

Upper Cheyenne
10120110

Water Right No. 1746-2

1. Considered March 25 19 81
2. Name of Applicant Jean Lyman
3. Post Office Address Rt. 2, Box 649A, Rapid City 57701
4. Amount of Water Claimed 2.46
5. Source of Water Supply Rapid Creek
6. Water to be used for IRR
7. Acres to be irrigated 172 maximum
acre feet
8. Water to be diverted and used in Pennington Clange County
about 12E and 6 miles south of Rapid City
9. PROOF OF PUBLICATION Received (M)

Not Received

APPLICATION

Approved

Subject to

Not Approved

Action deferred

Priority

Date

Received

1/13/81

Application Complete yes

X

no

FEE

150.00

Remarks

UNDER AGREEMENT 1254-2 WILL BE INCORPORATED
into this application

Date information and/or
fee or corrected Application received

Period of Annual use April thru September

WATER
QUALITY

Received yes

no

APPROVED/CONDITIONAL (Circle one)

W-1 Description same as applicat

yes

no

Remarks

Disapproved

Returned

Diversion Point

SW₄ SE₄, 1-1S-9E

Lands to be irrigated

S₁ SW₄; SW₄ SE₄, Section 1.

N₁ NW₄; N₁ S₁ NW₄; and

NW₄ NE₄, Section 12-all in T1S-9E

Remarks

WELL
LOG

Driller

Licensed yes

no

Depth

1502 & 1061-2
MAP Map No. 1006-2 Map located in Water Right XX Map file _____
Type of Map aerial Prepared by LeRoy Mernaugh

+++++

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 2/13/31
[Signature]
(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 _____



101-1-2 1502-2 No. 1746-2
 1006-2 1061-2 2 UPPER CHEYENNE District
 Map No. Water Division No. Above for Office Use 10120110

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 Jean Lyman Phone No. _____
 Post Office Address Rt #2, Box 649A Rapid City State SD 57701
 (Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) completed3. Name of diversion work Lyman Irrigation Project4. Amount of water claimed (cubic feet per second) 2.465. Source of water supply Rapid Creek

6. Location of point of diversion 950 feet North and 2730 feet East of the SW corner, Section 11
T1S, R9E SW 1/4 SE 1/4

County Pennington7. Annual period or periods during which water is to be used April thru September8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 1/2

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
SW 1/4 SW 1/4 Sec 1, T1S, R9E	27	NE 1/4 NE 1/4 Sec 12, T1S, R9E	40
SE 1/4 SW 1/4 " " " "	35	SW 1/4 NE 1/4 " " " "	6
SW 1/4 SE 1/4 " " " "	6	SE 1/4 NE 1/4 " " " "	11
NE 1/4 NE 1/4 Sec 12, " " " "	36	NE 1/4 NE 1/4 " " " "	11

Attach sheet if more space is needed

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

pump and motor

Note: The applicable portions of Permit # 1254-2 will be included in this Water Permit.

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

PVC pipe to center pivot

C. Works proposed to apply water to beneficial use.

Center pivot

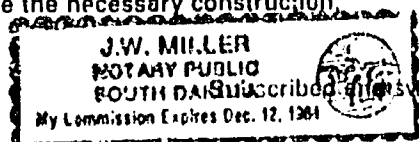
Estimated Total Cost \$ _____

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

STATE OF SOUTH DAKOTA)

County of Pennington) ss.

I, Jean V. Lyman 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 Jean V. Lyman12th day of Jan, 1981

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL
The Water Management Board hereby approves Water Right Application No. 1746-2
JEAN LYMAN RT. 2, Box 649-A, Rapid City
(Applicant) (Post Office Address)
South Dakota 57701
(State) With the following qualifications.

Low flows as needed for downstream domestic use, including livestock watering, and prior water rights must be by-passed. Unappropriated water is available in Rapid Creek to reasonably satisfy this application only through contract between the Rapid Valley Conservancy District and Bureau of Reclamation covering releases from Deerfield & Pactola Reservoirs.

APPROVAL OF THIS PERMIT AUTHORIZES A CHANGE IN LANDS TO BE IRRIGATED FROM LANDS APPROVED UNDER PERMIT NO 1254-2. THE PRIORITY AND OTHER APPLICABLE PORTIONS OF PERMIT NO 1254-2 HAVE BEEN INCORPORATED INTO THIS PERMIT NO 1746-2.

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

Date of first receipt of application JANUARY 13, 1981
Date of return to applicant for correction, amendments or changes required , 1981
Date of receipt of corrected application FEBRUARY 12, 1981
Approved MARCH 25, 1981, Recorded in Book 22 Page 53
WATER RIGHT PERMIT NO. 1746-2

The Water Management Board hereby grants and issues this Water Right Permit No. 1746-2 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 APRIL 1, 1975
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before COMPLETED, 1981
3. The whole of said work is to be completed on or before COMPLETED, 1981
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED, 1981
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 2.46 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 THIS DATE, 1981; said water to be used during the following described annual period: APRIL THRU SEPTEMBER

Witness my hand this 17TH day of APRIL, 1981

THE WATER MANAGEMENT BOARD

B. John Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued August 24, 1981
Water License Issued August 24, 1981

In all cases a WATER RIGHT must be obtained from the State Water Rights Commission.

REC. MGMT/FORM
7/80

conditional

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Joan Imman

SOIL RESTRICT

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED unless left in grasses or alfalfa

128B and 129C - Kyle soil any area in which the slope exceeds 4%

RECOMMENDED MANAGEMENT:

You will be placed on the soil monitoring program, with your soils being
monitored this year and approximately every 3 to 4 years thereafter.

Permit No. 1746-2.

Water Diversion No. 2 Upper Cheyenne Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Jean Lyman

_____ the holder _____ of
Permit No. 1746-2, issued upon Application No. 1746-2 bearing date of priority of April 1, 1975
_____ authorizing the diversion of 2.46 cu. ft. per second of the waters of _____
Rapid Creek County of Pennington, State of South Dakota at _____
a point 050 feet north and 2730 feet east of the SW corner, Section 1,
T1S, R9E
_____, for irrigation

purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 2.46 cu. ft. per second of water.

Date August 24, 1981

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1746-2

(1) WHEREAS, On the 15th day of January, A. D. 1982
Jeann Lyman

made Water Right Application No. 1746-2 for a permit to use 2.46 cubic feet per second of the waters of Rapid Creek

County of Pennington, State of South Dakota, for irrigation purposes; and

(2) WHEREAS, On the 25th day of March, A. D. 1981

Permit No. 1746-2, with a date of priority of April 1, 1975 ^{recognizing}
 was issued to said applicant, for the diversion of said water, and ~~provided for~~ for the completion of construction of the water supply system therein described ~~XXXXXX~~ ~~XXXXXX~~ ~~XXXXXX~~ and for the application to beneficial use of said water ~~XXXXXX~~ ~~XXXXXX~~ ~~XXXXXX~~

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 2.46 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,
to irrigate the following lands all in T1S, R9E

Section 1				Approval of this Permit authorized a change in lands to be irrigated from lands approved under Permit No. 1254-2. The priority and other applicable portions of Permit No. 1254-2 have been incorporated into this Water License No. 1746-2.
CC	SW ¹ SW ²	27	acres	
CD	SE ¹ SW ²	35	"	
LC	SW ⁴ SE ⁴	6	"	
Section 12				
BD	NE ¹ NW ²	36	"	
BA	NE ² NW ²	40	"	
BC	SW ⁴ NE ⁴	6	"	
BD	SE ⁴ NW ⁴	11	"	
AD	NE ³ NE ³	11	"	
TOTAL 172 acres				

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Joan Lyman

_____ of Rapid City, South Dakota

the holder _____ and owner _____ of said permit No. 1746-2a water right dating from April 1, 1975

_____ to use of 2.46 cubic feet per second of the waters

of Rapid Creek

in the County of Peck and State of South Dakota, or so much thereof as may be necessary for the

purposes hereibelow mentioned, to be diverted at a point 950 feet north and 2730 feet east of the

SW corner, Section 1, T18, R9E

and conducted to and upon _____ portions of land as described on the face of this license.

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1746-2a and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota,

this 24th day of August A. D.

Nineteen Hundred and Eighty-one

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

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

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County _____) ss.

I, Mary K. Garness 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
hereby after stated, has been and is printed and published in the _____
City _____ State 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:

February 27, 1981

March 3, 1981

Mary K. Garness
(Signature)

Bookkeeper, R.C. Journal
(Title)

March 3, 1981
(Date Signed)

Feb. 27, March 3, 1981
NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501
February 13, 1981
Notice is hereby given Jean Lyman whose post office address is Rapid City, South Dakota, has made an application in accordance with the provisions of SDCL 26-1-1 thru 26-1-9, 26-1-11, 26-1-12 thru 26-1-17, 26-1-18, 26-1-19, 26-1-20 thru 26-1-23, 26-1-24, 26-1-25, 26-1-26 thru 26-1-30, 26-1-31, 26-1-32, 26-1-33, 26-1-34, 26-1-35, 26-1-36, 26-1-37, 26-1-38, 26-1-39, 26-1-40, 26-1-41, and Board Rules ARSD 22-01-01 thru 22-01-011, for a permit to appropriate for beneficial use 3.44 cubic feet of water per second of time from Rapid Creek through the Lyman Irrigation Project, its point of diversion of which is to be located in the GWA SE 1/4 of Section 17-Twp. 13, Range 1E. Said water to be used for the purpose of providing irrigation for portions of the following described land: Sec. 2, Twp. 13, Range 1E, GWA, SW 1/4, SW 1/4, SE 1/4, Section 17, NW 1/4, NW 1/4, SW 1/4, NW 1/4, and NW 1/4, NE 1/4, Section 18 all in T13R1E (adding additional acreage on an existing permit).... This Application No. 1746-2 will be considered by the Water Management Board at the Holiday Inn, Sandy Shore Room, Watertown, South Dakota upon the 25th day of March, 1981 at 1 P.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 26-1-25 may notify the Board in writing prior to the hearing or orally at the hearing. This hearing is not 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, DWRN, Joe Foss Building, Pierre, S.D. prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT
BOARD
BETTY WESTLUND
Water Rights Specialist

Received
3/24/81

W. B.

No. 1746-2

Publish first publication, on or before February 27, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 13, 1981

Notice is hereby given Jean Lyman 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 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 2.46 cubic feet of

water per second of time from XXX Rapid-Creek through the Lyman Irrigation Project, the point xx of diversion of which is xxxx to be located in the SW 1/4 Sec

of Section 1 Twp. 1S, Range 9E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW 1/4, SW 1/4, SE 1/4, Section 1; NW 1/4, NW 1/4, SW 1/4, NW 1/4, and NW 1/4, NE 1/4, Section 12 all in T1S.

R9E (adding additional acreage on an existing permit)

This Application No. 1746-2 will be considered by the Water Management Board at the Holiday Inn, Sandy Shore Room, Watertown, South Dakota upon the 25th day of March 1981

at 1 p.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

BETTY HESTLUND
Water Rights Specialist

cc: Jean Lyman
Rt. 2, Box 649A
Rapid City, SD 57701

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

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7910

PIERRE, January 13, 1961

RECEIVED OF Jean Lyman, Rt. #2, Box 649A, 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. 1746-2 (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 Watson*

Chief Engineer, Executive Officer
JOHN WATSON

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8423

August 16 31

PIERRE,

RECEIVED OF Jean Lyman, Hook Ranch, RR 2, Box 649A, 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. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and issuing Cert. of Construction No.		
Fee for Inspecting Beneficial Use, and issuing Water License No. 1746-2	50	00
Fee for Issuing Location Certificate-Dry Draw, No. 1746-2		
Fee for filling		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 1746-2Water Division 2 Upper Cheyenne Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by Jean Lyman
 of Rt 2, Box 644 A, Rapid City, S.D. 57701 holder
 of Permit No. 1746-2, bearing date of priority of April 1, 1975
 authorizing the diversion of 2.46 cu. ft. per second of the waters of Rapid Creek
 for Irrigation purposes, in Pennington County.

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

The Water Use System consists of,

A. Works used to divert the water:

Motor $\approx$ Lincoln 150 HP, 3550 RPM, Ser # 1658343
 Pump = Hale, Model 60FB0-U-3600,
 pumping 1100 gpm.

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

1700' 5" PVC Pipe

C. Works used to apply water to beneficial use.

Raincat Center Pivot

The system is in the following condition: Good.

The point of diversion is located 950 ft N and 2730 E of the SW cor
Section 1, T15 R9E

The works are capable of diverting and conveying to the place of use 2.46cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: The following in sec. 1, T15 R9E

SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 47 Ac. SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 35 Ac. SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 6 Ac.
The following in sec. 12, T15 R9E NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 36 Ac.
NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 40 Ac. SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 6 Ac. SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 11 Ac.
NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 11 Ac.

comprising a total of 172 acres of land.Date April 30, 1980

LeRoy J. Menough
 (Signature)

1746-2

WATER RIGHTS DIVISION

(605) 773-3352

December 23, 1982

Carl Ham
Caputa, South Dakota 57725

Dear Mr. Ham:

This letter is in regard to our telephone conversation on December 29, 1982 concerning Water Rights listed in Sections 1 and 12, T1S, R9E. You inquired specifically as to Water Right Nos. 1254-2 and 1746-2.

In checking our files it was found that upon approval of Water Right No. 1746-2 for Jean Lyman, the applicable portions of Permit No. 1254-2 were incorporated into Water Right No. 1746-2. Enclosed for your information is a copy of Water Right No. 1746-2. No other listings were found for Sections 1 and 12, T1S, R9E.

As you requested, enclosed is a partially completed transfer form for transferring Water Right No. 1746-2. The new owner should check over, sign, date and have notarized before returning the form to this office with a \$2.50 filing fee.

If you have any questions, or need further information, please advise.

Sincerely,

Genny Young
Water Rights Specialist

GY:ms
Enc.

No. 1746-2



Department of Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

Phone (605) 773-3352

February 7, 1983

Jean Lyman
RR 2 Box 649A
Rapid City SD 57701

Dear Mr. Lyman:

Please find enclosed a copy of our Form 20, Notice of Transfer of Water Permit. This must be signed by the owner before a notary public and returned to this office with a fee of Two Dollars and Fifty Cents (\$2.50).

Upon receipt of the Form 20 and the \$2.50 filing fee the permit will be transferred to the proper name.

Please advise this office if you have any questions.

Sincerely,

KAREN SCHLAAK
Administrative Aide

enclosure

Second Notice

August 25, 1983

Permit No. 1746-2

Joan Lyman
RR #2, Box 649A
Rapid City, South Dakota 57701

Dear Sir:

On February 7, 1983 notice was sent to you concerning the transfer of Water Permit No. 1746-2 in the name of Joan Lyman which covers irrigation of 172 acres in the S 1/2 SW 1/4, SW 1/4 SE 1/4, Section 1; NW 1/4, NW 1/4 NE 1/4 Section 12, T1S, R9E. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed please find an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The permit can then be transferred to your name. If you are not the present owner of the land covered under this Permit, please notify this office. It is very important that ownership records be kept current. The first notice sent to you made reference to South Dakota Water Law 46-5-30.3 which requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact us.

Very truly yours,

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

cc: Carl Han, Caputa SD 57725

SH09.MR

17460-

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)

☒ Show to whom and date delivered..... \$
☐ Show to whom, date and address of delivery..... \$
☐ RESTRICTED DELIVERY
Show to whom and date delivered..... \$
☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery..... \$

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

John Lyman
RR #2, Box 649A
Rapid City SD 57701

3. ARTICLE DESCRIPTION:

1. SENDER NO.	2. CERTIFIED NO.	3. INSURED NO.
<i>P321</i>	<i>937</i>	<i>452</i>

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Agent

John J. Lyman

DATE OF DELIVERY *8-29*

4. ADDRESS (Complete only if changed)

5. UNABLE TO DELIVER REASON

POSTMARK
RAPID CITY, SD
AUG 29 1969
U.S. POST OFFICE

RETURN RECEIPT REQUIRED FOR CERTIFIED MAIL

NO. 1746-2 .

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: SEPTEMBER 1, 1983

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

172 acres - S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1; NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 1; T1S, R9E

formerly owned by Jean Lyman

has been transferred to PAUL C. BUNN (please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1746-2 as provided for in SDCL 46-5-32 and 46-5-3;

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

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

NOTE: THIS TRANSFER IS SUBJECT TO
AN EXECUTORY CONTRACT FOR DEED

STATE OF SOUTH DAKOTA)
County of PENNINGTON) ss.

I, JEAN LYMAN being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner; that I have read
the above foregoing statement, and I know of my own personal knowledge that the infor-
mation herein stated is true.

Jean Lyman (Signed)

Subscribed and sworn to before me this 1 Day of SEPTEMBER, 1982.

D'ANNE J. NIETO
 Notary Public
 State of South Dakota
 My Commission
 Expires Nov. 30, 1989

(Notary Public)

WNR-320-7/79

Notice of Transfer of Water Permit



RECEIPT

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

No. 4 9329

Pierre, September 2, 1983

RECEIVED OF Jean J. Lyman, 1127 Lookout 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. _____		
Fee for Filing Transfer Form for WR#1746-2 _____	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH (115)

No. 1746-2

South Dakota Department of
Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

Phone (605) 773-3352

September 27, 1981

Jean Lyman
RR#2, Box 649A
Rapid City, South Dakota 57701

Dear Ms. Lyman:

Enclosed is receipt No. 4 9329 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 1746-2.

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

Sincerely,

Maxine Stirling
Staff Assistant

ms/

Enc.

cc: Paul Funn

WNR-821-7/79

Receipt & Notice of filing of Transfer of Water Right

WATER RIGHTS DIVISION
(605) 773-3352

October 13, 1983

Paul C. Bunn
Box 8010
Rapid City, South Dakota 57709

Dear Mr. Bunn:

This letter is in regard to a telephone conversation with your secretary October 12, 1983 concerning the transfer of Water Right No. 1746-2. A letter was previously sent to Jean Lyman along with the receipt for \$2.50 he paid for the filing fee. Although the letter dated September 27 indicates the addressee was to receive the receipt and become the new owner of the water right, the water right was in fact transferred to you. All of our records pertaining to the Water Right No. 1746-2 are now listed in the name of Paul Bunn.

Enclosed is a copy of the transfer filed with this office. If you have any questions, please advise.

Sincerely,

Genny McIath
Water Rights Specialist

GM:ms
Enc.

1746-2
474-2

May 13, 1986

Lon Lyman
1129 Lookout Lane
Rapid City, South Dakota 57701

Dear Mr. Lyman:

In follow-up to our May 13, 1986 telephone conversation, enclosed are copies of Water Right Nos. 1746-2 and 474-2, and also a "Notice of Transfer" for No. 1746-2. The copies of the water rights were made from microfiche and are, in spots, somewhat light but I believe you can read them.

The transfer form has been partially completed. Please check over the form, date and sign in the presence of a notary. Upon completion of the transfer form, please return it to this office with a \$2.50 filing fee. The water right will be transferred to Jean Lyman upon receipt of the completed form and required filing fee.

In reference to Water Right No. 474-2, in the name of Jean Larsen, you indicated the land has been sold. The Certificate of Completion of Works lists the legal descriptions. Please indicate beside the descriptions the owner (s) and their addresses. Return this information to us when returning your transfer notice. Your assistance in this matter will be appreciated.

If you have any questions, please advise.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.

Equal Opportunity Employer

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: November 12, 1986

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

172 Acres - S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1; NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T1S, T9E

formerly owned by Paul Bunn, Box 8010, Rapid City, South Dakota

has been transferred to Jean J. Lyman, 1129 Lookout Lane, Rapid City, SD 57701

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1746-2 as provided for in SDCL 46-5-32 and 46-5-33.

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

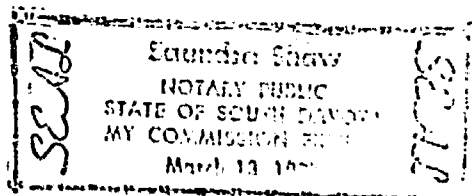
A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Pennington) ss.

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

Jean J. Lyman
(Signed)

Subscribed and sworn to before me this 15th Day of November, 1986.



Eugene Shaw
(Notary Public)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410624

Pierre, November 19, 1986

RECEIVED OF Jean J. Lyman, 1123 Lookout 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. _____		
Fee for Filing Transfer Form <u>1746-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By

Chief Engineer

JOHN HATCH

MS

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

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

Phone (605) 773-3352

November 21, 1986

Jean J. Lyman
1129 Lookout Lane
Rapid City, South Dakota 57701

Dear Mrs. Lyman:

Enclosed is receipt No. 410624 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 1746-2.

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

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.



January 30, 1996

NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: JEAN J LYMAN, PO BOX 63, CAPUTA, SD 57725 0063
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s) 1746-2, 1746A-2.

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 1746-2, 1746A-2. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 1746-2, 1746A-2 qualification:

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

The hearing will be held at 9:45 am, March 6, 1996 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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) 1746-2, 1746A-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 1, 1996, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

JEAN J LYMAN
PO BOX 63
CAPUTA SD 57725-0063

4a. Article Number

Z 161 984 060

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

1/31/96

5. Received By: (Print Name)

Jean J Lyman

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

1746-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 1996

1746-2

Jean J Lyman
PO Box 63
Caputa, SD 57725-0063

Dear Mrs Lyman:

I reviewed our files again, after our telephone conversation, and found the 1995 irrigation questionnaire you submitted, dated November 9, 1995.

You have two irrigation permits (No. 1746-2 and No. 1746A-2). I think the problem occurred when I marked off No. 1746A-3 and did not catch the other number in order to mark it off too. I apologize for the error and will try not to let it happen again next year.

You may disregard the January 30, 1996, Notice of Violation of Water Permit No. 1746-2 and No. 1746A-2. Your name has been deleted from the agenda for the Water Management Board Meeting.

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

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 10, 2000

1746-2
1746A-2

Fred McFarland
McFarland Auctions, Inc
PO Box 2110
Rapid City, SD 57709

Dear Mr. McFarland:

Thank you for contacting us about Water Right No. 1746-2 and Water Permit No. 1746A-2. Both these are currently on file listed in the name of Jean J Lyman.

The following is a brief description of each one:

- Water Right No. 1746-2 authorizes diversion of 2.46 cubic feet of water per second from Rapid Creek to irrigate 172 acres in portions of the S ½ Section 1 and the N ½ Section 12, T1S, R9E. No. 1746-2 carries an April 1, 1975 priority date. Water Right No. 1746-2 was inspected for licensing purposes in 1980 and licensed to the extent of what was developed.
- Water Permit No. 1746A-2 amends the original to authorize an additional diversion point and changes the location of 60 acres authorized by Water Right No. 1746-2. The change in the location of the 60 acres in the NW ¼ Section 12 to include the SW ¼, W ½ SE ¼ Section 1 and the NW ¼ NE ¼ Section 12, all in T1S, R9E. The permit did not allow for an increase in the diversion rate or the number of acres irrigated. No. 1746A-2 carries a February 3, 1993 priority date.

Whether or not the water rights are subject to cancellation depends on the history of water use and is a question ultimately decided by the Water Management Board. Our staff does not make decisions on validity of water rights. I can, however, inform you of the water right laws and the Water Management Board Rules regarding the abandonment and/or forfeiture of water rights. Enclosed is a copy of excerpts from South Dakota Water Laws and Water Management Board rules which discusses abandonment and forfeiture, invalid water rights and legal excuse for not irrigating. Of special note is SDCL 46-5-37 which states water is to be used for the purpose it was appropriated at least once every three years.

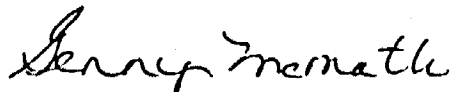
I reviewed irrigation questionnaires from 1980 through 1999. The questionnaires indicate irrigation took place on a continuous basis with the exception of 1986, 1987 and 1998. The irrigator did not comment on why irrigation did not take place in 1986 and 1987. In 1998, they had enough natural moisture that irrigation was not needed.

Page 2
August 10, 2000
McFarland Auctions, Inc.

With the information found when reviewing past irrigation questionnaire records, it does not appear the water rights are subject to abandonment or forfeiture for nonuse. However, as stated previously, the Water Management Board is the only entity that can make a determination on whether or not a water right or permit is valid or if it has been lost due to abandonment and/or forfeiture.

If you have any questions after reviewing the enclosed excerpts and irrigation questionnaire information, or feel you would like the matter brought to the attention of the Board for review, please get in touch with me.

Sincerely,



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

enclosure

c: faxed to McFarland Auctions, Inc at (605) 348-2676

Statutes:

46-5-36. Abandonment of use of water appurtenant to land - Public water subject to general appropriation. 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. Failure to use beneficially appropriated water - Forfeiture for nonuse - Reversion to public. 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.

46-5-37.1. Abandonment or forfeiture of permits or rights - Recommendation of chief engineer for cancellation. Upon the initiative of the chief engineer or upon petition by any interested person and after reasonable notice to the holder of the right or permit, if he can be located, the chief engineer may investigate whether or not a water permit or right has been abandoned or forfeited. After the investigation, the chief engineer may recommend cancellation of the permit or right for reason of abandonment or forfeiture. The recommendation, notice and hearing shall be conducted pursuant to the procedure contained in chapter 46-2A.

46-5-37.2. Exceptions to forfeiture for nonuse. The provisions of ' 46-5-37 notwithstanding, 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 a federal program.

Rules:

74:02:01:36. Board authorized to cancel invalid water permits, rights, or vested rights. The board may cancel a water permit, right, or vested right which has become invalid and file a record of the cancellation in the water permit, right, or vested right record.

74:02:01:37. Invalid water permit, right, or vested right defined. A water permit, right, or vested right is invalid if it meets one or more of the following conditions:

- (1) The necessary works were not constructed or the water put to beneficial use within the time limits as provided by statute;
- (2) Use of water has been abandoned as specified in SDCL 46-5-36;
- (3) Use of water has been forfeited for nonuse as specified in SDCL 46-5-37.

74:02:01:37.01. Legal excuse for nonuse of water. Legal excuse for nonuse of water suspends the period of nonuse specified in SDCL 46-5-37. Legal excuses for nonuse of water include but are not limited to the following:

- (1) Unavailability of water to satisfy a permit, right, or vested right;
- (2) Legal proceedings which prevent the use of water;
- (3) Water use under existing climatic conditions would result in a waste of water.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 11, 2000

1746-2
1746A-2

Eric Swanson
3820 Jackson Blvd.
Rapid City, SD 57702

Dear Mr. Swanson:

This letter is in response to your telephone call concerning Water Right No. 1746-2 and Water Permit No. 1746A-2. Both these are currently on file listed in the name of Jean J Lyman.

The following is a brief description of each one:

- Water Right No. 1746-2 authorizes diversion of 2.46 cubic feet of water per second from Rapid Creek to irrigate 172 acres in portions of the S ½ Section 1 and the N ½ Section 12, T1S, R9E. No. 1746-2 carries an April 1, 1975 priority date. Water Right No. 1746-2 was inspected for licensing purposes in 1980 and licensed to the extent of what was developed.
- Water Permit No. 1746A-2 amends the original to authorize an additional diversion point and changes the location of 60 acres authorized by Water Right No. 1746-2. The change in the location of the 60 acres in the NW ¼ Section 12 to include the SW ¼, W ½ SE ¼ Section 1 and the NW ¼ NE ¼ Section 12, all in T1S, R9E. The permit did not allow for an increase in the diversion rate or the number of acres irrigated. No. 1746A-2 carries a February 3, 1993 priority date.

Whether or not the water rights are subject to cancellation depends on the history of water use and is a question ultimately decided by the Water Management Board. Our staff does not make decisions on validity of water rights.

We reviewed irrigation questionnaires from 1980 through 1999. The questionnaires indicate irrigation took place on a continuous basis with the exception of 1986, 1987 and 1998. The irrigator did not comment on why irrigation did not take place in 1986 and 1987. In 1998, they had enough natural moisture that irrigation was not needed.

With the information found when reviewing past irrigation questionnaire records, it does not appear the water rights are subject to abandonment or forfeiture for nonuse. However, as stated previously, the Water Management Board is the only entity that can make a determination on whether or not a water right or permit is valid or if it has been lost due to abandonment and/or forfeiture.

If you have any questions after reviewing the enclosed excerpts and irrigation questionnaire information, or feel you would like the matter brought to the attention of the Board for review, please Genny McMath or myself at (605) 773-3352.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark D Rath", with a long horizontal flourish extending to the right.

Mark D Rath
Natural Resources Engineer
Water Rights Program
(605) 773-3352
email: mark.rath@state.sd.us

enclosure

5/17/00
Jenny -

Jenny -

This is the map of the place.



We offer the property
in the three Lots and
also as one complete unit.
Won't know until the auction
how it sells!

Hope you don't have
to go to too much trouble
to pro-rate the water.

Appreciate your cooperation
and help. Thank You
Edmund

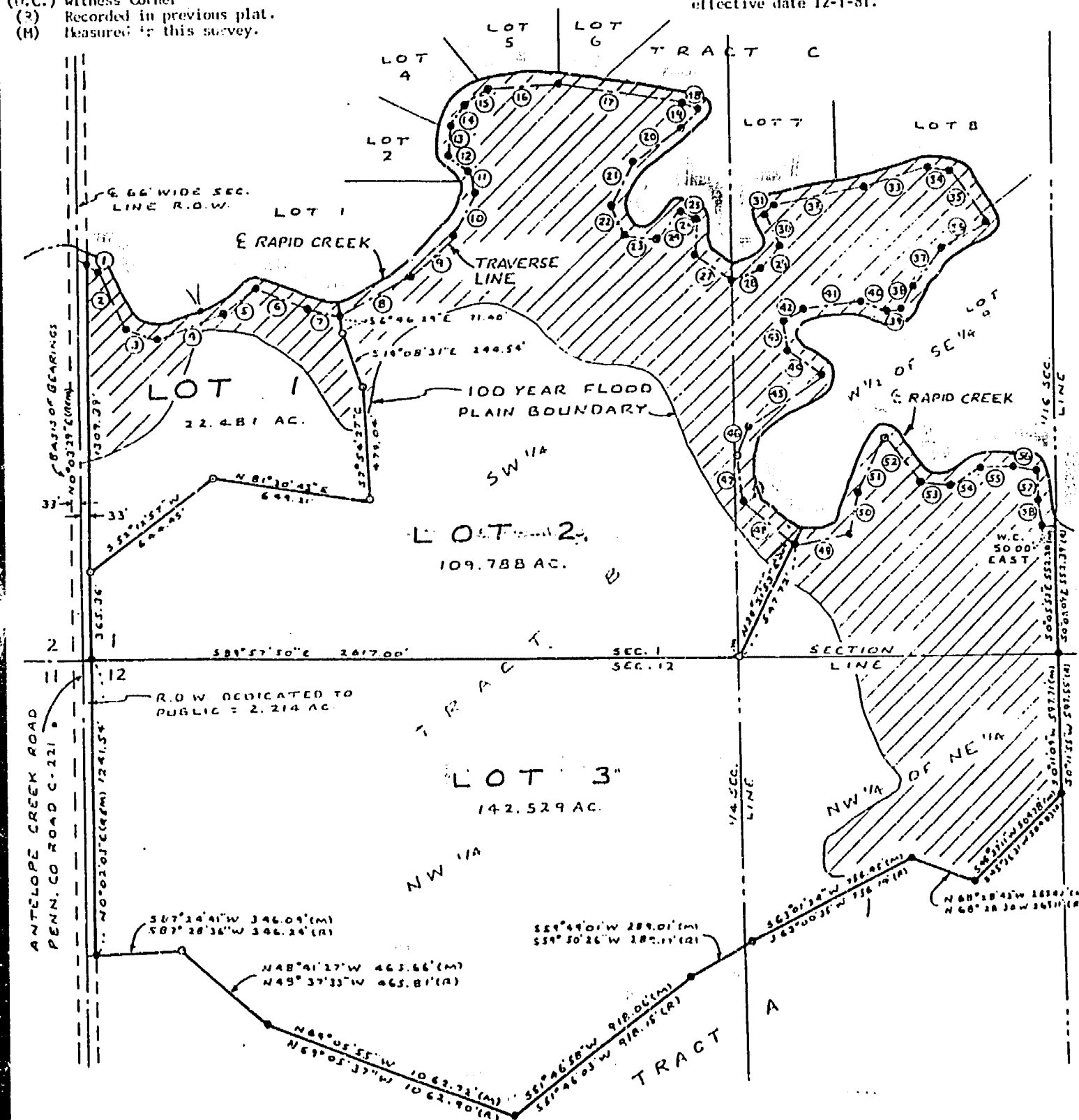
located in W $\frac{1}{2}$ of SE $\frac{1}{4}$ and in SW $\frac{1}{4}$ of Section 1 and in NW $\frac{1}{4}$ of NE $\frac{1}{4}$ and in NW $\frac{1}{4}$ of Section 12, T15, R9E, N4M, Pennington County, South Dakota.

LEGEND:

- LEGEND:**
 • Set 5/8" rebar with survey cap marked "HEALD SD 2199 WY 5148".
 • Found survey monument (iron pipe)
 (W.C.) Witness Corner
 (R) Recorded in previous plat.
 (M) Measured in this survey.

NOTES:

- 1) Utility Easements: 8' on the interior sides all side and rear lot lines.
- 2) Rapid Creek centerline is the North boundary lots 1, 2 & 3 of Tract B. The traverse line is setback 50'± from the centerline of the creek. Areas in the creek are based on the length of traverse line.
- 3) The 100 year Flood Plain boundary as shown hereon was drawn from FIRM Panel # 460064-125 effective date 12-1-81.





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 21, 2000

1746A-2
1746-2

Fred McFarland
McFarland Auction Service
PO Box 2110
Rapid City, SD 57709

Dear Mr. McFarland:

Thank you for the map showing the breakdown of the lots you are offering for sale on the Jean Lyman property.

Enclosed, as you requested, is a copy of the map we have in the file pertaining to the acreage irrigated. I made an attempt to highlight the acreage in yellow and outline the diversion points in red.

Depending on the outcome of the sale, it should not be a problem to divide the water permits up. I will wait to hear from you on whether the land was sold in three lots or as one unit. Once the land is sold, the new owner(s) will need to file a "Notice of Transfer of Ownership" form with our office. I can send the documents to you or you can have them contact me when they are ready to file the ownership changes.

If you have any questions, please give me a call.

Sincerely,

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

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 15, 2000

1746-2
1746A-2

Carol Bradeen
5995 E 53rd St
Rapid City, SD 57703

Dear Mr. Bradeen:

Thank you for contacting us about the ownership of Water Right No. 1746-2 and Water Permit No. 1746A-2.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership changes. Please review the forms for accuracy and complete as needed. The forms will need to be signed in the presence of a notary public by the new owner(s). Upon completion, please return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the "Water Rights Program".

When we spoke, you expressed concern over whether or not the water rights were in good standing. I am enclosing a copy of the letter we recently wrote to McFarland Auctions, Inc., concerning this issue.

If you have any questions after reviewing the enclosed information, please get in touch with me.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 27, 2000

1746-2
1746A-2

Don & Carol Bradeen
5995 E 53rd St
Rapid City, SD 57703

Dear Mr. & Mrs. Bradeen:

Thank you for following up on the transfer of ownership of Water Right No. 1746-2 and Water Permit No. 1746A-2.

The transfer forms have been received. Just a reminder, state statutes require us to assess a \$2.50 filing fee for each transfer submitted. My first letter to you may not have been clear with respect to the fees.

Please remit a total of \$5.00 as soon as possible. As soon as we receive the fee, Water Right No. 1746-2 and Water Permit No. 1746A-2 will be transferred to your names. The check or money order for the fee can be made payable to the "Water Rights Program".

Thank you in advance for your help. If you have any questions, please get in touch with me.

Sincerely,

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

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 1746-2

Date: 9-25-00

I/We request that Water Right No. 1746-2

formerly owned by: Jean J Lyman

be transferred to: (name & address) Don or Carol Bradeen
5995 E 53 Street
Rapid City, SD 57703 Telephone No. 605-393-2366

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

172 acres - S 1/2 SW 1/4, SW 1/4 SE 1/4 Section 1 and the NW 1/4, NW 1/4 NE 1/4 Section 12, all in T1S, R9E

I/We understand that the validity of Water Right No. 1746-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Pennington)

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

Carol J. Bradeen
Don or Carol Bradeen
(Signed)

Subscribed and sworn to before me this 25 day of September, 2000.

Susan L. Mudlin
(Notary Public)

Comm. Expires: 11-7-03

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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N^o 416648

Pierre, October 2, 2000

RECEIVED OF Donald or Carol Bradeen, 5995 E 53rd St, Rapid City, SD 57703

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

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

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

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

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

Fee for Filing Transfer Form 1746-2

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By Garland Erbele
Chief Engineer

GARLAND ERBELE



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 2, 2000

1746-2
1746A-2

Don or Carol Bradeen
5995 E 53rd St
Rapid City, SD 57703

Dear Mr. & Mrs. Bradeen:

Thank you for completing the transfer of ownership for Water Right No. 1746-2 and Water Permit No. 1746A-2. The transfers have been completed and Nos. 1746-2 and 1746A-2 are now listed in your names.

Enclosed is your Receipt Nos. 416648 and 416649 in the amounts of \$2.50 each, which you paid for filing the transfers. You may keep these for your records.

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

Department of Environmental and
Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181



Genny McMath,

Please find the two 2000 Irrigation Questionnaires that I just sent to you through e-mail.

If you do not receive these, please e-mail me at this address:

cdbrad@sd.value.net

Thank you for your assistance in getting our water rights transferred in such a timely fashion.

Carol Bradeen
5995 E 53 Street
Rapid City, SD 57703

1746-2



**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: DON OR CAROL BRADEEN, 5995 RESERVOIR RD, RAPID CITY, SD 57703
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1746-2 & 1746A-2. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire(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) 1746-2 & 1746A-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) 1746-2 & 1746A-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 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.

1746-2

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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www.state.sd.us/denr

February 1, 2008

1746-2
1746A-2

Don or Carol Bradeen
5995 Reservoir Rd
Rapid City SD 57703

Dear Mr. & Mrs. Bradeen:

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 No. 1746-2 and Water Permit No. 1746A-2.

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

If you have any questions, please contact me.

Sincerely,

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



1746-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

MAY 03 2016

1746-2
1746A-2

Don or Carol Bradeen
5995 Reservoir Rd
Rapid City SD 57703

Dear Mr. & Mrs. Bradeen:

Enclosed is Water License No. 1746A-2. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

Sincerely,

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

enclosures

Note: Upon licensing, the applicable portions of Water Right No. 1746-2 were incorporated into Water License No. 1746A-2.