

W6 only

VB
#2. 1017 709

1. Considered: 2-3, 1982 Water Right No. 1797-2
1551-2
2. Name of Applicant LYLE HARTSHORN
3. Post Office Address HERMOSA 5744
4. Amount of Water Claimed 0.9 maximum acre feet
5. Source of Water Supply 39' deep well
6. Water to be used for IRR acres to be irrigated 133.90
7. County Custer about 9 1/2 miles EAST of BUFFALO GAP
8. PROOF OF PUBLICATION: Received (1st) 1-29-82 Not Received
- APPLICATION: Approved 7-2-82 Subject to DIVERSION
- Not Approved Action Deferred

PRIORITY

Dated Received 12/22/81 Application complete-yes no FEE 250.00

12-22-81

Remarks

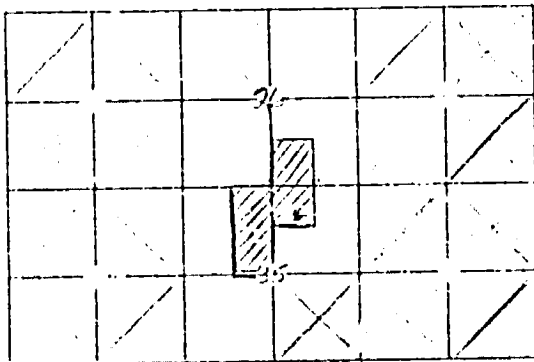
Corrected Application received Period of Annual Use May 1 thru Oct 1

WATER
QUALITY

Received (yes) 1/8/82 no APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application-(yes) no Remarks

Disapproved Returned



Diversion Point

NW 1/4 NE 1/4 35-6S-8E

Land to be Irrigated

SW 1/4 NE 1/4, Sec. 26 and

E 1/2 NW 1/4; NW 1/4 NE 1/4, Section 35-6S-8E

WELL LOG

Driller Sargent Irrigation Licensed - yes 275 no

Depth 39 feet deep

Remarks

Water Right No. 1797-2

MAP Map No. 1551-2 Map located in Water Right XX Map file _____
Type of Map Aerial Prepared by ASCS, Richard Miller

+++++

REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:

1/12/82

Patty Westlund
(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 was
DECISIONS adopted _____
ETC. Remarks _____

No. 1797-2Map No. 1551-2 Water Division No. 2 Upper Cheyenne District
Above for Office Use 10/20/09

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 Lyle Hartshorn Phone No. 605-255-4179
 Post Office Address Hermosa State SD 57744
 (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) contract & direct labor3. Name of diversion work Hartshorn Irrigation4. Amount of water claimed (cubic feet per second) .9 cubic feet per second5. Source of water supply well6. Location of point of diversion 300 feet west of SE corner of NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec 35 T6 R8County Custer7. Annual period or periods during which water is to be used May 1 thru October 18. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 133.9

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.
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 26 T6 R8	31.0
NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 35 T6 R8	36.4
NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 35 T6 R8	32.4
SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 35 T6 R8	34.1

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1-5 years. Additional time required to complete application of water to the proposed beneficial use 2 years.

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

12. Principal Features of the Proposed Water Supply System.

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

Irrigation Well

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

Irrigation Pipeline

C. Works proposed to apply water to beneficial use.

Irrigation circle or gated pipeEstimated Total Cost \$ 45,000.00

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)
) ss.
 County of Custer)

I, Lyle Hartshorn 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 Lyle HartshornSubscribed and sworn to before me this 16th day of November, 1981

Notary Public (or other qualified officer).

My commission expires 6-11-89

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No 1797-2

LYLE HARTSHORN HERMOSA
(Applicant) (Post Office Address)
SOUTH DAKOTA 57744 With the following qualifications
(State)

The irrigation well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells.

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

Date of first receipt of application DECEMBER 22, 1981
Date of return to applicant for correction, amendments or changes required , 19
Date of receipt of corrected application , 19
Approved FEBRUARY 4, 1982, Recorded in Book Page

WATER RIGHT PERMIT NO. 1797-2

The Water Management Board hereby grants and issues this Water Right Permit No. 1797-2 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 DECEMBER 22, 1981
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before AUGUST 4, 1984
3. The whole of said work is to be completed on or before FEBRUARY 4, 1987
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is FEBRUARY 4, 1989
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 .90 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 FEBRUARY 4, 1989; said water to be used during the following described annual period: MAY 1 THRU OCTOBER 1

Witness my hand this 17th day of March, 1982

THE WATER MANAGEMENT BOARD

By John Hated
Chief Engineer Water Rights

Certificate of Construction Issued , 19

Water License Issued , 19

D Well Information

- (1) Drill Hole, Diameter 3 6", Depth 39'
- (2) Casing, Type steel- 18", Diameter 18", Thickness 1"
(wood, concrete, steel, etc)
- (3) Screen, Type Johnson screen, Diameter 18", Length 20'
- (4) Gravel Pack, Thickness 3", Length of gravel pack 39'

E Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

F Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Attach a copy of test well log)

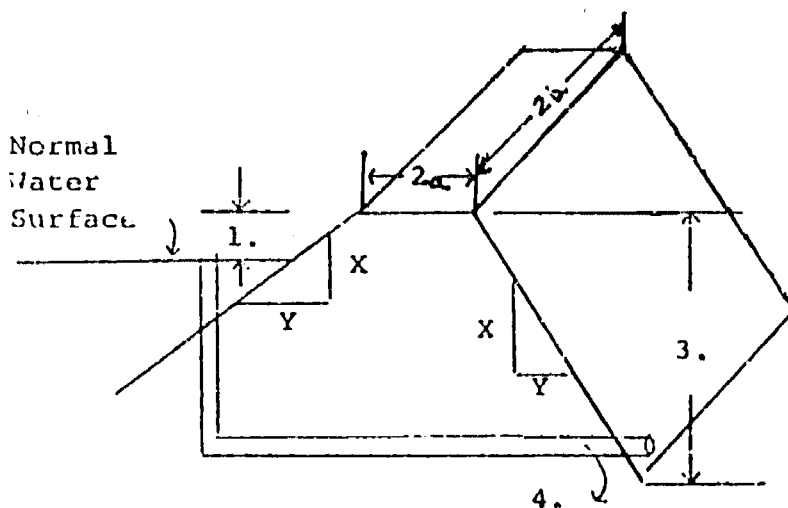
- Depth to top of water bearing material 12'
- Depth to bottom of water bearing material 32'
- Depth to water (ground surface to water level) 16'

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

- On same owner's property none rds.
- On property owned by others 320 rds.

G Water Storage Dams

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



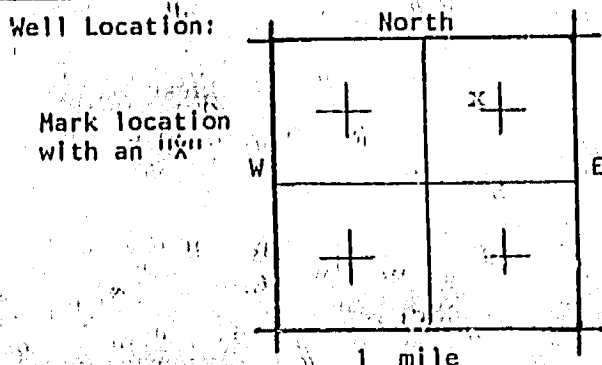
1. Freeboard _____
- 2a Crest width _____ b. length _____
3. Height of Dam _____
4. Outlet dimensions:
 - Pipe diameter _____
 - Spillway width _____
- X & Y slope:
 - Upstream _____
 - Downstream _____
- Surface area of impoundment _____
- Drainage area above dam _____

WELL DRILLERS REPORT
SOUTH DAKOTA WATER RIGHTS COMMISSION

4-78

Well Owner:
 Name Lyle Hartshorn
 Address Hermosa, South Dakota
57714

Water Level Information:
 Static water level 3' below land surface
 If flowing: closed in pressure PSI
 rate of flow GPM
 Controlled by:
☐ Valve ☐ Reducers ☒ Other
 If other; specify



County Custer
SE 1/4 NW 1/4 NE 1/4 Sec. 35 Twp. 6 Rg. 8

Proposed Use:
☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:
☐ Forward Rotary ☒ Bored ☐ Jetted
☒ Reverse Rotary ☐ Cable ☐ Other

Well Construction:
 Diameter of Hole 30"
 Depth 39'
 Casing ☒ Steel ☐ Concrete
☐ Plastic ☐ Other
 If other, specify

Was casing end left open NO
 Was a well screen installed YES
 Describe Well Screen
 Diameter 16" Material steel
 Slot size 3" x .125
 Was well gravel packed YES
 Was well grouted NO
 Was water sample taken NO

Remarks:

Well Test Data:
☒ Pumped Describe:
☐ Bailed
☐ Other

Pumping Level Below Land Surface

15' ft. After	1	Hrs. pumped	125	GPM
18 " "	2	" "	235	"
22 " "	5	" "	250	"

Well Log:

Formation	Depth	
	From	To
Sandy top soil & fine gravel	0	5
Gravel, fine to coarse with boulders	5	37
Shale clay	37	100

(Use Back if Necessary)

Date Completed: August 17, 1981

Driller:
Sargent Irrigation Co. 273
 Driller's or Firm's Name License NO.
Box 359
Alliance, NE
 Address

Bob Sargent 12-17-8
 Signed By Date

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

Office Use Only

OWNERS NAME: Lyle Hartshorn OWNERS ADDRESS: Hermosa, SD 57744

COUNTY LAND LOCATED IN: Custer PHONE: 605-255-4179

TENANT'S NAME AND ADDRESS: Same as above

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 300 feet west of SE corner of NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec 35 T6 R 0

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: Same as above

Legal Description	Acres	Legal Description	Acres
SW $\frac{1}{4}$ Sec 26 T6 R8	31.0		
NW $\frac{1}{4}$ Sec 35 T6 R8	36.4		
NE $\frac{1}{4}$ Sec 35 T6 R8	32.4		
SE $\frac{1}{4}$ Sec 35 T6 R8	34.1		

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED _____

LEGAL DESCRIPTION: _____

IN WHAT NAME: _____

4. LOCATION OF AREA TO BE IRRIGATED NOTE: See item 2 above SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

5. TYPE OF IRRIGATION: GRAVITY: ☒ TOWLINE: _____ CENTER PIVOT: ☒ GUN: _____ (Specify) _____

6. CROPS TO BE IRRIGATED: corn and alfalfa

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

7. WATER SAMPLE NUMBER: 81-1350

8. SALINITY (EC X 10³): 2200

9. SODIUM (SAR): 3.79

10. ADJUSTED (SAR): 7.36 (5.15)

I hereby certify that I personally obtained or that I personally observed that 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 10:00 a.m./p.m., on 11/16, 1992, at the following location: 300 feet west of SE corner of NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec 35 T6 R8 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

16th DAY OF November, 1992

Notary Public

(NOTARY PUBLIC)

IMPORTANT

APPLICANT'S SIGNATURE

Director, Division of Conservation

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

APPROVED

DISAPPROVED

CONDITIONALLY APPROVED

1799-2

CONDITIONAL APPROVAL

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Lyle Hartshorn
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 26-7-8; NW $\frac{1}{4}$ NE $\frac{1}{4}$ 35-6-8; NE $\frac{1}{4}$ NW $\frac{1}{4}$ 35-6-8;
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 35-6-8 = 133.9 acres

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

THE SOIL(S) LISTED BELOW CAN BE IRRIGATED WITH THE FOLLOWING RESTRICTIONS:

RECOMMENDED MANAGEMENT

5013-1 Information Advance Information
Prepared by SCS
11/15/50



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Custer)

Notice of hearing

I, Jessie Y. Sundstrom
certify that the annexed printed copy of Notice
Water was taken from the CUSTER COUNTY
A newspaper which during the whole time of pu
herein after stated, has been and is printed and p
City of Custer
County of Custer and S
that the said notice was published in said news
two dates:

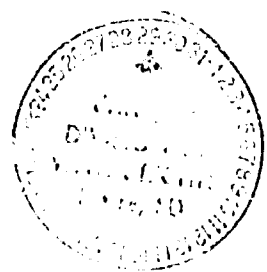
January 27, 1982
January 28, 1982

ON APPLICATION TO APPROPRIATE
WATER
Pierre, South Dakota, 57501
January 12, 1982
Notice is hereby given that Lyle Hart
shorn, whose post office address is Her
mosa, South Dakota, has made an appli
cation in accordance with the provisions
of SDCL 46-1-1 through 46-1-9, 46-1-12
thru 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,
46-5-25, 46-5-41; 46-6-1, 46-6-31, 46-6-5, 46-6-1,
46-6-10, 46-6-13, 46-6-14 and Board Rules
ARSD 52-01-01:01 thru 52-01-01:13, for a
permit to appropriate for beneficial use
0.9 cubic feet of water per second of time
from groundwater (one well) through
the Hartshorn Irrigation, the point of
diversion of which is to be located in
the NW 1/4 NE 1/4 of Section 35, Twp.
6S, Range 8E. Said water to be used
for the purpose of providing irrigation
on portions of the following described
land SW 1/4 SE 1/4, Section 25 and E 1/4 NW 1/4,
NW 1/4 NE 1/4 Section 35, T6S, R8E.
This Application No. 1797-2 will be
considered by the Water Management
Board at Meeting Room #1, Kneip Bldg.,
Church & Illinois, Pierre, SD upon the

3rd day of February, 1982 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 wit-
nesses 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 of rights will
be forfeited if they are not exercised
at the hearing. Decisions of the Board
may be appealed to the Circuit Court
and the State Supreme Court as provided
by law.
Any handicapped person wishing to
attend this hearing can contact the Water
Rights Division, DWRN, Joe Foss Build-
ing, Pierre, SD, prior to the hearing
date for assistance to assure access to
the hearing.
For the Water Management Board
/s/ Betty Westlund
Water Rights Specialist
#18 128-82

Jessie Y. Sundstrom
(Signature)
Publisher
(Title)
1-27-82
(Date Signed)

Cost of Printing: 20.75



No. 1797-2

Publish first publication on or before January 21, 1982

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota, 57501

January 12, 1982

Notice is hereby given that Lyle Hartshorn whose post office address is Hermosa, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 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, 46-5-25, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 0.9 cubic

feet of water per second of time from groundwater (one well) through the Hartshorn

Irrigation, the point ~~(S)~~^{SW} of diversion of which is ~~(SW)~~^{SW} to be located in the

NW 1/4

of Section 35, Twp. 6S, Range 8E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW 1/4, Section 26 and E 1/2 NW 1/4, Section 35, T6S, R8E

This Application No. 1797-2 will be considered by the Water Management Board at Pierre, SD

Meeting Room #1, Kneip Bldg., Church & Illinois/ upon the 3rd day of February, 1982

at 10AM. 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 Circuit Court and the State Supreme Court 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.

For the Water Management Board

cc: Lyle Hartshorn

BETTY WESTLUND, Water Rights Specialist

WNR-806A-10/81 Notice of Intent to Appropriate Water
GROUNDWATER

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8609

PIERRE,

December 22, 1981

RECEIVED OF Lyle Hartshorn, Hermosa, SD 57744

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

Fee for Application for Permit to appropriate Water No. 17824 (examination, processing, recording and filing)	250.00
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	250.00

WATER RIGHTS COMMISSION

By (M.A. HATCH) Chief Engineer, Executive Officer
JOHN HATCH / GE

NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USEPost Office Hermosa, S.D.Date Feb. 24, 1983TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to maximum extent it is going to be used, not exceeding the amounts as specified in Water Right No.

yes.

Water Right Permit No. 1797-2 states that the diversion system is to be constructed by July 1, 1982, and that the water is put to beneficial use by July 1, 1982.

The diversion system was completed on July 1, 1982. Applying the water to beneficial use was completed on July 1, 1982.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Lyle Hartman
(Signature)



1797-2

Water Analysis Report
 Sample No. 1797-2
 Date of Collection: 11-1-56
 Location: [illegible]



To: [illegible]
 From: [illegible]

a

Analysis by: [illegible]
 Date of Report: 11-1-56
 Report No. 1797-2

Calcium (Ca)	410	ppm	10.70	me/l**
Magnesium (Mg)	33	ppm	1.36	me/l
Sodium (Na)	240	ppm	10.43	me/l
Potassium (K)	15	ppm	0.38	me/l
Sulfate (SO4)	932	ppm	20.45	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	117	ppm	3.30	me/l
Bicarbonate (HCO3)	58	ppm	1.12	me/l
Carbonate (CO3)	0	ppm	0.00	me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Manganese (Mn)		ppm		
Boron (B)	0.22	ppm		
Hardness (EDTA as CaCO3)		ppm		g.p.s.***
Total solids		ppm	25.96	me/l
Total Cations			24.87	me/l
Total Anions				
Alkalinity (Methyl Orange)	56	ppm (as CaCO3)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO3)		
Electrical Conductivity	2200	micromhos per cm at 25 C.		
Sodium Adsorption Ratio	3.70	Adjusted SAR	7.36	
Sodium	10.20	% of Cations		
Residual sodium carbonate	0.00	me/l		
Cl	7.90			
Others:				
****g.p.s. means rock gallon				
**me/l=milliequivalents per liter				

Comments:

By: Shirley Gitter

Service Charge: [illegible]
 Irrigation Analysis: [illegible]

For more information, see: [illegible]
 The following data are for [illegible] and are not to be used for [illegible]

Report No. 1797-2
 Date: 11-1-56

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

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

March 23, 1987

LYLE HARTSHORN
RT 3 BOX 16
HERMOSA, SD 57744

NOTICE

Re: Violation of Water Permit No(s). 1797-2

Our records indicate that the 1986 Irrigation Questionnaire has not been received for Permit No(s). 1797-2. 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). 1797-2 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). 1797-2 until either the 1986 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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


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

NOTE: If the questionnaire(s) is received in this office before the hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

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

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

April 3, 1987

1797-2

Lyle Hartshorn
RR #3 Box 16
Hermosa, SD 57744

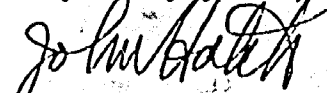
Dear Mr. Hartshorn:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaire. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit No. 1797-2 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



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

SOUTH DAKOTA
Department of
Water & Natural Resources

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

January 29, 1988

LYLE HARTSHORN
RT 3 BOX 16
HEERMOSA, SD 57744

NOTICE

Re: Violation of Water Permit No(s) **1797-2**

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 1797-2. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 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). 1797-2 qualification:

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

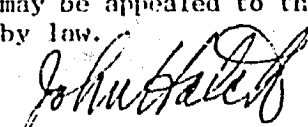
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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). 1797-2 until either the 1987 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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


JOHN HATCH, Chief Engineer
Water Rights Division
605 773 3352

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

South Dakota
Department of
Water & Natural Resources

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

February 12, 1988

1797-2

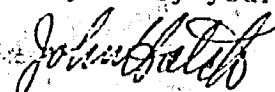
Lyle Hartshorn
Rt 3, Box 16
Hermosa SD 57744

Dear Mr. Hartshorn:

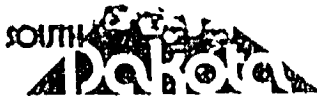
I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 1797-2 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,



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



Department of Water & Natural Resources

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

February 9, 1990

LYLE HARTSHORN
RT 3 BOX 16
HERMOSA, SD 57744

NOTICE

RE: Violation of Water Permit No(s). 1797-2

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 1797-2. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1797-2 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 7, 1990 at the Howard Johnson's, Roosevelt-Jefferson Room, I-90 at LaCrosse, Rapid City SD.

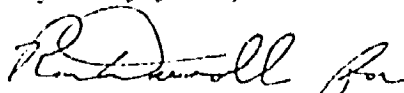
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 1797-2 until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
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 is received in this office before the March 7th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,


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



Department of Water & Natural Resources

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

March 2, 1990

1797-2

Lyle Hartshorn
HCR 83, Box 16
Hermosa SD 57744

Dear Mr. Hartshorn:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit No. 1797-2. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,

A handwritten signature in cursive script that reads "Ron Duvall". To the right of the signature is a handwritten mark that appears to be "KS".

RON DUVAL
Natural Resources Engineer
Water Rights Division



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

LYLE HARTSHORN
RT 3 BOX 16
HERMOSA SD 57744

NOTICE

RE: Violation of Water Permit No(s) 1797-2

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 1797-2. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 1797-2 qualification:

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

The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 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) 1797-2 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 4th hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 1993

1797-2

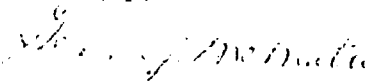
Lyle Hartshorn
RR 3 Box 16
Hermosa, SD 57744

Dear Mr. Hartshorn:

I am writing to acknowledge receipt of your 1991 irrigation questionnaire for Water Permit No. 1797-2. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaire was received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,


Genny McMath
Natural Resources Analyst
Water Rights Division

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

LYLE HARTSHORN
RT 3 BOX 16
HERMOSA, SD 57744

5. Signature (Addressee)
Lyle Hartshorn

6. Signature (Agent)
[Signature]

4a. Article Number

P900 557 809

4b. Service Type

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

7. Date of Delivery

20

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

USPS



1797-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501 3181LYLE HARTSHORN
RT 3 BOX 16
HERMOSEA SD 57744**NOTICE**

RE: Violation of Water Permit No(s) 1797-2

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 1797-2. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 1797-2 qualification:

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

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, 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 SDCL 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:

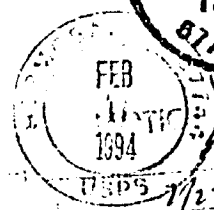
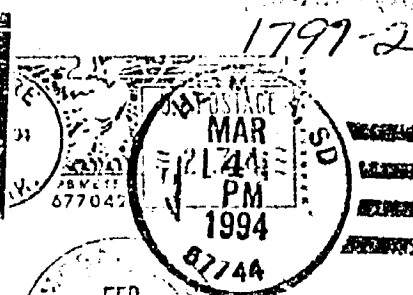
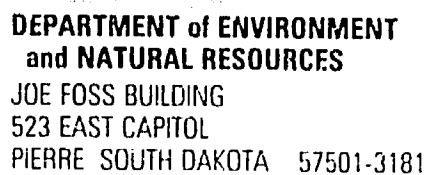
1. Suspend or cancel Permit No(s) 1797-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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 April 1, 1994, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



Date 3/4/44
Route No. _____
Carr./Initials 6

Fwd. Order Expired ☐
 Attempted Not Known ☐
 Insufficient Address ☐
 No Such Street ☐ Number ☐
 Moved No Order ☐ Vacant ☐
 Unclaimed ☒ Refused ☐



1797-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 7, 1994

1797-2

NOTICE

TO: Lyle Hartshorn, RR #3 Box 16, Hermosa, SD 57744

FROM: Ron Duvall, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division 

SUBJECT: Unclaimed Certified Mail - Irrigation Questionnaire
Violation

The attached notice was sent certified mail, return-receipt requested. The post office has returned the certified mail return-receipt requested envelope to our office marked "unclaimed". The envelope indicated the post office notified you on February 17, February 22 and March 4, 1994 to pick up and sign for the certified mail.

The meeting time and place, specified in the attached notice, has been changed. The hearing has been rescheduled as follows:

April 6, 1994 at 9:30 a.m. in the Conference Room of the
Floyd Matthew Training Center, Joe Foss Building, 523 E
Capitol, Pierre, SD.

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

enclosure

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



1797-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 18, 1994

1797-2

Lyle Hartshorn
RR 3 Box 16
Hermosa, SD 57744

Dear Mr. Hartshorn:

I am writing to acknowledge receipt of your 1993 Irrigation questionnaire. You may disregard the February 16, 1994, **Notice of Violation of Water Permit No. 1797-2.**

The questionnaire 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 Division
(605) 773-3352



1797-2

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

January 9, 1998

NOTICE**TO: LYLE HARTSHORN, HC 83 BOX 16, HERMOSA, SD 57744****FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program****SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)**

Our records indicate that the 1997 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1797-2. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaire(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) 1797-2 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, February 25, 1998 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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) 1797-2 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 February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

1797-2
LYLE HARTSHORN
HC 83 BOX 16
HERMOSA SD 57744

4a. Article Number

2119141 228

4b. Service Type

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

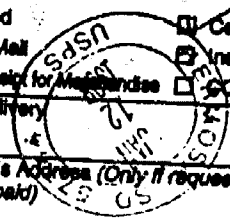
7. Date of Delivery

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

5. Received By: (Print Name)

6. Signature (Addressee or Agent)

[Signature]



Thank you for using Return Receipt Service.



1797-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 1998

1797-2

Lyle Hartshorn
HC 83 Box 16
Hermosa, SD 57744

Dear Mr. Hartshorn:

I am writing to acknowledge receipt of your 1997 irrigation questionnaire. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit No. 1797-2.

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



1797-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 1999

NOTICE

TO: LYLE HARTSHORN, HC 83 BOX 16, HERMOSA, SD 57744

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1797-2. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 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) 1797-2 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 the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1797-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 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 at (605) 773-3352.

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

1797-2

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

LYLE HARTSHORN
HC 83 BOX 16
HERMOSA SD 57744

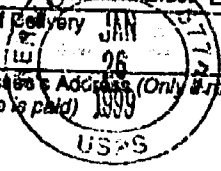
4a. Article Number

2119-141565

4b. Service Type

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

7. Date of Delivery



5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

Lyle Hartshorn

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

Thank you for using Return Receipt Service.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

www.state.sd.us/denr

February 25, 1999

Lyle Hartshorn
HC 83 Box 16
Hermosa, SD 57744

1797-2

Dear Mr. Hartshorn:

I am writing to acknowledge receipt of your 1998 irrigation questionnaire. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Permit No. 1797-2.

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

Permit No. 1797-2

Custer County

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

Other permit/license(s) associated with project: None

Contact Person & Address: Lyle Hartshorn, Hermosa, SD 57744

Report Of Examination of Works

On August 13, 2001, I made a thorough examination of the water use system authorizing the appropriation of 0.9 cubic feet per second (cfs) of water from a shallow well for irrigation purposes and bearing a priority date of December 22, 1981.

The well and system are in good condition. This well was completed in 1981 and has been in use since then for irrigation. The well is 3485 feet East and 1000 feet South of the NW Corner of Section 35 T6S R8E (N43° 29.295' W103° 07.837') in Custer County. The works are capable of diverting and conveying to the place of use 0.67 cfs of water for irrigation of 133.9 acres listed below.

Review of Permit Qualifications and Regulations:

- 1) Special qualifications to permit being abided by: Yes
- 2) All structures, wells and lands on map: Yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: NA
- 4) Exceptions to compliance are: None

Report on the Specifics of the System

Diversion Point Information:

- | | |
|---|-----------------------------|
| 1) Well Drilling Firm: Sargent Irrigation Co. | 2) No. of Wells: 1 |
| 3) Depth(s): 40 feet | 4) Well logs available: Yes |

Casing:

- 1) Diameter: 18 inch
- 2) Length: 39 feet
- 3) Type: Steel

Screen:

- | | |
|---|--------------------|
| 1) Type: Johnson Steel 16" Diameter Slotted | 2) Length: 20 foot |
| 3) Static water level: 8 foot | |

Pump\ Motor:

- | | |
|--|-----------------------------|
| 1) Pump Make: Unknown, Submersible, Electric | 2) Pump Model: NA |
| 3) Capacity: 300 gpm | 4) Motor Make: NA |
| 5) Motor Model No.: Unknown | 6) Horsepower rating: NA hp |

Distribution System:

- 1) Type: 6 inch line
- 2) Length: Approximately 4500 feet

System Type:

Water spread and/or flood. Water is pumped to higher elevations and allowed to spread over the land.

Land Irrigated: All T6S R8E

SW¼ SE¼ Section 26	31.0 acres
NW¼ NE¼ Section 35	36.4 acres
NE¼ NW¼ Section 35	32.4 acres
SE¼ NW¼ Section 35	34.1 acres

COMMENTS:

Mr. Hartshorn previously used a center pivot that is still in place to irrigate the land, but the system was inefficient. He may modify the center pivot in the future and switch to that system again. The works should be licensed for 0.67 cfs diversion rate for irrigation of 133.9 acres.


Donald E. Stroup

Natural Resources Project Engineer
DENR, Water Rights Program

9/5/01
Date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 12, 2001

1797-2

Lyle Hartshorn
HC 83 Box 16
Hermosa, SD 57744

Dear Mr. Hartshorn:

On August 13, 2001, the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 1797-2, was completed by Donald Stroup, a staff engineer with our program. Your final water right document, the water license, can now be issued.

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,

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 416924

Pierre, SEPTEMBER 26, 20 01

RECEIVED OF Lyle Marshhorn, HCR 83 Box 16, Hermosa, SD 57744
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____	
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____	
Fee to retain Future Use Permit No. _____ after period of seven years.	
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1797-2</u>	50 00
Fee for Filing Transfer Form _____	
Fee for Filing Extension Request _____	
Fee for _____	

(Any Other Work Provided by Law)	
Total	50 00

By Darland Erbe gm
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOV 07 2001

1797-2

Lyle Hartshorn
HCR 83 Box 16
Hermosa, SD 57744

Dear Mr. Hartshorn:

Enclosed is Water License No. 1797-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416924 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1797-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1797-2

(1) Lyle Hartshorn, HCR 83 Box 16, Hermosa, SD 57744 made Application No. 1797-2, December 22, 1981 for a water permit to divert 0.90 cubic feet of water per second from ground water (one well), Custer County, South Dakota for irrigation purposes. Permit No. 1797-2, with a priority date of December 22, 1981 was approved February 4, 1982 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 4, 1987 and for the application to beneficial use of said water on or before February 4, 1989.

(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 0.67 cubic feet of water per second for beneficial use. The location of the diversion point is 3,485'E and 1,000'S of the NW corner of Section 35, T6S, R8E (NW ¼ NE ¼).

(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 following land:

Section 26, T6S, R8E	SW ¼ SE ¼	31.0 acres
Section 35, T6S, R8E	NW ¼ NE ¼	36.4 acres
	NE ¼ NW ¼	32.4 acres
	SE ¼ NW ¼	34.1 acres
Total		133.9 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Lyle Hartshorn, HCR 83 Box 16, Hermosa, SD 57744 the holder and/or owner of Water Right No. 1797-2 is issued a license to appropriate water, the right to use 0.67 cubic feet of water per second from ground water (one well) with a priority date of December 22, 1981 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Right No. 1797-2 and subject to South Dakota State Law.

Garland Erbele

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

NOV 07 2001

date





1797-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: LYLE HARTSHORN, HC 83 BOX 16, HERMOSA, SD 57744
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire(s)

Our records indicate that the 2002 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1797-2. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 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) 1797-2 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 5, 2003 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) 1797-2 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 February 28, 2003, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



1797-2

Track & Confirm

Delivery Status

You entered 2301 0370 0000 7540 5256

Your item was delivered at 11:25 am on January 21, 2003 in HERMOSA, SD 57744. The item was signed for by D HARTSHORN.

[Shipment History >](#)[Request Delivery Record >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

POSTAL INSPECTORS
Preserving the Trust

[site map](#) [contact us](#) [government services](#)
Copyright © 1999-2002 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 0370 0000 7540 5256

LYLE HARTSHORN
HC 83 BOX 16
HERMOSA SD 57744

Postmark
Here

POSTAL CUSTOMER:

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

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail
☐ Package Services

(See Reverse)

PS Form 153, February 2001



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 18, 2003

1797-2

Lyle Hartshorn
HC 83 Box 16
Hermosa SD 57744

Dear Mr. Hartshorn:

I am writing to acknowledge receipt of your 2002 irrigation questionnaire. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right No. 1797-2.

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

If you have any questions, please contact me.

Sincerely,

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

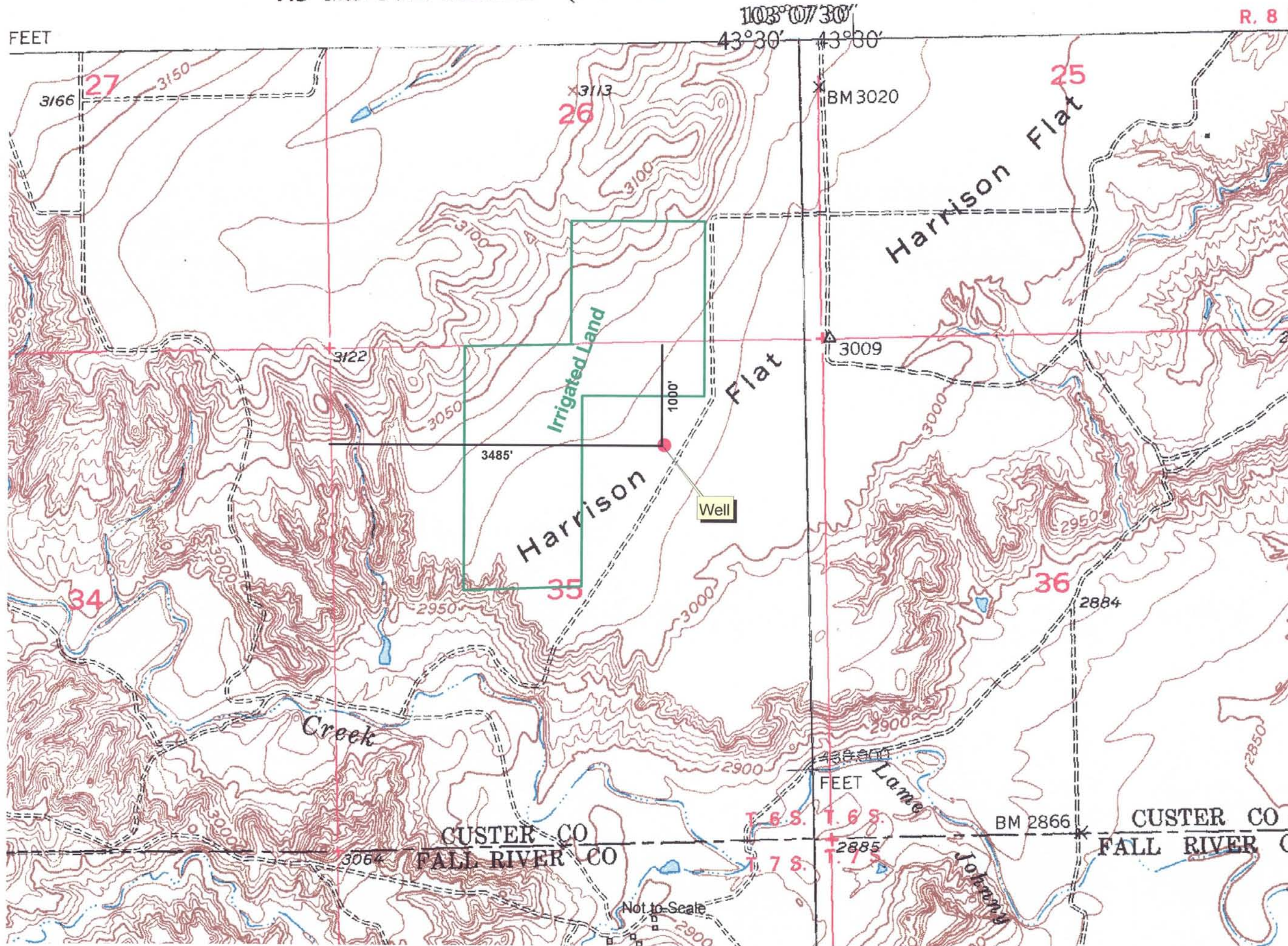
NOT TO SCALE

26
19.3
46.7
Map prepared by Richard E. Miller
County Executive Director
Custer County ASCS
11/12/81

Apple # 1797-2
Map # 155152



7.5 MINUTE SERIES (TOPOGRAPHIC)



R. 8 E #1797-2
Lyle Hartshorn
Hermosa, SD 57744

NW1/4 NE1/4
Section 35 T6S R8E

N43 deg 29.295 min
W103 deg 07.837 min

Irrigated Land
All T6S R8E
SW1/4 SE1/4 Sec. 26 31.0 acres
NW1/4 NE1/4 Sec. 35 36.4 acres
NE1/4 NW1/4 Sec. 35 32.4 acres
SE1/4 NW1/4 Sec. 35 34.1 acres

Donald E. Stroup
DENR
Natural Resources Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 22, 2012

1797-2

Lyle Hartshorn
8686 S Hwy 16
Rapid City SD 57702 6584

Dear Mr. Hartshorn:

Enclosed is a "Notice" dated October 12, 2012 concerning the 2012 irrigation questionnaire.

The notice was originally mailed to 13670 LH Road, Hermosa 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 6, 2013

1797-2

Jeff Godber
4610 Carriage Hills Dr
Rapid City SD 57702

Dear Mr. Godber:

I am writing in regard to Water Right No. 1797-2 listed in the name of Lyle Hartshorn (copy enclosed). Mr. Hartshorn notified us on his 2013 irrigation questionnaire that he sold his property to you last year.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

Also included is the 2013 irrigation questionnaire pertaining to Water Right No. 1797-2. Please complete the form and return it along with the transfer form and filing fee. I have included a postage paid envelope for your convenience. The irrigation questionnaire is due back in our office by December 2nd.

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

Sincerely,

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

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

enclosures

RECEIVED

NOV 25 2013

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1797-2

Date: _____

I/We request that Water Right No. 1797-2

formerly owned by: Lyle Hartshorn

be transferred to: (name & address) Jeff Godber
4610 Carriage Hills Dr, Rapid City SD 57702
Telephone No. 391-5997

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

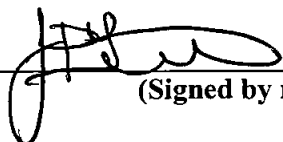
133.9 acres – SW ¼ SE ¼ Section 26; NW ¼ NE ¼, E ½ NW ¼ Section 35, T6S, R8E

I/We understand that the validity of Water Right No. 1797-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Jeff Godber, the new owner, certify that the above information is true and correct.


(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/25, 20 13

RECEIVED OF Godber Land & Cattle 1445 Sammie Trail Rapid City SD 57702

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	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. _____		
Fee for Filing Transfer Form <u>1797-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **06495**

By J. James Goodman Jr.
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

December 19, 2013

1797-2

Jeff Godber
4610 Carriage Hills Dr
Rapid City SD 57702

Dear Mr. Godber:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 1797-2.

The ownership change has been completed. Water Right No. 1797-2 formerly held by Lyle Hartshorn is now listed in your name.

Enclosed for your records is Receipt No. 06495 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 23, 2015

1797-2

Theodore Schultz
JS Land Management LLC
PO Box 9283
Rapid City SD 57709-9283

Dear Mr. Schultz:

I am contacting you in regard to ownership of land described in Water Right No. 1797-2. The water right is currently listed in the name of Jeff Godber. Mr. Godber notified our office that he sold the ranch and it is our understanding you now own the land. I have included a copy of the water right and map outlining the acreage covered by the water right.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

Also needed for Water Right No. 1797-2 is the 2014 irrigation questionnaire (copy enclosed). Submission of the annual form is a qualification on the water right. Please complete the form with any irrigation information from 2014. I have included a copy of a couple past irrigation questionnaires to give you an idea of what type of information is needed.

The enclosed materials are due back in our office by **March 13th**. If you have any questions concerning the water right, the transfer of ownership form or the 2014 irrigation questionnaire, please let me know. If you do not own the land and I need to be getting a hold of someone else, give me a call as soon as possible.

Sincerely,

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

enclosures

RECEIVED

MAR 09 2015

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1797-2

Date: 2-28-15

I/We request that Water Right No. 1797-2

formerly owned by: Jeff Godber

be transferred to: (name & address) JS LAND MANAGEMENT LLC.

P.O. Box 9283

Capitol City, SD 57707

Telephone No. 605-393-5676

605-381-0433

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

133.9 acres - SW ¼ SE ¼ Section 26; NW ¼ NE ¼, E ½ NW ¼ Section 35, T6S, R8E

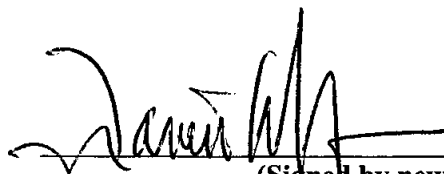
I/We understand that the validity of Water Right No. 1797-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We JS LAND MANAGEMENT, the new owner, certify that the above information is true and correct.

(TEA SCHWITZ
FRANCIS JAHNER)



(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/9, 20 15

RECEIVED OF JS Land Management LLC PO Box 9283 Rapid City SD 57709

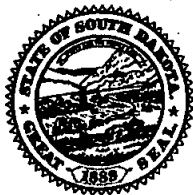
The following amount in fees for services rendered as provided for by law:

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. _____		
Fee for Filing Transfer Form <u>1797-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 07316

By *J. [Signature]* *Hoelmer*
Chief Engineer

State of South Dakota



OFFICE OF THE SECRETARY OF STATE

Certificate of Organization Domestic LLC

ORGANIZATIONAL ID# DL036960

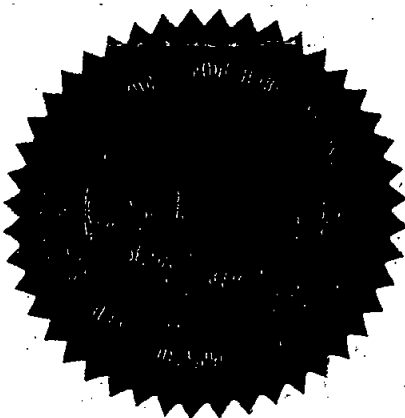
I, **Jason Gant**, Secretary of State of the State of South Dakota, hereby certify that the Articles of Organization of

JS Land Management, LLC

duly signed and verified, have been received in this office and are found to conform to law.

ACCORDINGLY, and by virtue of the authority vested in me by law, I hereby issue this Certificate of Organization and attach hereto a duplicate of the Articles of Organization.

IN TESTIMONY WHEREOF,
I have hereunto set my hand and
affixed the Great Seal of the
State of South Dakota, at Pierre,
the Capital, this 01/15/2014.



Jason M. Gant
Secretary of State

1/17/2014 1:53:51 PM
Change ID: 944234

RECEIVED

JAN 15 2014

S.D. SEC. OF STATE

ARTICLES OF ORGANIZATION

OF

JS LAND MANAGEMENT, LLC

ARTICLE ONE
NAME

The name of the limited liability company is JS Land Management, LLC.

ARTICLE TWO
DURATION

The period of its duration shall be perpetual.

ARTICLE THREE
ADDRESS OF INITIAL DESIGNATED OFFICE

The address of the initial designated office is: 3431 Nicklaus Drive
Rapid City, South Dakota 57702

ARTICLE FOUR
INITIAL AGENT FOR SERVICE OF PROCESS

The name and street address of the initial agent for service of process is:

Theodore F. Schultz 3431 Nicklaus Drive
Rapid City, SD 57702

ARTICLE FIVE
ORGANIZERS

The name and address of each organizer is:

Theodore F. Schultz 3431 Nicklaus Drive
Rapid City, SD 57702

ARTICLE SIX
DEBTS AND OBLIGATIONS

Unless otherwise specified in the Operating Agreement, no members of the company are to be liable for its debts and obligations under SDCL 47-34A-303(c).

Filed this 15th day of Jan 2014
Jason Land
SECRETARY OF STATE

**ARTICLE SEVEN
MANAGEMENT**

The company is to be a manager-managed company and the name and address of the initial managers are:

Theodore F. Schultz

3431 Nicklaus Drive
Rapid City, SD 57702

Francis M. Jahner

2500 Crown Hill
Rapid City, SD 57702

**ARTICLE EIGHT
AMENDMENT**

These Articles of Organization may be amended, modified, supplemented, or restated in any manner permitted by applicable law and approved by a majority vote of the membership interest.

Dated this 6th day of January, 2014.


Theodore F. Schultz, Organizer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 2015

1797-2

Theodore Schultz
JS Land Management LLC
PO Box 9283
Rapid City SD 57709-9283

Dear Mr. Schultz:

I am writing to acknowledge the receipt of the transfer form, filing fee and irrigation questionnaire for Water Right No. 1797-2.

The ownership change has been completed. Water Right No. 1797-2 formerly held by Jeff Godber is now listed in the name of JS Land Management LLC.

Enclosed for your records is Receipt No. 07318 in the amount of \$50 which you paid for filing the ownership change. If you have any questions, please contact me.

Sincerely,

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

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

enclosure



1797-2
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 15, 2016

NOTICE

TO: JS LAND MANAGEMENT LLC, FRANCIS JAHNER, PO BOX 9283, RAPID CITY, SD 57709

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1797-2. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 1797-2 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 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) 1797-2 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 3, 2016** 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>

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

denr.sd.gov

February 10, 2016

1797-2

Francis Jahner
JS Land Management LLC
PO Box 9283
Rapid City SD 57709

Dear Mr. Jahner:

Thank you for calling with the information for your 2015 irrigation questionnaire.

You may **disregard** the January 15, 2016, "Notice" concerning reporting requirements for Water Right No. 1797-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

For informational purposes, I am enclosing a copy of the water right to give you an idea of what it authorized for irrigation from the well. Also included is a copy of a past irrigation questionnaire to give you an idea of how to fill out the form in future years.

If you have any questions, please contact me.

Sincerely,

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



1797-2

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 14, 2023

1797-2

Francis Jahner
JS Land Management LLC
PO Box 9283
Rapid City SD 57709

Dear Mr. Jahner:

I am writing regarding Water Right No. 1797-2 held by JS Land Management LLC. The water right authorizes diversion of ground water for irrigation purposes.

The 2022 irrigation questionnaire you submitted indicated the use of water had been abandoned. I note on previous questionnaires you wrote the well was not functioning.

Typically when an irrigator indicates the use of water has been abandoned, the water right is scheduled for cancellation consideration. I wanted to touch base with you to find out if you had made a business decision to discontinue irrigation. Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years to maintain a water right.

If you have abandoned the use of water, the water right will be scheduled for cancellation. If the water right is cancelled, you would no longer need to submit an annual irrigation questionnaire. Please send us something in writing as to your intent towards the water right. A postage paid envelope is included for your convenience.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

encl

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Francis Jahner, JS Land Management LLC, PO Box 9283, Rapid City SD

DATE: May 1, 2023

TELEPHONE: **605-393-5676**

RE: status of Water Right

COMMENTS:

In follow-up to my letter of April 14, 2023, requesting information, Mr. Jahner called to discuss the water right. He said the land is currently for sale and if the sale goes through, the new owner may want to replace the pump in the well and irrigate.

Mr. Jahner said he does not want to spend the money to replace the pump as it is quite expensive. If they do not get the land sold, the water right can be cancelled because the land will not be irrigated.

I had mailed him excerpts of the water laws and Board rules dealing with maintaining a water right. He is aware of the situation and would like to have us hold up on cancellation consideration of the water right for now. I told him to keep us informed on the irrigation questionnaire of the status of the sale.



Genny McMath
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 20, 2023

Brandon Weston
26925 148th Ave
Buffalo Gap SD 57723

Dear Mr. Weston:

Each year, the State of South Dakota sends out Water Management Irrigation Questionnaires to collect information based on annual water use from our state's waters.

This year we received word from one of the irrigator's that the property they'd previously reported on had been sold to you. For your convenience I have enclosed a partially completed "Transfer of Ownership" form for you to complete and return in the pre-paid envelope.

Please return the form with a check for \$50.00 made payable to "SD Water Rights Program" to cover the transfer fee. If you would prefer to pay by card you may call Megan Stephenson in our Fiscal Office at 605.773.4216. This form 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 this piece of land, we would ask that you let us know.

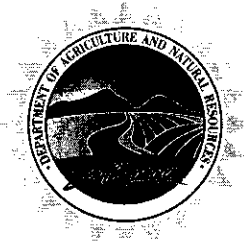
If you have any questions or concerns, please give me a call. My direct number is 605.910.5187

Sincerely,

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

enclosures

1797-2



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 18, 2024

1797-2

Brandon Weston
PO Box 650
Mead CO 80542

Dear Mr. Weston:

Each year, the State of South Dakota sends out Water Management Irrigation Questionnaires to collect information based on annual water use from our state's waters.

This year we received word from one of the irrigator's that the property they'd previously reported on had been sold to you. For your convenience I have enclosed a partially completed "Transfer of Ownership" form for you to complete and return in the pre-paid envelope.

Please return the form with a check for \$50.00 made payable to "SD Water Rights Program" to cover the transfer fee. If you would prefer to pay by card you may call our Fiscal Office at 605.773.4216. This form 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 this piece of land, 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

February 8, 2024

1797-2

Brandon S Weston Trust 6/26/2022
c/o Brandon Weston
PO BOX 650
Meade CO 80542

Dear Mr. Weston:

I have received your "Notice of Transfer of Ownership" form and the required fees. Enclosed is a receipt of payment and copy of the original Water Right for your records.

Water Right No. 1797-2 previously owned by JS Land Management LLC, is now listed under the Brandon S Weston Trust 6/26/2022. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the Water Right, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the water right will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

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

NOTE: If you would like an email on file to receive correspondence and notifications concerning your Water Right, please email at the above email address and reference you Water Right number.

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

PAID

RECEIVED

FEB 06 2024

OFFICE OF
WATER

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

FEB 06 2024

No. 1797-2

Ck# 359
Rec't# _____

Date: 1/30/24

I/We request that Water Right No. 1797-2

formerly owned by: JS Land Management LLC

be transferred to: (name & address) Brandon S. Weston Trust dated July 26th 2022
PO BOX 650
Meade CO 80542 Telephone No. 303-709-4615

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

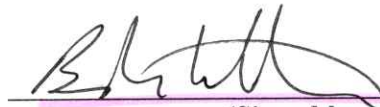
133.9 acres within SW ¼ SE ¼ Sec 26 and E ½ NW ¼ & NW ¼ NE ¼ Sec 35; all in T6S-R8E

I/We understand that the validity of Water Right No. 1797-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Brandon Weston, the new owner, certify that the above information is true and correct.



(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date February 6, 2024

RECEIVED OF Brandon Weston PO Box 650 Mead CO 80542

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>797-2</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer
me