

WATER PERMIT NO. 2499-2

Name of Applicant: Rex E Pfaff, Operator

Address: RR 2 Box 40, Bonesteel SD 57317 Phone: 605 654-2443

Amount of Water Claimed: 0.54 cfs Total Acres: 38

Source of Water Supply: Ponca Creek and storage dam

Water to be used for: irrigation County: Gregory

Type of Waste Disposal System:

Location: 7 miles southwest of Bonesteel

PRIORITY Date Received: 2-5-2003 Application/License Fee: \$200

Corrected Application Received: Period of Annual Use: April 1 – August 31

Remarks: Utilizing diversion points authorized by Water Right No. 1320-2

Diversion Point: NW ¼ NE ¼ Sec 25-T95N-R70W

Land to be Irrigated: SE ¼ Sec 24-T95N-R70W

Depth of Well: NA

Well Driller: : NA

Remarks:

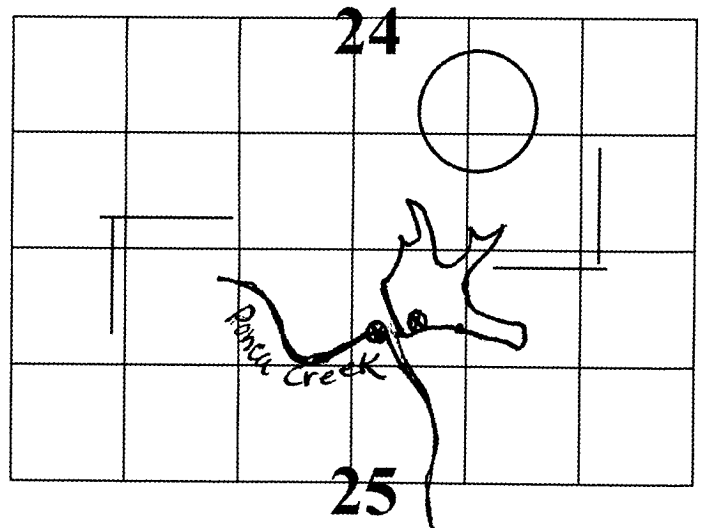
Type of Map: aerial

Prepared by: Kerry Stiner, NRCS

Reviewed and the Number Assigned on: 2-5-2003

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 2499-2**

Date of first receipt of application February 5, 2003.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2499-2 to Rex E Pfaff, operator, RR 2 Box 40, Bonesteel SD 57317 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. 2499-2 appropriates 0.54 cubic feet of water per second (cfs) from Ponca Creek and an existing dam located in the W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 25 to irrigate 38 acres located in the SE $\frac{1}{4}$ Section 24; all in T95N-R70W. The dam is authorized by Water Right No. 1320-2 as described below.

Water Right No. 1320-2 appropriates 8.0 cfs from Ponca Creek to maintain a dam with an approximate storage capacity of 480 acre feet of water. Water may be diverted directly from Ponca Creek or the dam at a diversion rate of 3.71 cfs for irrigation of 269 acres. The point of diversion from Ponca Creek is in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, T95N, R70W. The dam impounds water in the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 25 and the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 24, T95N, R70W. This also serves to clarify that the irrigated acres authorized by Water Right No. 1320-2 are located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, T95N, R70W, SW $\frac{1}{4}$ Section 19 and the NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30, T95N, R69W.

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: April 1 – August 31.
3. The date from which applicant may claim right is February 5, 2003.
4. The date of approval of Permit No. 2499-2 is April 7, 2003.
5. One-fifth of the construction is to be completed on or before October 7, 2005.
6. All construction is to be completed on or before April 7, 2008.
7. Water is to be put to beneficial use on or before April 7, 2012.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Water Permit No. 2499-2 does not authorize pumping from Ponca Creek after June 1st of each calendar year unless written permission is granted 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

APR 17 2003
date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only) No. <u>2499-2</u> Hydrologic Unit <u>10150001</u> Basin <u>Niobrara Trib</u> Newspaper <u>Burke Gazette, Burke</u>
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RECEIVED
FEB - 5 2003
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right ☒ Amendment/Correction to Permit No. 1320-2
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
Add 38 Acres for irrigation

1. Name of Applicant Rex E Pfaff, operator Phone 605 654-2443
(check one) Owner ☒ Tenant/lessee
Mailing Address RR2 Box 40 Bonesteel State SD 57317
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 0.54 *CFS or 244 **GPM ***AF Total Acreage 38
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Ponca Creek + existing storage Dam

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Points #1 and #2 NW1/4NE1/4
Sec. 25 - 95-70

County Gregory

5. County or counties where water will be used Gregory

6. Annual period during which water is to be used April 1 thru August 31

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
all in T95N-R70W (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW1/4 NE1/4 SE1/4 - Sec. 24	8	NW1/4 SE1/4 SE1/4 - Sec. 24	4
SW1/4 NE1/4 SE1/4 Sec. 24	10	NE1/4 NW1/4 SE1/4 - Sec. 24	3
SE1/4 NE1/4 SE1/4 Sec. 24	4	SE1/4 NW1/4 SE1/4 - Sec. 24	6
NE1/4 NE1/4 SE1/4 Sec. 24	1	NE1/4 SW1/4 SE1/4 - Sec. 24	2

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

STATE OF SOUTH DAKOTA) SS
County of Gregory

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, Rex E Pfaff, 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 Rex E Pfaff

Subscribed and sworn to before me this 3rd day of February 2003

T. P. Killbridge
Notary Public signature

Exp. 10-27-05

(Complete applicable portions only)

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

3. Dugout Information

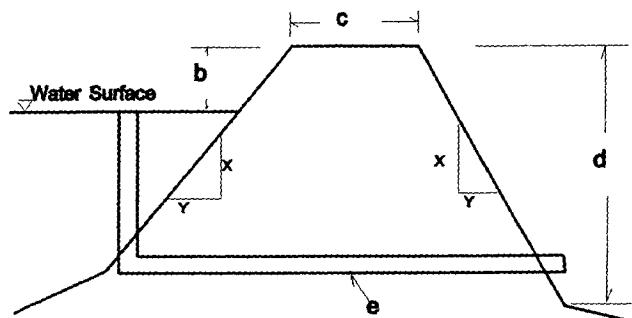
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

refer to permit No. 1320-2



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP

Kerry Stine
District Conservationist
NRCS Burke SD.

95-70

NHEL

T3060

M18

NC

24

NC

T3008

T3379

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NHEL

12.0 NHEL

NHEL

NC

95-70

7

7.9

HEL

T3380

M18

#1 point Div
Ponca Creek
Section 25

as Division

2499-2

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP

Kerry Steiner
District Conservationist
NRCS, Burke SD

P-444

M19

of the section

#1 point of Diversion
Ponca Creek

3
2.1

4
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5
5.0

6
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6
44.6 IR

7
11.7

NC

NC

95-70

M19

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8.9

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NC

2499-2

8

NHE

2.9

RECEIPT
WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

Date FEBRUARY 5, 2003

RECEIVED OF Porca Creek Cattle Co., PO Box 168, Bonesteel SD 57317-0168

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

Fee for Application for Permit No. <u>2497-2</u> to Appropriate Water, to construct and to put water to beneficial use	150	150.00
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>2497-2</u>		50.00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	200.00

No.

000539

By Darland Ebel
Chief Engineer *gm*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 14, 2000

Tom Lillibridge
PO Box 168
Bonesteel SD 57317

Dear Mr. Lillibridge:

The Water Rights Program is in receipt of the Transfers of Ownership filed for Water Right Nos. 1293-2 and 1320-2. These two water rights previously held in the name of Logan Thoene are now held in your name. Enclosed are the receipts for the filing fee submitted for the transfer of each water right. You will receive an irrigation questionnaire form each fall to be completed stating the acreage, diversion rates and periods irrigated in the previous irrigation season.

During our phone conversation you indicated that the existing water rights do not include the irrigation of approximately 38.8 acres located in the SE $\frac{1}{4}$ Section 24, T95N, R70W. This pivot is supplied with water from the dam maintained by diversions from Ponca Creek. My review of the existing water rights does not show that a water right was ever held for any acreage located in the SE $\frac{1}{4}$ Section 24, T95N, R70W. However, the enclosed aerial photo appears to show where the pivot is located. Is that a correct representation of the pivot location?

A new water right permit will need to be obtained for these acres in the SE $\frac{1}{4}$ of Section 24. Enclosed is a partially completed application form. The diversion rate in gallons per minute from the dam to supply this pivot will need to be included on the application. You will need to check it over for accuracy and if correct sign it in the presence of a notary public and submit the appropriate filing fee of \$200 (\$150 application fee & \$50 licensing fee).

Since you need to apply for this additional acreage, I raised the question of whether there are any other permitting changes that need to be made to ensure your permits accurately reflect what is in the field. I noticed when I reviewed the file that Water Right No. 1320-2 was issued for 3.71 cfs. I believe this quantity was based on the ability to divert water from the dam to the various pivots. However it is apparent from past inspection reports that the diversion rate from Ponca Creek to the dam is 8.0 cubic feet of water per second (3,600 gpm). This is something I will take care of when we public notice your new application. I will also correct the error on Water Right No. 1320-2 where it lists the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25 twice on the water right (one of them should be the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25).

Finally, it would be helpful if you can provide the pump capacity from the dam to each of the pivots. Nothing in the existing files specifically states these diversion rates.

I realize this may be somewhat confusing. Please do not hesitate to contact me if you have any questions when completing the application.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures

Water Rights Program - File Documentation

NAME: Tom Lillibridge

ADDRESS: Bonesteel SD

DATE: 12-11-00 **COUNTY:** GY **TELEPHONE:** 605 654-2874

RE: Eric's letter dated 11-14-2000

COMMENTS:

Tom Lillibridge indicated that Rex Pfaff, RR 2 Box 40, Bonesteel SD 57317 should be listed as the operator of these permits and the irrigation questionnaire be sent to him in the future.

Regarding our letter dated 11-14-2000, Mr. Lillibridge stated he did not have the pump capacities and other information requested yet. He stated he was in the process of buying the equipment. He would submit the water permit application when he knows the information.



Karen Schlaak
Environmental Scientist

REPORT ON WATER PERMIT APPLICATION NO. 2499-2

Rex E. Pfaff, operator

February 24, 2003

Application No. 2499-2, Rex E. Pfaff, proposes to appropriate 0.54 cubic feet of water per second from Ponca Creek and an existing dam. The diversion point is to be located in the W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 25 to irrigate 38 acres located in the SE $\frac{1}{4}$ of Section 24 all in T95N-R70W. The existing dam is already authorized by Water Right No. 1320-2. The applicant is the operator of the irrigation system authorized by No. 1320-2.

Review of the Proposed Project

The applicant proposes to divert from either Ponca Creek or from an existing storage dam at a diversion rate of 0.54 cfs to irrigate 38 acres. This application would allow for irrigation in a similar manner to irrigation authorized by Water Right No. 1320-2 held by Tom Lillibridge, the owner of the irrigation system operated by the applicant for this permit. Water Right No. 1320-2 appropriates 8.0 cfs from Ponca Creek to maintain a dam with an approximate storage capacity of 480 acre feet of water. The point of diversion from Ponca Creek is in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, T95 N-R70. The dam impounds water in the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 25 and S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 24 T95N-R70W. Water may be diverted directly from Ponca Creek or the dam at a diversion rate 3.71 cfs for irrigation of 269 acres. The location of the irrigated acres authorized by No. 1320-2 are located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25 T95N-R70W, the SW $\frac{1}{4}$ of Section 19 T95N-R69W, the NW $\frac{1}{4}$, and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30 T95N-R69W. The diversion from Ponca Creek is located approximately two stream miles upstream from the South Dakota – Nebraska border. Water Right No. 1320-2 was approved in 1976 with the following qualification:

This permit does not authorize pumping from Ponca Creek after June 1, of each calendar year unless such written permission is issued by the state water rights commission or its legally appointed representative.

If this permit is approved, it should contain a similar qualification, with updated language, to keep it consistent to existing water rights.

Review of Existing Water Rights

This application is to allow pumping from Ponca Creek and from an existing dam. The diversion points from Ponca Creek and the dam are the same as those authorized by Water Right No. 1320-2. There is a second water right no. 2127-2, held by Lillian Thoene, authorizing the diversion of 0.82 cfs for irrigation from the dam. Water Right No. 2127-2 does not authorize pumping from Ponca Creek. There are no other existing water rights located downstream on Ponca Creek from the diversion point to the South Dakota - Nebraska border, approximately 2 miles downstream. Adverse impacts to existing water rights would not be expected.

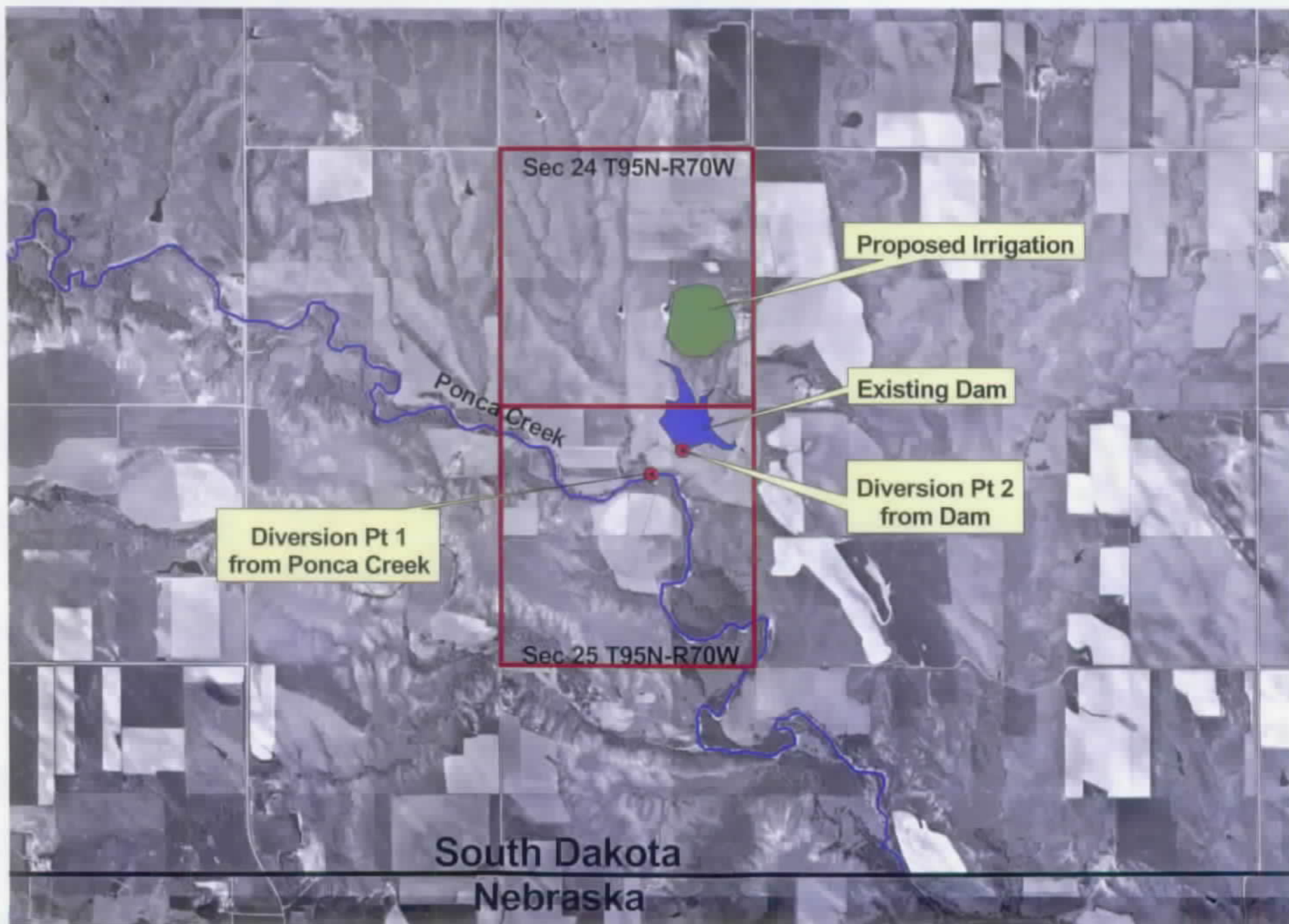
Conclusions

1. This application proposes to appropriate 0.54 cubic feet of water per second from Ponca Creek and an existing dam to irrigate 38 acres.
2. The existing dam is already authorized by Water Right No. 1320-2.
3. If approved, adverse impacts by this permit to existing water rights would not be expected.
4. If approved, to keep it consistent to existing water rights, this permit should contain the following qualification:

This permit does not authorize pumping from Ponca Creek after June 1, of each calendar year unless such written permission is issued by the Chief Engineer.



Mark D. Rath
Natural Resources Engineering Specialist



0.5 0 0.5 1 1.5 Miles

DATE: 12/18/11
BY: CEM

No.2499-2

Attachment 1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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. 2499-2, Rex E. Pfaff**

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. 2499-2, Rex E. Pfaff, Operator, RR 2, Box 40, Bonesteel SD 57317.

The Chief Engineer is recommending APPROVAL of Application No. 2499-2 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. Water Permit No. 2499-2 does not authorize pumping from Ponca Creek after June 1st of each calendar year unless written permission is granted 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 7, 2003

NOTE: Irrigation water rights are appurtenant to the land listed on the water right. Mr. Pfaff is the tenant of the property to be authorized for irrigation by this application. If at a future time the owner sells this property, the water right permit may be transferred to the new owner.

Affidavit Of Publication

STATE OF SOUTH DAKOTA
COUNTY OF GREGORY

ss.

C.J. FAHRENBACHER of said county being first duly sworn, on oath says that he is the publisher of THE BURKE GAZETTE, a weekly newspaper printed and published in Burke said County of Gregory and has full and personal knowledge of all facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said county for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

Notice of Application
No. 2499-2
To Appropriate Water

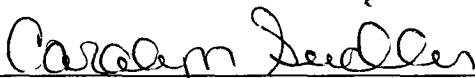
a printed copy of which, taken from the paper in which the same was printed, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for 2 successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

3-19-03
3-26-03

that the full amount of the fees for the publication of the annexed notice is \$ 64.24.



Subscribed and sworn to before me this 2nd day
of April, 20 03



Notary Public
County of Gregory, South Dakota

My Commission Expires:
4-7-03

RECEIVED

APR - 7 2003

WATER RIGHTS
PROGRAM

NOTICE OF APPLICATION NO 2499-2

To Appropriate Water

Notice is given that Rex E. Pfaff, Operator, RR 2 Box 40, Bonesteel SD 57317 has filed an application for a water permit to appropriate 0.54 cubic feet of water per second (cfs) from Ponca Creek and an existing dam located in the W1/2NE1/4 Section 25 to irrigate 38 acres located in the SE1/4 Section 24; all in T95N-R70W. The dam is authorized by Water Right No. 1320-2 as described below.

Water Right No. 1320-2 appropriates 8.0 cfs from Ponca Creek to maintain a dam with an approximate storage capacity of 480 acre feet of water. Water may be diverted directly from Ponca Creek or the dam at a diversion rate of 3.71 cfs for irrigation of 269 acres. The point of diversion from Ponca Creek is in the SW1/4NE1/4 Section 25, T95N, R70W. The dam impounds water in the N1/2NE1/4 of Section 25 and the S1/2SE1/4 of Section 24, T95N, R70W. This notice also serves to clarify that the irrigated acres authorized by Water Right No. 2499-2 are located in the NE1/4SW1/4, SW1/4NE1/4, SE1/4NW1/4 and NW1/4SE1/4 of Section 25, T95N, R70W, SW1/4 Section 19 and the NW1/4 and NW1/4NE1/4 Section 30, T95N, R69W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2499-2 because 1) inappropriate 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting 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 part or the applicant must be filed by April 7, 2003.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

31-2tc Steven M. Pirner
Secretary,
Department of Environment
And Natural Resources

Instruction to Newspaper - Publish first Notice on March 19, 2003 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2499-2 to Appropriate Water

Notice is given that Rex E Pfaff, Operator, RR 2 Box 40, Bonesteel SD 57317 has filed an application for a water permit to appropriate 0.54 cubic feet of water per second (cfs) from Ponca Creek and an existing dam located in the W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 25 to irrigate 38 acres located in the SE $\frac{1}{4}$ Section 24; all in T95N-R70W. The dam is authorized by Water Right No. 1320-2 as describe below.

Water Right No. 1320-2 appropriates 8.0 cfs from Ponca Creek to maintain a dam with an approximate storage capacity of 480 acre feet of water. Water may be diverted directly from Ponca Creek or the dam at a diversion rate of 3.71 cfs for irrigation of 269 acres. The point of diversion from Ponca Creek is in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, T95N, R70W. The dam impounds water in the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 25 and the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 24, T95N, R70W. This notice also serves to clarify that the irrigated acres authorized by Water Right No. 2499-2 are located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, T95N, R70W, SW $\frac{1}{4}$ Section 19 and the NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30, T95N, R69W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2499-2 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting 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 7, 2003.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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 10, 2003

Rex E Pfaff, Operator
RR 2 Box 40
Bonesteel SD 57317

Dear Mr. Pfaff:

Water Permit Application No. 2499-2 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 Burke Gazette printed at Burke, SD (Ph # 605-775-2612). You will need to contact the newspaper and authorize publication of this notice. 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. Upon receiving authorization, 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 also 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

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

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

March 10, 2003

Burke Gazette
PO Box 359
Burke SD 57523-0359

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 2499-2 to Appropriate Water to be published twice. Please publish the first notice on March 19, 2003 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 Rex E Pfaff, Operator, RR 2 Box 40, Bonesteel SD 57317 (Ph # 605-654-2443).

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. 2499-2

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

Date _____

We are in receipt of your letter of March 10, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 2499-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name _____ Newspaper _____



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 10, 2003

Tom Lillibrtridge
PO Box 168
Bonesteel SD 57317

Dear Mr. Lillibridge:

Enclosed is a copy of the report, recommendation and public notice for Water Permit Application No. 2499-2 filed by Rex Pfaff. It is our understanding that you own this land and Mr. Pfaff leases this ground from you.

If you have any questions, please feel free to contact me.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
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

APR 17 2003

Rex E Pfaff Operator
RR 2 Box 40
Bonesteel SD 57317

Dear Mr. Pfaff:

Enclosed is Water Permit No. 2499-2 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

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date 7-1-03

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Rex E. Pfaff
(name)

RR 2 Box 40
(address)

Boxsteel, SD 57317
(city, state, zip)

654 2443
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

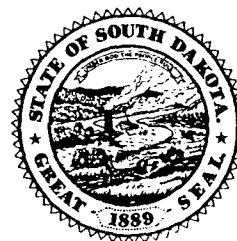
Water Permit No. 2499-2 states that the water use system is to be constructed by
April 7, 2008 (date), and water is to be put to beneficial use by April 7, 2012 (date)

The water use system was completed on 6-15-03
(date)

Applying the water to beneficial use was completed on 6-28-03
(date)

You may schedule an investigation so that the water license may be issued.

Rex E Pfaff
(signature)



RECEIVED
JUL - 2 2003
**WATER RIGHTS
PROGRAM**



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



November 14, 2014

2499-2

Tom Lillibridge
PO Box 168
Bonesteel SD 57317 0168

Dear Mr. Lillibridge:

I am writing in regard to Water Permit No. 2499-2 which is currently listed under the name of "Rex Pfaff, operator". When returning the 2014 irrigation questionnaires this year, Mr. Pfaff indicated future questionnaires and correspondence should be directed to you for both Water Right No. 1320-2 and Water Permit No. 2499-2.

Water Right No. 1320-2 is already in your name. Correspondence was being sent to Rex because he farmed the land however ownership was still listed under your name. With reference to Water Permit No. 2499-2, it was applied for and issued in Rex's name and in order to change the name on the permit, an ownership change will be needed.

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.

In the event you do not have one, I am including a copy of Water Permit No. 2499-2 for your records. If you have any questions concerning completion of the transfer of ownership or with the permit itself, please give me a call.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

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

NOV 21 2014

WATER RIGHTS
PROGRAM

No. 2499-2

Date: _____

I/We request that Water Permit No. 2499-2

formerly listed in the name of Rex E Pfaff, operator

be transferred to: (name & address) Tom Lillibridge

P.O. Box 168

Bonesteel, S.D. 57317 Telephone No (605) 654-2874

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

38 acres – SE ¼ Section 24, T95N, R70W

I/We understand that the validity of Water Permit No. 2499-2 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 Tom Lillibridge, the new owner, certify that the above information is true and correct.

Tom Lillibridge
(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 11/21, 20 14

RECEIVED OF Ponca Creek Cattle Co PO Box 168 Bonesteel SD 57317

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>2499-32</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. **06991**

By

Jearme Goodman
Chief Engineer



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



December 3, 2014

2499-2

Tom Lillibridge
PO Box 168
Bonesteel SD 57317-0168

Dear Mr. Lillibridge:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for Water Permit No. 2499-2.

The change has been completed. Water Permit No. 2499-2, formerly listed in the name of Rex Pfaff is now listed in your name.

Enclosed for your records is Receipt No. 06991 in the amount of \$50. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosures

2499-2



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



November 20, 2014

1320-2
2499-2

Tom Lillibridge
PO Box 168
Bonesteel SD 57317 0168

Dear Mr. Lillibridge:

Thank you for contacting me in regard to irrigation questionnaires for Water Right No. 1320-2 and Water Permit No. 2499-2.

I will send future questionnaires directly to your attention. As we discussed, I am sending a copy of Water Right No. 1320-2 for your records. Also included are copies of questionnaires from 2009 to 2014 as submitted by Mr. Pfaff. This will give you an idea of what type of information to keep track of during the irrigation season.

The questionnaires are mailed to irrigators in October of each year and are due back here by the first week in December. Mr. Pfaff has already sent in the information for 2014 and nothing further is needed until 2015.

If you have any questions, please let me know.

Sincerely,

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

enclosures

Permit No. 2499-2
Niobrara Tributary - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

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

I have this day, **October 08, 2008**, made a thorough examination of the water use system constructed by **Rex E. Pfaff, operator** of **35616 302nd Street, Bonesteel, SD 57317-3546** holder of Permit No. **2499-2**, bearing the priority of **February 5, 2003** authorizing the diversion of **0.54** cu. ft. per second of the waters of **Ponca Creek & existing dam** for **irrigation** purposes, in **Gregory** County.

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

A. Works used to divert the water:

At dam—Precise Power Corporation 75 Hp single phase electric motor, Model MI 475, Serial number 592 1006 and a Cornell Centrifugal 10 inch pump, Model 5H-F18, Serial number 144994-13.50

At Ponca Creek—Cornell 12 inch Centrifugal pump, Model 6RB-F18, Serial number 14983-3.50 with the same electric motor at dam

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

Approximately 2640 ft. of buried 6 inch pipe from the pivot located in the SW ¼ of Sec. 19-T95N-R69W

C. Works used to apply water to beneficial use:

4 tower Valley center pivot

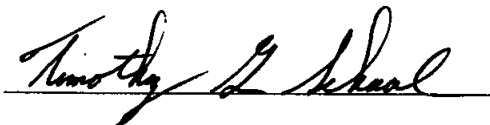
The system is in the following condition **good**. The point of diversion is located **Ponca Creek—1570 ft. south & 2140 ft. west of the NE corner of Sec. 25-T95N-R70W (SW ¼ NE ¼) (Lat. 43.020708 & Long. -99.068374); Dam—1070 ft. south & 1425 ft. west of the NE corner of Sec. 25-T95N-R70W (NW ¼ NE ¼) (Lat 43.021949 & Long. -99.066052)**. The works are capable of diverting and conveying to the place of use **0.54** cu. ft. per second of water which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

SE ¼ Sec. 24-T95N-R70W –38 acres

comprising a total of **38** acres of land and the license should be issued for **0.54** cfs.

Applicable permit qualifications have been complied with: Yes **X**

Exceptions to compliance are: **none** Date Report Completed: **November 5, 2014**



Timothy G. Schaal, P.E.
Engineer IV
SD DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 2499-2

Other permit(s) associated with the project: 1320-2

DATE OF INSPECTION: October 8, 2008

NAME & ADDRESS OF INSPECTION CONTACT/ Rex E. Pfaff, 35616 302nd Street,
Bonesteel, SD 57317-3546

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: operator

NAME & ADDRESS OF PERMIT HOLDER: same

DIVERSION POINT LEGAL LOCATION: Ponca Creek—1570 ft. south & 2140 ft. west of the NE corner
of Sec. 25-T95N-R70W (SW ¼ NE ¼) (Lat. 43.020708 & Long. -99.068374); Dam—1070 ft. south & 1425 ft.
west of the NE corner of Sec. 25-T95N-R70W (NW ¼ NE ¼) (Lat 43.021949 & Long. -99.066052).

Pump: Dam

Ponca Creek

- 1) Make Cornell
- 2) Model 5H-F18
- 3) Size 10 inch
- 4) Capacity XXX GPM

Cornell
6RB-F18
12 inch

Motor:

- 1) Make Precise Power Corporationh
- 2) Model No. MI 475
- 3) Horsepower rating 75 Hp

SYSTEM TYPE:

Center pivot:

- 1) Make Valley
- 2) Overall length approx. 650 feet
- 3) Number of towers 4
- 4) Distance between towers approx. 156 ft.
- 5) End gun yes
- 6) High or low pressure low
- 7) Capacity 400 GPM

DAM INFORMATION:

- 1) Height to crest 63 feet
- 2) Height to primary spillway 59 feet
- 3) Height to secondary spillway XXX feet
- 4) Crest width XXX feet
- 5) Crest length 882 feet
- 6) Spillway length XXX feet
- 7) Spillway width 25 feet
- 8) Approx. storage (Normal) 480 acre-feet
- 9) Approx. storage (Maximum) 600 acre-feet
- 10) Date constructed: 1975

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A
- 2) Special qualifications to permit being abided by yes
- 3) All structures, wells and lands on map yes
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes

Water Permit No. 2499-2



Timothy G. Schaal
Timothy G. Schaal, P.E.
Engineer IV
SD DENR, Water Rights Program

11/5/14



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

2499-2

JUN 11 2015

Tom Lillibridge
PO Box 168
Bonesteel SD 57317

Dear Mr. Lillibridge:

Enclosed is Water License No. 2499-2. 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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2499-2

(1) Rex E. Pfaff, 35616 302nd St, Bonesteel SD 57317 made Application No. 2499-2, February 5, 2003 for a water permit to divert 0.54 cubic feet of water per second from Ponca Creek and an existing dam, Gregory County, South Dakota for irrigation purposes. Permit No. 2499-2, with a priority date of February 5, 2003 was approved April 7, 2003 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 7, 2008 and for the application to beneficial use of water on or before April 7, 2012.

Transferred November 21, 2014 from Rex Pfaff to Tom Lillibridge.

Water Right No. 1320-2 with a priority date of September 5, 1975 authorizes the 480 acre-feet storage dam.

(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, Tom Lillibridge, PO Box 168, Bonesteel SD 57317, the holder and/or owner of Water Right No. 2499-2 is issued a license, bearing a priority date of February 5, 2003 to appropriate 0.54 cubic feet of water per second from Ponca Creek and an existing dam to irrigate 38 acres.

The diversion points are located: Ponca Creek – 1,570 feet south and 2,140 feet west of the NE corner of Section 25-T95N-R70W (SW 1/4 NE 1/4) and Dam – 1,070 feet south and 1,425 feet west of the NE corner of Section 25-T95N-R70W (NW 1/4 NE 1/4).

The acres authorized for irrigation are as follows: SE 1/4 Section 24-T95N-R70W – 38 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2499-2 including the following now applicable qualifications:

- Water Permit No. 2499-2 does not authorize pumping from Ponca Creek after June 1st of each calendar year unless written permission is granted by the Chief Engineer.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

JUN 11 2015

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

October 5, 2017

No. 2499-2

Terry Hausmann - Operator
90887 479th Ave
Butte, NE 68722

Dear Mr Hausmann:

This letter is in reference to your October 5, 2017 telephone call regarding water availability for storage for irrigation use from the Ponca Creek for this fall. Based upon a review of downstream stream gaging, flows in the Ponca Creek are sufficient at this time to allow you to divert. I am granting your request to allow pumping under Water Right No. 2499-2 out of the Ponca Creek through either October 31, 2017 or you are notified by the Water Rights Program to cease pumping.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program

C: Cindy Lillibridge



2499-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

October 5, 2017

Mrs. Cindy Lillibridge
PO Box 168
Bonesteel SD 57317

Dear Mrs. Lillibridge:

This letter is in regards to a telephone call I received from your renter Terry Hausmann requesting a pumping extension for a Ponca Creek water right No 2499-2. Enclosed is a copy of a letter signed by the Chief Engineer granting the extension.

Mr. Hausmann also enquired about transferring this water right we have on file under your late husband's name, Tom Lillibridge, and was questioning what needed to be done with the water right. The water right needs to be transferred from Mr. Lillibridge to the new water right holder.

During our review we also found two other water rights under the name Tom Lillibridge. I understand at least one of these permits may be transferred to Mr. Hausmann. I am enclosing copies of all three permits and partially completed transfer forms for each. I left the name and address lines blank, allowing you to transfer individual permits to the appropriate individual. Please complete each of the transfer forms and submit back to this office along with a \$50 fee for each transfer.

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

Sincerely,

Mark D. Rath
Natural Resources Engineer III
Water Rights Program

2499-2

RECEIVED

OCT 23 2017

WATER RIGHTS
PROGRAM

October 11, 2017

Dear Mark and/or Aaron,

Enclosed you will find the "Transfer of Ownership" forms for water rights #1320-2, #2499-2 & #1293-2. The forms transfer their ownership from my late husband, Tom Lillibridge to me, Cindy Lillibridge.

It is my understanding that the annual reporting information can be forwarded to the operator of the farm. Please consider this letter as my request to have the reporting information sent to the operator. His name is:

Terry Hausmann
90887 479th Ave.
Butte, NE 68722
Phone: 605-201-6017

Thank you for your assistance.



Cindy Lillibridge

RECEIVED

OCT 23 2017

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2499-2

Date: 10-11-17

I/We request that Water Right No. 2499-2

formerly owned by: Tom Lillibridge

be transferred to: (name & address) Cindy Lillibridge
PO Box 168
Bonesteel, SD 57317 Telephone No. 605-654-2874

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

38 acres – SE ¼ Section 24, T95N, R70W

storage dam located in the NW ¼ NE ¼ Section 25, T95N, R70W

I/We understand that the validity of Water Right No. 2499-2 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 Cindy Lillibridge, the new owner, certify that the above information is true and correct.

Dr. Brady Lillibridge
(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 October 23, 20 17

RECEIVED OF Ponca Creek Cattle Co. PO Box 168 Bonesteel, 57317-0168

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>2499-2</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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **08364**

By Jeanne Goodman
Chief Engineer

um

2499-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 23, 2017

1293-2
1320-2
2499-2

Cindy Lillibridge
PO Box 168
Bonesteel SD 57317 – 0168

Dear Mrs. Lillibridge:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right Nos. 1293-2, 1320-2 and 2499-2.

The ownership changes have been completed. The above listed water rights, formerly listed under Tom Lillibridge are now listed in your name.

As you requested, the annual irrigation questionnaires will be directed to your operator, Terry Hausmann. Enclosed for your records are the receipts for the filing fees you submitted.

If you have any questions, please contact me.

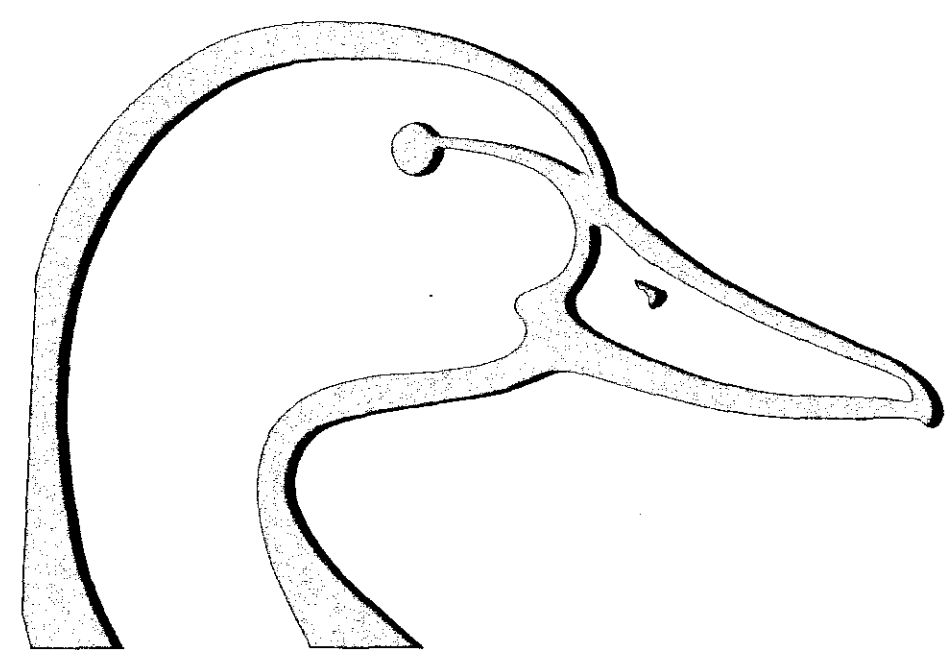
Sincerely,

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

enclosures

2499-2

was in
also-
1784-1
(mark Jensen)
Folder



DUCKS UNLIMITED

DUCKS UNLIMITED

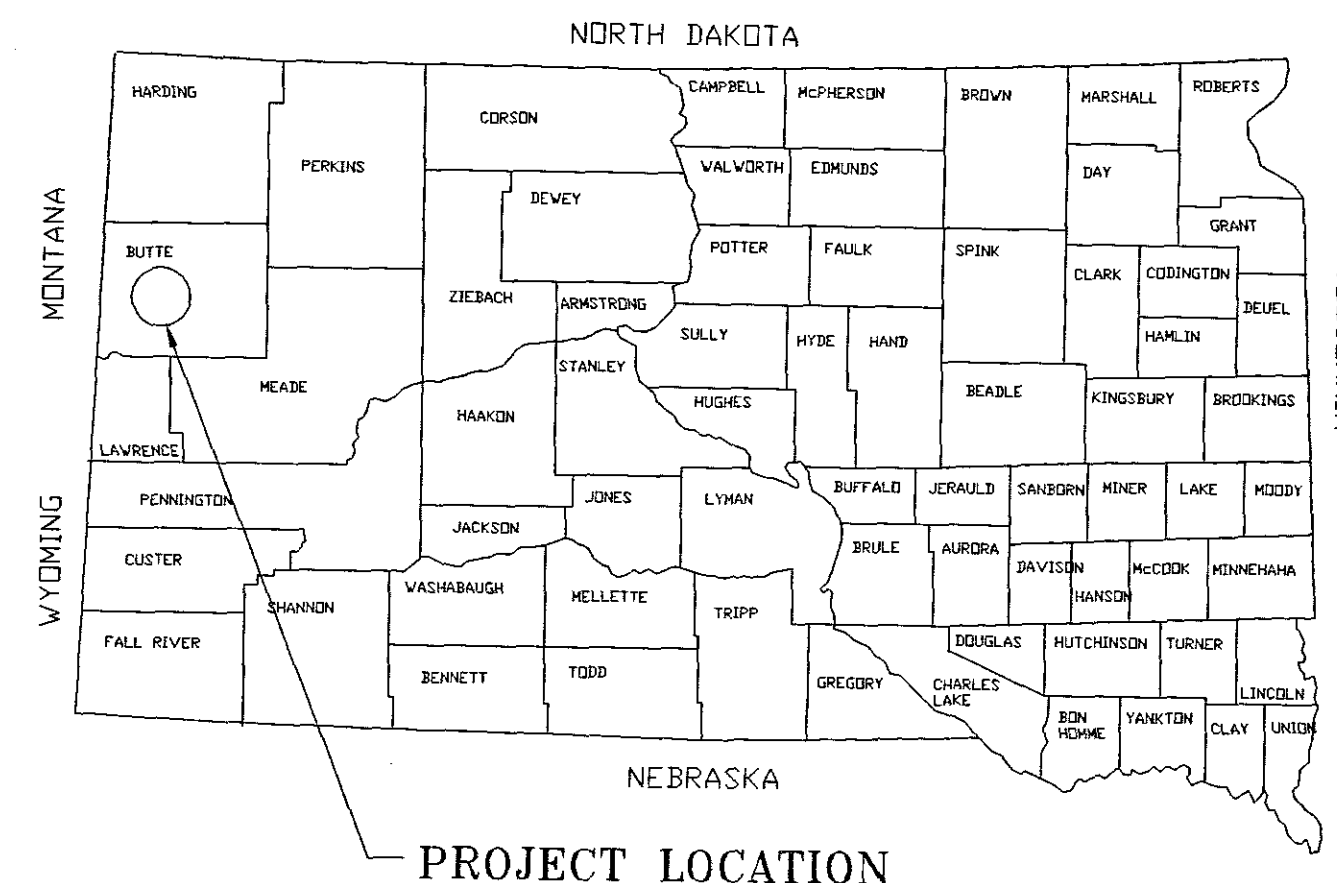
PROJECT

HOOVER DAM

SECTION 17, T13N, R7E
BUTTE COUNTY, SOUTH DAKOTA

IN COOPERATION WITH

US FISH & WILDLIFE SERVICE



RECEIVED
DEC 24 2002
WATER RIGHTS
PROGRAM

SPECIFICATIONS

- 101 GENERAL CONDITIONS
- 102 SUPPLEMENTAL CONDITIONS
- 201 MOBILIZATION
- 202 SITE PREPARATION
- 203 EXCAVATION
- 204 EMBANKMENT CONSTRUCTION
- 205 WATER
- 206 WATER CONTROL STRUCTURE INSTALLATION
- 206A WATER CONTROL STRUCTURE
& CULVERT APPURTENANCES
- 207 CAST-IN-PLACE CONCRETE
- 208 CULVERT INSTALLATION
- 209 RIPRAP PLACEMENT
- 307 REMOVAL AND SALVAGE OF
EXISTING CULVERTS/STRUCTURES

PLAN INDEX

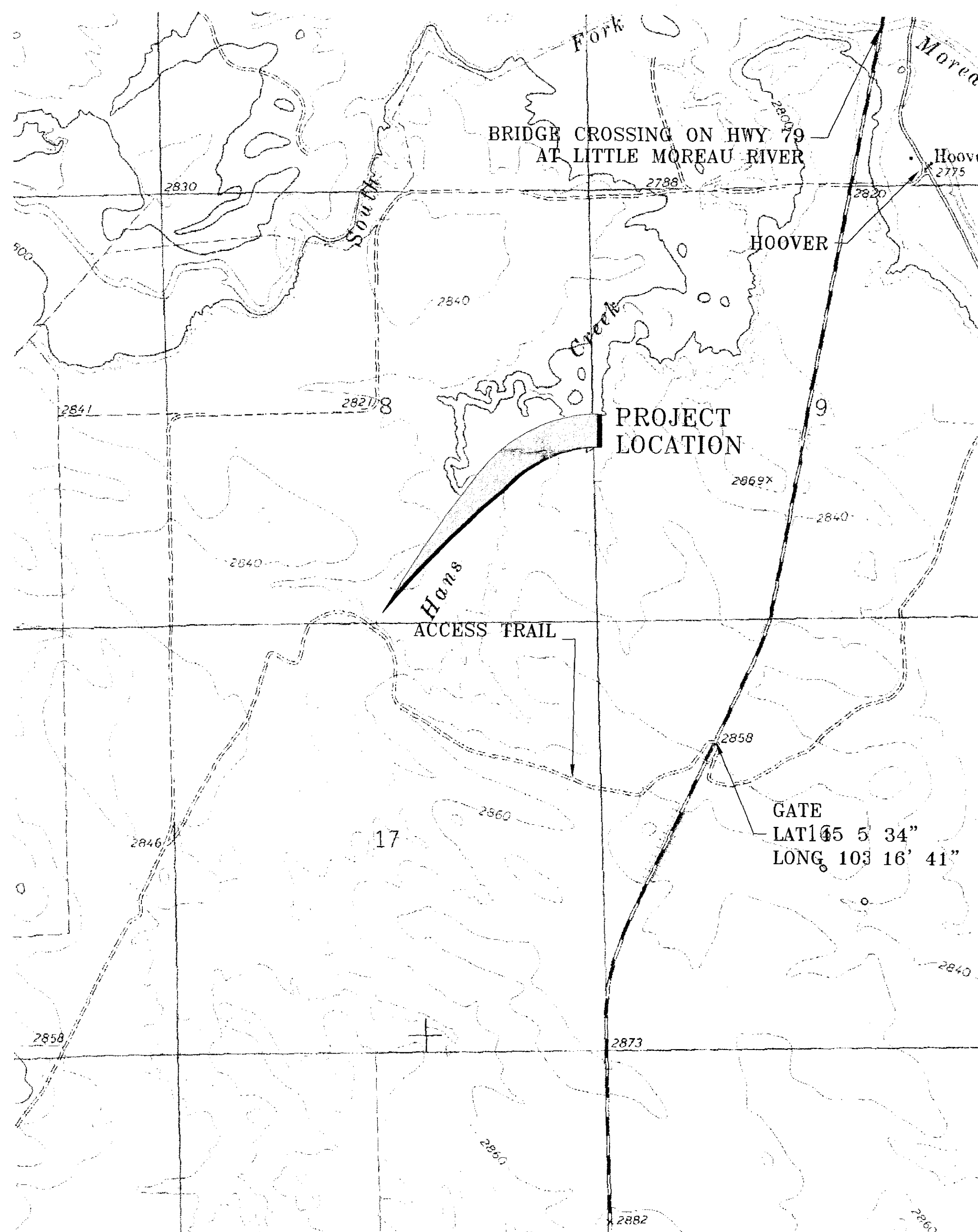
- 1 PROJECT LOCATION MAPS
- 2 PROJECT TOPOGRAPHY
- 3 EMBANKMENT PLAN & PROFILE
- 4 EMBANKMENT CROSS SECTIONS
- 5 EMBANKMENT CROSS SECTIONS
- 6 EMERGENCY SPILLWAY PLAN & PROFILE
- 7 STRUCTURE A PLAN & PROFILE
- 8 STRUCTURE B PLAN & PROFILE
- 9 WATER CONTROL STRUCTURE PLAN & PROFILE
- 10 SOILS INFORMATION

ESTIMATED QUANTITIES

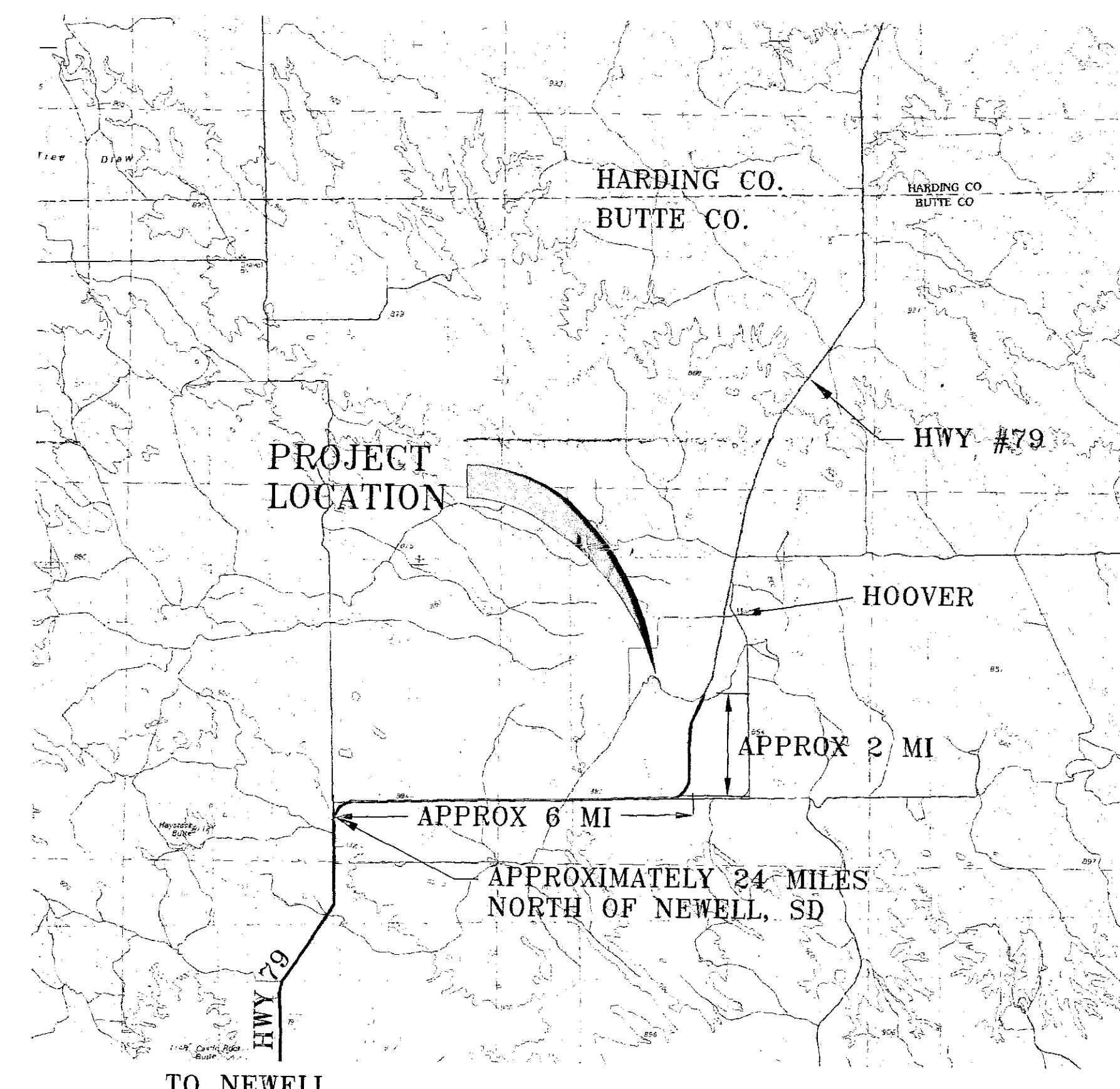
MOBILIZATION	1 L.S.
SITE PREPARATION	1110 C.Y.-P*
EMBANKMENT CONSTRUCTION	28252 C.Y.-P*
WATER	500 M-GAL.**
WATER CONTROL STRUCTURE INSTALLATION	2 EA.
CULVERT INSTALLATION	180 L.F.-P
RIPRAP (CLASS I)	24 C.Y.-P
RIPRAP (CLASS II)	70 C.Y.-P
REMOVAL - EXISTING CULVERTS / TIRES	1 L.S.

* CY-P - PAYMENT WILL BE BASED ON THIS PLAN QUANTITY. A SHRINK FACTOR IS NOT INCLUDED (MINIMAL SHRINKAGE AND/OR EXPANSION IN VOLUME FROM BORROW TO FILL IS ANTICIPATED)

** PAYMENT WILL BE BASED ON ACTUAL AMOUNT USED. SEE SPECIFICATION 205.



VICINITY MAP
SCALE: 1" = 1000'

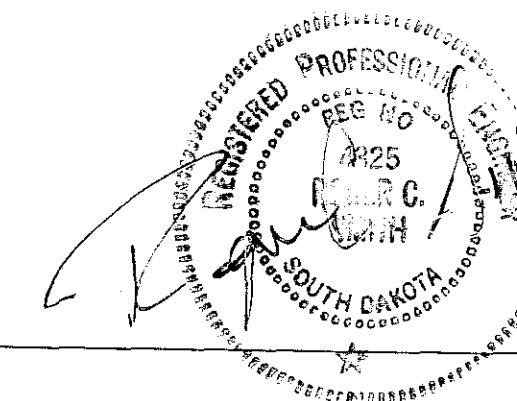


LOCATION MAP
SCALE: 1" = 2 MILES

DRIVING DIRECTIONS

FROM REVA, SD, WEST ON HWY 20 TO JUNCTION HWY 79, SOUTH APPROXIMATELY 32 MILES TO LITTLE MOREAU RIVER BRIDGE, CONTINUE SOUTH 1.7 MILES TO ACCESS TRAIL GATE.

FROM NEWELL, SD - NORTH ON HWY 79
APPROXIMATELY 24 MILES, EAST ON HWY 79
APPROXIMATELY 6 MILES, NORTH APPROXIMATELY 2 MILES TO ACCESS TRAIL GATE.



DUCKS
UNLIMITED
INC.

GREAT PLAINS REGIONAL OFFICE
DATE: 11-27-2002
SHEET NO. 1 OF 10

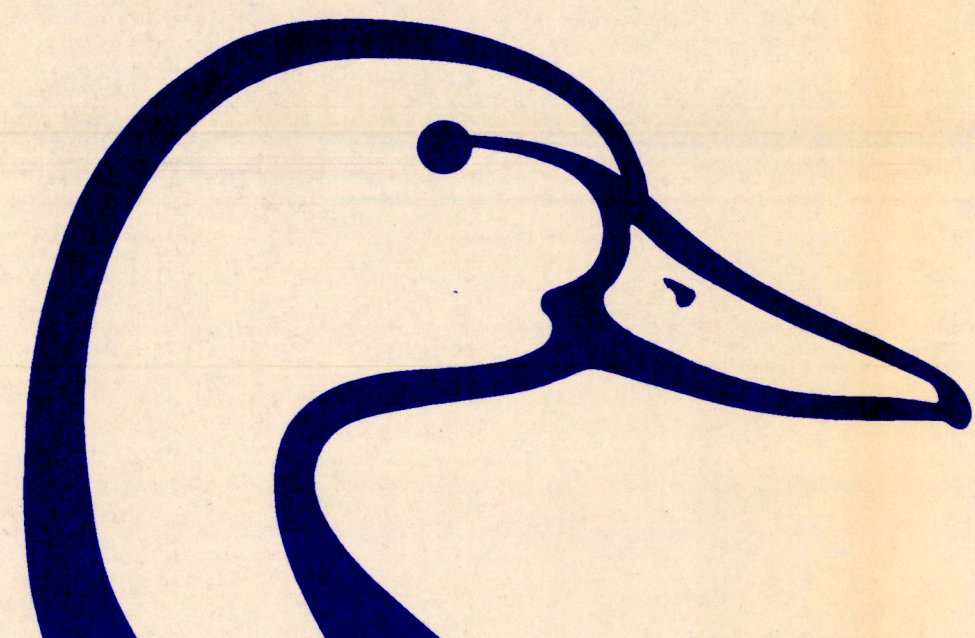
PROJECT NO. SD350-1	DESIGNED BY: RS
HOOVER DAM	DRAWN BY:
LOCATION & VICINITY MAPS	SURVEYED BY:
CHECKED BY:	APPROVED BY:

K:\SD\SD-350\SHEET1.DWG

1784-1

2499-2

2499-2



DUCKS UNLIMITED

DUCKS UNLIMITED

PROJECT

HOOVER DAM

SECTION 17, T13N, R7E
BUTTE COUNTY, SOUTH DAKOTA

IN COOPERATION WITH

US FISH & WILDLIFE SERVICE

SPECIFICATIONS

- 101 GENERAL CONDITIONS
- 102 SUPPLEMENTAL CONDITIONS
- 201 MOBILIZATION
- 202 SITE PREPARATION
- 203 EXCAVATION
- 204 EMBANKMENT CONSTRUCTION
- 205 WATER
- 206 WATER CONTROL STRUCTURE INSTALLATION
- 206A WATER CONTROL STRUCTURE & CULVERT APPURTENANCES
- 207 CAST-IN-PLACE CONCRETE
- 208 CULVERT INSTALLATION
- 209 RIPRAP PLACEMENT
- 307 REMOVAL AND SALVAGE OF EXISTING CULVERTS/STRUCTURES

PLAN INDEX

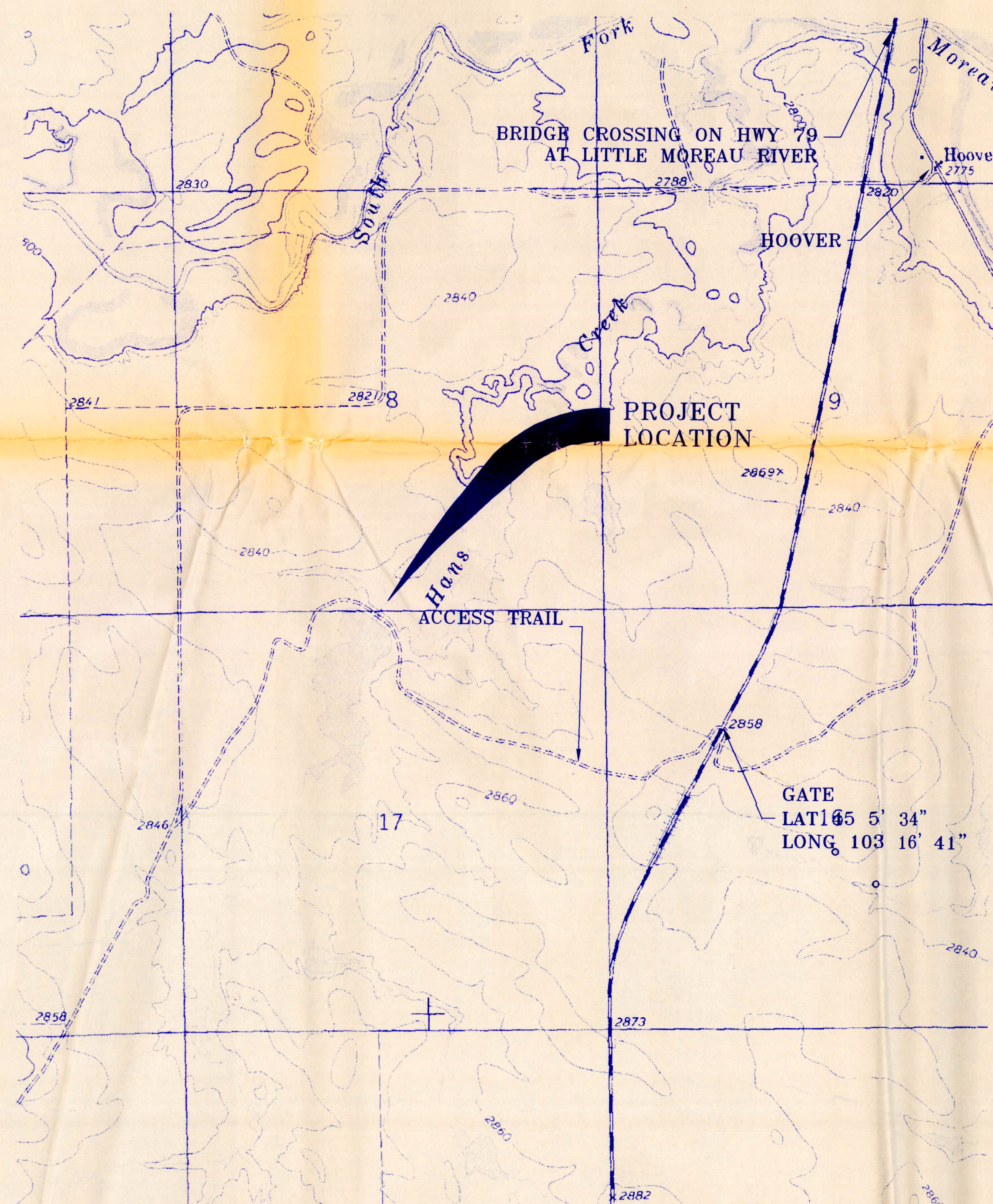
- 1 PROJECT LOCATION MAPS
- 2 PROJECT TOPOGRAPHY
- 3 EMBANKMENT PLAN & PROFILE
- 4 EMBANKMENT CROSS SECTIONS
- 5 EMBANKMENT CROSS SECTIONS
- 6 EMERGENCY SPILLWAY PLAN & PROFILE
- 7 STRUCTURE A PLAN & PROFILE
- 8 STRUCTURE B PLAN & PROFILE
- 9 WATER CONTROL STRUCTURE PLAN & PROFILE
- 10 SOILS INFORMATION

ESTIMATED QUANTITIES

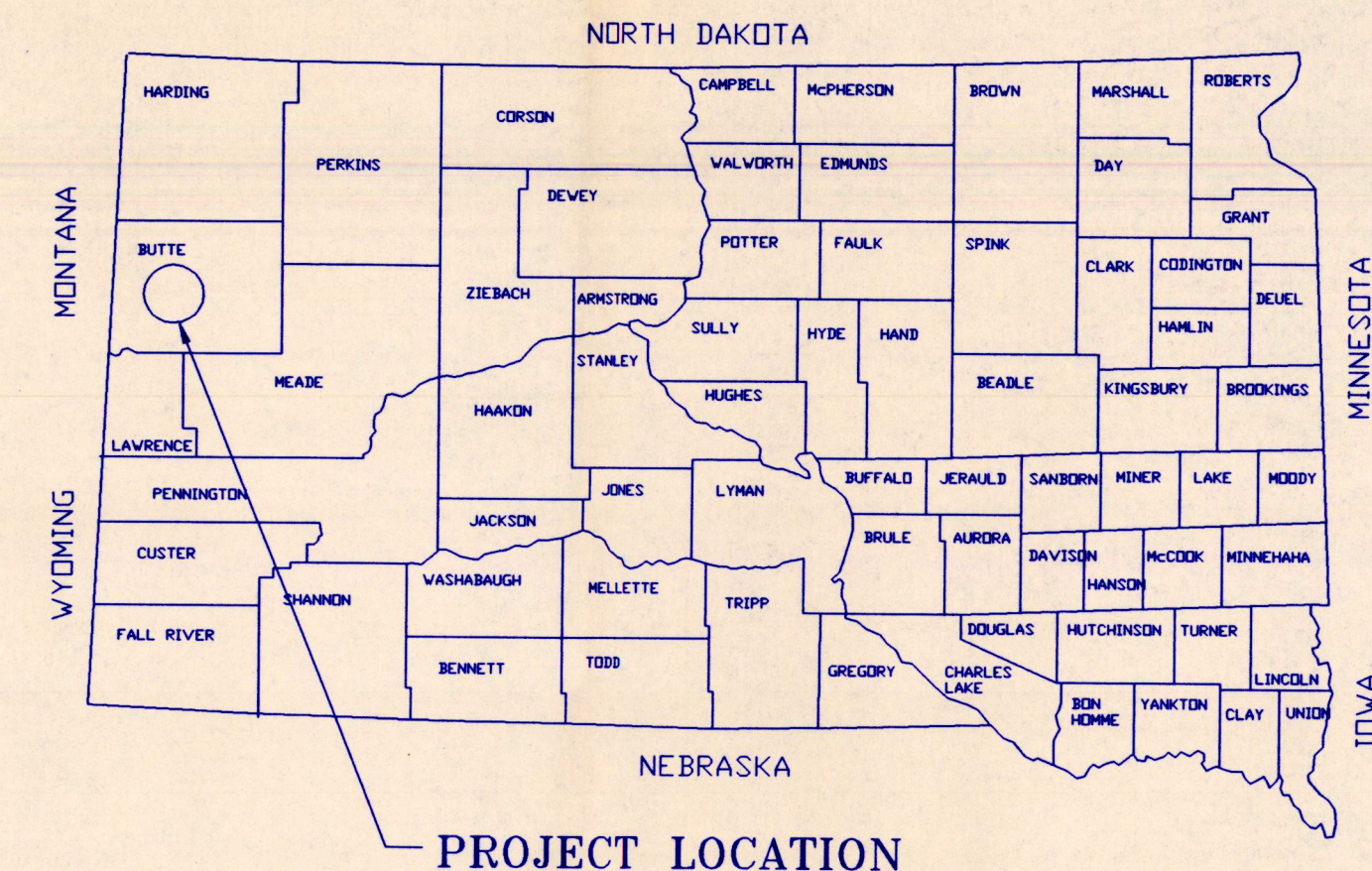
MOBILIZATION	1 L.S.
SITE PREPARATION	1110 C.Y.-P*
EMBANKMENT CONSTRUCTION	28252 C.Y.-P*
WATER	500 M-GAL.**
WATER CONTROL STRUCTURE INSTALLATION	2 EA.
CULVERT INSTALLATION	180 L.F.-P
RIPRAP (CLASS I)	24 C.Y.-P
RIPRAP (CLASS II)	70 C.Y.-P
REMOVAL - EXISTING CULVERTS / TIRES	1 L.S.

*CY-P - PAYMENT WILL BE BASED ON THIS PLAN QUANTITY. A SHRINK FACTOR IS NOT INCLUDED (MINIMAL SHRINKAGE AND/OR EXPANSION IN VOLUME FROM BORROW TO FILL IS ANTICIPATED)

**PAYMENT WILL BE BASED ON ACUTAL AMOUNT USED. SEE SPECIFICATION 205.

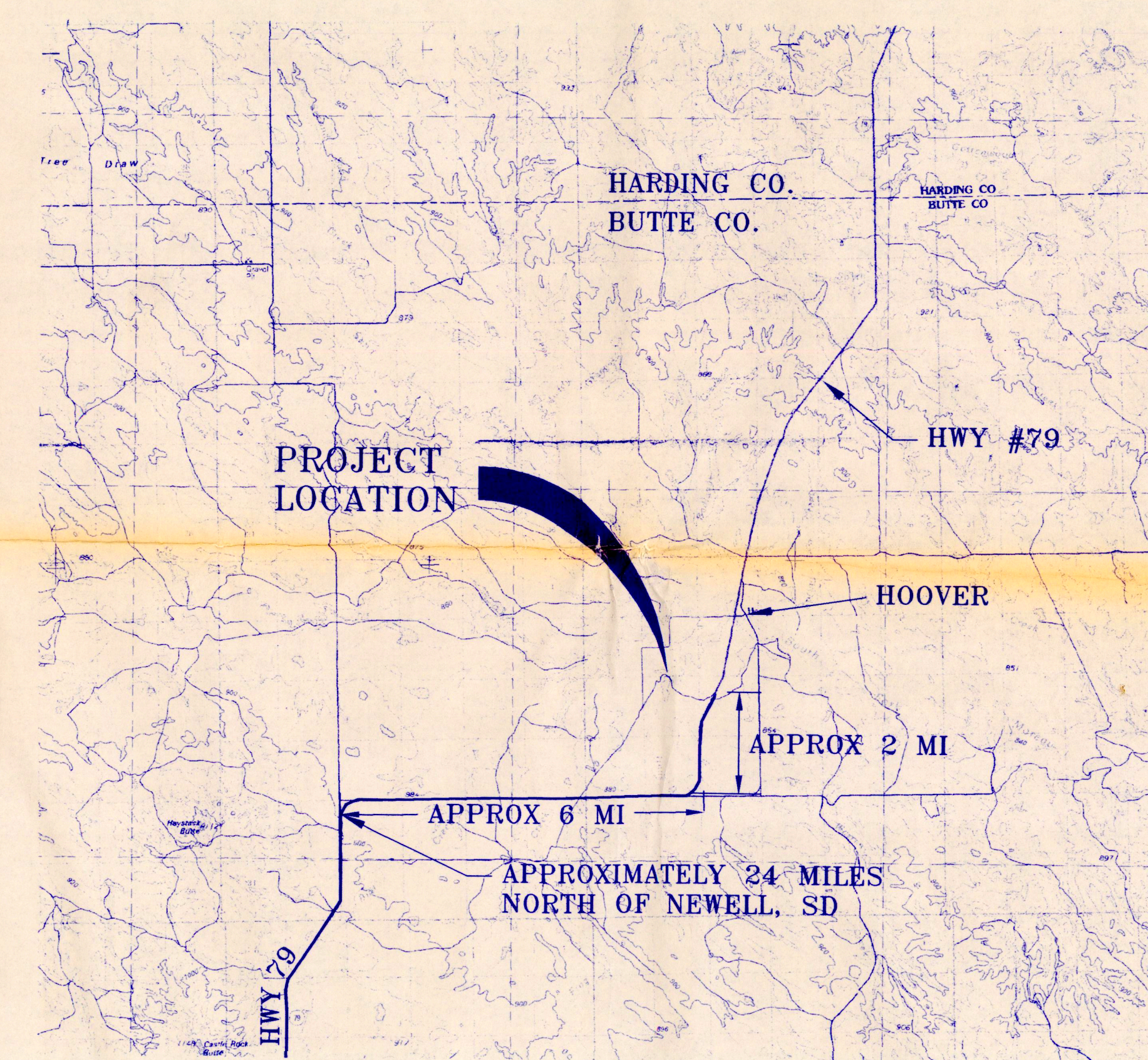


VICINITY MAP
SCALE: 1" = 1000'



PROJECT LOCATION

RECEIVED
DEC 24 2002
WATER RIGHTS
PROGRAM

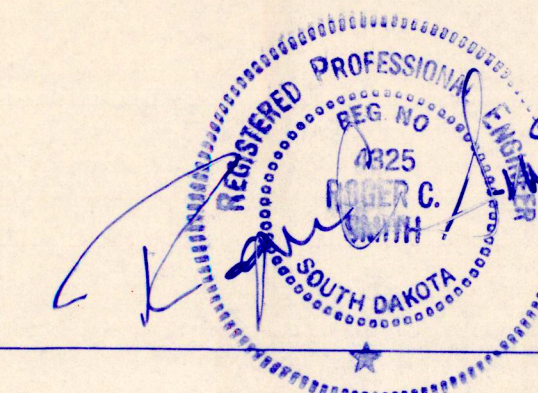


LOCATION MAP
SCALE: 1" = 2 MILES

DRIVING DIRECTIONS

FROM REVA, SD, WEST ON HWY 20 TO JUNCTION HWY 79, SOUTH APPROXIMATELY 32 MILES TO LITTLE MOREAU RIVER BRIDGE, CONTINUE SOUTH 1.7 MILES TO ACCESS TRAIL GATE.

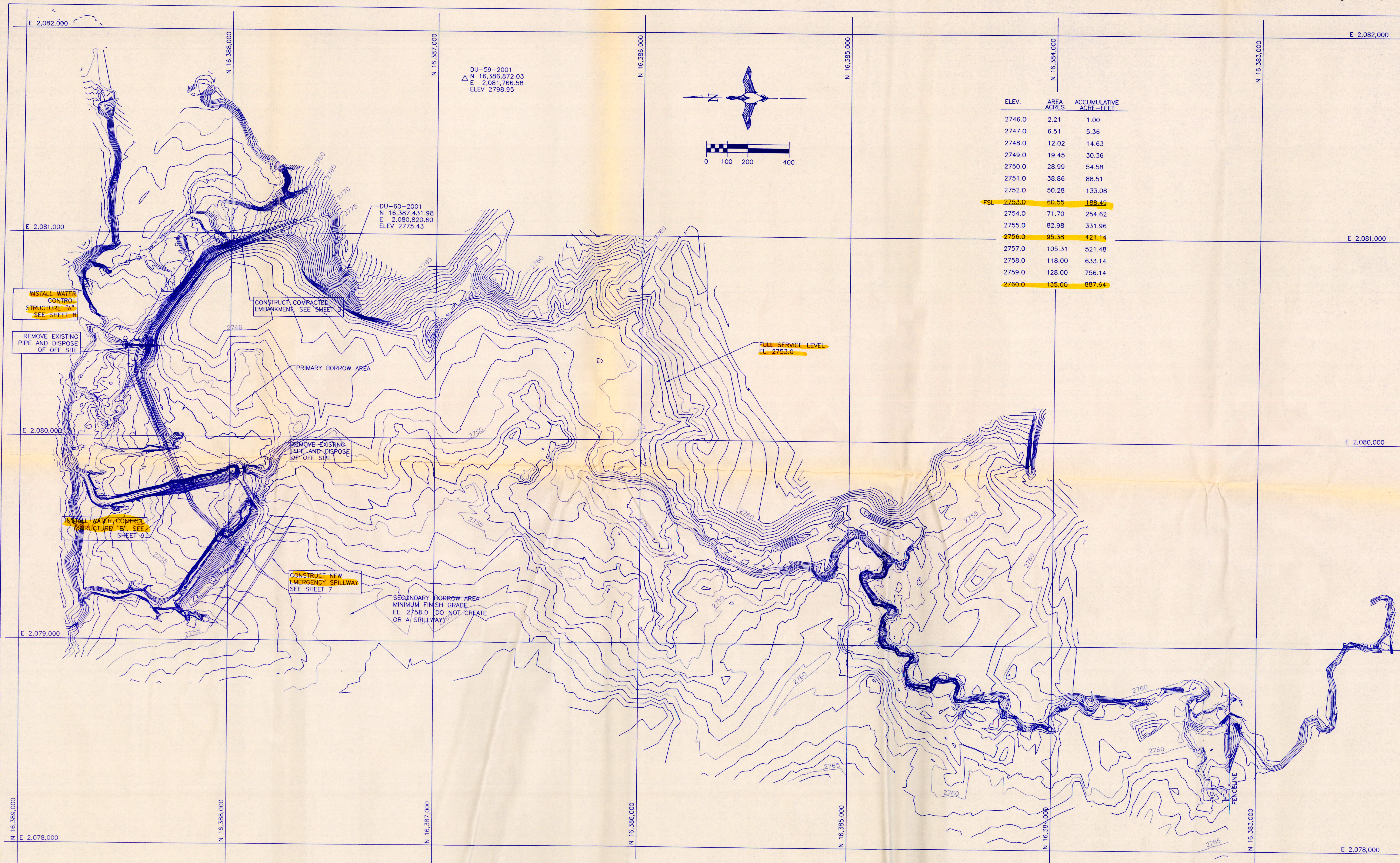
FROM NEWELL, SD - NORTH ON HWY 79 APPROXIMATELY 24 MILES, EAST ON HWY 79 APPROXIMATELY 6 MILES, NORTH APPROXIMATELY 2 MILES TO ACCESS TRAIL GATE.



DUCKS UNLIMITED INC. GREAT PLAINS REGIONAL OFFICE DATE: 11-27-2002	PROJECT NO. SD350-1 HOOVER DAM LOCATION & VICINITY MAPS	DESIGNED BY: RS DRAWN BY: SURVEYED BY: CHECKED BY:
	APPROVED BY: [Signature] 1 OF 10	1784-1 2499-2

K:\SD\SD-350\SHEET1.DWG

2499-2 E1784-



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HORIZONTAL CONTROL:
COORDINATES ARE UTM ZONE 13 COORDINATES IN US FEET (NAD 83(1996)).
THEY WERE ESTABLISHED FROM THE WGS84 ELLIPSOID WITH INFORMATION FROM
TRIMBLE 4400 & 4700 GPS RECEIVERS ON DECEMBER 18TH, 2001 AND
CALIBRATED TO USGS STATION STAMPED "FROG 1951" WHICH IS A THIRD
ORDER HORIZONTAL CONTROL STATION.

VERTICAL CONTROL:
WAS ESTABLISHED FROM THE 99 GEOID CONUS AND CALIBRATED TO THE
SAME STATION MENTION ABOVE WITH A SCALED AND PUBLISHED ELEVATION
OF 2861 FEET ON THE NAVD 88.

PREPARED BY:



TOMAN ENGINEERING COMPANY
CONSULTING CIVIL ENGINEERS
BOX 2102 ST. N.W. • WABASH, NORTH DAKOTA 58554 • 701-663-6463



GREAT PLAINS REGIONAL OFFICE

DATE: 06/26/02

SHEET NO. 2 OF 10

PROJECT NO. SD-0350-001

HOOVER DAM
SITE TOPOGRAPHY
PROJECT FEATURES

APPROVED BY:

APPROVED BY:

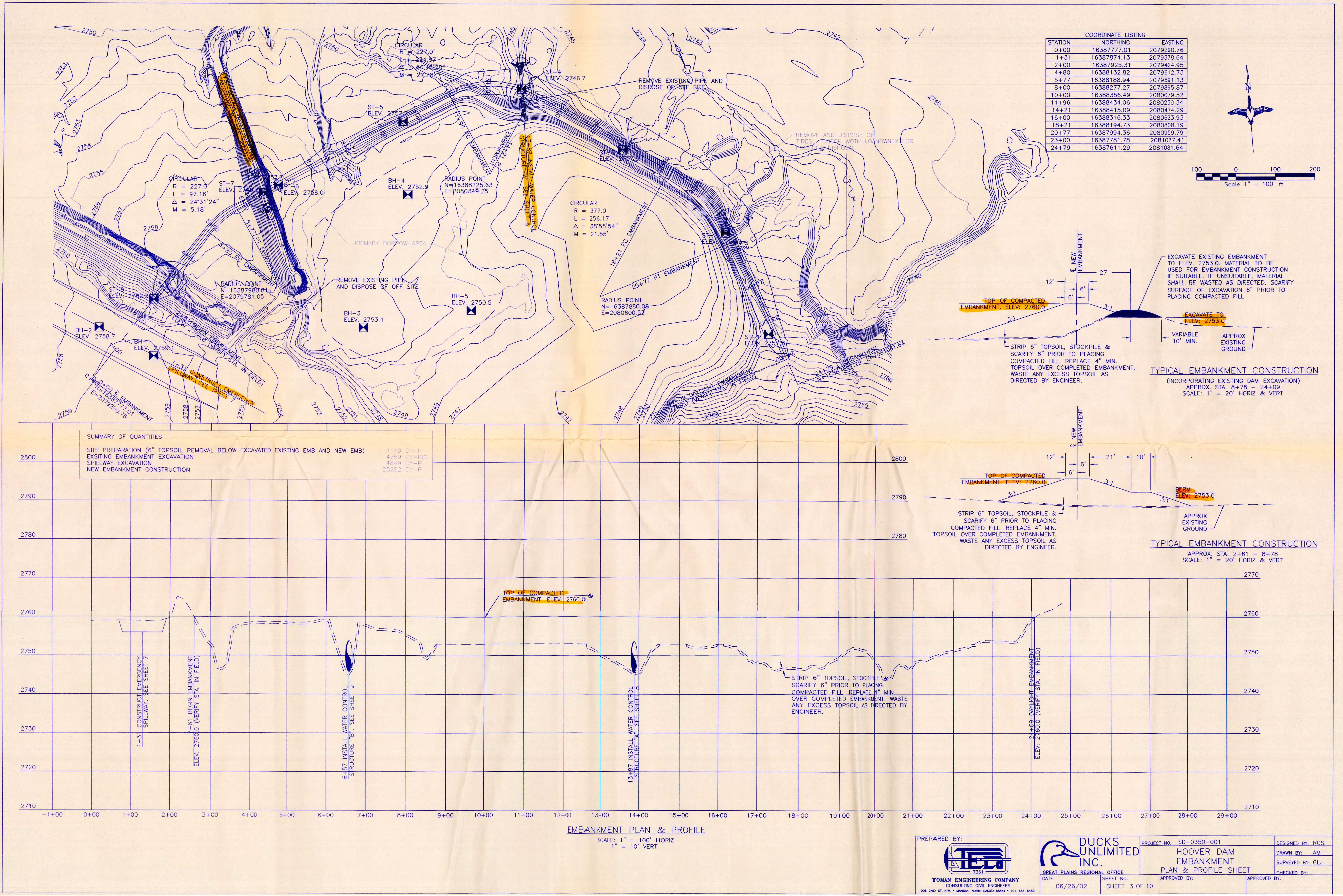
DESIGNED BY: RCS

DRAWN BY: DAK

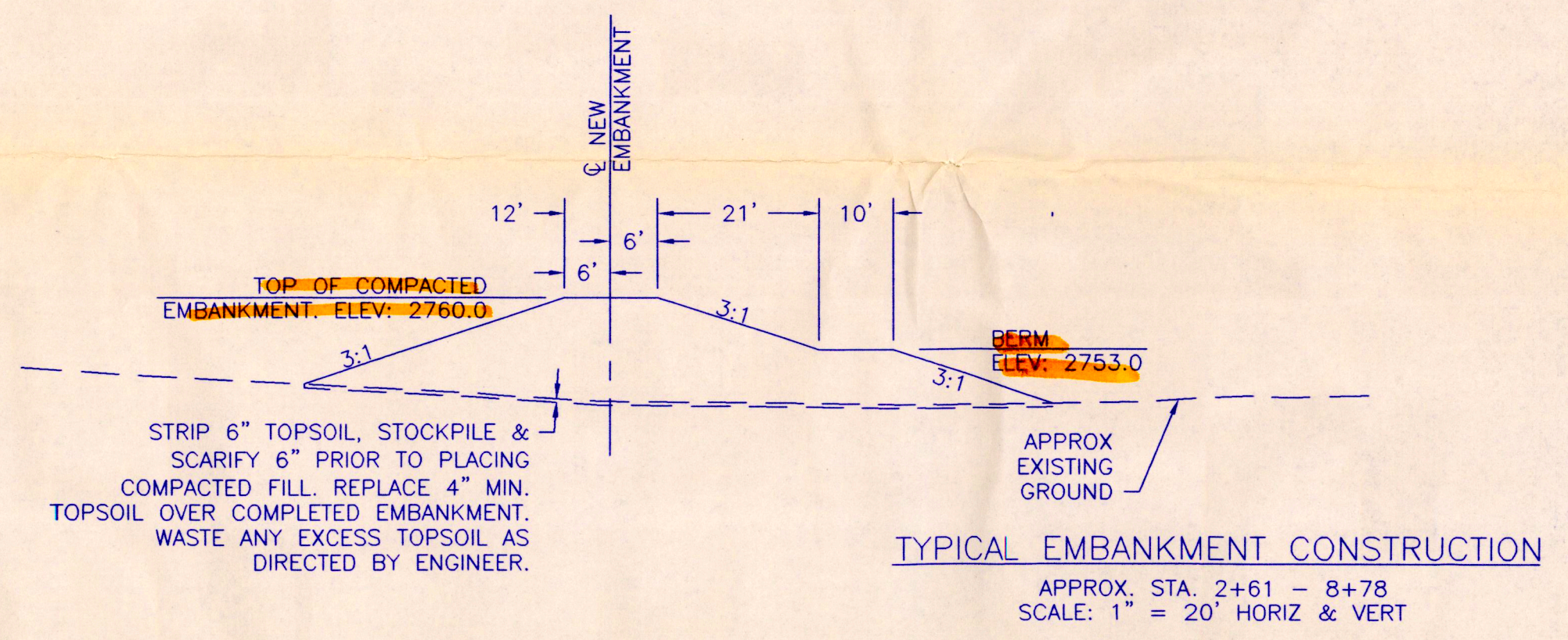
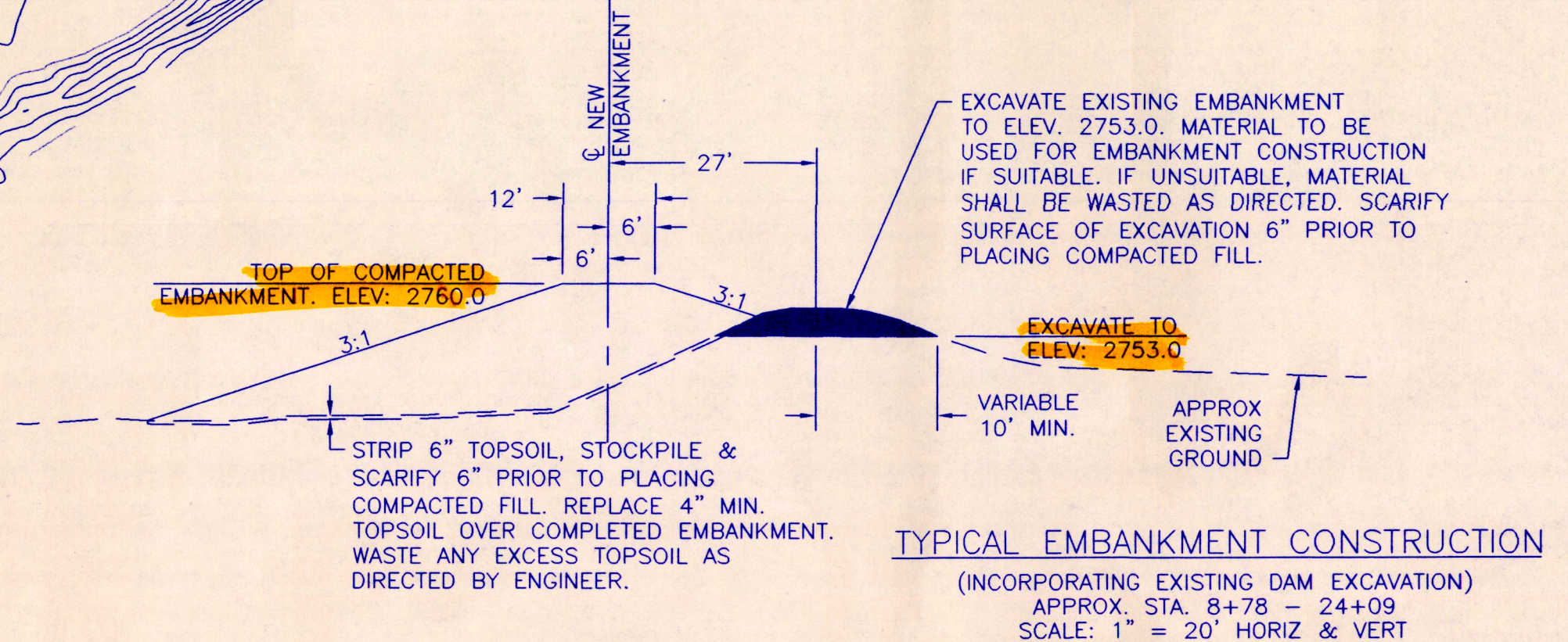
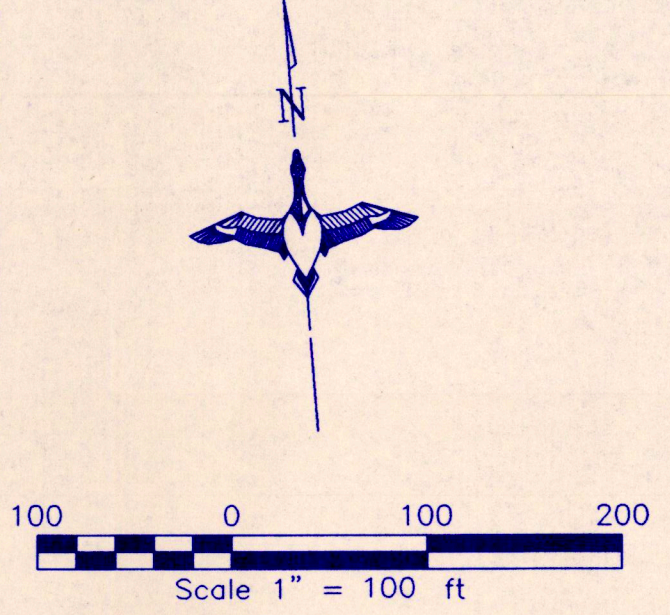
SURVEYED BY: GLJ

CHECKED BY:

2499-251784-1



COORDINATE LISTING		
STATION	NORTHING	EASTING
0+00	16387777.01	2079290.76
1+31	16387874.13	2079378.64
2+00	16387925.31	2079424.95
4+80	16388132.82	2079612.73
5+77	16388188.94	2079691.13
8+00	16388277.27	2079895.87
10+00	16388356.49	2080079.52
11+96	16388434.06	2080239.34
14+21	16388415.09	2080474.29
16+00	16388316.33	2080623.93
18+21	16388194.73	2080808.19
20+77	16387994.36	2080959.79
23+00	16387781.78	2081027.41
24+79	16387611.29	2081081.64



EMBANKMENT PLAN & PROFILE
SCALE: 1" = 100' HORIZ
1" = 10' VERT

PREPARED BY:

TOMAN ENGINEERING COMPANY
CONSULTING CIVIL ENGINEERS
906 2ND ST. N.W. • ANCHORAGE, ALASKA 99504 • 731-563-5443

DUCKS UNLIMITED INC.

GREAT PLAINS REGIONAL OFFICE

DATE: 06/26/02

SHEET NO. 3 OF 10

PROJECT NO. SD-0350-001

HOOVER DAM EMBANKMENT

PLAN & PROFILE SHEET

APPROVED BY:

DESIGNED BY: RCS

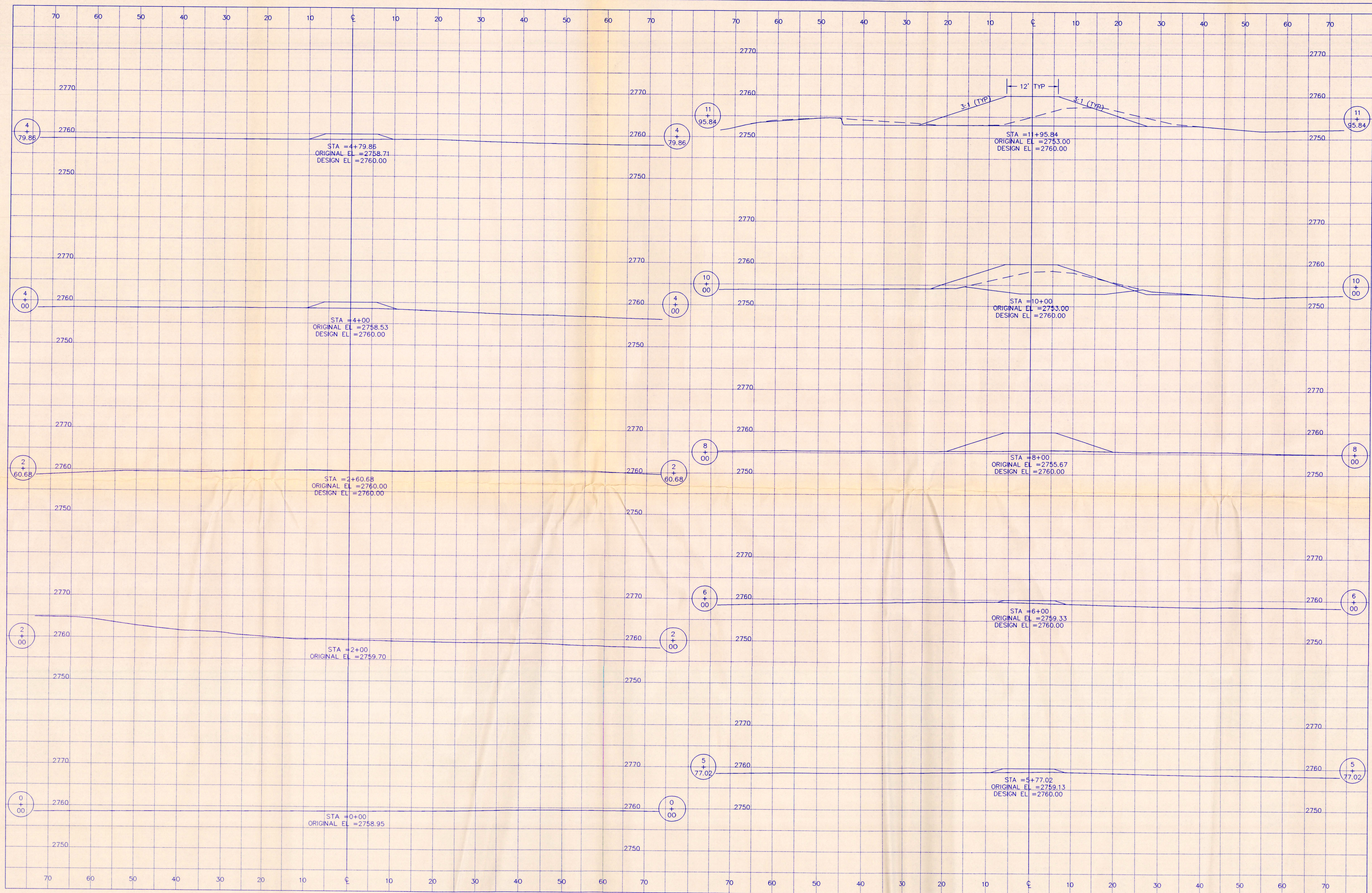
DRAWN BY: AM

SURVEYED BY: GLJ

CHECKED BY:

APPROVED BY:

2499-29
1784-1



EMBANKMENT CROSS SECTIONS

STA: 0+00 - 11+95.84
SCALE: 1" = 10' HORIZ & VERT

PREPARED BY:



TOMAN ENGINEERING COMPANY
CONSULTING CIVIL ENGINEERS
908 2ND ST. N.W. • MINNEAPOLIS, NORTH DAKOTA 58504 • 701-663-6463



DUCKS UNLIMITED INC.
GREAT PLAINS REGIONAL OFFICE
DATE: 06/26/02

PROJECT NO. SD-0350-001

HOOVER DAM
EMBANKMENT
CROSS SECTIONS

APPROVED BY:

DESIGNED BY: RCS

DRAWN BY: AM

SURVEYED BY: GLJ

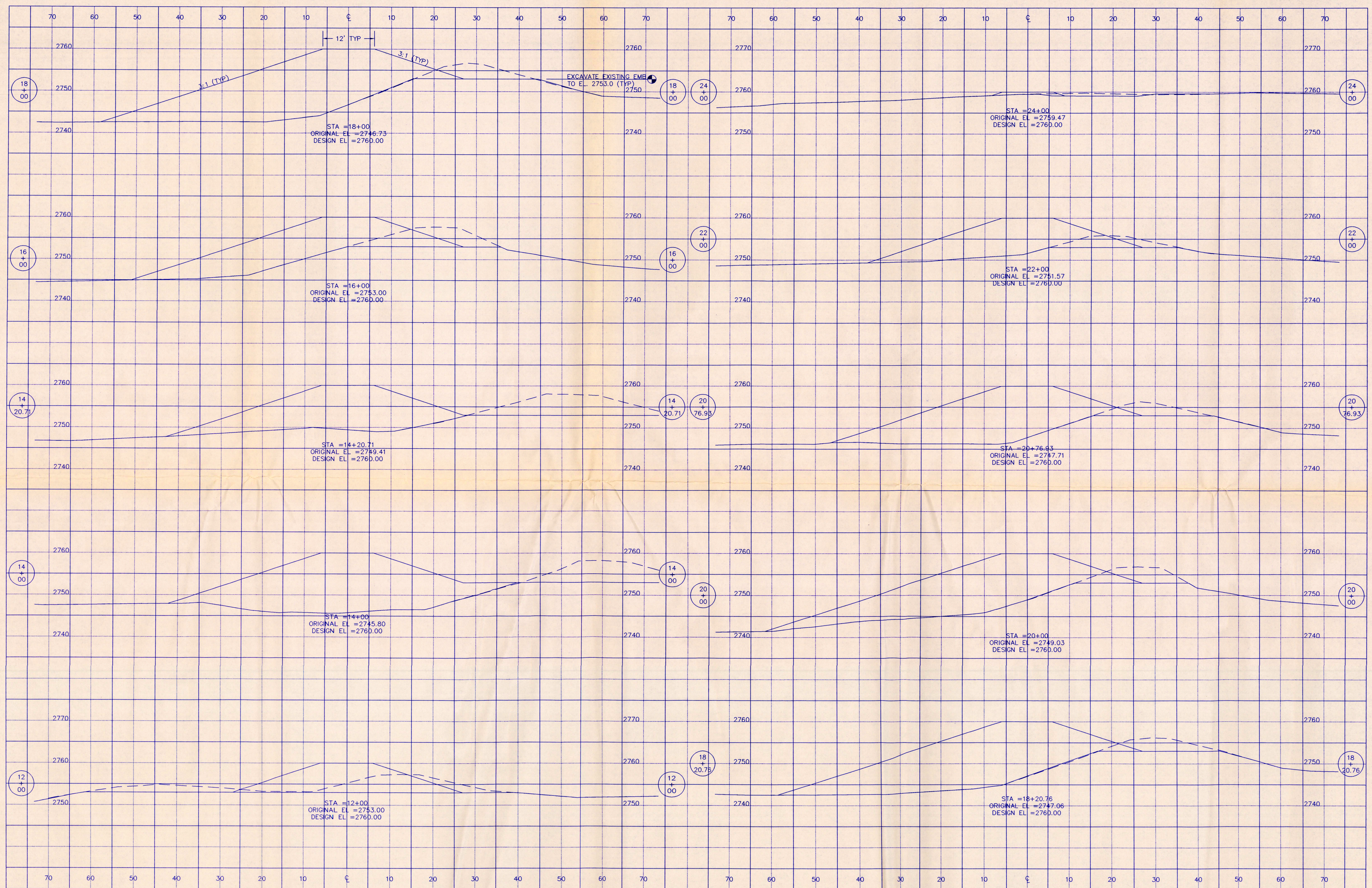
CHECKED BY:

APPROVED BY:

SHEET NO.

SHEET 4 OF 10

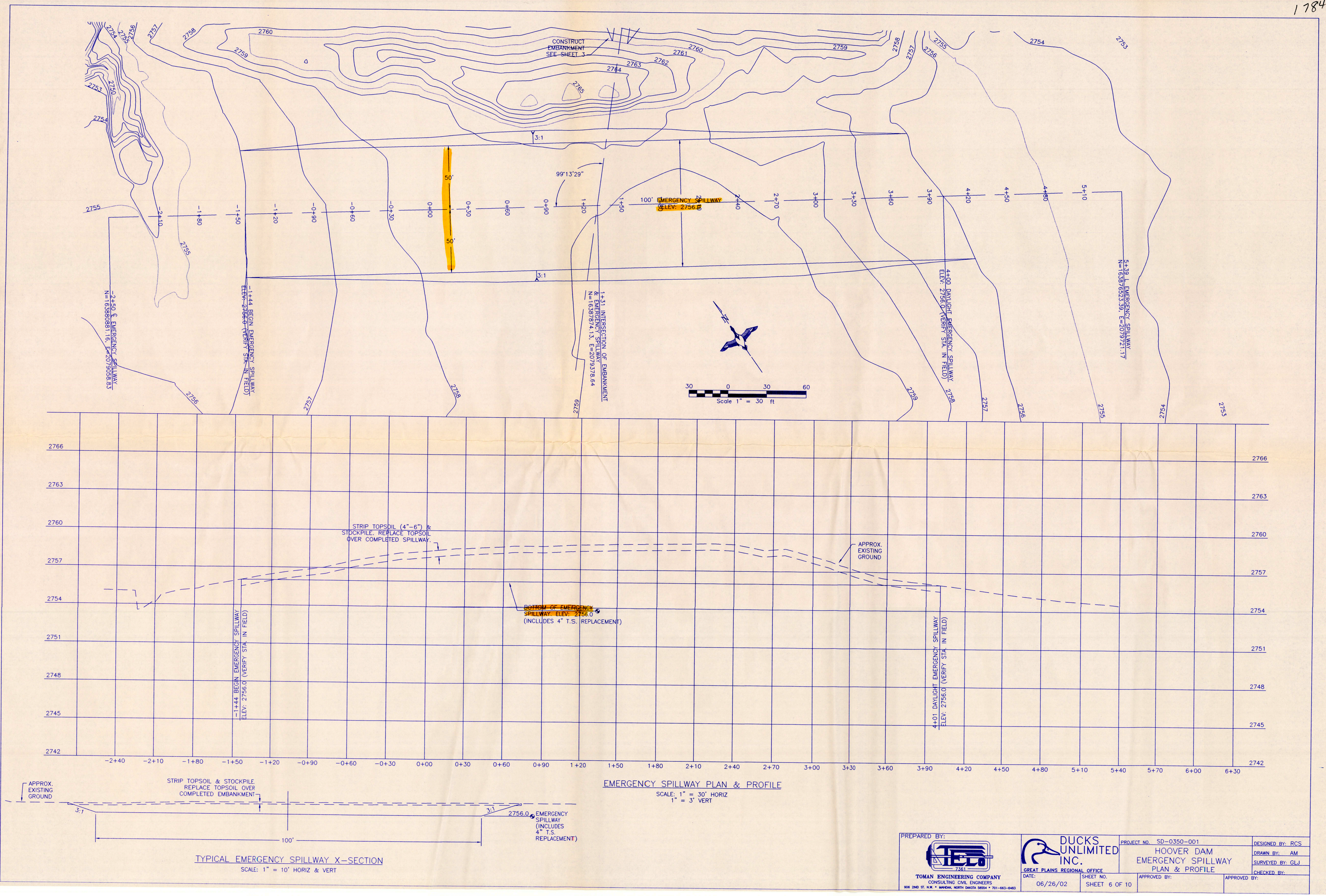
0499-23,1784-1



EMBANKMENT CROSS SECTIONS
 STA: 12+00 - 24+00
 SCALE: 1" = 10' HORIZ & VERT

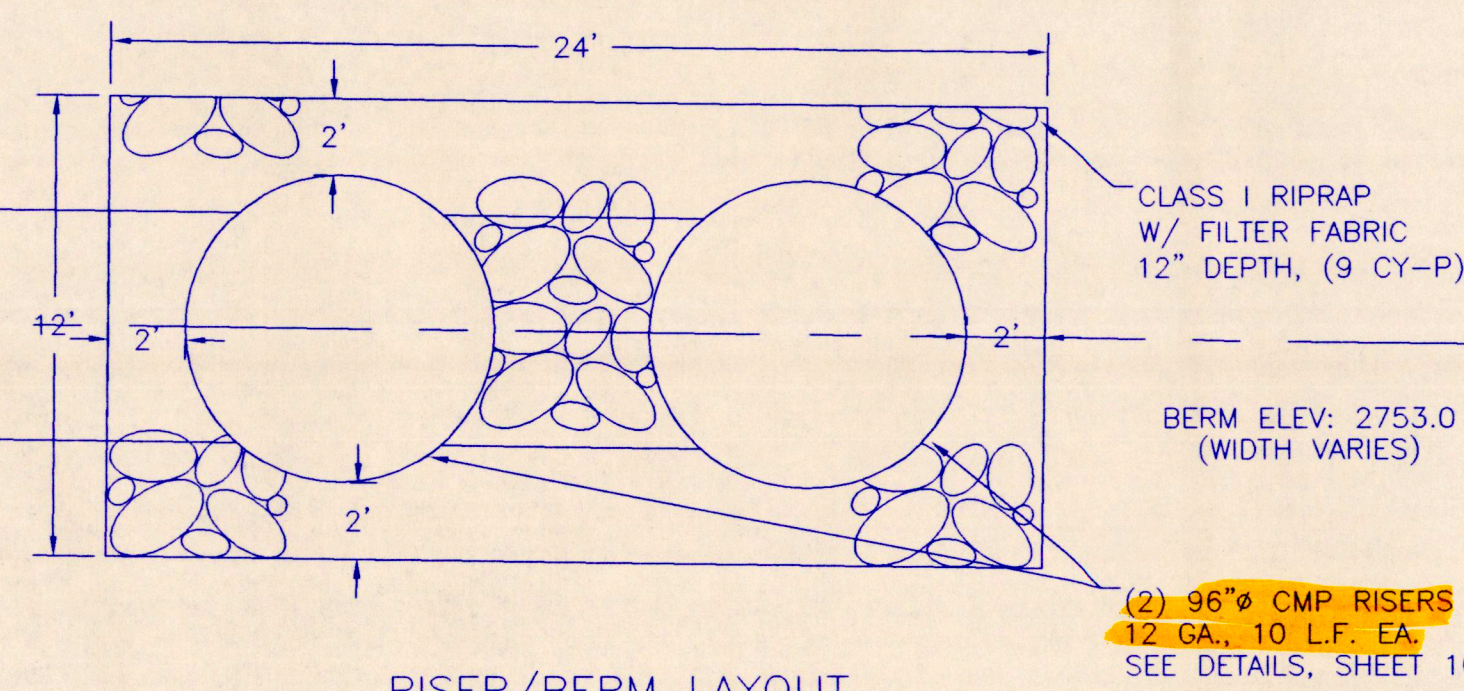
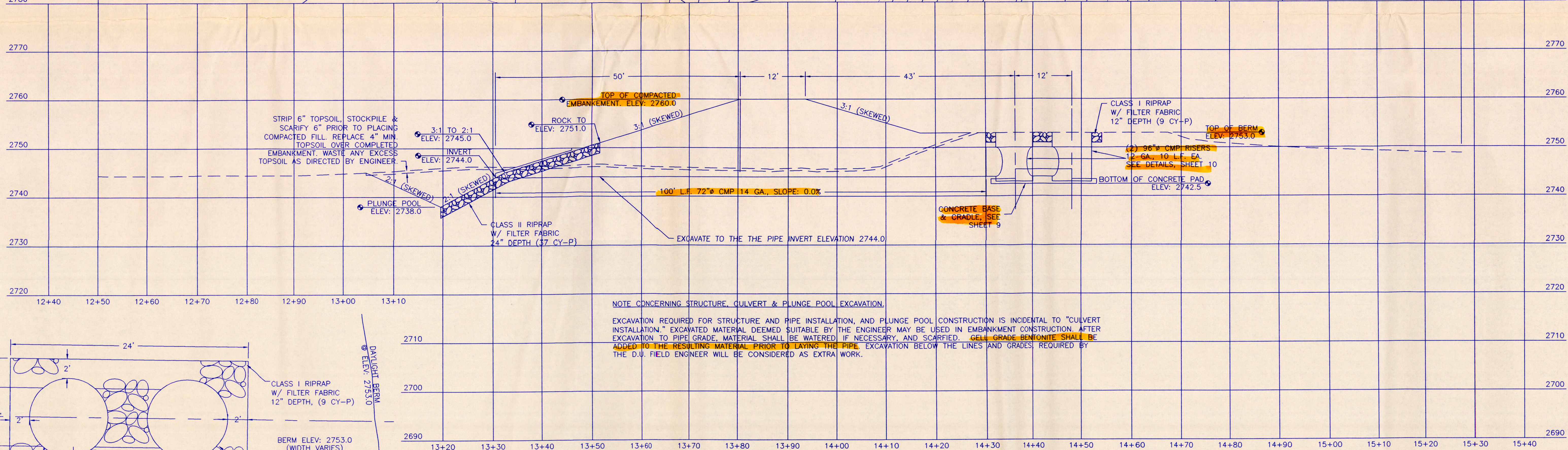
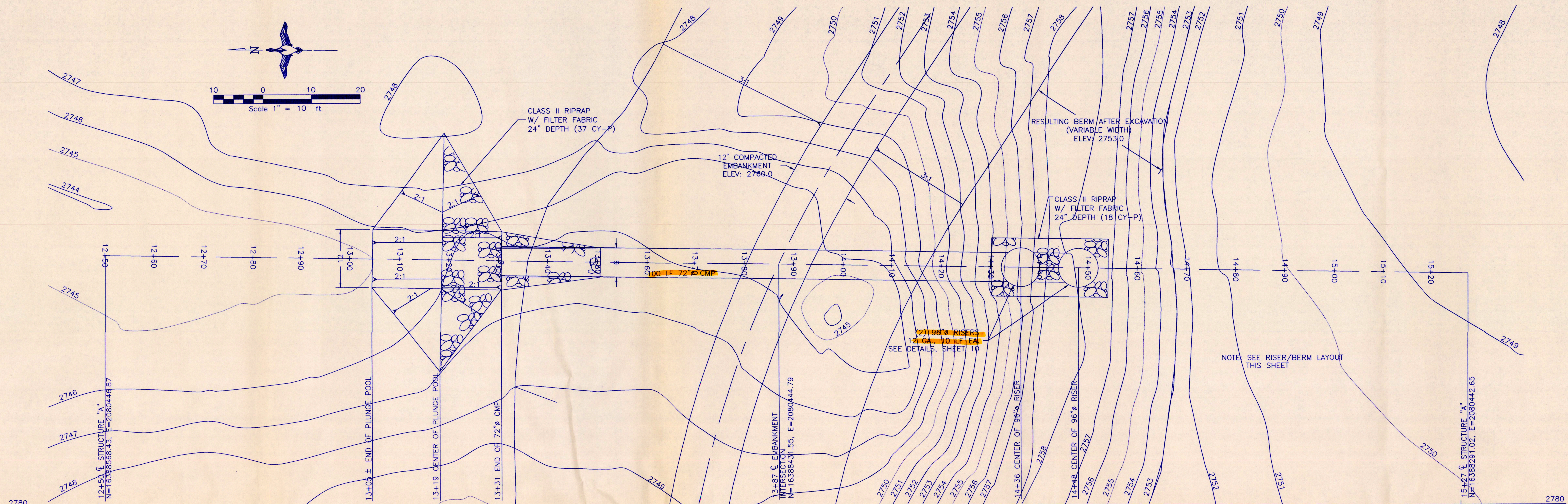
PREPARED BY: TOMAN ENGINEERING COMPANY CONSULTING CIVIL ENGINEERS 506 2ND ST. N.W. • WASHINGTON, NORTH DAKOTA 58504 • 701-653-6483	 DUCKS UNLIMITED INC. GREAT PLAINS REGIONAL OFFICE DATE: 06/26/02	PROJECT NO. SD-0350-001	DESIGNED BY: RCS
		HOOPER DAM EMBANKMENT CROSS SECTIONS	DRAWN BY: AM
		SHEET NO. 5 OF 10	SURVEYED BY: GLJ
		APPROVED BY:	CHECKED BY:

2499.24
1784.1



 TOMAN ENGINEERING COMPANY CONSULTING CIVIL ENGINEERS 908 2ND ST. N.W. • WAKEFELD, NORTH DAKOTA 58554 • 701-643-6483	PREPARED BY: DATE: 06/26/02	 DUCKS UNLIMITED INC. GREAT PLAINS REGIONAL OFFICE SHEET NO. 6 OF 10	PROJECT NO. SD-0350-001 HOOVER DAM EMERGENCY SPILLWAY PLAN & PROFILE	DESIGNED BY: RCS DRAWN BY: AM SURVEYED BY: GLJ CHECKED BY:
	APPROVED BY:			
	APPROVED BY:			
	APPROVED BY:			

0499-28
1784-1



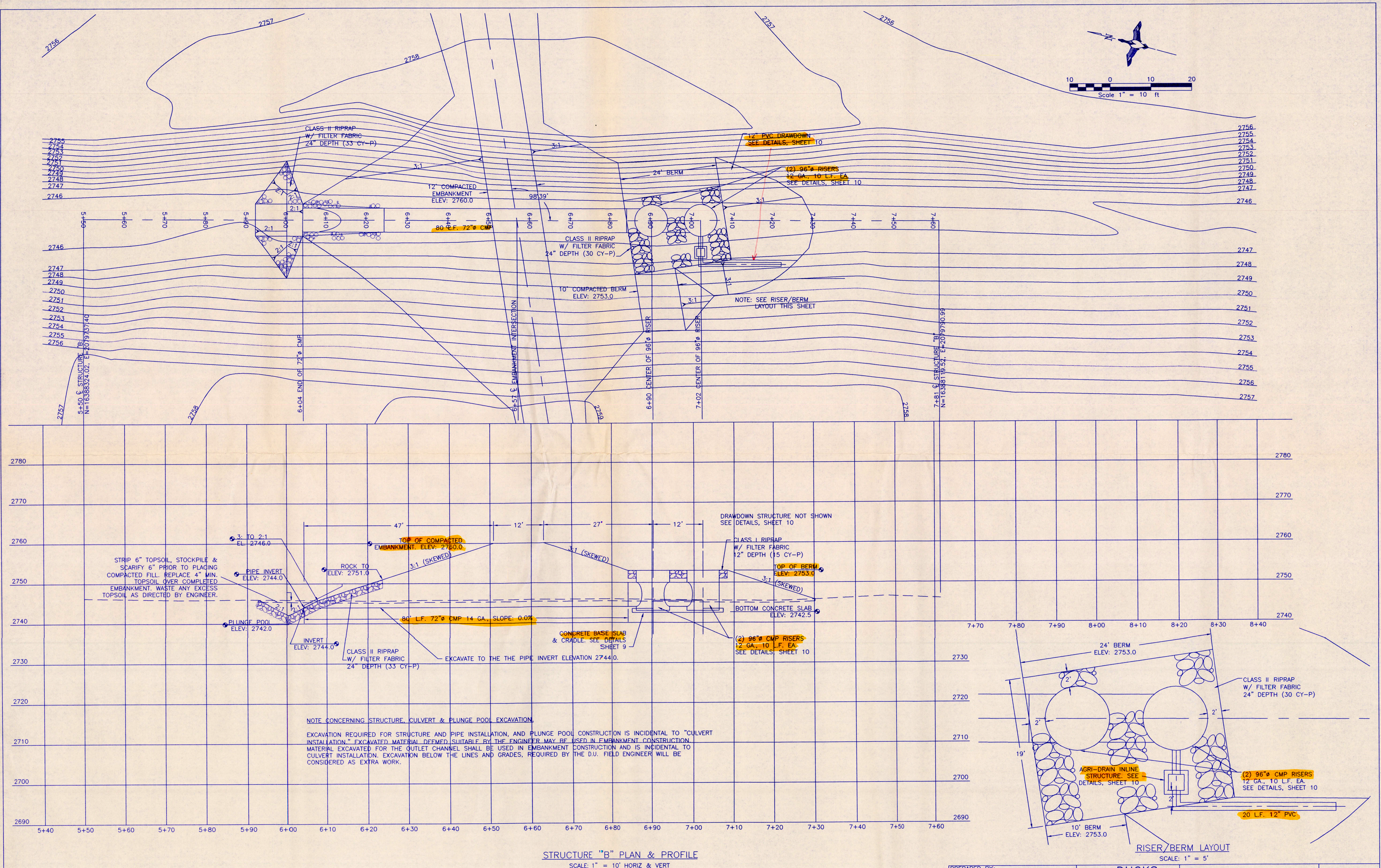
NOTE CONCERNING STRUCTURE, CULVERT & PLUNGE POOL EXCAVATION.

EXCAVATION REQUIRED FOR STRUCTURE AND PIPE INSTALLATION, AND PLUNGE POOL CONSTRUCTION IS INCIDENTAL TO "CULVERT INSTALLATION." EXCAVATED MATERIAL DEEMED SUITABLE BY THE ENGINEER MAY BE USED IN EMBANKMENT CONSTRUCTION AFTER EXCAVATION TO PIPE GRADE. MATERIAL SHALL BE WATERED IF NECESSARY AND SCARIFIED. GEL-GRADE BENTONITE SHALL BE ADDED TO THE RESULTING MATERIAL PRIOR TO LAYING THE PIPE. EXCAVATION BELOW THE LINES AND GRADES REQUIRED BY THE D.V. FIELD ENGINEER WILL BE CONSIDERED AS EXTRA WORK.

STRUCTURE "A" PLAN & PROFILE
SCALE: 1" = 10' HORIZ & VERT

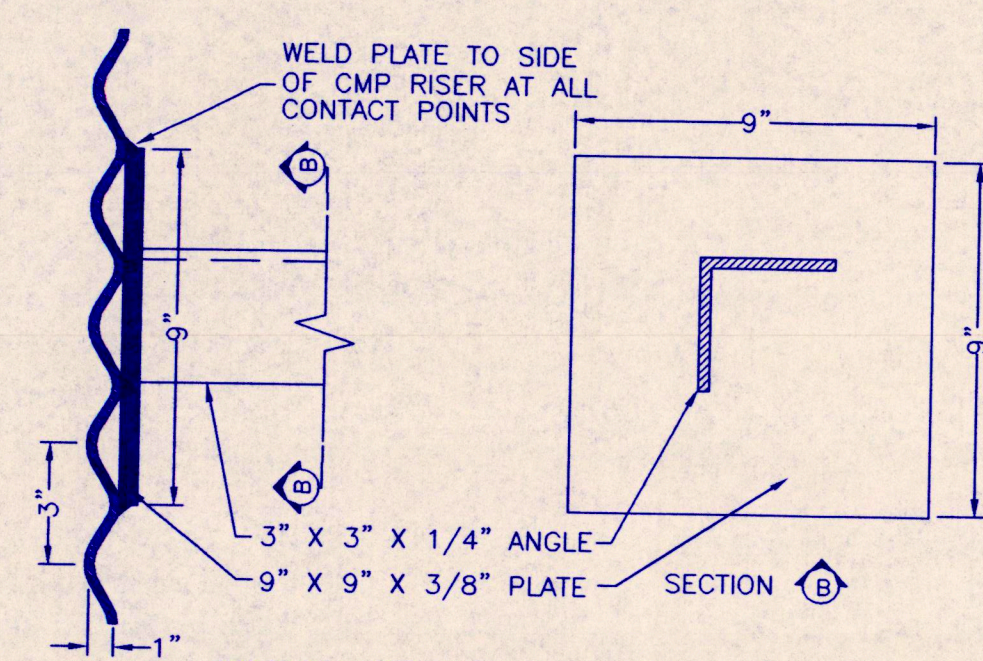
PREPARED BY: TECO TOMAN ENGINEERING COMPANY CONSULTING CIVIL ENGINEERS 906 2ND ST. N.W. • WASHINGTON, NORTH DAKOTA 58554 • 701-653-6463	PROJECT NO. SD-0350-001 HOOVER DAM STRUCTURE "A" PLAN & PROFILE	DESIGNED BY: RCS DRAWN BY: AM SURVEYED BY: GLW CHECKED BY:
DATE: 06/26/02 SHEET NO. 7 OF 10	APPROVED BY:	APPROVED BY:

2499-2 & 1744-1
1784-1

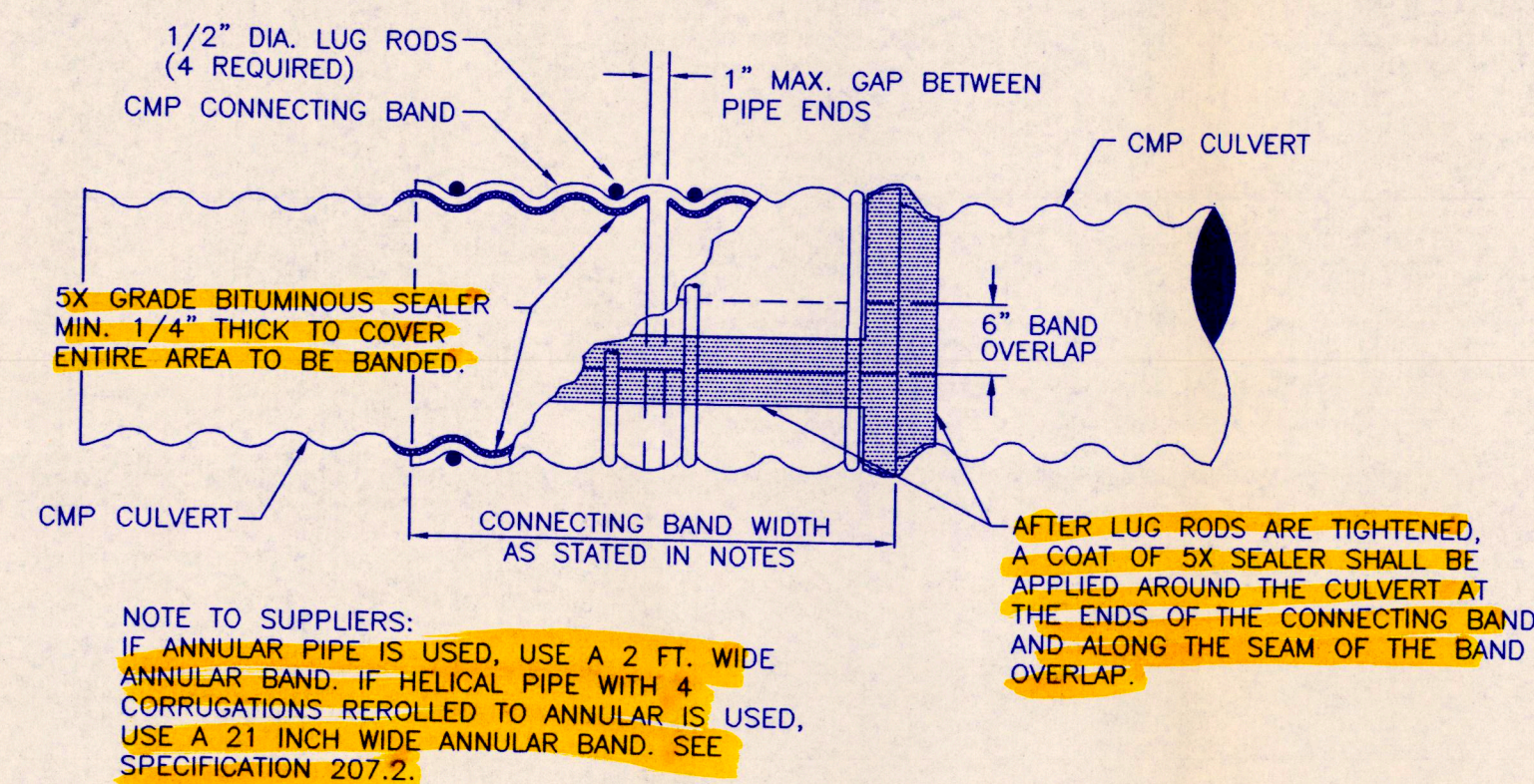


PREPARED BY: TOMAN ENGINEERING COMPANY CONSULTING CIVIL ENGINEERS 908 2ND ST. N.W. • WASHINGTON, NORTH DAKOTA 58504 • 701-683-6483		DUCKS UNLIMITED INC. GREAT PLAINS REGIONAL OFFICE DATE: 06/26/02 SHEET NO. 8 OF 10		PROJECT NO. SD-0350-001 HOOVER DAM STRUCTURE "B" PLAN & PROFILE APPROVED BY:		DESIGNED BY: RCS DRAWN BY: AM SURVEYED BY: GLJ CHECKED BY:	
--	--	---	--	--	--	---	--

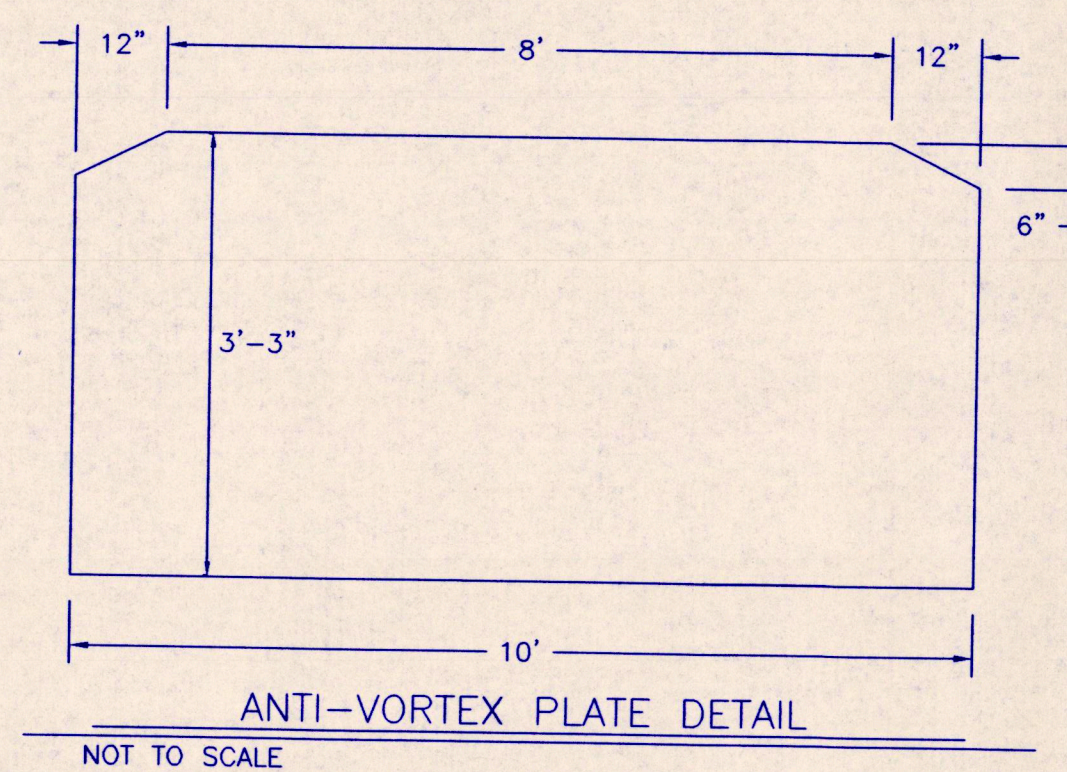
2499-2 & 1784-1



CROSS BRACE REINFORCING PLATE

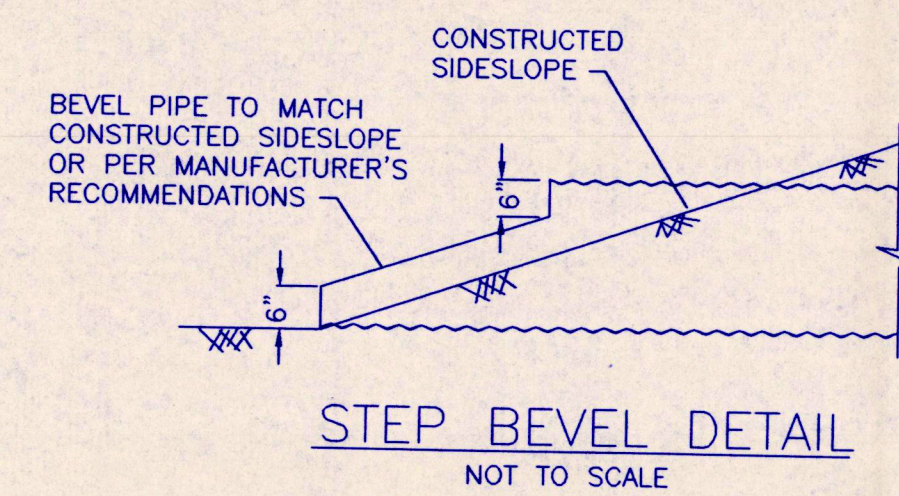


CONNECTING BAND DETAIL
NOT TO SCALE

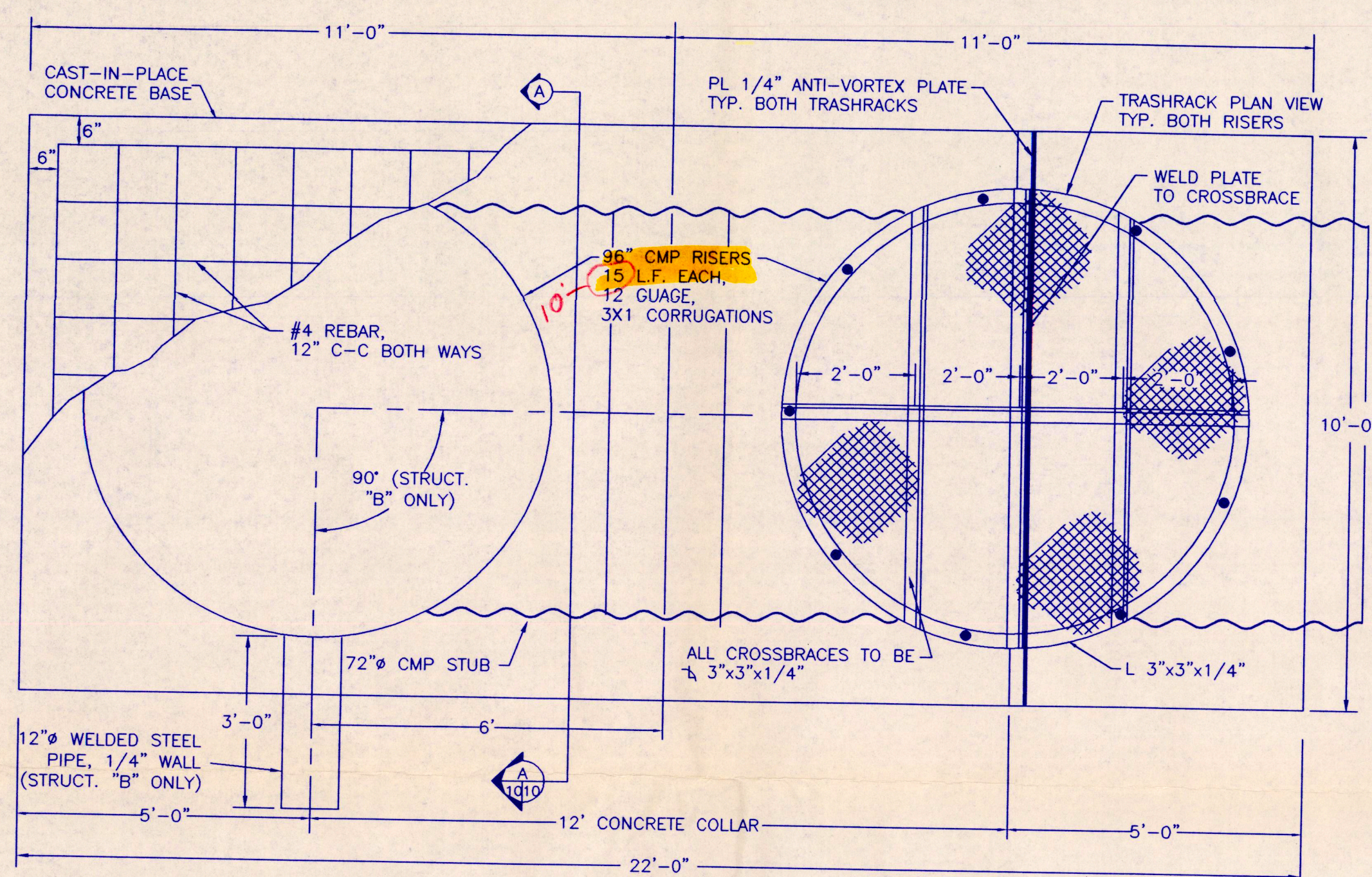


ANTI-VORTEX PLATE DETAIL

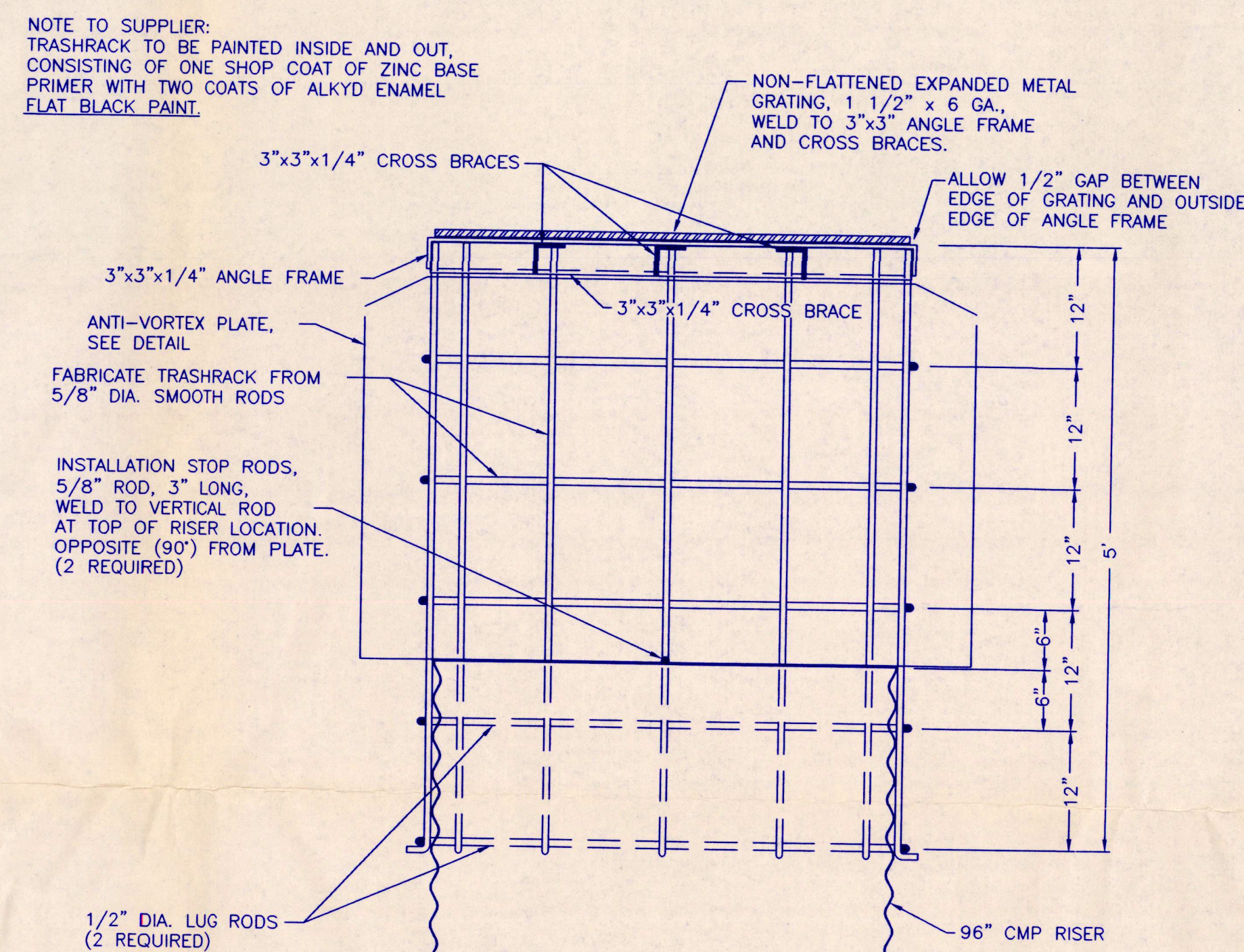
NOT TO SCALE



STEP BEVEL DETAIL
NOT TO SCALE

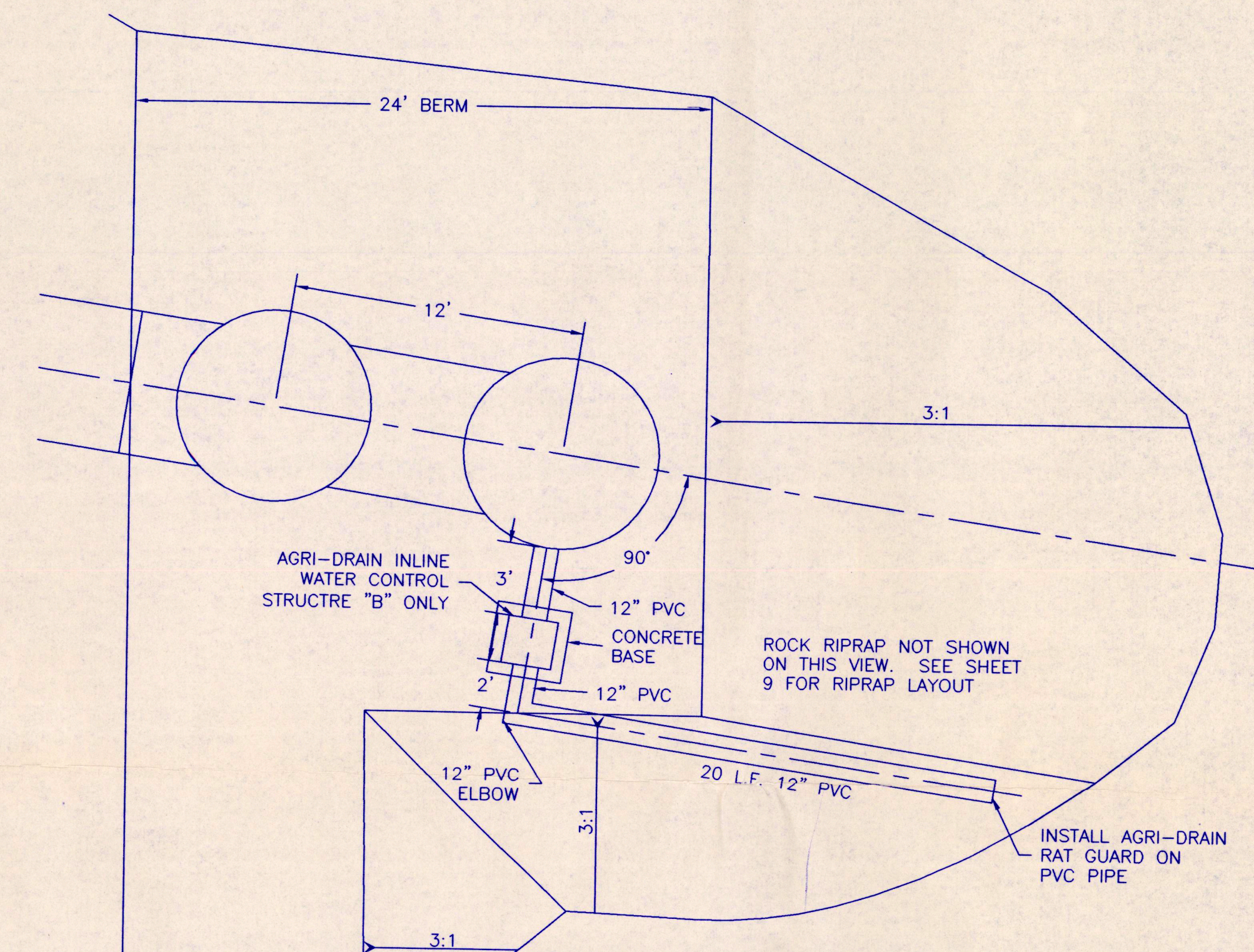


WATER CONTROL STRUCTURE PLAN ("A" & "B")
NOT TO SCALE

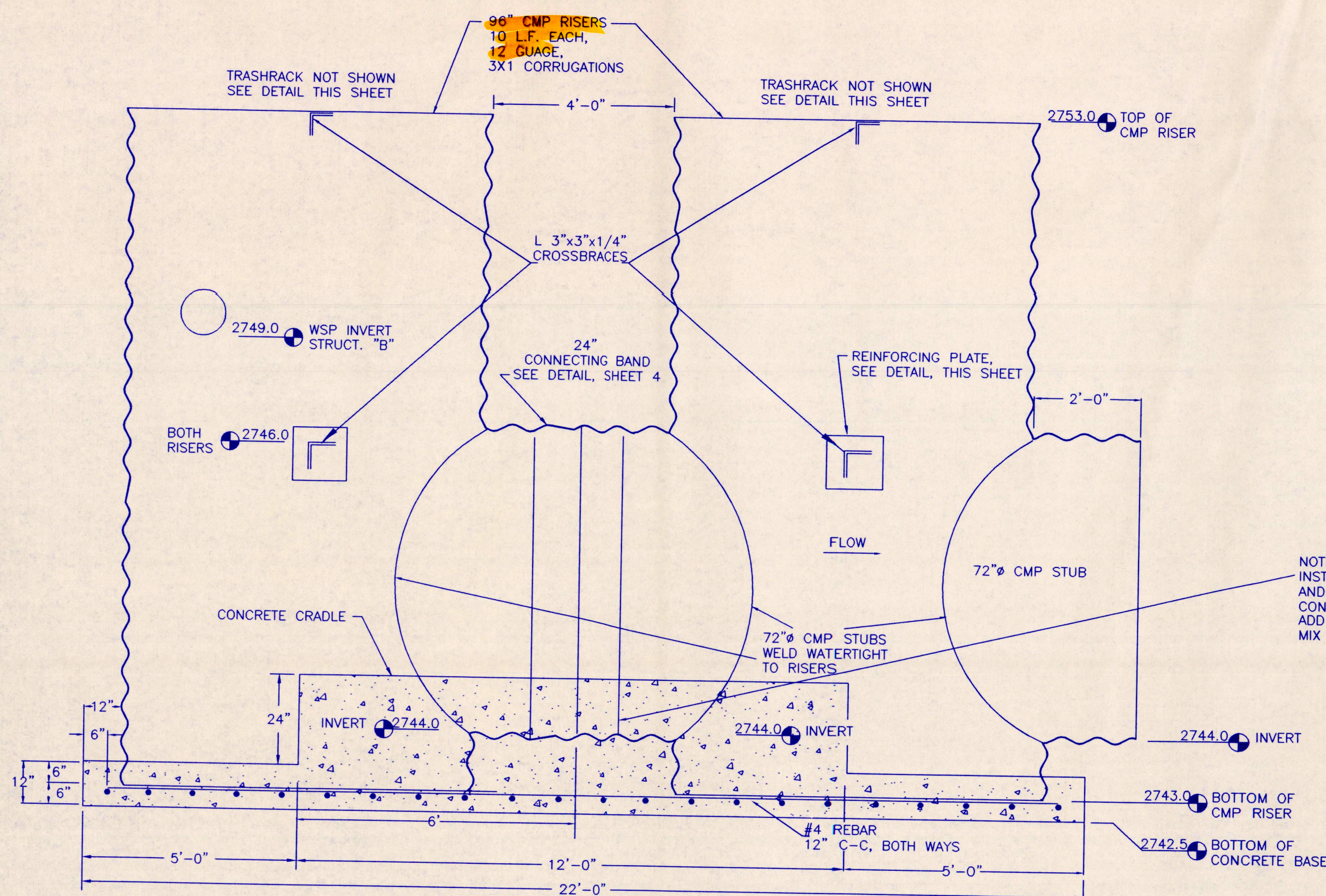


TRASHRACK PROFILE

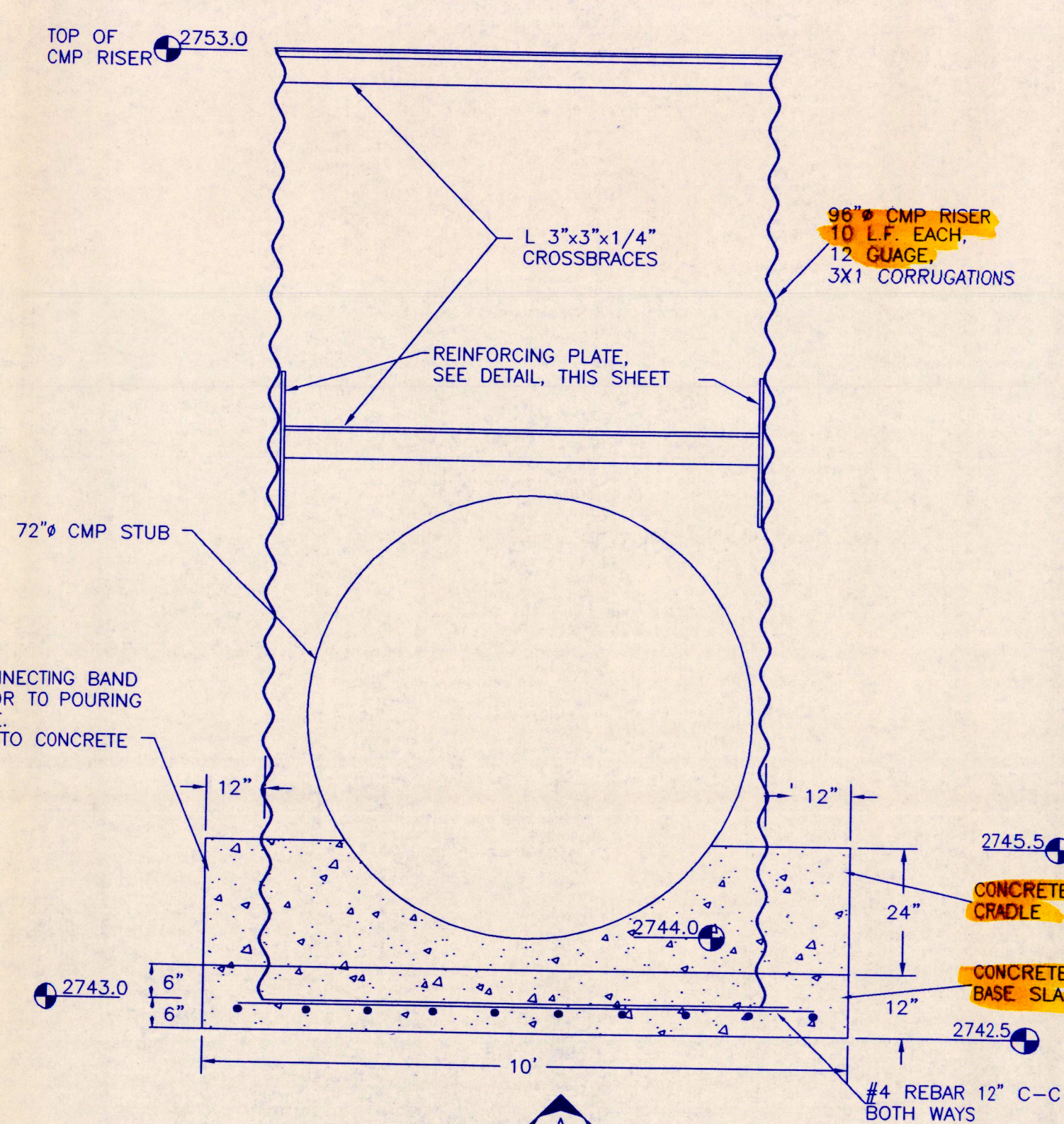
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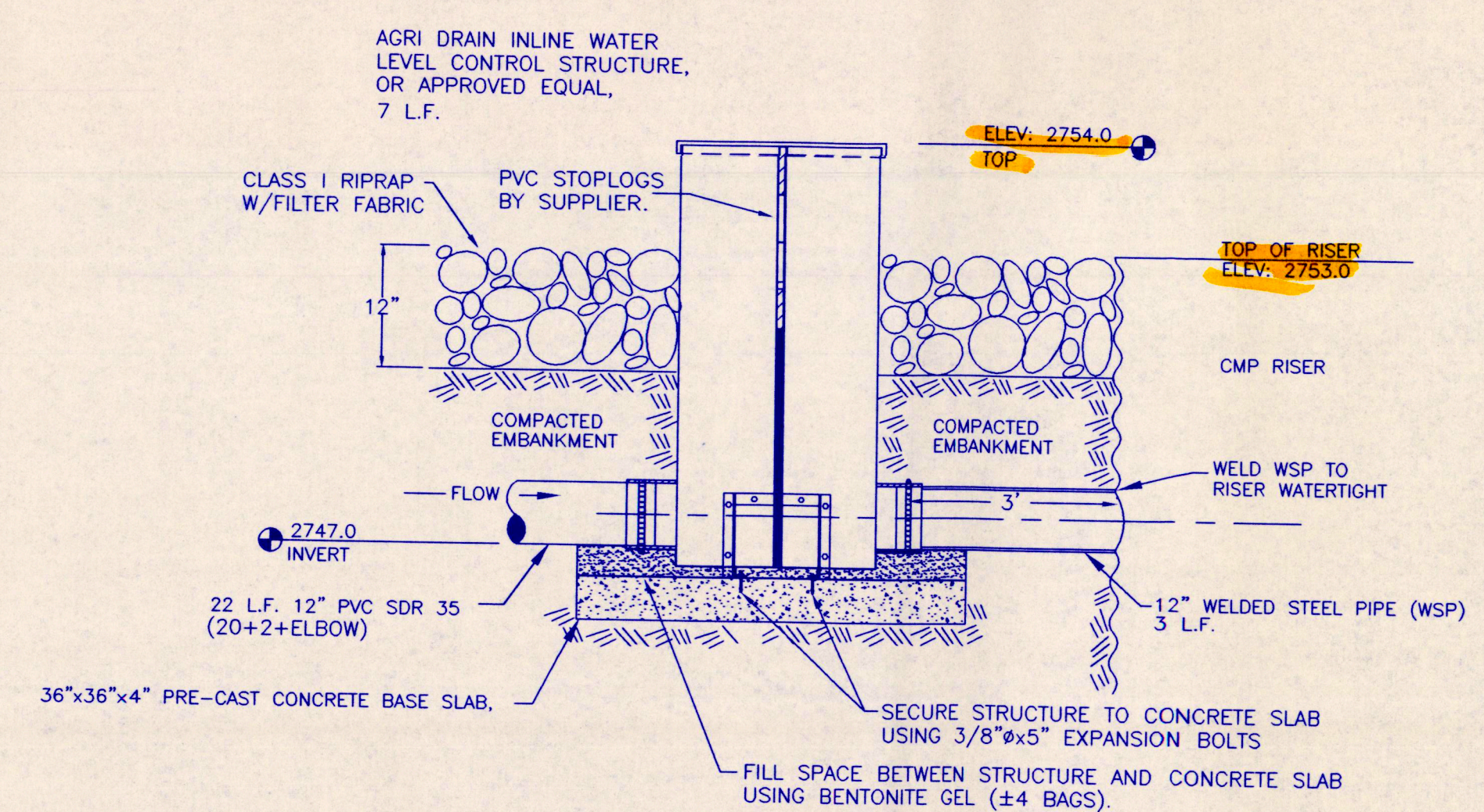
DRAWDOWN STRUCTURE "B" PLAN VIEW
SCALE: 1" = 5'



WATER CONTROL STRUCTURE ("A" & "B")
 C PROFILE



SECTION
CONCRETE GRADE



INLINE DRAWDOWN STRUCTURE PROFILE
NOT TO SCALE

12-3-2002 10 OF 10
DATE: 12-3-2002
SHEET NO. 10 OF 10
GREAT PLAINS REGIONAL OFFICE
DUCKS UNLIMITED INC.
PROJECT NO. SD350-1
HOOVER DAM
DESIGNED BY: RS
DRAWN BY:
CHECKED BY:
APPROVED BY:

