking the section line gate into the area and plowed the access trail. No one I interviewed was aware of any irrigation from the dam prior to when Mr. Lytle started pumping out of it.

Our Department has no doubt been involved in fish stocking of the dam since it was built, however, we find fisheries management records only as far back as 1968, two years after Mr. Lytle obtained ownership.

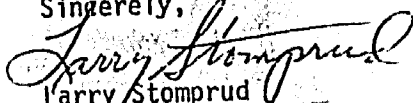
I am sure that this letter and the enclosed documentation proves beyond a shadow of a doubt that:

1. Mr. Lytle has no claim to the water rights granted to Dan Shyne in 1909.
2. The State of South Dakota does indeed hold an easement in force as granted by members of the Shyne family.

If, however, your Department is still not convinced, additional documentation can be made and forwarded to you.

It is the desire of the Department of Wildlife, Parks, and Forestry that this matter be treated as expeditiously as possible.

Sincerely,


Larry Stomprud
Conservation Officer

LS/i
Encls.

12.1
July 31, 1978

Mr. Larry Stomprud
Conservation Officer
Dept. of Game, Fish, and Parks
Division of Game and Fish
Box 34
Wall, SD 57790

Dear Mr. Stomprud:

In regard to the irrigation by Joseph Lytle from the Shyne Dam, the documentation which you provided gives a strong case for proving that all of the 1909 water rights for Sec. 20 of T2N, R14E have been abandoned and forfeited due to nonuse.

Mr. Lytle is being informed of the situation and is being ordered to stop irrigating from the Shyne Dam.

If the Dept. of Game, Fish, and Parks claims certain rights to the waters of the Shyne Dam and is interested in maintaining the waters for fish and wildlife purposes, it would be advisable that a vested right be filed with this Department. I am enclosing the necessary forms for filing a vested right. This would place the responsibility of any and all maintenance of the structure on the Dept. of Game, Fish, and Parks.

Please advise this office of any questions.

Very truly yours,

James Winterton
Water Resources Engineer IV

JW/bt
Enclosures

12.1

48 - 0917
H. H. H.
OFFICE

July 31, 1978

Dr. Joseph M. Lytle
915 12th Street
Rapid City, SD 57701

Dear Dr. Lytle:

This letter is in reference to the water rights on Shyne Dam located in Section 20, T2N, R14E. Documentation has been provided to this office by the Dept. of Game, Fish, and Parks which indicates that all of Shynes original water rights on the dam had been forfeited. The water rights were filed in 1909 and after a few years of irrigation the system was abandoned. It wasn't until 1936 that the Shyne Dam was built, and no water rights have been issued for this water supply.

SDCL 46-5-36 and 46-5-37 explains "Abandonment of use of water appurtenant to land" and "Forfeiture of nonuse".

46-5-36. "If the owner of the land to which water has become appurtenant abandons the use of such water upon such land, such water shall become public water, subject to general appropriation."

46-5-37. "When any person entitled to the use of appropriated water fails to use beneficially all or any part of such water for the purposes for which it was appropriated for a period of three years, such unused water shall revert to the public and shall be regarded as unappropriated public water."

Available information indicates that water rights for irrigation from Shyne Dam do not exist. Irrigation from the dam without a proper water right is in violation of State Statutes and subject to the penalties specified.

Please advise concerning your intentions on this matter.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/bt

cc: Larry Stomprud, Conservation Officer, Wall SD
Verne E. Thorstenson, Attorney, Rapid City SD



915 17th Street
Lapid City, S. Dakota
January 24, 1981

Jim Winterton
Div. of Water Rights
Joe Foss Building
Pierre, South Dakota 57501

Dear Mr. Winterton:

Enclosed are copies of the following:

1. Quit Claim Deed from the State of S. D. dated July 20, 1978 signed by George D. Kane, commissioner of School and Public Lands. Mr. Kane issued this at the request of the Attorney General William Jankow.
2. Quit Claim Deed from D. A. Shyne and Margaret M. Shyne dated May 22, 1978.
3. Copies of 1979 and 1980 Real Estate Notices which show that all of the Section 20 2N 14E have been on the tax rolls since 1978.

These documents show that all ownership of the Shyne Dam lies with Joseph M. and Wirona M. Lytle.

Sincerely,

Joseph M. Lytle

of Rapid City and all other interest subsequently acquired
P.O., all interests in the following described
real estate in the County of Pennington in the State of South Dakota

An Easement beginning at cor. No. 1 from which the quarter
section corner common to Sections Nineteen (19) and Twenty
(20), Township Two (2) North, Range Fourteen (14) East of
the BHM, bears S. 1008 feet, thence E. 780 feet to cor.
No. 2, thence S. 31 degrees 45 minutes E. 1485 feet to cor.

No. 3, thence N. 57 degrees 30 minutes E. 600 feet to cor.

No. 4, thence N. 45 degrees W. 1426 feet to cor. No. 5, thence
W. 1059 feet to cor. No. 6 on Sec. line, thence S. 66 feet to
cor. No. 1 and place of beginning, enclosing 16 acres.

This Deed is given to release the Easement dated Jan. 6, 1934,
which was typed on a Warranty Deed form.

Dated this 20th day of July, 19 78

George D Kane
COMMISSIONER OF SCHOOL AND PUBLIC LANDS

ACKNOWLEDGMENT BY INDIVIDUAL

STATE OF SOUTH DAKOTA

County of Hughes } ss.

On this the 20th day of July, 19 78, before me,

Robert A. Hoff

, the undersigned officer, personally appeared

George D. Kane

known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument
and acknowledged that he executed the same for purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My commission expires: Dec. 18, 1982.

Robert A. Hoff
Notary Public
Title of Officer

Recorded Register of Deeds Office

Deed Book 9 P 8917 Aug 9, 1978 at 11:10 AM

BOOK

9 PAGE 2837

D. A. Shyne and Margaret M. Shyne, husband and wife,

Grantors

of Pennington County,

State of South Dakota, for and in consideration of One Dollar (\$1.00)

and other good and valuable consideration----- DOLLARS

Conveys and quit claims to Joseph M. Lytle

the grantee,
of Rapid City and all other interest subsequently acquired
P.O., all interest in the following described

real estate in the County of Pennington In the State of South Dakota

The West Half (W $\frac{1}{2}$) of Section Twenty

(20), Township Two (2) North, Range

Fourteen (14) East of the Black Hills

Meridian, Pennington County, South

Dakota.

EXEMPT FROM TRANSFER TAX

Dated this 22 day of May, 1978

RECORDED
INDEXEDD. A. Shyne
Margaret M. ShyneACKNOWLEDGMENT BY INDIVIDUAL
STATE OF SOUTH DAKOTA, COUNTY OF PENNINGTON, SS.

STATE OF SOUTH DAKOTA

County of Pennington

FILED THIS 31 DAY OF May 1978 AT 10:30 A.M. BOOK 9 PAGE 2837
SS. [Signature] Notary Public

NOTARY OF DEEDS

DEPUTY

FEES \$ 2.00

On this the

22

day of

May

1978

before me.

Conveys and guarantees to

of Rapid City and all other interest subsequently acquired
P.O., all interest in the following described
real estate in the County of Pennington in the State of South Dakota

The West Half (W¹/₂) of Section Twenty
(20), Township Two (2) North, Range
Fourteen (14) East of the Black Hills
Meridian, Pennington County, South
Dakota.

RECORDED IN REGISTER 112

Dated this 22 day of May, 1978

RECORDED
INDEXED

D. A. Shyne
Margaret M. Shyne

ACKNOWLEDGMENT BY INDIVIDUAL

STATE OF SOUTH DAKOTA, COUNTY OF PENNINGTON, SS.

STATE OF SOUTH DAKOTA

County of Pennington

FILED THIS 31 DAY OF May, 1978 AT 10:30 H. BOOK 9 PAGE 2837
SS. Russell Thellens DEPUTY FEES \$ 2.00

On this the 22 day of May, 1978, before me,

D. A. Shyne and Margaret M. Shyne, husband and wife

known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument
and acknowledged that they executed the same for purposes therein contained.

In witness whereof I hereunto set my hand and official seal,

Verna E. Thompson
Notary Public, South Dakota
Title of Officer

State of South Dakota

_____, Grantor _____

of _____ County,

State of South Dakota, for and in consideration of One Dollar (\$1.00)and other good and valuable consideration ----- DOLLARSConveys and quit claims to Joseph M. Lytle_____, the grantee,
of Rapid City and all other interest subsequently acquired
P.O., all interest in the following describedreal estate in the County of Pennington in the State of South Dakota

An Easement beginning at cor. No. 1 from which the quarter
section corner common to Sections Nineteen (19) and Twenty
(20), Township Two (2) North, Range Fourteen (14) East of
the BHM, bears S. 1008 feet, thence E. 780 feet to cor.
No. 2, thence S. 31 degrees 45 minutes E. 1485 feet to cor.

No. 3, thence N. 57 degrees 30 minutes E. 600 feet to cor.
No. 4, thence N. 45 degrees W. 1426 feet to cor. No. 5, thence
W. 1059 feet to cor. No. 6 on Sec. line, thence S. 66 feet to
cor. No. 1 and place of beginning, enclosing 16 acres.

This Deed is given to release the Easement dated Jan. 6, 1934,
which was typed on a Warranty Deed form.

Dated this 20th day of July 19 78George D. Kane
COMMISSIONER OF SCHOOL AND PUBLIC LANDS

ACKNOWLEDGMENT BY INDIVIDUAL

STATE OF SOUTH DAKOTA }
County of Hughes } ss.On this the 20th day of July, 19 78, before me,

COUNTY OF PENNINGTON
ATE NOTICE - Required by SDCL 10-3-17

Information for Owner
Assessed Value (Full & True Value)
(Tax not Calculated on this Value)

1972

1972										STRUCTURES ONLY			Structures and Real Estate	
Sch Dist	WHAT PART	Sec or Lot	Twp. Blk.	Rise	Across ft.	100's	Homes- stead Yes No	Real Estate in Only	Residences	Business Structures				
27-51-05	A11	20	2N	14E	640.00	00		13230	13230	13230	13230	13230		
N-52-5/1	WATER WASCA FL 10+7	68	8					530	530	530	530	1140		

ASSESSORS NOTICE TO PROPERTY OWNERS

The above is a correct copy of the list of taxable property assessed against you for the year 1979. Complaint on your assessment may be made to the County Board of Equalization on or before the first Monday in August. The State Auditor and the County Auditor may be taken from the County Board of Equalization shall decide on appeal to the other extraordinary.

ASSESSORS NOTICE TO PROPERTY OWNERS

The above is a correct copy of the list of taxable property assessed against you for the year 1979. Complaint on your assessment may be made to the County Board of Equalization on or before the first Monday in August. The State Auditor and the County Auditor may be taken from the County Board of Equalization shall decide on appeal to the other extraordinary.

34. Feb. 1, 1979

(A30830r)

Deputy Assess:

Joseph M. Lytle et ux
915-12th St.
City 57701

Tax is not calculated on the assessed values (full and true). The value and classification of your real estate is shown on the assessment roll is as listed.

ASSESSMENT LIST OF REAL PROPERTY OUTSIDE LIMITS OF MUNICIPALITIES

Tax is not calculated on the assessed values (full and true) of the sold and encumbered real estate as shown on the assessment roll, but on the assessed value of the real estate.

1000

ASSESSOR'S NOTICE TO PROPERTY OWNERS

[illegible]

Joseph M. and Winona M. Lytle
915-12th St.
Rapid City, S.D. 57701

Date January 1, 1980

(As 50550)

155077
'52924'

SOUTH DAKOTA
Department of
Water & Natural Resources

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

March 23, 1987

JOSEPH LYTLE
3126 ORCHARD LN
RAPID CITY, SD 57701

NOTICE

Re: Violation of Water Permit No(s). 1735-2, 1768-2

Our records indicate that the 1986 Irrigation Questionnaire has not been received for Permit No(s). 1735-2, 1768-2. 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 permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board 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."

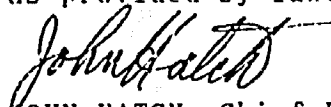
The hearing(s) will be at 2:00 pm, May 6, 1987, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) 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. Suspend Permit No(s). 1735-2, 1768-2 until either the 1986 Questionnaire is submitted or for a period of up to one 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, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

**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

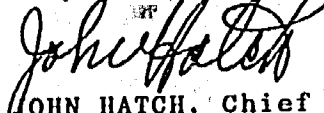
Dear Mr. Lytle:

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

South Dakota

DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 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

Genny McMath
Water Rights Division
(605) 773-3352

Permit No. 1735-2

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 owned by Joseph Lytle of 3125 Orchard Lane, Rapid City, SD 57701 holder of Permit No. 1735-2, bearing the priority of November 7, 1980 authorizing the diversion of 0.86 cu.ft. per second and storage of 103 acre-feet annually of the waters of a dry draw 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: Rupp, 300 gallons per minute capacity.

Motor: Ill tractor, 32 horse power.

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

700 feet of 3 inch Aluminum pipe.

C. Works used to apply water to beneficial use:

1350 feet of towline.

The system is in the following conditions: (see remarks on the inspection sheet) The point of diversions located: approximately 2050 feet south, 1200 feet east from the Northwest corner of Section 20, T2N-R14E (SW1/4 NW1/4).

The works are capable of diverting and conveying to the place of use 0.67 cu.ft. per second of water and storage of 25 acre feet annually which is to be used for irrigation.

Water has been put to beneficial use to the maximum extent as follows:

NE1/4 NW1/4 25.0 ac. NW1/4 NE1/4 10.0 ac.

SE1/4 NW1/4 15.0 ac. SW1/4 NE1/4 10.0 ac. All in Section 20, T2N-R14E.

comprising a total of 60 acres of land and the license should be issued for 0.67 cfs and storage of 25 acre-feet of water annually.

Application permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: None

Date: 8/28/91

M. A. Ahadi

H. RASSOOL AHADI

Natural Resources Engineer III
DENR, Water Rights Division

LICENSE FOR PERMIT NUMBER 1735-2

1. Legal location of

Dams and Structures: SE1/4 NW1/4 and NE1/4 SW1/4 Section 20, T2N-R14E

2. Well Information: Well Drilling Firm NA

Pump	a) make <u>Rupp</u>	Motor	a) make <u>IH Tractor</u>
	b) model		b) model no.
	c) size <u>3 inch</u>		c) horsepower rating <u>32</u>
	d) capacity <u>300</u> GPM		d) serial no.
	e) turbine pump - no. of stages		
	f) operating PSI		

3. Distribution lines or canals

a) size 3 inches
b) type Aluminum
c) length 700 feet

4. Dam Information:

a) height to crest <u>10</u> feet	m) Outlet tubes: <u>None</u>
b) height to primary spillway <u>8</u> feet	1) diameter inches
d) crest width <u>12</u> feet	3) valved (Y/N)
e) crest length <u>350</u> feet	4) valve type
f) spillway length <u>250</u> feet	5) location on structure:
g) spillway width <u>35</u> feet	
h) approx. storage <u>25</u> AC-FT	n) Category of Dam <u>3</u>
i) approx. storage to crest <u>30</u> AC-FT	
j) date constructed <u>1953</u>	
k) inspection sheet completed? (Y/N) <u>N</u>	
l) name of contractor <u>Unknown</u>	

5. System Type a) sideroll:

- 1) length feet
- 2) diameter of pipe inches
- 3) make, model & number of
 sprinklers
- 4) spacing of sprinklers feet
- 5) nozzle size

b) towline:

- 1) length 1350 feet
- 2) number of
 sprinklers 40
- 3) spacing of sprinklers 30 feet
- 4) nozzle size 5/16 inch

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: Due to lack of water, Mr. Joe Lytle has not been irrigating for the past 3 years. The dam and the acreage were inspected. The system information was received from Mr. Joe Lytle via phone.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 23, 1992

1735-2

Dr. Joseph Lytle
3125 Orchard Lane
Rapid City, SD 57701

Dear Dr. Lytle:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 1735-2, has been completed. Your final water right document, the Water License, 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, we will begin processing your Water License.

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,

Cheryl F. Frost

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, July 15, 1992

RECEIVED OF Joseph Lytle, Lytle's River Country, 3125 Orchard Lane, Rapid City, SD 57701
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. <u>1735-2</u>	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 H. H. H. H.*
Chief Engineer

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1735-2

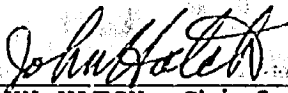
(1) Joseph Lytle of 3125 Orchard Lane, Rapid City, SD 57701 made Application No. 1735-2, February 13, 1979 for a water permit to appropriate 0.86 cubic feet of water per second from a dry draw, Pennington County, South Dakota for irrigation purposes. Permit No. 1735-2 with a priority date of November 7, 1980 was approved January 29, 1981 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before January 29, 1986 and for the application to beneficial use of said water on or before January 29, 1990.

(2) It is certified that the applicant 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 0.67 cubic feet of water per second, and store 25 acre feet of water annually for beneficial use. The location of the diversion point is: approximately 2,050 feet south and 1,200 feet east of the NW corner of Section 20, T2N, R14E (SW 1/4 NW 1/4).

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

T2N, R14E Section 20	NE 1/4 NW 1/4	25.0 Acres
	SE 1/4 NW 1/4	15.0 Acres
	NW 1/4 NE 1/4	10.0 Acres
	SW 1/4 NE 1/4	10.0 Acres
	Total-----	60.0 Acres

(4) Pursuant to Section 46-5-30.1 Joseph Lytle of 3125 Orchard Lane, Rapid City, SD 57701 the holder(s) and/or owner(s) of Water Permit No. 1735-2 is issued a license to appropriate water, the right to use 0.67 cubic feet of water per second, and store 25 acre feet of water annually from a dry draw with a priority date of November 7, 1980 from the location specified in (2) of this license. The water is 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. 1735-2 and subject to South Dakota State Law.

 AUG 5 1992

JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 5 1992

1735-2

Joseph Lytle
3125 Orchard Lane
Rapid City, SD 57701

Dear Mr. Lytle:

Enclosed is Water License No. 1735-2. This is the final water right document completing your process of obtaining a water right. Enclosed is Receipt No. 413302 in the amount of \$50.00 which you paid for the inspection and issuance of this water license.

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

Very truly yours,

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

enclosures



1735-2
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).

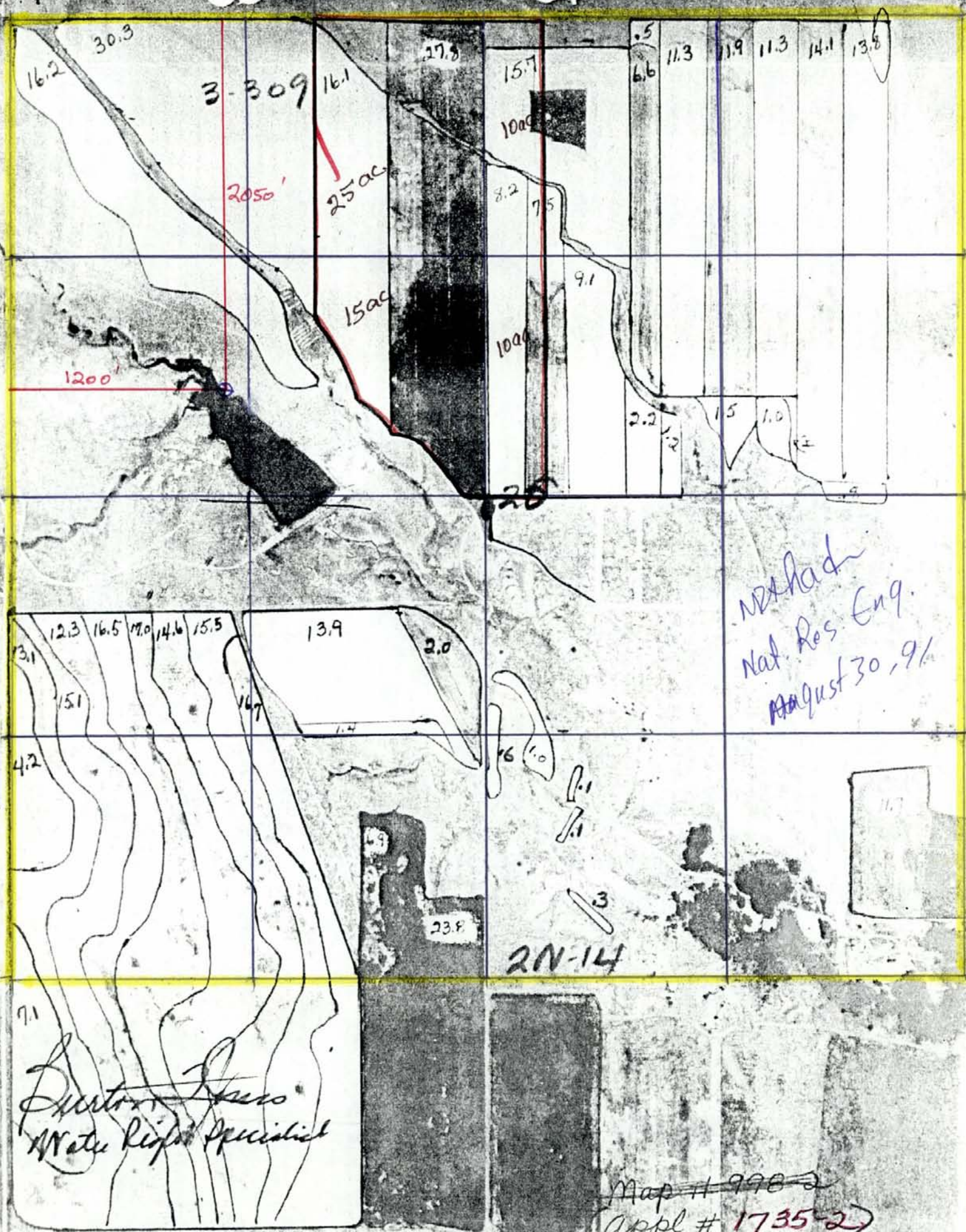
A \$2.50 filing fee is required for each transfer filed (total of \$10.00). The check or money order for the fee can be made payable to the "Water Rights Program".

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



North
Nat. Res. Eng.
August 30, 91

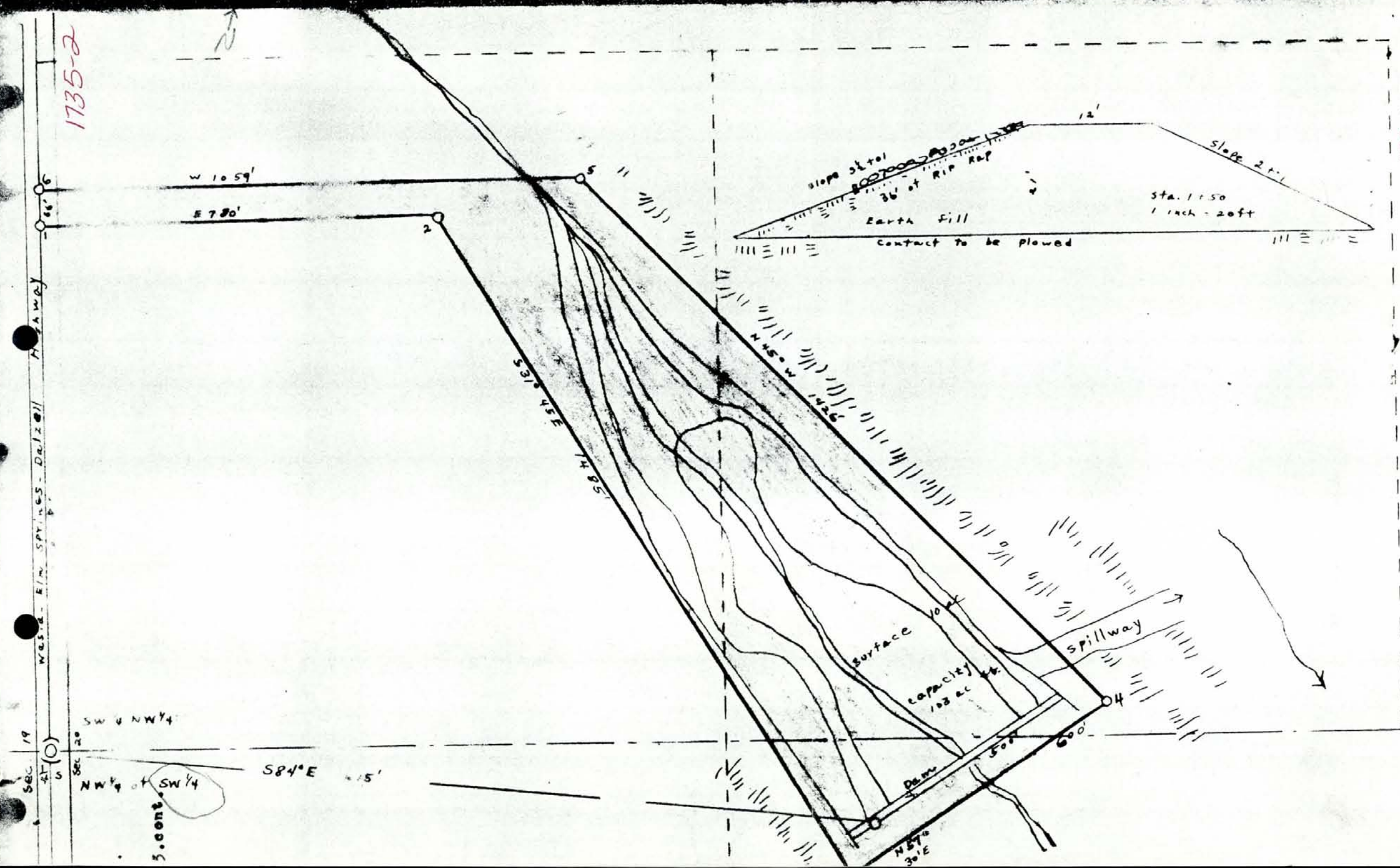
Quinton L. Laro
Water Right Specialist

2N-14

Map # 998-2
(Appl # 1735-2)

1735-2

1735-2





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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.



1735-2

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 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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,

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

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



1735-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: RUSTY LYTLE, 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 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1735-2, 1768-2. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 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 7, 2012** 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. 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 2, 2012**, 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>

c: JOSEPH LYTLE, 3125 LYTLE 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 24, 2012

1735-2
1768-2

Rusty Lytle
22801 Jensen Rd
Wall SD 57790

Dear Mr. Lytle:

I am writing to acknowledge receipt of your 2011 irrigation questionnaires.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right Nos. 1735-2 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: Joe Lytle



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 28, 2012

Nos. 1735-2 & 1768-2

Dr. Joseph Lytle
Attn: Rusty Lytle
3125 Lytle Lane
Rapid City, SD 57703

Dear Mr. Lytle:

This letter is in regards to your March 28, 2012 request for a variance allowing Lone Tree Ditch to divert from Rapid Creek for irrigation covered by Water Permit Nos. 1735-2 & 1768-2 prior to April 1 as listed on the water rights.

Effective immediately your request is granted allowing you to divert Cheyenne River water and from a dry draw dam for irrigation as authorized by Nos. 1735-2 & 1768-2. This variance is only in effect for the current calendar year.

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

Sincerely,

Mark D. Rath
Natural Resources Engineer III
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

March 26, 2013

Nos. 1768-2 & 1735-2

Joseph Lytle
3125 Lytle Lane
Rapid City SD 57701

Dear Mr. Lytle:

This letter is in regards to the March 26, 2013 request for a variance allowing you to divert from the Cheyenne River and dry draws for irrigation covered by Water Permit Nos. 1768-2 and 1735-2 prior to April 1 as listed on the water right.

Effective immediately your request is granted allowing you to divert water for irrigation as authorized by Permit Nos. 1768-2 and 1735-2. This variance is only in effect for the current calendar year.

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

Sincerely,

Mark D. Rath
Natural Resources Engineer III
Water Rights Program



1735-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: RUSTY LYTLE, 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 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1735-2 & 1768-2. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 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 4, 2015** 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:

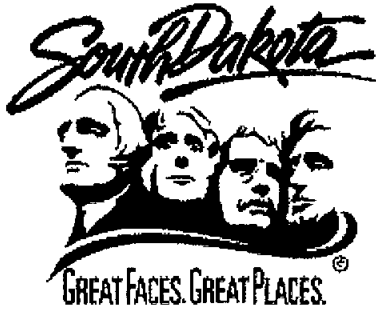
1. Suspend or cancel Permit No(s) 1735-2 & 1768-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

c: JOSEPH LYTLE, 3125 LYTLE 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 21, 2015

1735-2
1768-2

Rusty Lytle
22801 Jensen Rd
Wall SD 57790

Dear Lytle:

I am writing to acknowledge receipt of the 2014 irrigation questionnaires for Water Right Nos. 1735-2 and 1768-2 listed in the name of Joseph Lytle.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right Nos. 1735-2 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

c: Joseph Lytle, 3125 Lytle Ln, Rapid City SD 57703-8004



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 24, 2015

1735-2
1768-2

Rusty Lytle
22801 Jensen Rd
Wall, SD 57790

Dear Mr. Lytle:

This letter is in regards to your March 24, 2015 request for a variance allowing you to divert from the Cheyenne River and dry draws for irrigation authorized by Water Permit No. 1735-2 and 1768-2 prior to April 1 as listed on the water rights.

Effective immediately, your request is granted allowing you to divert water for irrigation as authorized by Water Permit Nos. 1735-2 and 1768-2. This variance is in effect for the current calendar year only.

If you have any further questions, please contact Aaron Tieman at (605) 394-2229 or Mark Rath at (605) 773-3352.

Sincerely,

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

cc:

Dr. Joseph Lytle
3125 Lytle Lane
Rapid City, SD 57701



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 28, 2017

1735-2
1768-2

Rusty Lytle
22801 Jensen Rd
Wall, SD 57790

Dear Mr. Lytle:

This letter is in regards to your March 28, 2017 request for a variance allowing you to divert from the Cheyenne River and dry draws for irrigation authorized by Water Right Nos. 1735-2 and 1768-2 prior to April 1 as listed on the water rights.

Effective immediately, your request is granted allowing you to divert water for irrigation as authorized by Water Right Nos. 1735-2 and 1768-2. This variance is in effect for the current calendar year only.

If you have any further questions, please contact Aaron Tieman or Mark Rath at (605) 773-3352.

Sincerely,

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

cc:

Dr. Joseph Lytle
3125 Lytle Lane
Rapid City, SD 57701



1735-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: RUSTY LYTLE, MGR, 22801 JENSEN RD, WALL, SD 57790
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1735-2 & 1768-2. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 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 **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1735-2 & 1768-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

C: JOSEPH LYTLE, 3125 LYTLE 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.

ALERT: PAYMENT TRANSACTIONS ON SOME APPLICATIONS WILL BE TEMPORARILY...

USPS Tracking® FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)**Track Another Package +****Tracking Number:** 70173380000059185973

Remove X

Your item was delivered at 11:52 am on January 29, 2019 in RAPID CITY, SD 57701.

 **Delivered**January 29, 2019 at 11:52 am
Delivered
RAPID CITY, SD 57701**Get Updates** ✓

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For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$	1-29-19
Extra Services & Fees (check box, add fee as appropriate)	Postmark Here
☐ Return Receipt (hardcopy) \$	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage	
JOSEPH LYTLE 3125 LYTLE LN RAPID CITY SD 57703-8004	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

Feedback

Tracking Number: 70173380000059185966

Your item was delivered at 11:20 am on January 30,

 **Delivered**January 30, 2019 at 11:20 am
Delivered
WALL, SD 57790**Get Updates** ✓

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
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Certified Mail Fee \$	1-30-19
Extra Services & Fees (check box, add fee as appropriate)	Postmark Here
☐ Return Receipt (hardcopy) \$	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage	
RUSTY LYTLE, MGR 22801 JENSEN RD WALL SD 57790	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

1735-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 11, 2019

1735-2
1768-2

Rusty Lytle
22801 Jensen Rd
Wall SD 57790

Dear Mr. Lytle:

On March 6th the Water Management Board ordered Water Right Nos. 1735-2 & 1768-2 suspended if the 2018 irrigation questionnaires were not received prior to April 6, 2019. The questionnaire information for the water rights was received March 11, 2019.

Since the irrigation questionnaires are on file, no violations have occurred and no suspensions will take place. You may irrigate during the 2019 irrigation season.

If you have any questions, please contact us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

Genny McMath
Water Rights Program
605 773-3352

c: Joseph Lytle, 3125 Lytle Ln, Rapid City SD 57703-8004



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 7, 2019

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER RIGHTS

TO: Rusty Lytle, 22801 Jensen Rd, Wall SD 57790
Joseph Lytle, 3125 Lytle Ln, Rapid City SD 57703-8004

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program *Jeanne Goodman*

SUBJECT: One Year Suspension of Water Right Nos. 1735-2 & 1768-2

On March 6, 2019, the Water Management Board ordered:

Effective April 6, 2019, Water Right Nos. 1735-2 & 1768-2 be suspended for the 2019 irrigation season for failure to submit the 2018 irrigation questionnaires.

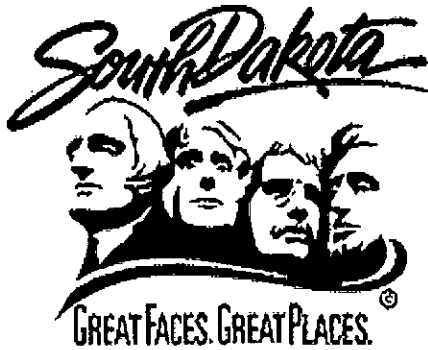
If the 2018 irrigation questionnaires are received prior to April 6, 2019, the suspensions will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2019 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2019 unless the 2018 irrigation questionnaires are submitted by April 6th.

After April 6th, you may petition the Water Management Board to rescind the suspensions. You will need to submit the 2018 irrigation questionnaires and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 8-9, 2019, in Pierre, SD. The letter should include your reasons for not completing the 2018 irrigation questionnaires. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.denr.sd.gov

December 13, 2019

1735-2

Rusty Lytle
22801 Jensen Rd
Wall SD 57790

Rusty,

I am writing to follow-up on our phone conversation last week concerning your irrigation questionnaires.

With respect to Water Right No. 1735-2 which authorizes diversion of water from a dam for irrigation purposes, you indicated you do not pump from the dam for irrigation purposes. The acreage will catch water if water is high enough in the dam to flow around the spillway. During our phone conversation, we discussed whether an annual irrigation questionnaire is needed for Water Right No. 1735-2.

I spoke with Mark Rath in our program about our conversation. He indicated he would try and stop in and see you next spring on his way to Rapid City for the annual Rapid Creek Water Users meeting. You can show him the current set up you have and from that we can determine if we can bring the issue to the Water Management Board to remove the irrigation questionnaire qualification from Water Right No. 1735-2.

We will wait to do anything with the water right until Mark has a chance to stop in and see you.

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 AGRICULTURE
and NATURAL RESOURCES**

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

March 11, 2024

1735-2
1768-2

Rusty Lytle
22781 Crooked Creek Rd
Wall, SD 57790

Dear Mr. Lytle:

This letter is regarding your March 11, 2024, request for a variance allowing you to divert from the Cheyenne River and dry draws for irrigation authorized by Water Right Nos. 1735-2 and 1768-2 prior to April 1 as listed on the water rights.

Effective immediately, your request is granted allowing you to divert water for irrigation as authorized by Water Right Nos. 1735-2 and 1768-2. This variance is in effect for the current calendar year only.

If you have any further questions, please contact Nakaila Steen or Mark Rath at (605) 773-3352.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605)-773-3352

cc: Dr. Joseph Lytle
3125 Lytle Lane
Rapid City, SD 57701



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 11, 2024

1735-2

1768-2

Rusty Lytle
22801 Jensen Rd
Wall SD 57790

Dear Mr. Lytle:

This letter is to follow up on this morning's conversation regarding the needed transfer of ownership for Water Right Nos. 1735-2 & 1768-2. For your convenience I have enclosed a partially completed "Transfer of Ownership" form for each Water Right, in addition to copies of each license for your records. Please complete the red portions of each form and return them in the pre-paid envelope.

Please return the forms with a check for \$100.00 (\$50.00/transfer) made payable to "SD Water Rights Program" to cover the transfer fees. If you would prefer to pay by card you may call our Fiscal Office at 605.773.4216. These forms will still need to be returned even if you are submitting payment over the phone.

Should you decide you wish to discontinue the irrigation on these lands, we would ask that you let us know.

If you have any questions or concerns, please give me a call. My direct number is 605.910.5187

Sincerely,

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

enclosures