

1. Considered _____ 19 ____
2. Name of Applicant JOSEPH LYTLE
3. Post Office Address 915 12th st. Rapid City 57701
4. Amount of Water Claimed 14.6 (4.3 additional)
5. Source of Water Supply Cheyenne River
6. Water to be used for IRR
7. Acres to be irrigated 1.021 (297 add'l maximum acre feet
8. Water to be diverted and used in _____ Pennington County
about 3N, 3 miles EAST of WASTA
9. PROOF OF PUBLICATION Received 5-26-61

Not Received _____

Approved 5/27/81

Subject to ~~WASTA~~ TO Chey R.

Not Approved _____

Action deferred _____

Priority _____ Date Received 3/9/81 Application Complete yes _____ no _____ FEE 300.00

5/26/81
Dist Advertisement notice
is not correct.
Error was recognized by the
Commission and approved.
5/27/81

Remarks proposes to transfer some of the acreage approved
under 713-2 and 1380-2 and requests additional acreage

Date information and/or
fee or corrected Application received _____
Period of Annual use April thru November

WATER
QUALITY

Received yes 5/8/81 no _____ APPROVED CONDITIONAL (Circle one)

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

Disapproved _____

Returned _____

SEE MAP IN FOLDER

Diversion Point _____
between points in the NE $\frac{1}{4}$ SW $\frac{1}{4}$

Sec. 35 and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 14-T2N-
R14E

Lands to be irrigated SW $\frac{1}{4}$; Sec. 13;
E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 14; E $\frac{1}{2}$ NE $\frac{1}{4}$ & E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 23;
NW $\frac{1}{4}$ & SW $\frac{1}{4}$, Sec. 24; NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ & SW $\frac{1}{4}$ SW $\frac{1}{4}$
Sec. 25; NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$ And
SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26; W $\frac{1}{2}$ NE $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$;
NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, All in
T2N, R14E

WELL
LOG

Remarks _____

N/A

Driller _____ Licensed yes _____ no _____

Depth _____

MAP Map No. _____ Map located in Water Right XX Map file _____
Type of Map Drawn Prepared by Burton F. Jones

+++++

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 May 27, 1981.

(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 _____

No. 1768-2Map No. 1524-2 Water Division No. 2 UPPER CHEYENNE RIVER District

Above for Office Use

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 Joseph Lytle Phone No. 342-0977Post Office Address 915 12th St. 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) _____

3. Name of diversion work Lytle Cheyenne River Project4. Amount of water claimed (cubic feet per second) 14.6 (4.3 additional)5. Source of water supply Cheyenne River6. Location of point of diversion between points in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35 and in the NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 14, T2N, R14ECounty Pennington7. Annual period or periods during which water is to be used April thru November8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 1,021 (297 add'l)

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.
See attachment	

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 Pennington Co. Courant
Wall, SD

12. Principal Features of the Proposed Water Supply System.

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

pumps and motors

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

mainline

C. Works proposed to apply water to beneficial use.

center pivot sprinkler systems
possibly gated pipe & or gun sprinklers

This application proposes transfer of some of the acreage approved under Permit No. 713-2 and No. 1380-2, and requests additional acreage

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 _____) ss.

I, 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. LytleSubscribed and sworn to before me this 31 day of Oct, 1980June E. Thorstenson

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1768-2

JOSEPH LYTLE
(Applicant)
SOUTH DAKOTA 57701
(State)

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

With the following qualifications.

Portions of land covered under this Permit is also covered under Permit Nos. 713-2 and 1380-2. Combinations of diversions under the two permits shall not exceed the Statutory limit of 1 c.f.s. for each 70 acres of land to be irrigated.

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

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

Date of first receipt of application March 9, 1981
Date of return to applicant for correction, amendments or changes required March 18, 1981
Date of receipt of corrected application May 8, 1981
Approved May 27, 1981, Recorded in Book 22 Page 221

WATER RIGHT PERMIT NO. 1768-2

The Water Management Board hereby grants and issues this Water Right Permit No. 1768-2 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 1.4 cfs from June 5, 1961; 8.9 cfs from April 27, 1976; and 4.3 cfs from March 9, 1981.
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before November 27, 1983
3. The whole of said work is to be completed on or before May 27, 1986
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is May 27, 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 14.6 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 May 27, 1990; said water to be used during the following described annual period: April thru November

Witness my hand this 10th day of June, 1981

THE WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer, Water Rights
JOHN HATCH

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

LAND TO BE IRRIGATED
ALL IN T2N, R14E

SECTION 13 ✓ NW⁴ SW⁴ 40 ACRES

✓ NE⁴ SW⁴ 30 "

SW⁴ SW⁴ 40 "

SE⁴ SW⁴ 20 "

SECTION 14 ✓ NE⁴ SE⁴ 24 "

✓ SE⁴ SE⁴ 37 "

SECTION 23 NE⁴ NE⁴ 30 "

SE⁴ NE⁴ 15 "

✓ NE⁴ SE⁴ 10 "

✓ SE⁴ SE⁴ 30 "

SECTION 24 NW⁴ NW⁴ 40 "

NE⁴ NW⁴ 20 "

✓ SW⁴ NW⁴ 40 "

SE⁴ NW⁴ 23 "

NW⁴ SW⁴ 38 "

NE⁴ SW⁴ 20 "

SW⁴ SW⁴ 40 "

SE⁴ SW⁴ 17 "

SECTION 25 NW⁴ NW⁴ 40 ACRES

NE⁴ NW⁴ 13 "

SW⁴ NW⁴ 40 "

SE⁴ NW⁴ 15 "

NW⁴ SW⁴ 40 "

NE⁴ SW⁴ 10 "

SW⁴ SW⁴ 4 "

SECTION 26 ✓ NW⁴ NE⁴ 9 "

✓ NE⁴ NE⁴ 39 "

✓ SW⁴ NE⁴ + 30 "

W¹/₂ SE⁴ NE⁴ 40 "

NE⁴ SW⁴ 4 "

✓ NW⁴ SE⁴ + 22 "

NE⁴ SE⁴ + 38 "

W¹/₂ SW⁴ SE⁴ + 28 "

SECTION 35 NW⁴ NE⁴ 30 "

SW⁴ NE⁴ 37 "

SE⁴ NW⁴ 7 "

NE⁴ SW⁴ 15 "

NW⁴ SE⁴ 36 "

SW⁴ SE⁴ 10 "

TOTAL 1,021 ACRES

IRRIGATION PROGRAM: 773-3259



March 19, 1981

Dr. Joseph Lytle
915 12th St.
Rapid City, South Dakota 57701

Dear Dr. Lytle:

The water permit application you have applied for concerning additional acres will require a soil/water compatibility approval from this office.

I am sending along a map of your project and only the areas outlined in red will need soil/water compatibility approval. Enclosed is also a partially completed WI#1 form listing the acres needing approval. Take this information to your local Soil Conservation Service office and they should be able to give you the soils information on the areas in question.

Complete the WI#1 form and send it to:

Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57007

They will make an initial recommendation and send it on to us for processing. You need not submit a water sample, since we do have data on the Cheyenne River in our office.

If you have any questions, please contact this office.

Sincerely,

Wynn Sudtelgte
Program Director
Irrigation Program

WS:dt

Enc. As stated.

cc: Betty Westlund, Div. of Water Rights

Land not covered by previous applications. (Previous permits- 713-2 & 1380-2)

Dr. Joseph Lytle, 915 12th St. Rapid City, Pennington County.

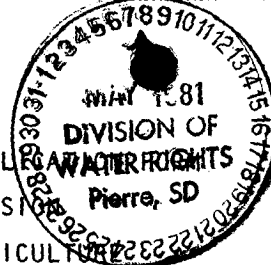
All in T2N-R14E

Approx. acres.

1768-2

Section 13	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	30
Section 14	NE $\frac{1}{4}$ SE $\frac{1}{4}$	24
	SE $\frac{1}{4}$ SE $\frac{1}{4}$ (small portion in W $\frac{1}{4}$ -see attached map)	
Section 23	SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$	See attached map
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	10
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	30
Section 24	S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	See attached map
Section 26	NE $\frac{1}{4}$ NE $\frac{1}{4}$	39
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	9
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	30
	W $\frac{1}{4}$ NE $\frac{1}{4}$	See attached map
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	22
	NE $\frac{1}{4}$ SW $\frac{1}{4}$ (NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$)	See attached map
	SW $\frac{1}{4}$ SE $\frac{1}{4}$ (small corner)	See attached map
Section 35	NW $\frac{1}{4}$ NE $\frac{1}{4}$	30
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	37
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	7
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	36
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	15
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	10

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



Office Use Only

OWNERS NAME: Dr. Joseph Lytle OWNERS ADDRESS: 915 12th St.
Rapid City, SD 57701

COUNTY LAND LOCATED IN: Pennington PHONE: 344-0222

TENANT'S NAME AND ADDRESS: (If Other Than Owner) 2857-PE

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)

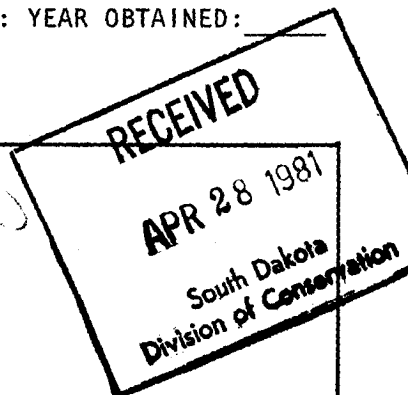
1. WELL LOCATION OR DIVERSION POINT: Between pts in the NE1/4 Sec. 35 and NE1/4 Sec. 14- T2N-R14E.
2. SURFACE WATER SOURCE: Cheyenne River
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
See attached list			

4. TYPE OF IRRIGATION: GRAVITY: TOWLINE: CENTER PIVOT: X GUN: X (Specify) OTHER:
5. CROPS TO BE IRRIGATED: alfalfa
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED:
LEGAL DESCRIPTION: See map.
IN WHAT NAME:

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

7. WATER SAMPLE NUMBER: Cheyenne River (approximate value)
8. SALINITY (EC X 10⁶): 1750
9. SODIUM (SAR): 0.60 2.00
10. ADJUSTED (SAR): 2.00 5.60



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 a.m./p.m., on , 1981, at the following location: N/A
by (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
2nd DAY OF April, 1981.

Thomas Hopper
(NOTARY PUBLIC)

Joseph M. Lytle
APPLICANT'S SIGNATURE
Frank M. Lytle
Director, Division of Conservation

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.

 APPROVED
 DISAPPROVED
X CONDITIONALLY APPROVED

Publish first publication, on or before May 15, 1981NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 8, 1981Notice is hereby given Joseph Lytle whose post officeaddress 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 14.6 cubic feet of
(4.3 additional)water per second of time from the Cheyenne River through the
Lytle Cheyenne River
Project, the point(s) of diversion of which ~~XX~~(are) to be located~~between~~ between points in the NE 1/4, Section 35 and NE 1/4, Section 14 all in~~XXXXXX~~ NE 1/4, Twp. 2N, Range 14E. Said water to be used for the purpose of providing irrigation on portions of the following described land: NW 1/4, N 1/2 SW 1/4 and SW 1/4 SW 1/4 Sec 25
SW 1/4, Sec. 13; E 1/4 SE 1/4, Sec. 14; E 1/4 NE 1/4 and E 1/4 SE 1/4, Sec. 23; NW 1/4 and SW 1/4, Sec. 24;
NE 1/4, N 1/2 SE 1/4, NE 1/4 SW 1/4 and SW 1/4 SE 1/4, Sec. 20; W 1/2 NE 1/4, W 1/2 SE 1/4, NE 1/4 NW 1/4 and NE 1/4 SW 1/4, Sec. 35,
all in T2N, R14E, (to transfer acreage approved under existing permits and requests additional
acreage)This Application No. 1768-2 will be considered by the Water Management Board at
the Meeting Room #1, Kneip Building,
Church & Illinois Street, Pierre, SD upon the 27th day of May 1981at 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, DWNR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Joseph Lytle
915 12th St.
Rapid City, SD 57701BURTON F. JONES
Water Rights Specialist

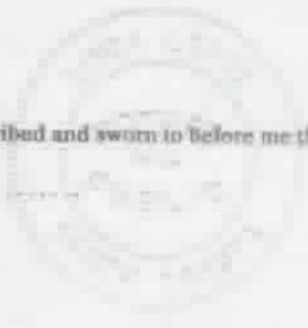
PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA }
COUNTY OF PENNINGTON }

Lee Revell of said County and State, being duly sworn, on oath says: THE PENNINGTON COUNTY COURANT is a weekly newspaper of general circulation, printed and published in WALL, in said County and State and has been such newspaper during the times hereinafter mentioned; that the said PENNINGTON COUNTY COURANT is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned; and has more than 200 bona fide subscribers; that I, the undersigned, am Publisher of said newspaper, and in charge of the advertising department thereof, and have personal knowledge of all facts stated in this affidavit; and that the advertisement headed Notice of Hearing - Application for water a printed copy of which is hereto attached, was printed, and published in said newspaper for 3 successive issues, the first publication being on the 14th day of May 1981 and the last publication on the 21st day of May 1981; that \$ 20.55 being the full amount of the fee for publication of the annexed notice insures solely to the benefit of the publishers of the said newspaper; that no arrangement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whomsoever.

[Signature]

Subscribed and sworn to before me this 21st day of May 1981.



[Signature]
Notary Public, Pennington County

No. 1768-2
NOTICE OF HEARING ON APPLICATION TO APPROPRIATE WATER
Pierre, South Dakota 57501
May 8, 1981

Notice is hereby given Joseph Lette 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, 46-2-4 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 14.6 (4.3 additional) cubic feet of water per second of time from the Cheyenne River through the Little Cheyenne River Project, the point(s) of diversion of which point(s) is located between points in the NE 1/4 SW 1/4, Section 36 and NE 1/4 NE 1/4, Section 34 all in Twp 2N, Range 14E. Said water to be used for the purpose of providing irrigation on portions of the following described land SW 1/4, Sec. 13, R 14 NE 1/4, Sec. 14, R 14 NE 1/4 and NE 1/4 NW 1/4 and SW 1/4, Sec. 24 NW 1/4 NE 1/4 NE 1/4 SW 1/4 and SW 1/4 NE 1/4, Sec. 20 NW 1/4 NE 1/4 SW 1/4 SE 1/4 NE 1/4 NW 1/4 and NE 1/4 SW 1/4, Sec. 15, all in T2N, R14E. (to transfer across approved under existing permits and requests additional acreage).

This Application No. 1768-2 will be considered by the Water Management Board at the Meeting Room 41, Knapp Building, Church & Illinois Street, Pierre, SD upon the 27th day of May 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 1-20 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. Those 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, Box Four Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD
By Burton F. Jones
BURTON F. JONES
Water Rights Specialist
Pub. May 14 and 21



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8053

PIERRE, March 9, 1981

RECEIVED OF 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>176822</u> (examination, processing, recording and filing) -----	300.	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	300.	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer

JOHN HATCH / CE

Department of Water & Natural Resources

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

March 23, 1987

JOSEPH LYTLE
3125 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."

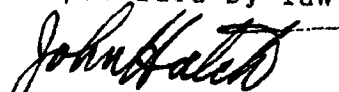
The hearing(s) will be at 2:00 pm, May 6, 1987, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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
505 773-3352

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.



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 57501-3781

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:

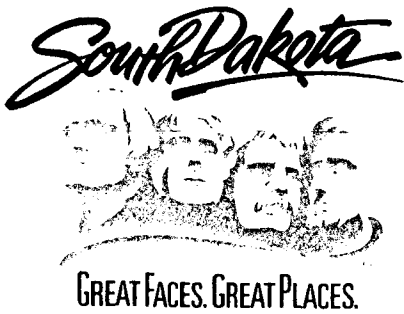
SDCL 46-5-37.2. Exceptions to forfeiture for nonuse. No water right or permit may be forfeited for nonuse if land authorized for irrigation by a permit or right is placed under an acreage reserve or production quota program, or otherwise withdrawn from use as required for participation in any federal 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 5, 1991

Joseph Lytle
3125 Orchard Lane
Rapid City, SD 57701

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

Dear Mr. Lytle:

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

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

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

Sincerely,

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

enclosures

(See instructions)

No. _____	Hydrologic Unit _____
Basin _____	
Newspaper _____	

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

- Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
- ☐ Change Acreage ☐ Change diversion point(s) ☒ Add diversion point(s)
- ☐ Add Acreage ☐ Increase diversion rate ☒ Other Storage
- Name of Applicant Joseph Lytle Phone No. 342-0977
 - Post Office Address 3125 Orchard Land Rapid City State SD 57701
(Street, RR or Box) (City) Zip Code
 - Amount of water claimed (~~XXX~~) _____ ac, ft. Total acres irrigated _____ No. add'l _____
 - Source of Water supply Cheyenne River
 - Location of point of diversion E1/2 Section 23, T2N-R14E
 - _____ County Pennington
 - Counties where water will be used Pennington
 - Annual period during which water is to be used May 1 thru October 31
 - 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.

Attach sheet if more space is needed

- Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: _____ Other: _____ (Specify) _____
- Crops to be Irrigated: _____
- Give a description of proposed project. (Attach sheet if more space is needed)

This application is to apply for storage of water from Cheyenne River to irrigate lands authorized under Water Permit Nos. 713-2, 1380-2, and 1768-2. This application is also to clarify water usage from surface runoffs not authorized under any of the above mentioned permits.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of _____)

I, _____, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed _____

Subscribed and sworn to before me this _____ day of _____ 19____

Notary Public



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 24, 1992

Joseph Lytle
3125 Orchard Lane
Rapid City SD 57701

Dear Mr. Lytle:

On November 5, 1991, you were sent applications forms for a permit to appropriate water based on an inspection of Water Permit Nos. 713-2, 1380-2 and 1780-3 by Rassool Ahadi, an engineer with this office. This inspection found your system to include storage of water from the Cheyenne River which was not originally permitted. This application is necessary to obtain a permit which will reflect your water use. To date, we have not received a response from you regarding this application.

Enclosed is another set of partially completed application forms. Please review the application and have it signed and notarized. A copy of the November 5, 1991 letter is included which states the other required information.

Obtaining water permits that accurately reflect your water use ultimately benefits you by protecting your right to use water. Water Permit Nos. 713-2, 1380-2 and 1768-2 can not be licensed until this application is processed and a permit obtained to reflect your current water use in accordance with state statutes. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

If you have any questions, please contact Rassool Ahadi, with this office.

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosures

Conversation or File Documentation

NAME OF PERSON OR FILE: JOE LytleADDRESS: Rapid City COUNTY DATE: 3/20/92 TELEPHONE RE: IRRIGATION out of CHEYENNE RIVER

COMMENTS:

JOE Lytle CALLED TO COMPLAIN ABOUT THE REQUIREMENTS
OF ACRES out of EXISTING PERMITS AND THE REQUIREMENT
TO GET A NEW PERMIT FOR IRRIGATION THAT HAS
OCCURRED ~~THE~~ SINCE AND WAS APPROVED 15 years ago
HE ALSO WAS UNHAPPY ABOUT LOSTING ALL OF HIS
PERMITS TOGETHER SINCE MANY AREN'T RELATED

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

File No. 713 2
1380-2
1768 2

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Joseph Lytle

ADDRESS: 3125 Orchard Lane COUNTY: Pennington

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

RE: Filing for a Permit

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

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



M. RASSOOL AHADI

Natural Resources Engineer III
DENR, Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 9, 1995

Joseph Lytle
3125 Orchard Lane
Rapid City SD 57701

Dear Mr. Lytle:

Our records indicate that in 1991 application forms were sent to you to obtain a water permit based on an inspection of Water Permit Nos. 713-2, 1380-2 and 1768-2. A review of our files indicate that the application was never completed.

The enclosed application is for storage of water from the Cheyenne River to irrigate lands authorized by your three permits. Please complete Item No. 2 of the application, the amount of water claimed (acre-feet - storage capacity of the pond). The filing fee for the application will be based on the number of acre-feet of water stored. Please refer to the instruction sheet. The application should be reviewed for accuracy, signed, notarized and returned to this office.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you are required to have a water permit for the storage pond. Without a permit, no legal right exists to store Cheyenne River water in a storage pond.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 7, 1995

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

Dear Dr. Lytle:

I am writing as a follow-up to our phone conversation regarding Water Right No. 713-2 and Water Permit Nos. 1380-2 and 1768-2. I stated that I would review your permits and provide you a summary of what action I believe needs to be taken to ensure the permits accurately reflect the irrigation system. To accomplish this, I will provide a summary of the permits as originally issued, what the inspection found and finally, action that I believe needs to be taken to resolve any non-permitted items.

WATER RIGHT NO. 713-2 authorizes the use of 1.37 cubic feet of water per second (cfs) from the Cheyenne River at point located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26, T2N, R14E to irrigate 96.2 acres. The irrigated acres, as licensed, are located SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, T2N, R14E. A copy of Water Right No. 713-2 is enclosed.

WATER PERMIT NO. 1380-2 authorizes the use of 11.1 cfs from the Cheyenne River with the points of diversion located between the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35, T2N, R14E to irrigate 711.7 acres. The irrigated acres are to be located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 13; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14; E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 23; W $\frac{1}{2}$ Section 24; W $\frac{1}{2}$ Section 25; E $\frac{1}{2}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26; NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35; all in T2N, R14E. A copy of Water Permit No. 713-2 is enclosed.

WATER PERMIT NO. 1768-2 authorizes the use of an additional 4.3 cfs from the Cheyenne River between point in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35 and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14, T2N, R14E to irrigate an additional 297 acres. The application was to transfer acreage approved under Right No. 713-2 and Permit No. 1380-2 and request additional acreage. The location of the irrigated acreage is the SW $\frac{1}{4}$ Section 13; E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 14; E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 23; NW $\frac{1}{4}$ and SW $\frac{1}{4}$ Section 24; NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26; W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35, all in T2N, R14E. A copy of Water Permit No. 1768-3 is enclosed.

The inspection conducted by Rassool Ahadi in 1991 found a total of 766 acres being irrigated. The statutory limit, established by SDCL 46-5-6, for irrigation of 766 acres is 10.94 cfs. Enclosed is a copy of the map and a legal description listing of irrigated acres that Rassool Ahadi prepared after his 1991 inspection. Please review the map carefully to see that it accurately reflects your irrigation project.

This inspection found two components of your irrigation system that are not currently covered by your existing water permits. First, the irrigation system utilizes a regulating pond adjacent to the Cheyenne River. Flow from the Cheyenne River to the regulating pond is controlled by a gate structure. You stated that the pond is full of sediment and acts as a mechanism to provide water at the established pump sites and does not impound water. I believe this pond needs to be permitted. Specifically, I believe the surface area and average depth is needed in order to process an application. The dugout section of the enclosed Form 2A can be used to provide this information. Secondly, a diversion from surface runoff located in the SE¼ NW¼ Section 24, T2N, R14E is not included on any of your existing permits. I believe this is known as the "canyon diversion". I have enclosed partially completed application and Supplemental Information Form 2A to file for the regulating pond and the "canyon" diversion point. The application needs to be carefully reviewed, signed and notarized. The application filing fee for this application will be \$150. You should also be aware that the cost of the publication notice is the responsibility of the applicant.

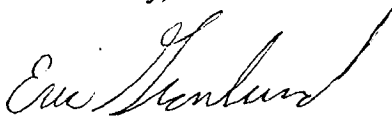
I know you have concerns over why these items were not included in Application No. 1768-3 when you filed it after a 1980 meeting in Pierre. There is nothing that I can find in the files in regard to this meeting, the regulating pond, or the "canyon" diversion point. I also know you have concern that the language in any notice of hearing that will need to be published be specific that this is not an storage impoundment but a established operating/regulating component of the system. I feel we can satisfy your concerns by carefully wording the publication notice. You will be able to provide input to this language in the notice of hearing.

I believe it is important that these permits be amended to accurately reflect the system's operation in the field. I will do everything I can to assist in achieving this end result. However, I must make sure of compliance and consistent application of SD water rights law. Ultimately, this benefits you in provided legal standing to your right to use water in the manner your system currently operates.

Finally, once these issue are resolved, the permits will be incorporated and licensed. State statutes require a \$50 licensing/inspection fee. You will be prompted for this fee once the other issues are resolved.

This letter with enclosures is neither short or simply but hopefully accurately reflects necessary water permitting action to be taken. I also know that costs are a concern, so I have made an effort to disclose any cost associated with the process. Please feel free to contact me with any questions or concerns. As stated previously, I am willing to assist you in getting these permitting issues resolved.

Sincerely,



Eric Gronlund
Water Rights Program
605 773-3352

enclosures



January 22, 1999

NOTICE

1768-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-2101

www.state.sd.us/ednr

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

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaires

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

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

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

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

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

If the questionnaires are received in this office on/or before March 1, 1999, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



1768-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOOS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3161
www.state.sd.us/denr

January 25, 1999

713-2

1380-2

1768-2

Joe Lytle
3125 Orchard Lane
Rapid City, SD 57701

Dear Mr. Lytle:

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

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

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

Sincerely,

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



1768-2

**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



1768-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 22, 2003

713-2
1380-2
1768-2

Joseph Lytle
3125 Lytle Ln
Rapid City SD 57703-8004

Dear Mr. Lytle:

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

If you have any questions, please contact me.

Sincerely,

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

enclosures



1768-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2004

NOTICE

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

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaires

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

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

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

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

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

If the questionnaires are received in this office on/or before February 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



1768-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 2004

713-2
1380-2
1768-2

Joseph Lytle
3125 Orchard Ln
Rapid City SD 57701

Dear Mr. Lytle:

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

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

If you have any questions, please contact me.

Sincerely,

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



1768-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 2005

NOTICE

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

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

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

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

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

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

If the questionnaires are received in this office on/or before February 25, 2005, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



1768-2

Track & Confirm

Current Status

You entered 2301 0370 0000 7541 4883

Your item was delivered at 9:55 am on January 22, 2005 in RAPID CITY, SD 57703. The item was signed for by W LYTLE.

[Shipment Details >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

Notification Options

► Track & Confirm by email

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► Request Proof of Delivery

[What is this?](#)

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 0370 0000 7541 4883

JOSEPH LYTLE
3125 LYTLE LANE
RAPID CITY SD 57703 8004

Postmark
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POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

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☐ Priority Mail

☐ Package Services

(See Reverse)

PS Form 153, February 2001



1768-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 24, 2005

713-2
1380-2
1768-2

Joseph Lytle
3125 Lytle Lane
Rapid City SD 57703-8004

Dear Mr. Lytle:

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

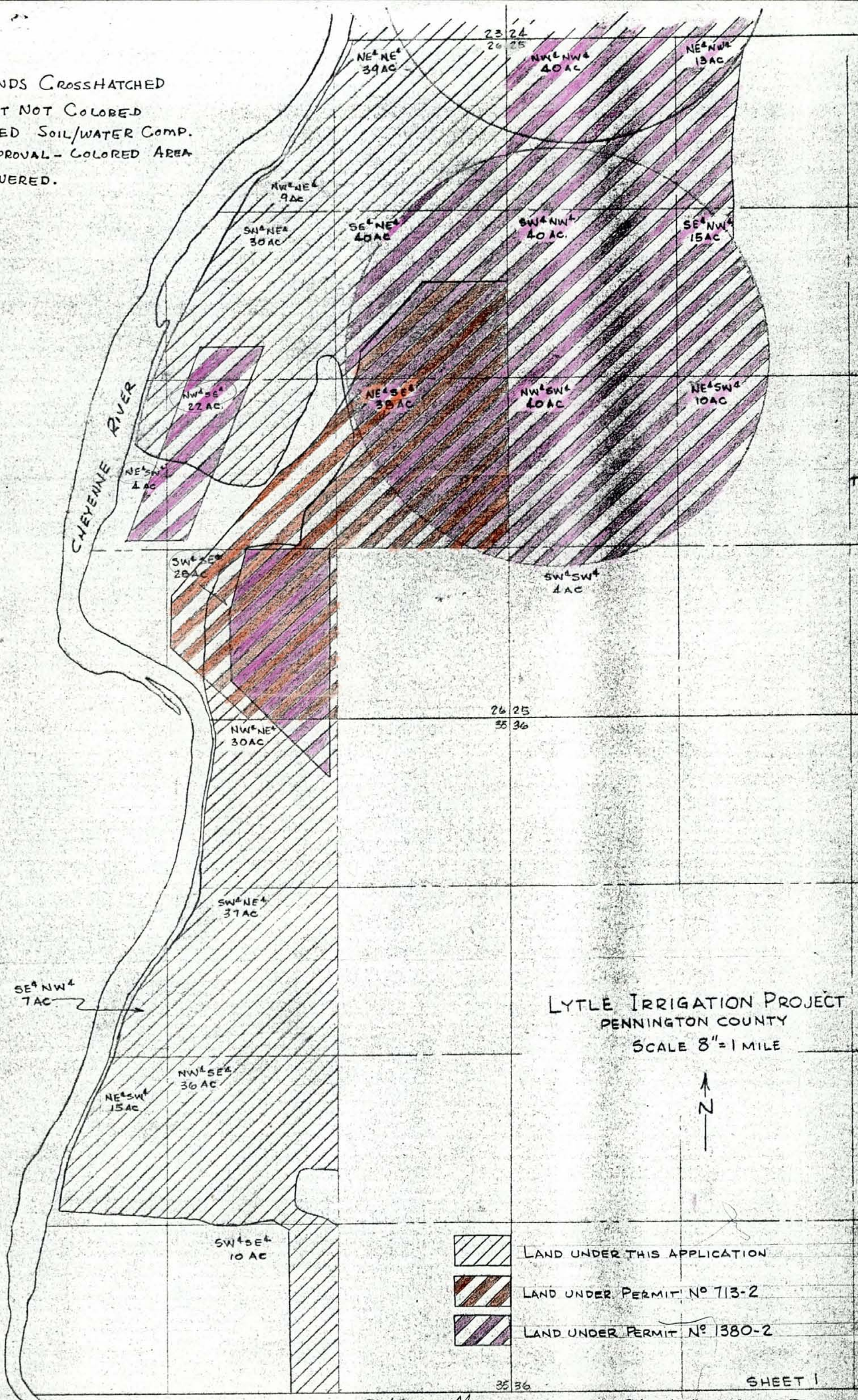
The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

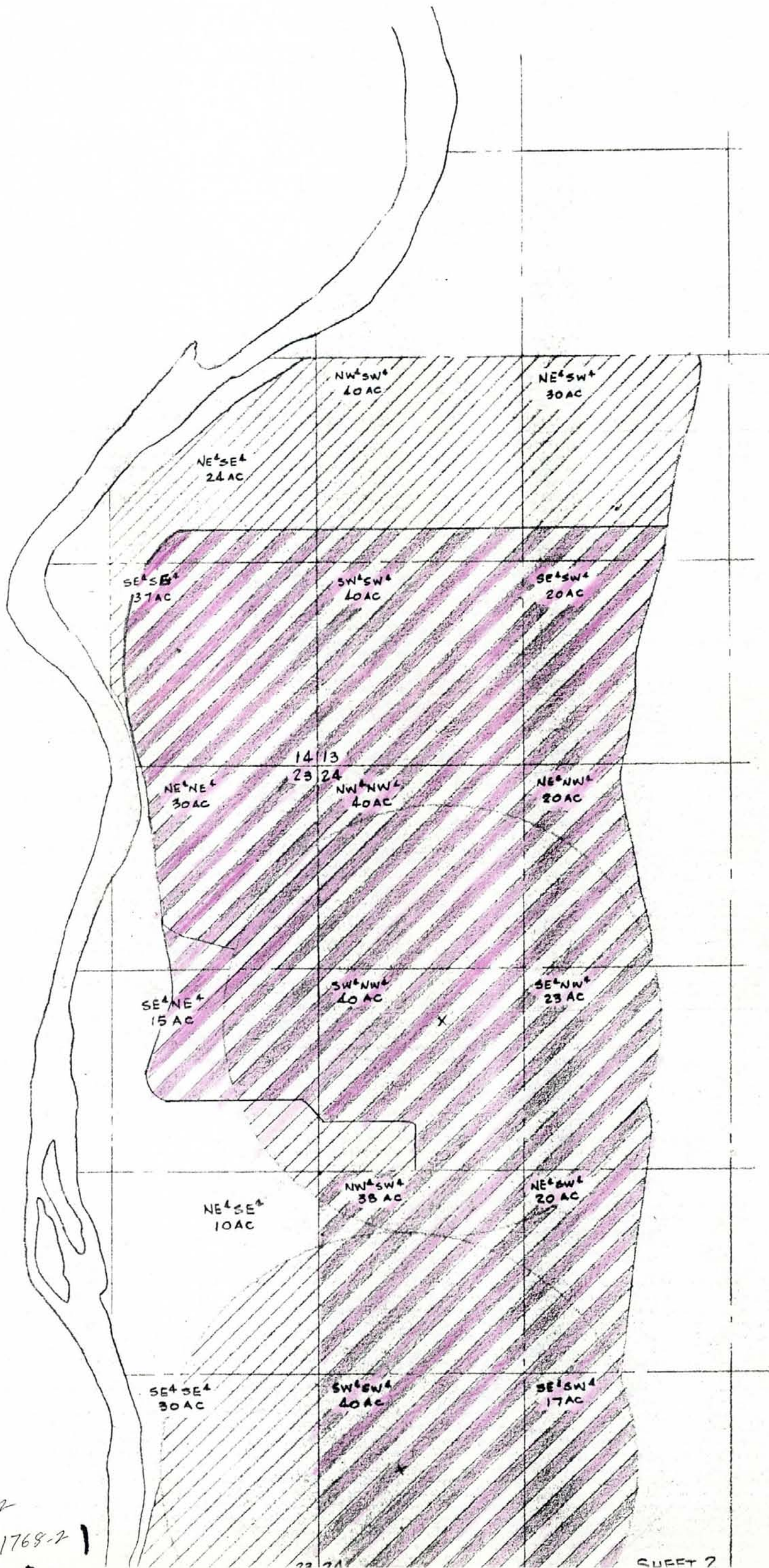
If you have any questions, please contact me.

Sincerely,

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

LANDS CROSSHATCHED
BUT NOT COLORED
NEED SOIL/WATER COMP.
APPROVAL - COLORED AREA
COVERED.





Map# 1524-2
App. # 1768-2

NOT TO SCALE

2N14

State
of S.D.

3M492
T1540

HEL
①
21.0

② HEL
22.8

2N-14

13

I-275
T2346
MT2348

I-275
T2346
MT2348

DP#5
Pump B

29.0 ac

9.2 ac

11.0 ac

18.8 ac

① HEL
29.0

1.8 ac

4.8 ac

②
21.3 ac

I-275
T2347
MT2348

I-275
T2346
MT2348

36.0 ac

16.5 ac

Pivot
#3

8.0 ac

2330'

13.0

DP#4

Pump #3

56.7

640'

④ HEL
19.7

0.8 ac

⑤ HEL
17.6

12.3 ac

3.4

2.8

13.4

Pump
#s 1+2

DP#3

72.2

9.4 ac

HEL

⑥

33.8

40.0 ac

14.2

Pivot #2

916'

26.5

⑦
23 24
26 25

⑧ HEL
46.2

⑧ HEL
80.0

26.5 ac

5.6 ac

I-275
T2346
MT2348

I-275
T2346
MT2348

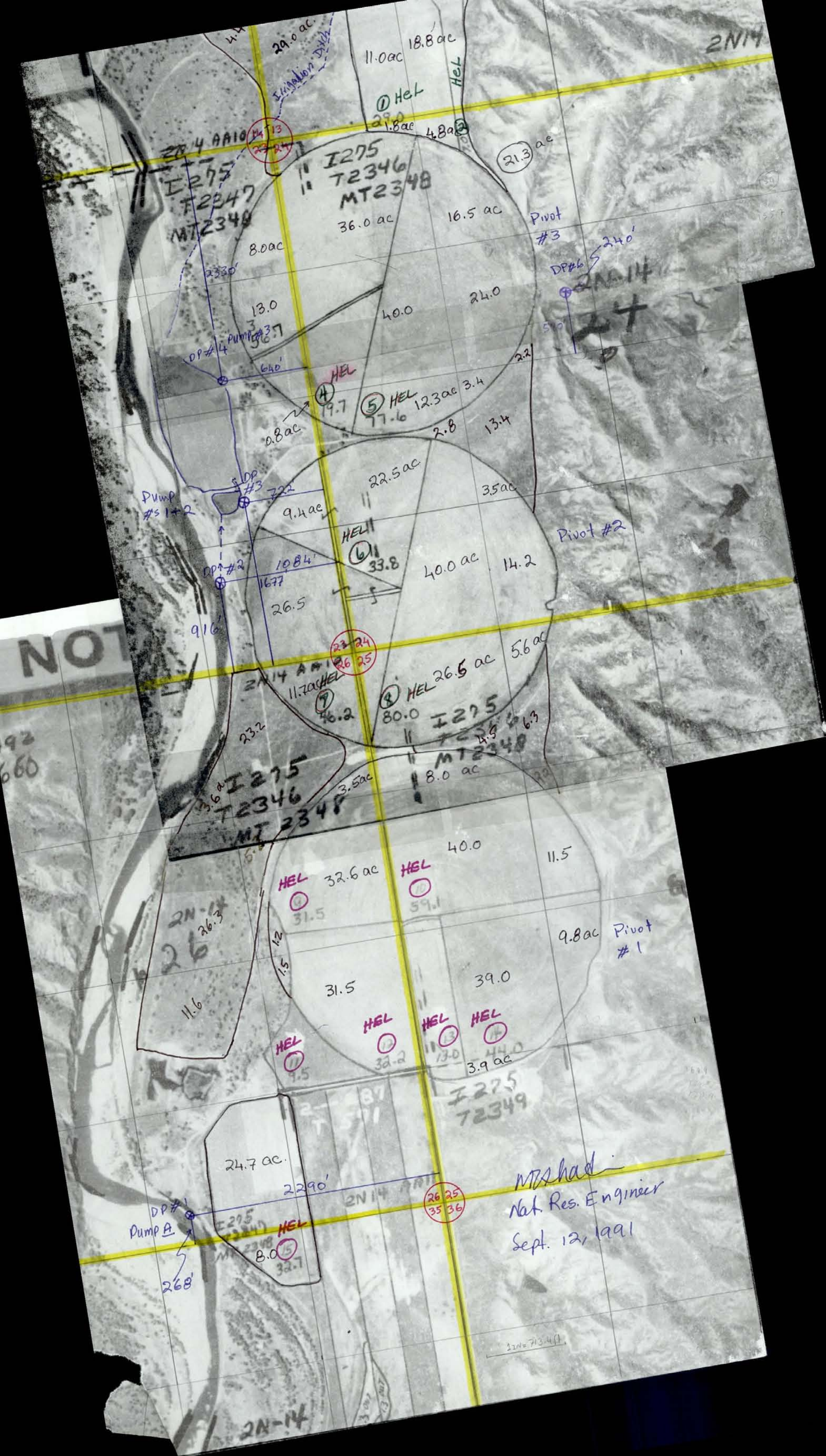
8.0 ac

HEL
32.6 ac

HEL

40.0

11.5





1768-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2006

NOTICE

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

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

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

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

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

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

If the questionnaires are received in this office on/or before **February 24, 2006**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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www.state.sd.us/denr

January 26, 2006

713-2
1380-2
1768-2

Joseph Lytle
3125 Lytle Lane
Rapid City SD 57703

Dear Mr. Lytle:

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

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

If you have any questions, please contact me.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

July 18, 2006

NOTICE OF SHUTOFF ORDER

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

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

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

Shutoff Order for Water Right Nos. (1768-2) 713-2

To protect the senior priority water rights, the department is issuing additional shutoff orders to junior water right holders with priority dates between January 1, 1960 and December 31, 1969 for the river reach between the Angostura Dam to Belle Fourche River confluence. Effective immediately, no diversions of water from the Cheyenne River and tributaries will be allowed for those permits with a priority date after January 1, 1960. Shutoff orders were issued previously to Cheyenne River water rights junior to December 31, 1969.

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

Water Rights Program - DENR

File Documentation

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

County: Pennington

Name of Person: Rusty Lytle

Address: 22801 Jensen Road

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

Email: lytlerar@gwtc.net

RE: Investigation of shutoff water rights along the Cheyenne River

Comments:

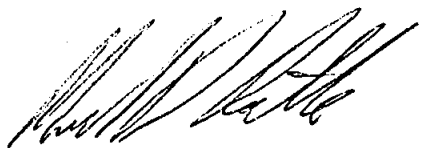
On 8-2-06, Mike DeFea and I flew the Cheyenne River from the Belle Fourche confluence to Angostura Reservoir, to verify shutoff order compliance. We identified and GPS'ed a location of an irrigation system owned by Joe Lytle appeared to having been run very recently.

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

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

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

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



Mark D Rath
Natural Resources Engineering Specialist

Water Rights Program - DENR

File Documentation

File No. 1768-2 and 713-2

Date: 8/9/06

Name of Person: Rusty Lytle

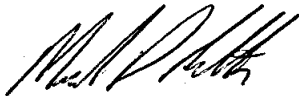
Telephone: 605-279-2648

RE: Temporary rescission of 7-18-06 Shutoff Order

Comments:

I telephoned to inform Mr. Deering that due to runoff from a recent rainstorm causing increased flow on the Cheyenne River, the Chief Engineer was temporarily rescinding the July 18, 2006 shutoff order. The rescission was for a 48 hour period starting at the time the flows begin to significantly increase at the diversion point. At the end of the 48 hour period the July 18, 2006 shutoff order is back in effect.

The water rights affected were those with priority dates between January 1, 1960 to December 31, 1969 on the Cheyenne River reach between the confluences of Rapid Creek and the Belle Fourche River.



Mark D Rath

Natural Resources Engineering Specialist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

September 5, 2006

1380-2 713-21768-2

DR JOSEPH LYTLE
3125 LYTLE LN
RAPID CITY SD 57703

Dear Sir:

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

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

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

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

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

GARLAND ERBELE, Chief Engineer
Water Rights Program



1768-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 5, 2007

Dear Water Right Holder;

Due to the ongoing drought I am advising Cheyenne River water right holders of the possibility of shutoff orders in 2007 for the river reach from Angostura Dam to the Belle Fourche River confluence. This is **not a shutoff order**.

As a result of the continuing lack of precipitation, tributary flows throughout the Cheyenne River basin remain well below the historical average. Angostura Reservoir ended February almost 21-feet below full and the forecast for improved conditions throughout the summer months is not favorable.

This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shut-off orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and trying to avoid wasting water.

South Dakota water law gives the highest priority to domestic use, which includes livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses, including irrigation, will begin to interfere with domestic use. If levels become critically low, the department must issue shut-off orders to protect domestic water uses. Once these orders are issued, the department will continue to monitor water availability and should conditions improve, the shutoff orders would be rescinded.

If you are interested, the US Geological Survey has an Internet site showing river flows at 150 stream gauging stations across the state. Go to sd.water.usgs.gov and click on "Realtime streamflow data via satellite".

Thank you for your cooperation. If you have any questions, please contact Mark Rath or Mike DeFea at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



March 26, 2007

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

713-2

1380-2

1768-2

Rusty Lytle
22801 Jensen Rd
Wall SD 57790

Dear Mr. Lytle:

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

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

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

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

Sincerely,

Garland Erbele, Chief Engineer
DENR, Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

NOTICE OF SHUTOFF ORDER

July 10, 2007

TO: JOSEPH M LYTTLE
3125 LYTTLE 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. 713-2 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, 1955 and December 31, 1969 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 dates after January 1, 1955.

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



1768-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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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
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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,

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



1768-2
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 23, 2009

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 2008 Irrigation Questionnaires

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

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

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

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

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

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

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

c: JOSEPH 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.

1768-2

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Label/Receipt Number: 2303 2160 0000 0802 6234
Status: **Delivered**

Your item was delivered at 8:22 AM on January 24, 2009 in WALL, SD 57790. The item was signed for by R LYTLE.

Track & Confirm

Enter Label/Receipt Number.

Notification Options

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 6234

RUSTY LYTLE, MGR
22801 JENSEN RD
WALL SD 57790

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

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Signature Confirmation

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 6241

JOSEPH LYTLE
3125 LYTLE LN
RAPID CITY SD 57703-8004

Waiver of Signature ☐ YES ☐ NO

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 13, 2009

713-2
1380-2
1768-2

Rusty Lytle, Mgr
22801 Jensen Rd
Wall SD 57790

Dear Mr. Lytle:

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

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

If you have any questions, please contact me.

Sincerely,

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

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

c: Joseph Lytle

Permit No. 1768-2
Upper Cheyenne River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, 2/15/2008, made a thorough examination of the water use system constructed by Joseph Lytle, 3125 Lytle Lane, Rapid City, SD 57703-8004 holder of Permit No. 1768-2, bearing the priority dates of June 5, 1961 (1.4 cfs), April 27, 1976 (8.9 cfs), March 9, 1981 (4.3 cfs) authorizing the total diversion of 14.6 cfs of the waters of Cheyenne River for irrigation purposes, in Pennington County.

Inspection contact and relationship to
permit holder, if applicable:

Joseph Lytle, owner

A. Works used to divert the water:

Gravity is used to divert water from the Cheyenne River into a regulating-sediment collection pond through a manually operated head gate. This pond has a surface area of 20-acres and is approximately 3-feet deep and is used to remove sediments from the river water only. The pond is not permitted for use as a storage pond.

B. Works used to apply water to beneficial use:

3 center pivot systems: (All in T2N-R14E)

- 1) North Pivot – a 1250-gpm pump diverts out of the regulating-sediment collection pond in the SE¼ NE¼ of section 23 (102.39826W 44.09814N) through a 10-inch, 1822-foot line to the pivot.
- 2) Center Pivot – a 1150-gpm pump diverts out of the regulating-sediment collection pond in the NE¼ SE¼ of section 23 (102.39073W 44.11541N) through a 12-inch, 1670-foot line to the pivot.
- 3) South Pivot – a 1350-gpm pump diverts out of the regulating-sediment collection pond in the NE¼ SE¼ of section 23 (102.39073W 44.11541N) through a 15-inch reduced to a 12-inch, 4817-foot line to the pivot.

Flood Irrigation: (All in T2N-R14E)

- 1) South Portions – The southern flood irrigation system consists of a 1100-gpm pump diverting water from the Cheyenne River in the SE¼ SW¼ Section 26 (102.39825W 44.09814N), 2470-feet East and 804-feet North of the SW corner Section 26 through a 10-inch line that splits after 430-feet distributing the water through a 1213-foot line to irrigate acreage in the SW¼ SE¼ Section 26 and through a 1573-foot line to irrigate acreage in the NW¼ NE¼ of Section 35. The system is capable of delivering more than the statutory limit of a 1-cfs of water per 70-acres.
- 2) North Portions – The northern flood irrigation system consists of an irrigation ditch that utilizes gravity to divert water from the regulating-sediment collection pond in the SW¼ NE¼ Section 23 (102.39287W 44.12000N) to flood irrigate acreage in portions of Section 13, 14 and 23. The system is capable of delivering more than the statutory limit for the acreage, the head gate should be regulated in such a manner as not to exceed the statutory limit of 1-cfs of water per 70 acres.

Chemigation Equipment:

- 1) Does chemigate N

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: NONE

The system is in good condition with the point(s) of diversion located on the Cheyenne River as follows: 1358 ft North and 4166 ft East of the SW¼ corner of Section 23-T2N-R14E (102.39174W 44.11438N) and 800 ft North and 2470 ft East of the SE¼ SW¼ Section 26 (102.39825W 44.09814N). The works are capable of diverting and conveying to the place of use 11.7 cu. ft. per second of water which is to be used for Irrigation. Water has been put to beneficial use to the maximum extent as follows:

The acreage and legal descriptions are listed on the attached Lytle Acres spreadsheet.

Comprising a total of 819 acres of land and the license should be issued for 11.7 cfs.*

*** (Based on 1-cfs per 70 acres for 819 total acres utilizing the three pivot and flood irrigation systems.)**

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project:

No land developed for irrigation as of the date of examination is outside of the areas described on Water License No. 713-2, Water Permit No. 1380-2 and/or water Permit No. 1768-2.

The regulating-sediment collection pond should not be used for the storage of water. The applicant believes that the pond does not have a hydrologic connection to the River other than by the head gate. Presently this could be the case due to the amount of sediment lining the bottom of the pond acting as a sealant, but if the applicant should dredge out the sediments or deepen the pond the probability of the hydrologic connection with the river would be very high. Thus, the burden of proof as to the hydrologic connection with the river should rest with the applicant. If the applicant desires to use the pond for storage of water for irrigation, then a new application should be filed.

When shut-off orders are issued for the Cheyenne River, the applicant shall not pump water from the regulating-sediment collection pond for irrigation purposes.

Applicable portions of Water License No. 713-2, Water Permit No. 1380-2 and Water Permit No. 1768-2 shall be incorporated into one Water License.

Aaron R. Tieman

Aaron Tieman
Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: 4/20/2009

Lytle Irrigation Project Acres

Section	Quarter	WL713-2 6/5/1961	WP1380-2 4/27/1976	WP1768-2 3/9/1981	Actual Acres 1/12/2007				
13	NW SW		8.4	40.0	34.0				
13	NE SW		3.1	30.0	20.4				
13	SW SW		40.0	40.0	40.0				
13	SE SW		23.7	20.0	20.0				
14	NE SE		5.5	24.0	24.0				
14	SE SE		33.8	37.0	37.0				
23	NE NE		29.2	30.0	30.0				
23	SE NE		20.3	15.0	15.0				
23	NE SE			10.0	11.5				
23	SE SE			30.0	25.5				
24	NW NW		40.0	40.0	40.0				
24	SW NW		35.1	40.0	40.0				
24	NE NW		24.3	20.0	23.5				
24	SE NW		24.5	23.0	31.3				
24	NW SW		40.0	38.0	37.0				
24	NE SW		23.5	20.0	11.0				
24	SW SW		40.0	40.0	40.0				
24	SE SW		21.8	17.0	20.0				
25	NW NW		40.0	40.0	31.5				
25	NE NW		20.1	13.0	5.2				
25	SW NW		40.0	40.0	40.0				
25	SE NW		17.6	15.0	17.0				
25	NW SW		40.0	40.0	39.0				
25	NE SW		18.5	10.0	13.0				
25	SW SW		6.7	4.0	1.7				
26	NW NE			9.0	9.0				
26	NE NE		1.0	39.0	12.0				
26	SW NE		2.9	30.0	30.0				
26	SE NE	16.2	26.3	40.0	31.5				
26	NE SW		2.5	4.0					
26	NW SE	8.5	11.0	22.0	22.0				
26	NE SE	39.5	27.2	38.0	27.9				
26	SE SE		1.2						
26	SW SE	32.0	18.3	28.0	27.0				
35	NW NE		6.9	30.0	12.0				
35	SW NE			37.0					
35	SE NW			7.0					
35	NE SW			15.0					
35	NW SE			36.0					
35	SW SE			10.0					
	TOTAL	96.2	693.4	1021.0	819.0				

Water Permit 1768-2
Lytle Irrigation Project
819 Acres

T2N R14E



14

13

24 acres
NE SE

34 Acres
NW SW

20.4 Acres
NE SW

37 Acres
SE SE

40 Acres
SW SW

20 Acres
SE SW

30 Acres
NE NE

40 Acres
NW NW

23.5 Acres
NE NW

15 Acres
SE NE

40 Acres
SW NW

31.3 Acres
SE NW

23

24

11.5 Acres
NE SE

37 Acres
NW SW

11 Acres
NE SW

4166'

1358'

25.5 Acres
SE SE

40 Acres
SW SW

20 Acres
SE SW

9 Acres
NW NE

12 Acres
NE NE

31.5 Acres
NW NW

5.2 Acres
NE NW

30 Acres
SW NE

31.5 Acres
SE NE

40 Acres
SW NW

17 Acres
SE NW

26

25

22 Acres
NW SE

27.9 Acres
NE SE

39 Acres
NW SW

13 Acres
NE SW

2470'

804'

27 Acres
SW SE

1.7 Acres
SW SW

12 Acres
NW NE

35

- ▲ Diversion Point
- Irrigation Line
- - - Irrigation Ditch

0 0.125 0.25 0.5 0.75 1 Miles



Aaron R. Tieman
Aaron Tieman
Natural Resources Project Engineer
DENR Water Rights Program
2-15-2008



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 29, 2009

1768-2

Joseph Lytle
3125 Lytle Lane
Rapid City SD 57703-8004

Dear Lytle:

On February 15, 2008 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit Nos. 1380-2 and 1768-2 and Water Right No. 713-2, was completed by Aaron Tieman, a staff engineer with our program. Your final water right document, the water license, can now be issued for No. 1768-2. The license will incorporate the applicable portions of Water Right No. 713-2 and Water Permit No. 1380-2.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/21, 2009

RECEIVED OF Lytle's River Country J Lytle 3125 Lytle Ln 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	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1768-2</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. 04140

By *Michael Erbe*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUN 15 2009

713-2
1380-2
1768-2

Joseph Lytle
3125 Lytle Lane
Rapid City SD 57703-8004

Dear Mr. Lytle:

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

Also included with your license are the following:

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

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

Sincerely,

A handwritten signature in black ink that reads 'Garland Erbele'.

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1768-2**

(1) Joseph Lytle, 3125 Lytle Lane, Rapid City SD 57701 made Application No. 1768-2, March 9, 1981 for a water permit to divert 14.6 cubic feet of water per second (cfs) from the Cheyenne River, Pennington County, South Dakota for irrigation purposes. Permit No. 1768-2, with priority dates of June 5, 1961 (1.4 cfs); April 27, 1976 (8.9 cfs) and March 9, 1981 (4.3 cfs) was approved May 27, 1981 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 27, 1986 and for the application to beneficial use of said water on or before May 27, 1990.

Portions of land described in Water Right No. 713-2 and Water Permit No. 1380-2 were also covered under Water Permit No. 1768-2. The applicable portions of Water Right No. 713-2 and Water Permit No. 1380-2 are incorporated into this license.

(2) It is certified that the permit holder 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 11.7 cubic feet of water per second for beneficial use. The location of the diversion points are as follows:

- 1,358 feet north and 4,166 feet east of the SW corner of Section 23, T2N, R14E (NE ¼ SE ¼);
- 800 feet north and 2,470 feet east of the SW corner of Section 26, T2N, R14E (SW ¼ SE ¼);
- Regulating –sediment collection pond located in the SE ¼ NE ¼ Section 23, T2N, R14E.

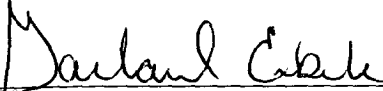
The regulating pond is not authorized for use as a storage pond. When shutoff orders are issued for the Cheyenne River, no pumping is authorized from the pond.

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the land described in **“Attachment to Water License No. 1768-2”**.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Joseph Lytle, 3125 Lytle Lane, Rapid City SD 57701 the holder and/or owner of Incorporated Water Right No. 1768-2 is issued a license to appropriate water, the right to use 11.7 cubic feet of water per second from the Cheyenne River with priority dates of June 5, 1961 (1.4 cfs), April 27, 1976 (8.9 cfs), March 9, 1981 (1.4 cfs) from the locations specified in (2) of this license. The water is to be conducted to and upon lands specified in **“Attachment to Water License No. 1768-2”** for the purpose of irrigation.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1768-2 and subject to the following qualifications:

- Diversions of water are contingent upon water supplies being first available to prior water rights downstream on the Cheyenne River. Flow records show that there are occasional years when the flows of the Cheyenne River are definitely and recognizably lower than usual during the months of July, August and September. Diversions of water are not to be made under this Water Right during such low flow periods.
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.


Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 15 2009
date



Attachment to Water License No. 1768-2

Section 13, T2N, R14E	NW ¼ SW ¼	34.0 acres
	NE ¼ SW ¼	20.4 acres
	SW ¼ SW ¼	40.0 acres
	SE ¼ SW ¼	20.0 acres
Section 14, T2N, R14E	NE ¼ SE ¼	24.0 acres
	SE ¼ SE ¼	37.0 acres
Section 23, T2N, R14E	NE ¼ NE ¼	30.0 acres
	SE ¼ NE ¼	15.0 acres
	NE ¼ SE ¼	11.5 acres
	SE ¼ SE ¼	25.5 acres
Section 24, T2N, R14E	NW ¼ NW ¼	40.0 acres
	SW ¼ NW ¼	40.0 acres
	NE ¼ NW ¼	23.5 acres
	SE ¼ NW ¼	31.3 acres
	NW ¼ SW ¼	37.0 acres
	NE ¼ SW ¼	11.0 acres
	SW ¼ SW ¼	40.0 acres
	SE ¼ SW ¼	20.0 acres
Section 25, T2N, R14E	NW ¼ NW ¼	31.5 acres
	NE ¼ NW ¼	5.2 acres
	SW ¼ NW ¼	40.0 acres
	SE ¼ NW ¼	17.0 acres
	NW ¼ SW ¼	39.0 acres
	NE ¼ SW ¼	13.0 acres
	SW ¼ SW ¼	1.7 acres
Section 26, T2N, R14E	NW ¼ NE ¼	9.0 acres
	NE ¼ NE ¼	12.0 acres
	SW ¼ NE ¼	30.0 acres
	SE ¼ NE ¼	31.5 acres
	NW ¼ SE ¼	22.0 acres
	NE ¼ SE ¼	27.9 acres
	SW ¼ SE ¼	27.0 acres
Section 35, T2N, R14E	NW ¼ NE ¼	12.0 acres
	TOTAL	819.0 acres



1768-2
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,

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**

PMB 2020
JOE FOSS BUILDING
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



1768-2
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 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



1768-2
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.



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.

1768-2



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 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



**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