

WATER PERMIT NO. 2452-2

Name of Applicant: Ken Wilson

Address: 16780 E Hwy 44, Caputa SD or PO Box 869, Canton NC 28716 Phone: 605 393-9856

Amount of Water Claimed: 1.86 Total Acres: 130

Source of Water Supply: Rapid Creek

Water to be used for: irrigation County: Pennington

Type of Waste Disposal System:

Location: 12 miles southeast of Caputa

PRIORITY Date Received: 11-1-2000

Fee: \$250

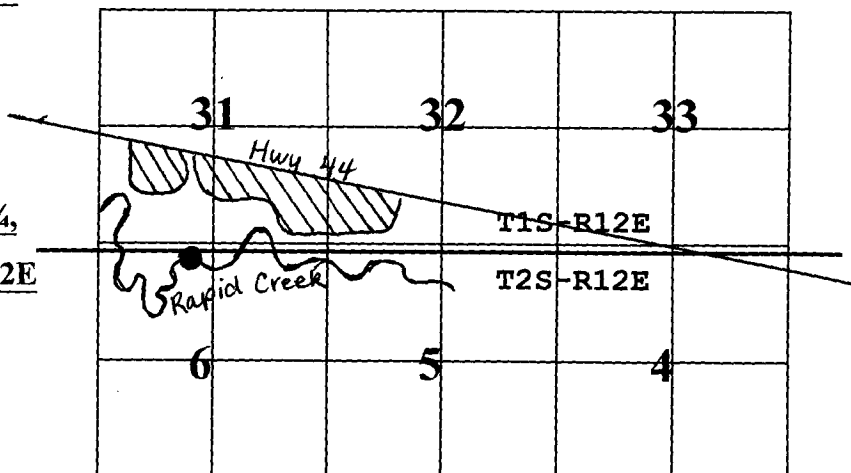
Corrected Application Received:: 1-17-2001

Period of Annual Use: May 1 – September 30

Remarks:

Diversion Point: NE ¼ NW ¼ Sec 6-T2S-R12E

Land to be Irrigated: S ½ SW ¼ Sec 32; SW ¼,
W ½ SE ¼, SE ¼ SE ¼ Sec 31; all in T1S-R12E



Depth of Well: NA

Well Driller: : NA

Remarks:

Type of Map: topo

Prepared by: Gene Waterson, NRCS

Reviewed and the Number Assigned on: 1-17-2001

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 2452-2 FOR IRRIGATION

Date of first receipt of application November 1, 2000.

Date of return to applicant for corrections, amendments or changes November 2, 2000.

Date of receipt of corrected application January 17, 2001.

The Water Management Board approved Water Permit Application No. 2452-2 on May 2, 2001 for Ken Wilson, PO Box 869, Canton NC 28716 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2452-2 appropriates 1.86 cubic feet of water per second from Rapid Creek located in the NE ¼ NW ¼ Section 6-T2S-R12E to irrigate 130 acres located in the S ½ SW ¼ Section 32; SW ¼, W ½ SE ¼, SE ¼ SE ¼ Section 31; all in T1S-R12E.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is January 17, 2001.
4. One-fifth of the construction is to be completed on or before November 2, 2003.
5. All construction is to be completed on or before May 2, 2006.
6. Water is to be put to beneficial use on or before May 2, 2010.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be by-passed. This Permit does not authorize diversion of water from Rapid Creek or contributing tributaries when the flow at the USGS gaging station located at Farmingdale is 15 cfs or less, unless written authorization is received from the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

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

JUN 06 2001

date



FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>2452-2</u>	Hydrologic Unit <u>10120109</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Rapid City Journal, Rapid City</u>	



Application

For Permit To

Appropriate Water For Irrigation

Type of Application: ☒ **New** ☐ **Vested Right** ☐ **Amendment/Correction to Permit No. _____**
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

PO Box 869, Canton NC 28716

1. Name of Applicant Ken Wilson Phone 393.9856
(check one) ☒ Owner ☐ Tenant/lessee

Mailing Address 16780 2nd Ave NE, Capota SD 57725
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 1.86 *CFS or 2000 **GPM 1800 ***AF Total Acreage 180/30
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable

3. Source of water supply Rapid Creek

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) NE NW6-25-12E

County Pennington

5. County or counties where water will be used Pennington

6. Annual period during which water is to be used May 1 - September 30

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed) All in T15-R12E

Land Description	Acres	Land Description	Acres
S2 S2-31-25-12E	280	NW 1/4 SW 1/4 Sec 31	11
S2 SW 1/4 32-25-12E		SW 1/4 SW 1/4 Sec 31	6
SW 1/4 SW 1/4 Sec 32	31	NE 1/4 SW 1/4 Sec 31	9
SE 1/4 SW 1/4 Sec 32	10	SE 1/4 SW 1/4 Sec 31	10

8. Give a description of the project. (Attach sheet if more space is needed)

NW 1/4 SE 1/4 Sec 31	5
SW 1/4 SE 1/4 Sec 31	20
SE 1/4 SE 1/4 Sec 31	28

STATE OF SOUTH DAKOTA) SS
County of Pennington

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Ken Wilson, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature [Signature]

Subscribed and sworn to before me this 31st day of October 20 00

Melisa J. Fralick
expires 4-17-2004

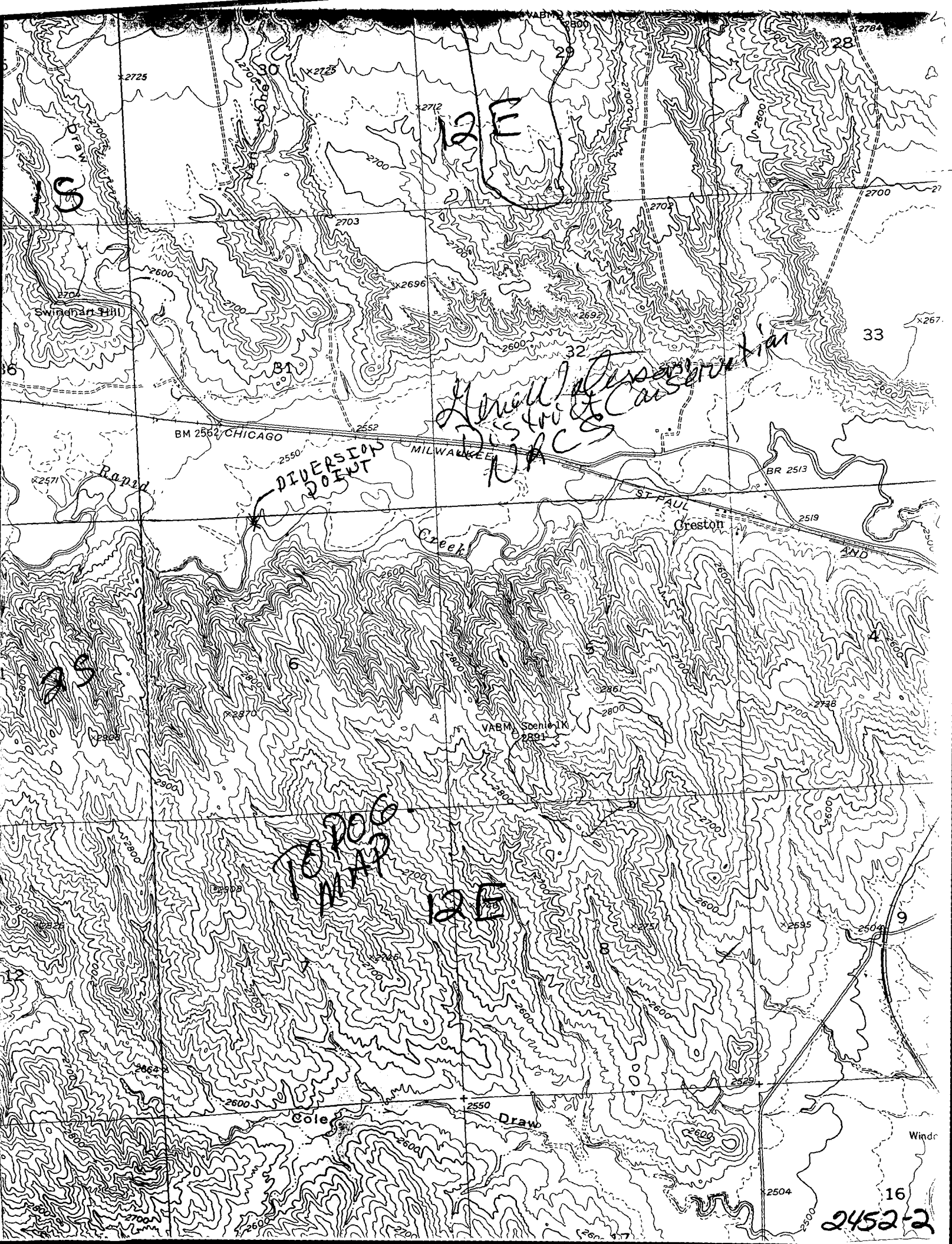
Diversian Pt. Location:

5,000' north and 2000' east of
the SE corner of Section 6-25-12E

Location or Name of Stream. Rapid Creek

See map for irrig. land location:
Size. 280 AC

Questions: Call 342030/EXT. 3



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

Nº 416667

Debbie Wilson, 615 High Ridge Rd, Waynesville NC Pierre, November 1, 2000
for Ken Wilson, 16780 East Hwy 44, Caputa SD

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

Fee for Application for Permit No. <u>2452-2</u> to Appropriate Water, to construct and to put water to beneficial use _____	250	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>2452-2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	300 00

By Garland Erbe
Chief Engineer

KS



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

www.state.sd.us/denr

November 2, 2000

Ken Wilson
16780 East Hwy 44
Caputa SD 57725

Dear Mr. Wilson:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation from Rapid Creek.

Your application requests 1800 gallons per minute (gpm). State statutes allow 1 cubic feet of water per second (cfs) (450 gpm) for each 70 acres irrigated. This means that you are allowed 2.57 cfs (1156 gpm) for the 180 acres to be irrigated. The Water Management Board may allow a greater diversion, in volume or rate or both, if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires. You will need to submit written justification for the reason you need the greater rate.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 3, 2001

Ken Wilson
16780 Easy Hwy 44
Caputa SD 57725

Dear Mr. Wilson:

On November 1, 2000, you submitted an Application for Permit to Appropriate Water Within the State of South Dakota for irrigation from Rapid Creek. You were notified what additional information was required to complete the application. A copy of that letter is enclosed. To date, we have not received the required information to proceed with processing the application.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
Phone: (605) 773-3352

enclosure

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Ken Wilson's water right permit application

ADDRESS: COUNTY: Pennington

DATE: January 3, 2001 TELEPHONE:

RE: Call from Mr. Wilson on status of his permit

COMMENTS:

Mr. Wilson call on the status of his water right permit application from Rapid Creek that we received on November 1, 2000. I checked the filed and found that we responded on November 2, 2000, regarding the diversion rate. Mr. Wilson indicated he never received this correspondence. I stated that his application proposed to appropriate 1800 gpm for irrigation of 180 acres which exceeds the statutory limit for application of water to irrigated acreage. We requested written justification for the greater rate.

I indicated that the statutory limit for irrigation of 180 acres is 1154 gpm (2.57 cfs). Mr. Wilson stated that he was in agreement with amended the amount of water claimed on the application to 2.57 cfs.

Mr. Wilson gave me his North Carolina address to send future correspondence to:

Ken Wilson
PO Box 869
Canton NC 28716

I indicated that we would also send future letter to the Caputa address as well.

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.

NAME: Eric Henderson



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 4, 2001

Ken Wilson
PO Box 869
Canton NC 28716

Dear Mr. Wilson:

I am writing as a follow-up to our telephone conversation regarding your water right permit application for irrigation in South Dakota. After our discussion, I reviewed the file again and found a possible discrepancy in the number of acres irrigated.

The application states the number of acres to be irrigated as 180 acres. However, this amount does not appear to coincide with the acreage outlined on the map that was submitted with the application. The following table shows the acreage breakdown by quarter-quarter section that I found outlined. I have also enclosed a copy of the map submitted with the application for your reference.

NW¼ SW¼ Section 31	11 acres	SW¼ SE¼ Section 31	13 acres
SW¼ SW¼ Section 31	6 acres	SE¼ SE¼ Section 31	24 acres
NE¼ SW¼ Section 31	8 acres	SW¼ SW¼ Section 32	27 acres
SE¼ SW¼ Section 31	7 acres	SE¼ SW¼ Section 32	8 acres
NW¼ SE¼ Section 31	5 acres		
TOTAL		109 acres	

Please compare the number of acres based on my calculation compared with the number of acres on your application. Have I missed some acres that you intend to irrigate? If not, do you concur with the total number of acres to be irrigated being 109 acres? The statutory limit for the amount of water that can be claimed for irrigation of 109 acres is 1.56 cubic feet of water per second (700 gallons per minute). Are you in agreement with amending your application to irrigation of 109 acres of land at an application rate of 700 gallons per minute?

Mr. Wilson, this is your application and I want to make sure it accurately reflects your planned irrigation system. Please correct me if I have misinterpreted the map outlining the acres to be irrigated.

I will wait to hear from you. Also, it may be useful for us to also have the name of the contact at the ranch near Caputa.

Please feel free to contact me if you have any question about your application.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric Gronlund".

Eric Gronlund
Water Rights Program
605 773-3352

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

www.state.sd.us/denr

January 17, 2001

Ken Wilson
PO Box 869
Canton NC 28716

Dear Mr. Wilson:

I was contacted by Gene Waterson with the Natural Resources Conservation Service regarding the actual acres proposed to be irrigated on your property near Caputa in South Dakota. He contacted me in response to my January 4th letter to you requesting clarification of the actual acres planned for irrigation. Mr. Waterson sent me an amended map showing the outlined area of the irrigated acreage. A copy of that map is enclosed. Based on this map I have estimated the total number of acres to be irrigated as follows:

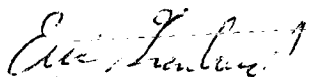
Legal Description	Calculated acreage based on original map	Recalculated based on Gene Waterson's outline on 1/16/2001
NW¼ SW¼ Section 31	11 acres	11 acres
SW¼ SW¼ Section 31	6 acres	6 acres
NE¼ SW¼ Section 31	8 acres	9 acres
SE¼ SW¼ Section 31	7 acres	10 acres
NW¼ SE¼ Section 31	5 acres	5 acres
SW¼ SE¼ Section 31	13 acres	20 acres
SE¼ SE¼ Section 31	24 acres	28 acres
SW¼ SW¼ Section 32	27 acres	31 acres
SE¼ SW¼ Section 32	8 acres	10 acres
TOTAL	109 acres	130 acres

Please let me know if you do not concur with this acreage amount. If you are in agreement we will process your water right permit application.

Additionally as I stated in my previous letter, South Dakota statutes set a limit on the amount of water you can claim based on the acreage irrigated. The statutory limit for irrigating 130 acres is 1.86 cfs (834 gallons per minute). If you plan to divert at a rate greater than 834 gpm, you will need to provide justification that the method of irrigation, time constraints on the diversion of water or the type of soil requires this greater amount or that you'll be taking the greater amount to capture flood waters at such time when the flow of the stream is much in excess of normal. If you plan to request greater than the statutory limit you will need to provide written justification to us.

Please feel free to contact me if you have any questions about your application.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric Gronlund", written over a horizontal dashed line.

Eric Gronlund
Water Rights Program
605 773-3352

c: Gene Waterson, NRCS, 1530 Samco Road, Rapid City, SD 57701

enclosures

Gronlund, Eric

From: Gronlund, Eric
Sent: Thursday, January 25, 2001 9:48 AM
To: Rath, Mark
Subject: call from Ken Wilson

Mr. Wilson called regarding the letter I send him on the acres proposed to be irrigated and amount of water claimed. He concurred with the 130 acres and 1.86 cfs.

REPORT ON WATER PERMIT APPLICATION 2452-2

Ken Wilson

PO Box 869, Canton, NC 28716

March 5, 2001

Water Permit Application No. 2452-2, Ken Wilson, proposes to appropriate 1.86 cubic feet of water per second (834 gpm) from Rapid Creek in the NE¼ NW¼ of Section 6 T2S R12E to irrigate 130 acres located in Sections 31 and 32 T1S R12E (Attachment 1). The proposed project is approximately 6.5 miles South East of Farmingdale, Pennington County, SD (Attachment 2). The period of annual use would be from May 1 to September 30.

Review of Water Source

The water source for this application is from natural flow in Rapid Creek downstream of Rapid City and the Rapid Valley Water Conservancy District. During the irrigation season the natural flow in Rapid Creek downstream from the Water Conservancy District is primarily effluent water from Rapid City's wastewater treatment plant and irrigation return flows from the District. If, in the future Rapid City changes the method of treating wastewater or irrigation efficiencies increase, the amount of water in Rapid Creek downstream from the District may decrease. Approval of this application will not require Rapid City or the Rapid Valley Water Conservancy District to maintain return flows to Rapid Creek.

The U.S. Geological Survey (USGS) maintains a stream flow gage near Farmingdale approximately 6.5 miles upstream of this application's diversion point. From 1947 to 1997 this gage recorded Rapid Creek flows with a median of 40 cubic feet per second (cfs), a maximum of 2860 cfs, and no flow at times (>250 total occurrences generally in July, August, September, or October) in 1949, 1952-56, 1958-63, and 1969-71. The monthly median hydrograph (Attachments 3 & 4) calculated from historical USGS Farmingdale data indicates there is a 50 percent probability the flow in Rapid Creek approximately 6.5 miles upstream of this project could be in the 24 to 57 cubic feet per second (cfs) range or greater for any given May through September period. There is a 75 percent probability the flow in Rapid Creek at this same location could be in the 9 to 23 cfs range or greater for any given May through September period.

The monthly median hydrograph (Attachments 4 & 5) calculated from historical USGS Wasta, SD stream flow data indicates there is a 50 percent probability the flow in the Cheyenne River approximately 30 miles downstream of this project could be in the 95 to 226 cfs range or greater for any given May through September period. At this same location there is a 75 percent probability the flow in the Cheyenne River could be in the 62 to 84 cfs range for the same period.

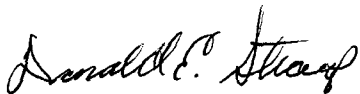
Review of Existing Water Rights

This project is downstream of all existing water appropriations from Rapid Creek approximately 6.5 miles below the USGS Farmingdale stream flow gage and 5.5 miles upstream of the Rapid Creek-Cheyenne River confluence (Attachment 2). There are two prior water appropriations totaling 6.2 cfs between the Farmingdale gage and this application's diversion point. A 15-cfs bypass qualification measured at the USGS Farmingdale gage is in effect along this Rapid Creek reach for downstream domestic use. Downstream of this application's diversion point from the Rapid Creek-Cheyenne River confluence to Wasta, SD there are 7 prior appropriations totaling 14.75 cfs from the Cheyenne River.

Statistical analyses of USGS historical stream flow data indicate there is reasonable expectation that non-appropriated water will be available in Rapid Creek at this application's diversion point during any given May through September interval. Also, there is reasonable expectation that this application's diversion of 1.86 cfs will not infringe on prior appropriations from the Cheyenne River during any given May through September interval.

Conclusions

1. Water Permit Application No. 2452-2, Ken Wilson, proposes to appropriate 1.86 cfs of water from Rapid Creek to irrigate 130 acres.
2. Calculations completed from USGS stream flow data indicate there should be non-appropriated water in Rapid Creek and the Cheyenne River for this application's appropriation and prior water rights during any given May through September interval.
3. If approved, this application's diversion should only be authorized when 15 cfs or greater of water is flowing past the USGS Farmingdale gage for downstream domestic use.



Donald E. Stroup
Natural Resources Engineer
DENR Water Rights Program

Reviewed by:



Mark D. Rath
Natural Resource Engineering Specialist
DENR Water Rights Program

References:

South Dakota Department of Environment and Natural Resources, Water Rights Program Records

U.S. Geological Survey Water Resources Data South Dakota, Water-Data Report SD-97-1

Permit # 2452-2
Ken Wilson, Esq.
P.O. Box 869
Carrboro, NC 28716
605 393 9856

Irrigated
Acres

Diversion
Point

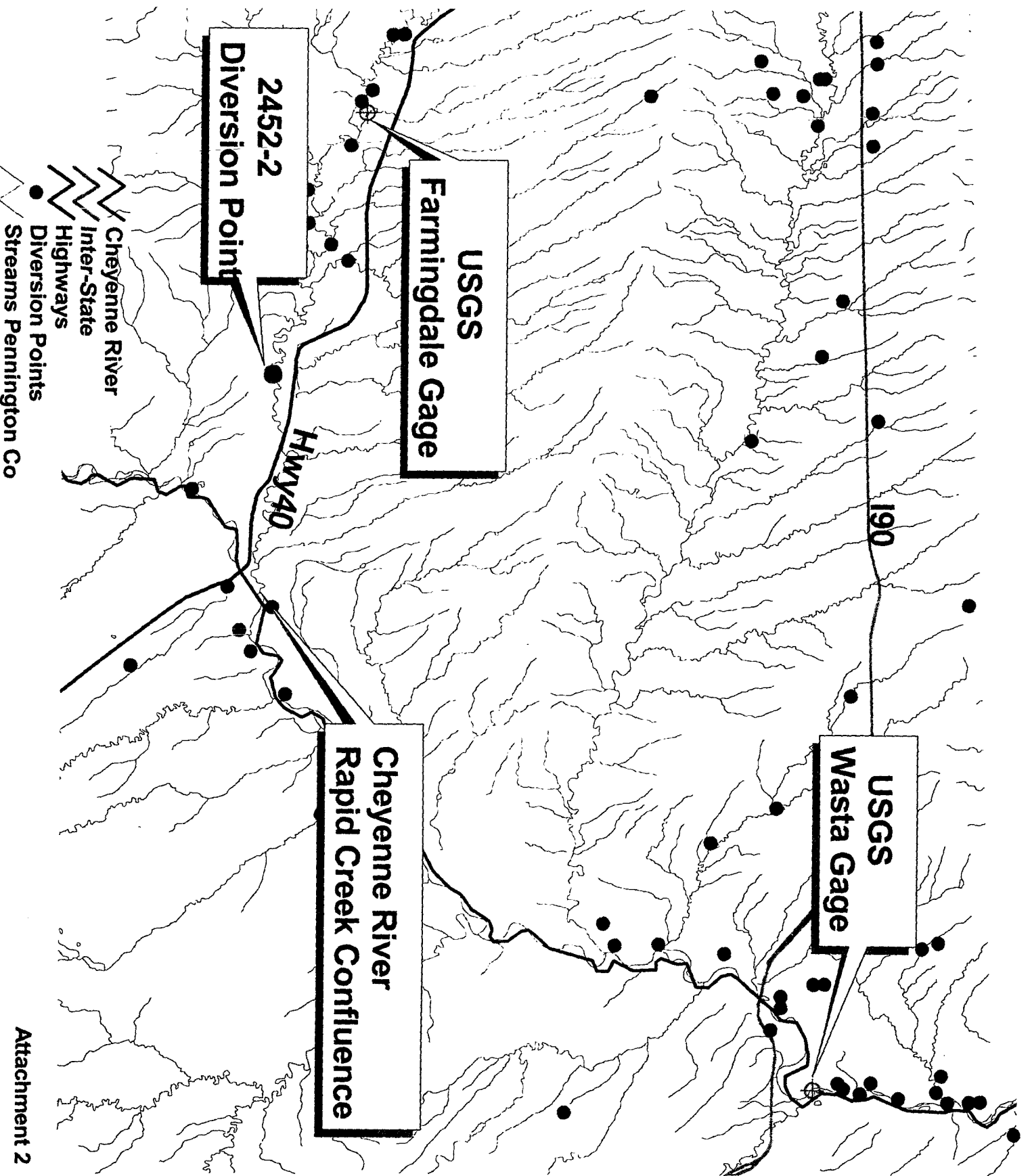
Diversion Point
NE 1/4 NW 1/4
Sec. 6 T2S R12E

Irrigated Land All units in Ridge
Sec. 31

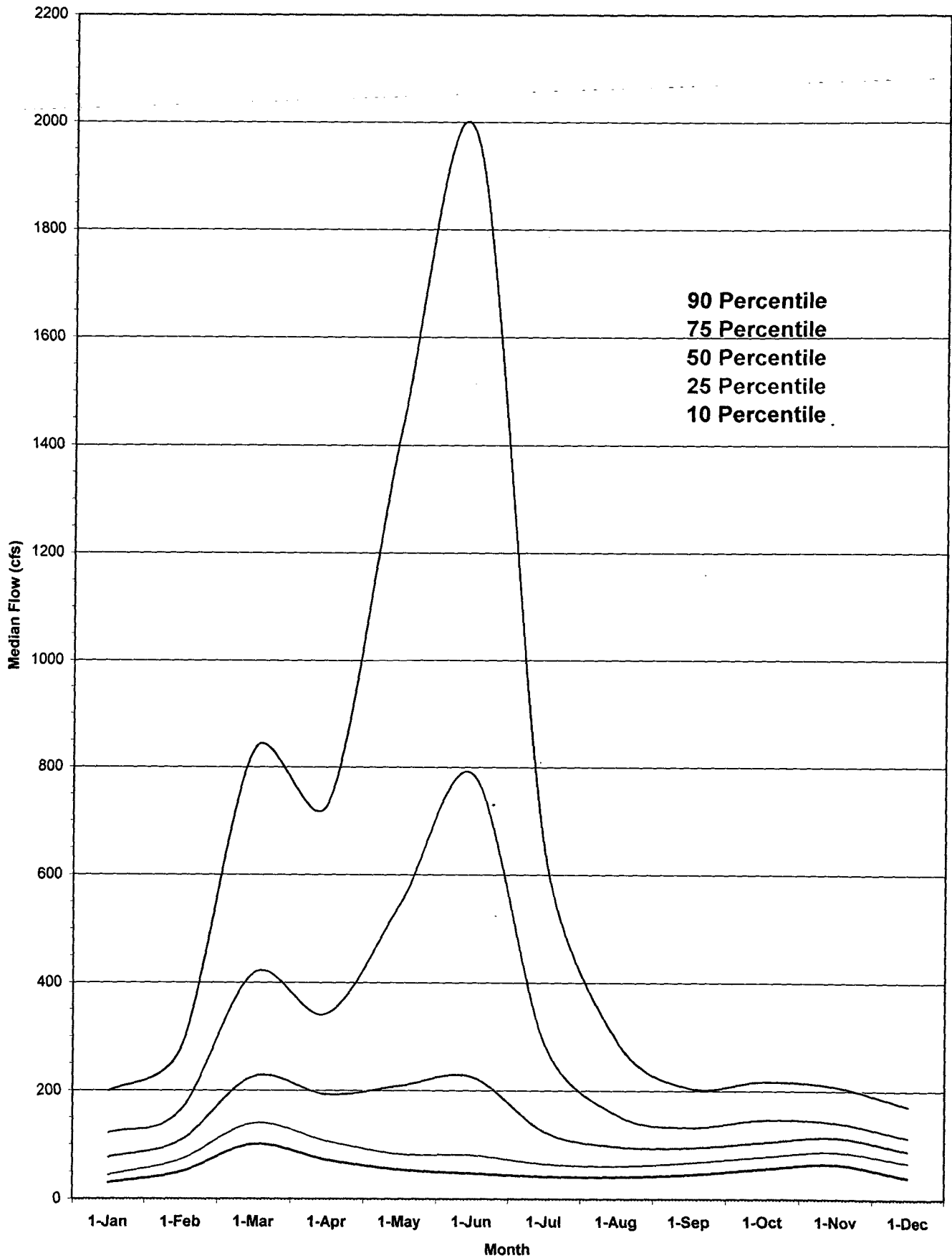
NW 1/4 SW 1/4	11 acres
SW 1/4 SW 1/4	6 acres
NE 1/4 SW 1/4	9 acres
SE 1/4 SW 1/4	10 acres
NW 1/4 SE 1/4	5 acres
SW 1/4 SE 1/4	20 acres
SE 1/4 SE 1/4	28 acres

Not to Scale

Attachment 1



**Cheyenne River
Wasta 1950-1997**



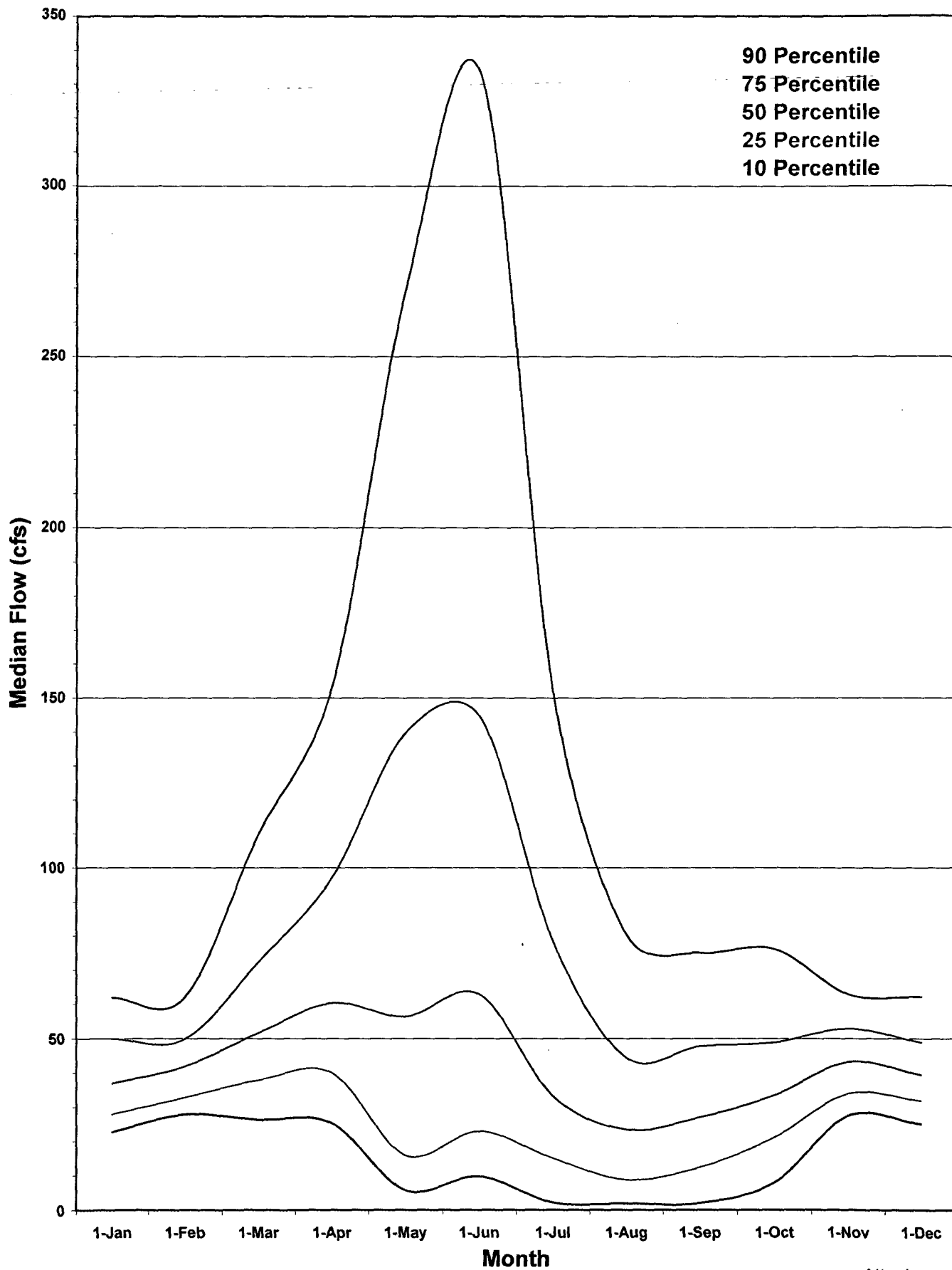
Farmingdale Monthly Median Flows (cfs) 1947-1997

Percentile	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10	23	28	26	25	6	10	2	2	2	8	27	25
25	28	33	38	40	16	23	15	9	13	21	34	32
50	37	42	52	61	57	63	33	24	27	34	43	40
75	50	50	73	97	140	145	78	45	48	49	53	49
90	62	62	110	154	271	333	151	80	75	76	63	62

Wasta Monthly Median Flows (cfs) 1950-1997

Percentile	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10	30	50	101	72	54	47	41	41	45	56	64	40
25	45	74	141	108	84	82	66	62	68	79	88	69
50	78	109	227	194	210	226	125	98	95	106	115	90
75	123	165	419	344	548	788	287	157	133	148	142	115
90	200	280	837	734	1440	1979	643	294	206	219	209	173

**Rapid Creek - Farmingdale
1947-1997**





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2452-2, Ken Wilson**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2452-2, Ken Wilson, P.O. Box 869, Canton, NC 28716.

The Chief Engineer is recommending APPROVAL of Application No. 2452-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be by-passed. This Permit does not authorize diversion of water from Rapid Creek or contributing tributaries when the flow at the USGS gaging station located at Farmingdale is 15 cfs or less, unless written authorization is received from the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
March 12, 2001

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of Pennington)

I, Patricia K. Van Patten

certify that the attached printed Notice was
 taken

from the Rapid City Journal

printed and published in Rapid City

County of Pennington and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

March 28, 2001

April 4, 2001

Cost of Printing One hundred nineteen

dollars and sixty cents (\$119.60)

Patricia K. Van Patten
 (Signature)

Legal Advertising Rep.
 (Title)

April 4, 2001
 (Date Signed)

March 28, April 4 L870085

**NOTICE OF
 APPLICATION NO. 2452-2
 TO APPROPRIATE WATER**

Notice is given that Ken Wilson, P.O. Box 869, Canton, NC 28716, has filed an application for a water permit to appropriate 1.86 cubic feet of water per second from Rapid Creek located in the NE 1/4 NW 1/4 Section 6, T25-R12E, to irrigate 130 acres located in the SWSW 1/4 Section 32, SW 1/4, W1/4SE 1/4, SE 1/4SE 1/4 Section 31, all in T15-R12E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2452-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)," and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 20, 2001. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application at the Matthew Training Center, Foss Building, 523 E. Capitol Ave., Pierre, SD, at 10:00 a.m., May 2, 2001. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The May 2, 2001, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 20, 2001.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by April 20, 2001, at the above Water Rights Program address, to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing-impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-1, 46-2-9, 46-2-11, 46-2-13, 46-2-12; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Steven M. Pirner, Secretary
 Department of Environment
 and Natural Resources



Instruction to Newspaper - Publish first Notice on March 28, 2001 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2452-2 to Appropriate Water

Notice is given that Ken Wilson, PO Box 869, Canton NC 28716 has filed an application for a water permit to appropriate 1.86 cubic feet of water per second from Rapid Creek located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 6-T2S-R12E to irrigate 130 acres located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 32; SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31; all in T1S-R12E

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2452-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 20, 2001. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application at The Matthew Training Center, Foss Building, 523 E. Capitol Ave., Pierre, SD at 10:00 A.M. May 2, 2001. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The May 2, 2001 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 20, 2001.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by April 20, 2001, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 13, 2001

Rapid City Journal
PO Box 450
Rapid City, SD 57709-0450

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 2452-2 to Appropriate Water to be published twice. Please publish the first notice on March 28, 2001 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Ken Wilson, PO Box 869, Canton, NC 28716 (Ph # 828-648-0233), or Ken Wilson, 16780 East Hwy 44, Caputa, SD 57725 (Ph # 605-393-9856).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

No. 2452-2

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of March 13, 2001 enclosing Notice of Hearing to Appropriate Water by Application No. 2452-2 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

March 13, 2001

Ken Wilson
PO Box 869
Canton, NC 28716

Dear Mr. Wilson:

Water Permit Application No. 2452-2 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Rapid City Journal printed at Rapid City, SD (Ph # 605-394-8300). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

cc: Ken Wilson, 16780 East Hwy 44, Caputa, SD 57725

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 28, 2001

Leslie England
PO Box 61
Rapid City SD 57709

Dear Mr. England:

As per your request, please find enclosed a copy of the staff report and Chief Engineer's recommendation prepared on Water Permit Application No. 2452-2.

You asked whether we assisted Mr. Wilson with his application. When Mr. Wilson originally filed his application he requested irrigation of 180 acres which appeared to be more acres than were outlined on the submitted map. We consulted with Mr. Wilson and the NRCS to arrive at the acreage number of 130 acres. Based on your question during our phone conversation I wanted to make you aware that we did have involvement in assisting Mr. Wilson define the number of acres irrigated.

Please let me know if I may be of further assistance.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 13, 2001

Jerry Hammerquist
Rapid Valley Water Conservancy District
Box 26
Caputa SD 57725

Daniel Bjerke, Public Works Director
City of Rapid City
300 6th Street
Rapid City SD 57701-2724

Dear Mr. Hammerquist and Mr. Bjerke:

I am writing to make you aware of Water Permit Application No. 2452-2 filed by Ken Wilson to appropriate water from Rapid Creek. This application proposes to divert from Rapid Creek at a point approximately 6.5 miles south east of Farmingdale. If approved, this permit would be the downstream most water permit on Rapid Creek prior to its confluencing with the Cheyenne River.

Enclosed is a copy of the recommendation, report and notice of hearing on this application. The notice is to be published in the Rapid City Journal on March 28th and April 4th scheduling a May 2nd hearing before the Water Management Board.

This information is being sent to you because of your past interest and involvement in water right permitting issues along Rapid Creek.

If you have any questions on this application, please contact Mark Rath or Don Stroup at (605) 773-3352.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure



JUN 06 2001

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Ken Wilson
PO Box 869
Canton, NC 28716

Dear Mr. Wilson:

Enclosed is Water Permit No. 2452-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 29, 2006

2452-2
2494-2

NOTICE OF ORDER

Kenneth Wilson
PO Box 869
Canton, NC 28716

Dear Mr. Wilson:

South Dakota Water Permit Nos. 2452-2 and 2494-2 authorize diversions from Rapid Creek only when flow measured at the USGS stream gaging station near Farmingdale, No. 06421500, is greater than 15 cubic feet of water per second (cfs). On June 28, 2006, staff from the Water Rights Program observed irrigation occurring on land covered by these water permits. Flow measured at the Farmingdale gaging station on June 28, 2006 was less than 9.0 cfs. You are ordered to cease diversions from Rapid Creek until flow has recovered in the creek and more than 15 cfs is flowing past the Farmingdale gage when pumping.

Your failure to comply with the bypass qualification is a violation of the water permit. In the future, failure to comply with the water permit qualifications will result in the Water Rights Program scheduling a hearing before the Water Management Board regarding the violation of the water permit. The Board may suspend the permit for a period of up to one year for the first violation; for up to three years for the second violation; and may cancel the permit for a third violation.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program, SD DENR

cc: Diane Best, Assistant Attorney General

Photos 6-28-2006 by Don Stroup



Farm007 - Looking Downstream @ Farmingdale Gage



Farm002 - Wilson West Pivot

Photos 6-28-2006 by Don Stroup



Farm004 - Wilson East Pivot



Farm005 - Rapid Creek downstream of Wilson Pivot @ Hwy44 Crossing



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 07, 2006

NOTICE OF SHUTOFF ORDER

TO: KENNETH WILSON
% HARVEY McPHERSON
16780 E HWY 44
CAPUTA SD 57725

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. (2452-2) 2494-2

To protect the senior priority water rights, the department is issuing shutoff orders to junior water right holders with priority dates after January 1, 1970 from Angostura Dam to Belle Fourche River confluence. Effective immediately, no diversions of water from the Cheyenne River including the lower reach of Rapid Creek will be allowed for those permits with a priority date after January 1, 1970.

Flow in the Cheyenne River has dropped 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.

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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 5, 2006

2494-2 2452-2 946-2

KENNETH WILSON % HARVEY McPHERSON
16780 E HWY 44
CAPUTA SD 57725

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

File No. 387-2

946-2

2452-2

2494-2

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Kathy McPherson, 15247 Alkali Rd, Sturgis SD 57785

DATE: November 1, 2006

TELEPHONE:

RE: address for Rapid Creek Ranch

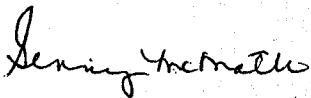
COMMENTS:

Mrs. McPherson called concerning the irrigation questionnaires she just received for Rapid Creek Ranch. *The post office returned the original questionnaires to our office indicating their address had changed from Caputa to the Sturgis address listed above.*

Mrs. McPherson said her husband was still the manager of the ranch (owned by Kenneth Wilson). Harvey and Kathy McPherson's personal address is at Sturgis but the ranch address is Caputa.

Any correspondence dealing with the water rights can be directed to:

Rapid Creek Ranch
16780 E Hwy 44
Caputa SD 57725



Genny McMath
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE OF SHUTOFF ORDER

June 27, 2007

TO: KENNETH WILSON
PO BOX 869
CANTON NC 28716

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. 2494-2 (2452-2)

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.

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.

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 2452-2Date: November 15, 2013

I/We request that Water Right/Permit No. 2452-2 formerly owned by:
Kenneth Wilson / Rapid Creek Ranch be transferred to:

New Owner Name: Dallas SchottAddress: PO Box 560City, State, Zip McLaughlin SD 57642 Telephone No. 605-848-6221

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

Please see legal description of deeded land transferred to new owner.

Alternate phone # 605-823-4407

☒ I understand that the validity of Water Right/Permit No. 2452-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Dallas Schott, 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 12/4, 20 13

RECEIVED OF First American Title Co PO Box 8181 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>2452-2</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. **06505**

By Jearme Goodman
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 15, 2014

Dallas Schott
PO Box 560
McLaughlin SD 57642

RE: Water Right Nos. 387-2 & 666-2 and Water Permit Nos. 2452-2 & 2494-2

Dear Mr. Schott:

I am writing in regard to the transfer forms filed on December 4, 2013 for the above listed water permits and rights. The ownership changes have been completed. Water Right Nos. 387-2 & 666-2 and Water Permit Nos. 2452-2 & 2494-2 formerly held by Kenneth Wilson dba Rapid Creek Ranch are now listed in your name.

For informational purposes, each year irrigators in South Dakota are required to submit an irrigation questionnaire outlining how much water they diverted during that specific crop year. The forms will be sent out in October and are due back by the first week in December. I am enclosing a copy of one of the 2012 forms submitted by Kenneth Wilson. This will give you an idea of how to fill out the forms and what type of information to keep track of during the season. A yearly irrigation questionnaire for Water Right No. 666-2 is not required since the source of water is from dry draws and is diverted through a water spreading system.

The receipts for the filing fees paid for the ownership changes are being forwarded with a copy of this letter to the title company.

If you have any questions, please contact me.

Sincerely,

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

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

c: First American Title Co, Rapid City SD w/Receipt No. 06504



2452-3
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: DALLAS SCHOTT, PO BOX 560, MCCLAUGHLIN, SD 57642
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaires

Our records indicate your 2014 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 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) 387-2 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) 2452-2 & 2494-2 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) 2452-2 & 2494-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 387-2 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 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>

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

February 26, 2015

387-2
2452-2
2494-2

Dallas Schott
PO Box 560
McLaughlin SD 57642

Dear Mr. Schott:

I am writing to acknowledge receipt of the information for your 2014 irrigation questionnaires. You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right Nos. 3487-2, 2452-2 and 2494-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

In follow-up to our phone conversation, I am enclosing a couple copies of past irrigation questionnaires to give you an idea of what type of information you will need to keep track of during the irrigation season. They will also give you an idea of how to fill out the forms.

Basically we are after how much water is diverted from a particular source. The back side of the form is a worksheet for you to use to get enough information recorded to allow us to calculate water use. Even if you do not keep track of the days or hours the system ran, if you have the total inches of water applied through each system, we can gather water use from that information as well.

If you have any questions, please contact me.

Sincerely,

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



2452-2
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: DALLAS SCHOTT, PO BOX 560, MCLAUGHLIN, SD 57642
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaires

Our records indicate your 2015 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 387-2 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) 2452-2 & 2494-2 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) 2452-2 & 2494-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 387-2 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 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.



2452-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

January 20, 2016

387-2
2452-2
2494-2

Dallas Schott
PO Box 560
McLaughlin SD 57642

Dear Mr. Schott:

Thank you for calling with the information for your 2015 irrigation questionnaires. I completed forms for you based on our conversation.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right No. 387-2 and Water Permit Nos. 2452-2 and 2494-2. 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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 2452-2

I have this day, April 7, 2016 made a thorough examination of the water use system constructed by Dallas Schott, Broken Arrow S, P.O. Box 560, Mclaughlin SD 57642 of Permit No. 2452-2, bearing the priority of 1/17/2001 authorizing the diversion of 1.86 cu. ft. per second of waters of the Rapid Creek for irrigation purposes, in Pennington County.

Inspection contact & relationship to permit holder, if applicable: **Harvey McPherson, Ranch Manager**
16780 E. Highway 44, Caputa, SD
605-393-1416

A. Works used to divert water (NE ¼ NW ¼ S6 T2S R12E)

Pump:

- 1) Make Cornell
- 2) Model 4RB-F16
- 3) Size 12.75" impeller
- 4) Capacity 1,000 GPM @ 42 PSI

Power:

- 1) Source Diesel
- 2) Horsepower rating 50 hp

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

- 1) Type PVC
- 2) Size 8" inches
- 3) Length 4,452 feet

Comments: **Pump capacity varies with engine rpm. Capacity shown is at designed operating pressure for pivots.**

C. Works used to apply water to beneficial use:

Center pivot #1 (west):

- 1) Make T&L
- 2) Overall length 1,012.6 feet
- 3) Number of towers 6
- 4) End gun Yes (end gun adds 77.2')
- 5) Capacity 375 GPM
- 6) Acres 42.8 w/ end gun

Center pivot #2 (east):

- Make T&L
- length 1328.6 feet
- Number of towers 8
- End gun Yes (end gun adds 71.9')
- Capacity 625 GPM
- Acres 70.9 w/ end gun

Gated Pipe:

- 1) Size 8 inches
- 2) Length 640
- 3) Gate Spacing - in.
- 4) Irrigated area 7 ac.

Comments: **The gated pipe is used to irrigate the acreage between the two pivots. The gated pipe is not operated while the pivots are being used since the operating pressure required by the pivots is too high for normal gated pipe operation. Each of the center pivots irrigates approximately one half of a full circle.**

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes,
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes
Questionnaire shows "October 2002 flood system converted to pivot for 130 ac." Irrigation questionnaires submitted through 2014.

List any extended period of nonuse: **none**

- 3) Exceptions to compliance are: none

E. Condition and Location:

1. The system is in good condition with the point of diversion located as follows:
NE¼ NW ¼ S6 T2S R 12E (south 6 ft. and east 2,063 of NW corner Section 6)
N 43.911325° W 102.73100°

2. The works are capable of diverting and conveying to the place of use 2.23 cu. ft. per second of water which is to be used for sprinkler and gravity irrigation. Water has been put to beneficial use to the maximum extent as follows:

legal description/acreage
 NE ¼ SW ¼ S31 T1S R12E – 5.9 acres
 SE ¼ SW ¼ S31 T1S R12E – 19.9 acres
 NW ¼ SE ¼ S31 T1S R12E – 1.5 acres
 SW ¼ SE ¼ S31 T1S R12E – 21.5 acres
 SE ¼ SE ¼ S31 T1S R12E – 33.7 acres

legal description/acreage
 SW ¼ SW ¼ S32 T1S R12E – 30.1 acres
 SE ¼ SW ¼ S32 T1S R12E – 1.2 acres
 NE ¼ NE ¼ S6 T2S R12E – 2.4 acres
 NW ¼ NW ¼ S5 T2S R12E – 4.5 acres

comprising a total of 120.7 acres of land and the license should be issued for 1.72 cfs . All structures, wells and lands on map Yes

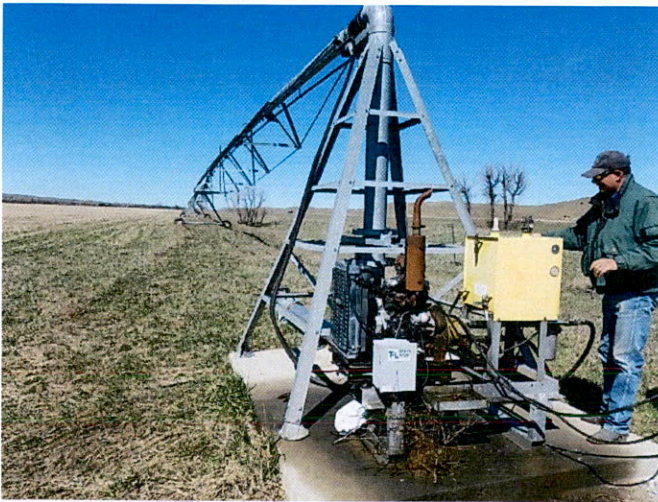
F. Comments or other permit(s) associated with the project:

Schott also holds permit 2494-2 for 90 ac. on adjoining property which is being submitted to the Water Management Board for cancellation as of this date, license 387-2 diverting from the Cheyenne River and license 666-2 diverting from dry draw tributaries to the Cheyenne River.



Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: **April 20, 2016**



East Pivot



West Pivot

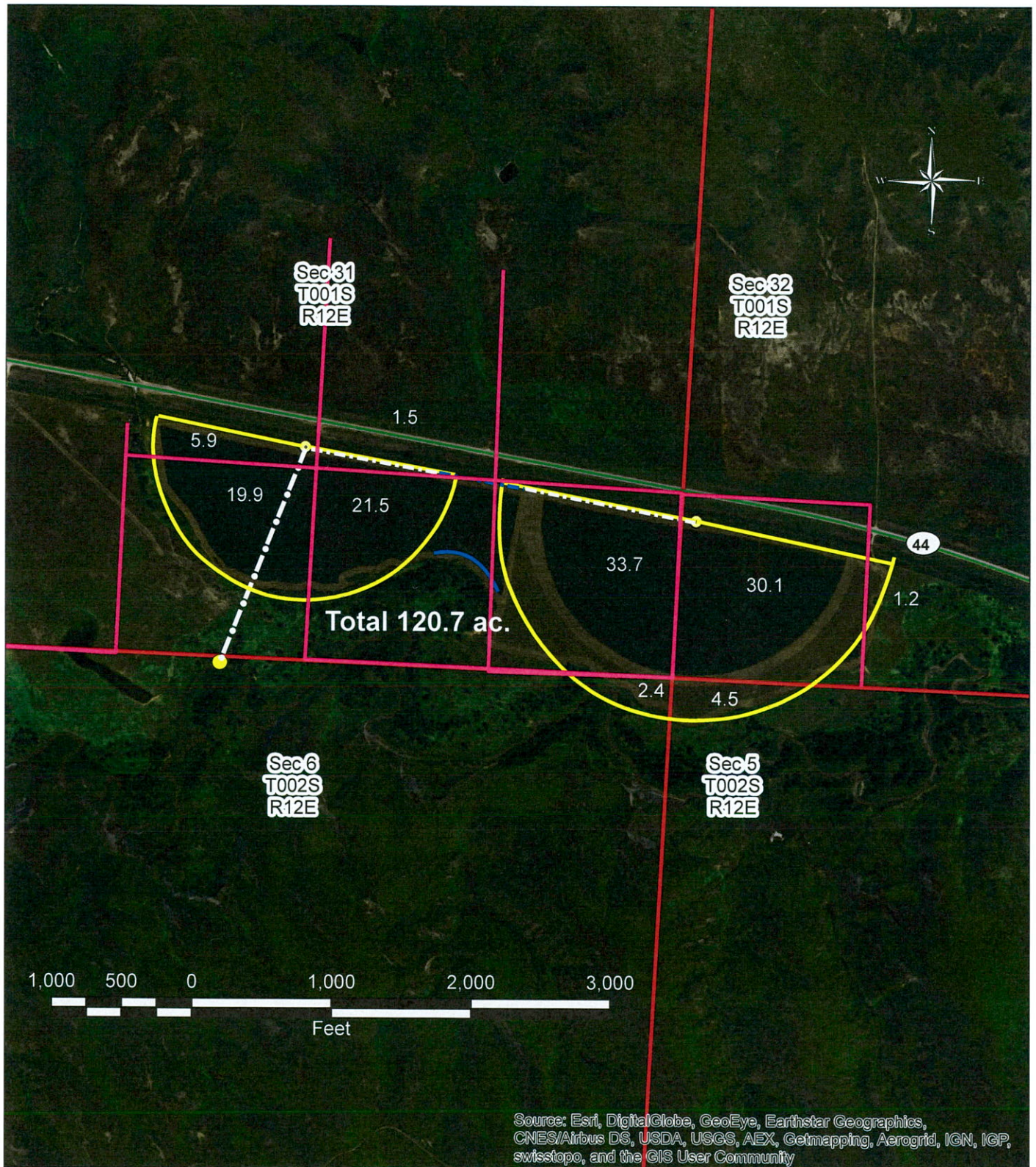


Diversion point looking upstream



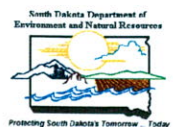
Floating self-cleaning intake screen

Water Right #2452-2
Dallas Schott
4/8/2016



Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program



Licensing of Acreage Outside of Permitted Area

NAME: Dallas Schott

ADDRESS: Broken Arrow S., P.O. Box 560, McLaughlin, SD 57642

DATE: April 20, 2016

COUNTY: Pennington

TELEPHONE: (605)848-6221

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 120.7 acres as compared to 130 acres authorized by the permit. Licensing of the permit will result in no increase in the amount of water appropriated.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

NW¼ NW¼ Section 5, T2S-R12E 4.5 acres

NE¼ NE¼ Section 6, T2S-R12E 2.4 acres

- **Owned by Same Property Owner**

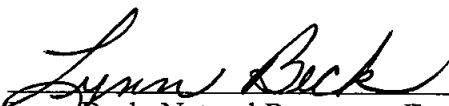
yes

- **Developed Prior to Expiration of Construction Period**

yes

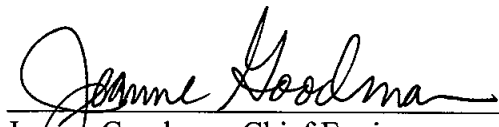
RECOMMENDED ACTION

Based on the above criteria, it is recommended that the 6.9 acre area be included in the water license.


Lynn Beck, Natural Resources Engineer III
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.


Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

2452-2

MAY 03 2016

Dallas Schott
PO Box 560
McLaughlin SD 57642

Dear Mr. Schott:

Enclosed is Water License No. 2452-2. This is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

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,

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

NOTE: The investigation found your irrigation system is capable of diverting 2.23 cubic feet of water per second (cfs) which is equivalent to approximately 1,000 gallons per minute (gpm). The statutory limit for irrigation of 120.7 acres is 1.72 cfs (equivalent to 775 gpm). Diversion of water under this water license is limited to 775 gpm.

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2452-2

(1) Ken Wilson, Canton NC made Application No. 2452-2, November 1, 2000 for a water permit to divert 1.86 cubic feet of water per second from Rapid Creek, Pennington County, South Dakota for irrigation purposes. Permit No. 2452-2, with a priority date of January 17, 2001 was approved May 2, 2001 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 2, 2006 and for the application to beneficial use of water on or before May 2, 2010.

On December 4, 2013, Water Permit No. 2452-2 was transferred to Dallas Schott, PO Box 560, McLaughlin SD 57642.

An investigation conducted for licensing purposes found acreage developed for irrigation outside of the area described on the permit. Pursuant to SDCL 46-5-30.5, the Chief Engineer makes a finding that existing water rights will not be impaired and the overall project, as developed, is consistent with the original application.

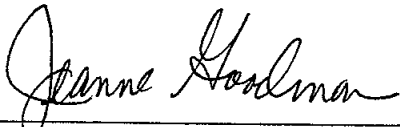
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 2452-2 is issued a license, bearing a priority date of January 17, 2001 to appropriate 1.72 cubic feet of water per second from Rapid Creek to irrigate 120.7 acres.

The diversion point is located: 6 feet south and 2,063 feet east of the NW corner of Section 6-T2S-R12E (NE 1/4 NW 1/4). The acres authorized for irrigation are as follows:

<u>Section 31-T1S-R12E</u>		<u>Section 32-T1S-R12E</u>	
NE 1/4 SW 1/4	5.9 acres	SW 1/4 SW 1/4	30.1 acres
SE 1/4 SW 1/4	19.9 acres	SE 1/4 SW 1/4	1.2 acres
NW 1/4 SE 1/4	1.5 acres		
SW 1/4 SE 1/4	21.5 acres	<u>Section 6-T2S-R12E</u>	
SE 1/4 SE 1/4	33.7 acres	NE 1/4 NE 1/4	2.4 acres
		<u>Section 5-T2S-R12E</u>	
		NW 1/4 NW 1/4	4.5 acres
Total 120.7 acres			

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2452-2 including the following qualifications:

- Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be by-passed. This permit does not authorize diversion of water from Rapid Creek or contributing tributaries when the flow at the USGS gaging station located at Farmingdale is 15 cfs or less, unless written authorization is received from the Chief Engineer. Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.
- This permit is approved subject to the irrigation questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 03 2016

date





2452-2

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 5, 2021

387-2
666-2
2452-2

Quentin Riggins
Gunderson Palmer Law Firm
PO Box 8045
Rapid City SD 57709

RE: Registered Agents for Cheyenne River Ranch LLC

Dear Mr. Riggins:

Thank you for visiting with me about the change in ownership for water rights listed under Dallas Schott. I have included a copy of each of the water rights in the event you do not have them.

Also enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing ownership changes. They need to be completed and signed by the new owner. Once completed, they should be returned to our office with a required filing fee of \$50 each (\$150 total). The check or money order for the fee can be made payable to the Water Rights Program.

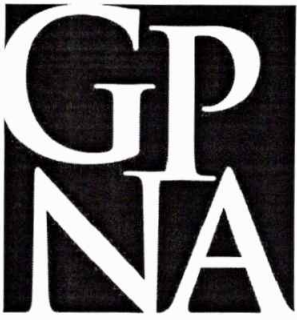
The reason for even checking into these water rights was because the former owner of the property returned this year's irrigation questionnaires with a note that he sold the land last year. I have included the yellow forms for either you or the new owner to complete and get back to us by December 3rd. Submission of the questionnaires are required every year. A questionnaire is **NOT** required for Water Right No. 666-2 because the source of water is from dry draws and the type of system listed is a spreader system.

If you have any questions concerning any of the enclosed information, please give me a call.

Sincerely,

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

enclosures



2452-2
GUNDERSON | PALMER | NELSON | ASHMORE LLP

RECEIVED

NOV 15 2021

WATER RIGHTS
PROGRAM

506 Sixth Street
Post Office Box 8045
Rapid City, South Dakota 57709
Main: (605) 342-1078
Fax: (605) 342-9503

www.gpna.com

November 10, 2021

Quentin L. Riggins
Email: qriggins@gpna.com
Direct Dial: (605) 719-3436

Genny McMath
Department of Agriculture
& Natural Resources
Joe Foss Building
523 E. Capitol Ave.
Pierre, SD 57501

Re: Formation of Cheyenne River Ranch, LLC
GPNA File No. 15116.0009

Dear Ms. McMath:

Please find enclosed three completed Notice of Transfer of Ownership forms and two irrigation questionnaires along with our check in the amount of \$150.00 for your filing fees. Please feel free to contact me with any questions or concerns you may have regarding the above forms. Thank you.

Sincerely,

A handwritten signature in blue ink, reading 'Quentin L. Riggins'.

Quentin L. Riggins

QLR:mck
Encl.

cc: Adam Hendry
Tessa Frank

Offices in Rapid City and Pierre, South Dakota

Attorneys licensed to practice in South Dakota, North Dakota, Nebraska, Wyoming, and Montana

2452-2

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date November 15, 2021

RECEIVED OF Gunderson Palmer Nelson & Ashmore LLP PO Box 8045 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	\$ _____
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>2452-2</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

PAID

NOV 15 2021

Ck# 99922

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

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

NOV 15 2021

WATER RIGHTS
PROGRAM

No. 2452-2

Date: _____

I/We request that Water Right No. 2452-2

formerly owned by: Dallas Schott

be transferred to: (name & address) Cheyenne River Ranch, LLC by
the Shafom on the Range Trust through Quentin L. Riggins
its trustee Telephone No. _____

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

120.7 acres – portions of the S ½ Section 31 and S ½ SW ¼ Section 32, T1S, R12E

NE ¼ NE ¼ Section 6 and NW ¼ NW ¼ Section 5, T2S, R12E

I/We understand that the validity of Water Right No. 2452-2 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 Quentin L. Riggins, the new owner, certify that the above information is true and correct.

Quentin L. Riggins
(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.



2452-2

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 15, 2021

387-2
666-2
2452-2

Quentin L Riggins
Gunderson Palmer Law Firm
PO Box 8045
Rapid City SD 57709

RE: Cheyenne River Ranch LLC

Dear Mr. Riggins:

Thank you for sending in the irrigation questionnaires, transfer forms and filing fees for Water Right Nos. 387-2, 666-2 and 2452-2.

The ownership changes have been completed. The above listed water rights formerly held by Dallas Schott are now listed as follows:

- Cheyenne River Ranch LLC by Shalom on the Range Trust, its member through Quentin L Riggins, its Trustee, PO Box 8045, Rapid City SD 57709

Receipts for the filing fees that were paid are enclosed. If you have any questions, please give me a call.

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: CHEYENNE RIVER RANCH LLC, QUENTIN L RIGGINS, TRUSTEE, PO BOX 8045, RAPID CITY, SD 57709

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaires

Our records indicate your 2025 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 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) 387-2 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) 2452-2 qualification:

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

The hearing will be held on **Wednesday, March 4, 2026 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) 2452-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 387-2 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 before the **March 4, 2026** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: TQDQFC**

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.

RECEIVED

AUG 14 2026

OFFICE OF
WATER

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 2452-2

Date: 8/14/2026

I/We request that Water Right/Permit No. 2452-2 formerly owned by:
Cheyenne River Ranch, LLC by Shalom on the Range Trust, its Member throu be transferred to:

New Owner Name: Heim Ranch, LLC

Address: 28003 SD Hwy 44 mobile: 605-770-6190

City, State, Zip Wood, SD 57585 email: alexheimoffice@gmail.com

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

120.7 acres - portions of the S1/2 Section 31 and S1/2SW1/4 Section 32, T1S, R12E
NE1/4NE1/4 Section 6 and NW1/4NW1/4 Section 5, T2S, R12E

☒ I understand that the validity of Water Right/Permit No. 2452-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Alex Heim, Mgr on behalf of Heim Ranch, LL, the new owner, certify that the above information is true and correct.

Alex Heim, Manager

Alex Heim, Manager (Aug 14, 2026 18:23:47 CDT)

(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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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 August 17, 2026

RECEIVED OF Heim Ranch LLC 28003 SD Hwy 44 Wood, SD 57585

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>#666-2, #387-2, #2452-2</u>	\$ <u>150.00</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>150.00</u>

By

Sk

Adam Mathewetz
Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 18, 2026

666-2, 387-2, 2452-2

Heim Ranch, LLC
C/O Alex Heim
28003 SD HWY 44
Wood, SD 57585

Dear Mr. Heim:

The South Dakota Water Rights Program is in receipt of the "Notice of Transfer of Ownership" forms and the fees you submitted for Water Right Nos. 666-2, 387-2 & 2452-2, enclosed is a \$150.00 receipt of payment for your records.

Water Right Nos. 666-2, 387-2, & 2452-2, previously held by Cheyenne River Ranch LLC, are now listed under Heim Ranch LLC. 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 Permit/License (copy enclosed), 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 Permit/License will be subject to cancellation.

I am happy to answer any questions you may have.

Sincerely,

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us

NOTE: The validity of Water Right Nos. 666-2, 387-2 & 2452-2, has not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosures