

WATER PERMIT NO. 2501-2

Name of Applicant: North End Farms

Address: HCR 89 Box 209, Hermosa SD 57744

Phone: 605 255-4212

Amount of Water Claimed: 1.78 cfs

Total Acres: 150 acres

Source of Water Supply: drainage from irrigation district

Water to be used for: irrigation

County: Custer

Type of Waste Disposal System:

Location: approximately 25 miles southeast of Hermosa

PRIORITY

Date Received: 1-17-03

Application/License Fee: \$300

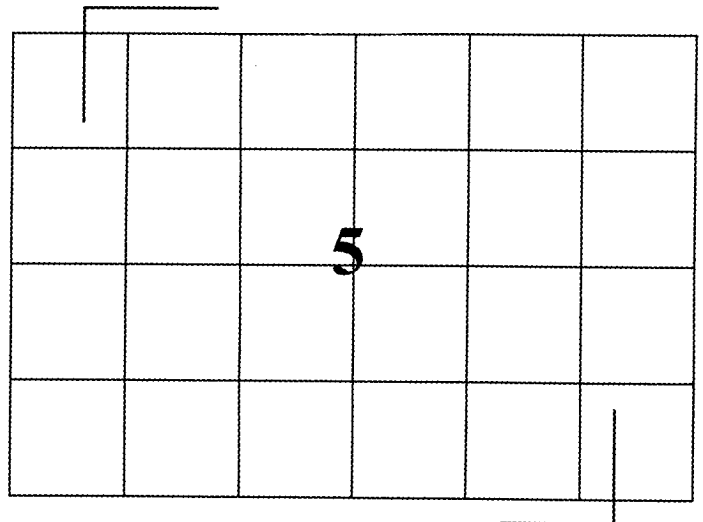
Corrected Application Received:

Period of Annual Use: May 1 – Sept 30

Remarks: XX

Diversion Point:

Land to be Irrigated: SE ¼ Sec 5-T6S-R9E



Depth of Well: NA

Well Driller: : NA

Remarks:

Type of Map: aerial

Prepared by: Thomas Wanner

Reviewed and the Number Assigned on: 1-17-03

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 2501-2**

Date of first receipt of application January 17, 2003.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2501-2 to North End Farms, c/o Mark Neugebauer, HCR 89 Box 209, Hermosa SD 57744 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. 2501-2 appropriates 1.78 cubic feet of water per second from a dam to irrigate 150 acres. The dam will impound 30.7 acre feet of water and is to be located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 4 and E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 5, T6S, R9E. The dam will be located on an unnamed drainage to the Cheyenne River. The permit holder anticipates receiving Angostura Irrigation Project return flows. The irrigated acres are located in the SE $\frac{1}{4}$ Section 5, T6S, R9E.
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, 2003.
4. The date of approval of Permit No. 2501-2 is March 17, 2003.
5. One-fifth of the construction is to be completed on or before September 17, 2005.
6. All construction is to be completed on or before March 17, 2008.
7. Water is to be put to beneficial use on or before March 17, 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. 2501-2 authorizes a dam with a storage capacity of 30.7 acre feet of water at the primary spillway.
2. Rehabilitation of the Angostura Irrigation District and subsequent conservation measures may reduce return flows in this drainage to the Cheyenne River. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
3. Irrigation authorized by this Permit from the dam is subject to shutoff orders issued by the Chief Engineer to Cheyenne River water right holders.
4. The dam must be constructed with a bypass mechanism capable of bypassing all or part of the inflow as directed by the Chief Engineer to satisfy downstream domestic use, including livestock water and prior water rights.
5. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

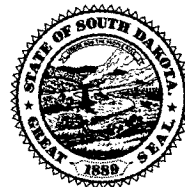
WATER MANAGEMENT BOARD

By: Garland Erbele

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

APR 21 2003

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	No. <u>2501-2</u> (office use only) Hydrologic Unit <u>10120109</u>
	Basin <u>Upper Cheyenne</u>
	Newspaper <u>Custer County Chronicle</u>

RECEIVED
JAN 17 2003
WATER RIGHTS
PROGRAM

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.) _____

- Name of Applicant North End Farms Phone 605-255-4212
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address HCR 89 Box 209 Hermosa State S.D. 57744
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.78 *CFS or 800 **GPM 30.7 ***AF Total Acreage 150
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply drainage water from Irrigation Project
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
W1/2 SW1/4 Sec 4 T63R94
E1/2 SE Sec 5 County Custer
- County or counties where water will be used Custer
- Annual period during which water is to be used May 1 - Sept 30
- 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)

Land Description	Acres	Land Description	Acres
<u>Sec 4 + 5 T63R94</u>	<u>150</u>		
<u>SE1/4 Sec 5 - T65-R9E</u>			

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

STATE OF SOUTH DAKOTA) SS

County of Custer

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, Mark A. Neugebauer, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and correct, and am able to complete the necessary construction.

Applicant's signature Mark A. Neugebauer

Subscribed and sworn to before me this 7 day of Jun 2003

Notary Public signature [Signature]

Supplemental Information

(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 _____

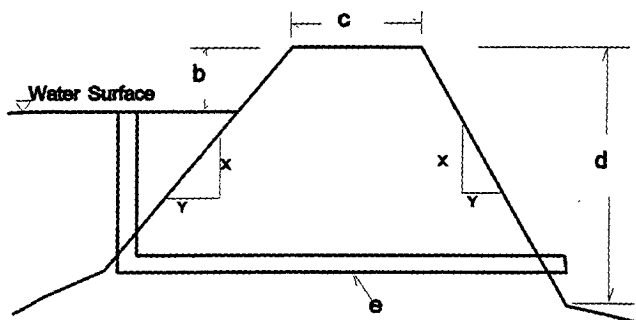
3. Dugout Information

- 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:



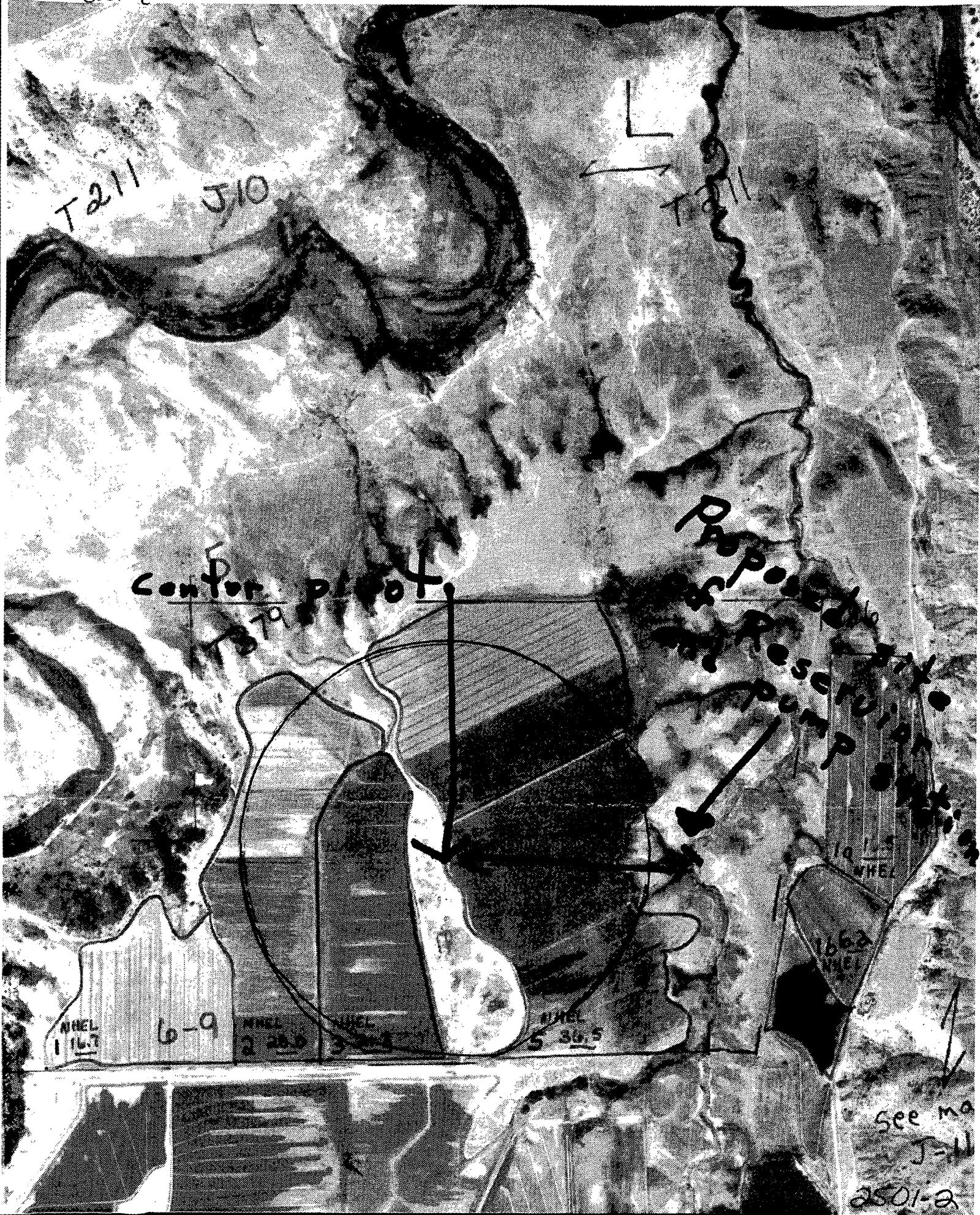
- b) Freeboard 4'
- c) Crest Width 14'
Crest Length 210'
- d) Height 22'
- e) Primary Outlet Capacity _____
If pipe, diameter 30" or equivalent
- f) Secondary Spillway Capacity _____
Spillway Width 20'
- g) X & Y Slope 5.1 - 3.1
Upstream 5.1
Downstream 2.1
- h) Surface Area of Impoundment 3.9A @ 22'
- i) Storage 30.7 Acre Feet
- j) Drainage Area Above Dam 350 Acres

Thomas & Wengert
District Conservationists
NRES-COSTED

MAP NOT TO SCALE

North End

THIS IS NOT AN OFFICIAL WETLAND MAP



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 17, 20 03

RECEIVED OF Water Right No. 100 at Box 100, Bismarck SD 57144

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. _____	\$1.00
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	\$1.00

No. 0016

By Dorlene White

Chief Engineer

Water Permit Application No. 2501-2
North End Farms

From Form 2A & January 22, 2003 File Doc

Dam Height = 22 ft.

Freeboard = 4 ft.

P. Spillway (30" dia) Ht. = 18 ft. Surface Area = 2.97 Ac.

Normal Storage = 30.7 Ac-Ft.

$18 \text{ ft.} \times 2.97 \times \text{Coff.} = 30.7 \text{ Ac-Ft}$

Coff. = 0.57

Max. Storage @ Top of Dam 22 ft high 3.9 Surf. Area

$22 \text{ ft.} \times 3.9 \text{ Ac} \times 0.57 = \underline{48.9 \text{ Ac-Ft}}$

$22 \text{ ft} \times 3.9 \times \underline{0.4} = \underline{34.3 \text{ Ac-Ft}}$

No P&S Required - Dam Height less than 25 ft.

- Max Storage less than 50 Ac-Ft.

HCR 89, Box 209
Hermosa, SD 57744
January 14, 2003

Department of Water Rights
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED
JAN 17 2003
WATER RIGHTS
PROGRAM

We are writing to apply for water rights to irrigate Unit 75, from the drainage that runs through our farm. Marchiandos have constructed a reservoir on their property about a quarter of a mile upstream from our proposed site. They have a 24-inch overflow tube that does not handle all the water during the irrigation season. Therefore the availability of water is more than adequate. Even at this time there is 6 inches of water going through the 24-inch tube (approximately 350 to 450 gal. per minute.)

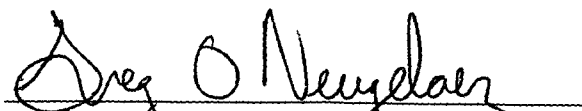
Under the present system, there seems to be a lot of water loss in the ditch getting water to Unit 75. In the summer time during high demand irrigation, we users on the north side of the river cannot get our full allotments. If we were allowed to pump out of the drainage, there would be more water available for the other irrigators, and less draw on the reservoir.

Since we purchased the property, we have installed a center pivot irrigation system, which conserves water. By pumping out of the reservoir we would have less problems with trash plugging the center pivot. Another problem we have encountered is that if the water flow drops below our pump's needs, the system shuts down and the water continues to flow down the ditch and is wasted until the system is restarted. As we live 35 miles from the system, we do not always become aware of the problem immediately. Pumping out of the reservoir would eliminate this problem.

Thank you for considering this application. We would greatly appreciate your support.

Sincerely,
North End Farms


Mark Neugebauer


Greg Neugebauer

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Application No. 2501-2

ADDRESS: COUNTY: Custer

DATE: January 22, 2003 TELEPHONE: 255-4212

RE: Call from Stanley Negebauer

COMMENTS:

Mr. Negebauer responded to my question yesterday about the surface area of the impoundment when the water is at the primary spillway. His current Form 2A cites the surface area at the top of dam being 3.9 acres while the storage is listed as 30.7 ac-ft which is the storage at the primary outlet. Mr. Negebauer said he calculated the surface area when water is at the primary spillway to be 2.97 acres (essentially 3.0 acres).

NAME: Eric Munk

February 4, 2001

MEMO

To: File

From: Donald E. Stroup, DENR Natural Resources Project Engineer

Subject: Neugebauer Proposed Dam

Person Contacted: Stan Neugebauer

Neugebauer Dairy of Hermosa proposes to construct a dam to capture natural runoff water and return flows from the Angostura Irrigation District to the Cheyenne River. On January 23, 2002, accompanied by Stan Neugebauer, I examined the proposed dam site in Custer County Section 4 T6S R9E.

The proposed dam would be constructed in a natural draw north of the Irrigation District that drains into Cottonwood Creek and then to the Cheyenne River (Attached Map). From Mr. Neugebauer's description of the proposed dam's location and the desired water surface elevation, I estimate the impoundment's water surface area to be 20 acres and a depth of approximately 50-foot at the dam's crest (Attached Map & Photographs). The draw containing the return water flow is a natural drainage and not a man made construction. Presently the return flow in the draw is several gallons per minute. Mr. Neugebauer stated that this flow rate is normal during the non-irrigation period and during the irrigation period the return water flow in the draw is substantial.

The location of the proposed dam is at the northern edge of Harrison Flat. Harrison Flat is a Cheyenne River terrace with several ancient channels containing alluvial fill (Supplement to Geology and Ground Water Hydrology of the Angostura Irrigation Project, SD, with Special Emphasis on the Drainage Problem of Harrison Flats. Robert J. Dingman, Geologist, March 1952, Preliminary Draft of Proposed Report. See Attached Map). It may be advisable to drill test holes in this area to determine if there could be a problem with water retention at the proposed dam site.

I spoke with Joe Kramer, Bureau of Reclamation, Oral, SD about the proposed dam site. Mr. Kramer stated that once a return water flow from the district enters a natural drainage, the water comes under the jurisdiction of the state.

Between Cottonwood Creek and Battle Creek confluence's with the Cheyenne River there are five active permits/licenses with diversions from the Cheyenne River totaling 7.81 cubic feet per second. Construction of a dam at the proposed site could raise concerns by downstream holders of prior water rights.

February 13, 2002

Stanley Neugebauer
HCR 89 Box 209
Hermosa, SD 57744

Dear Mr. Neugebauer:

Attached are the memorandum and other documents prepared for our files after visiting with you at the proposed dam site in Custer County.

According to the Bureau of Reclamation, water flows in the draw at the proposed dam site are in a natural drainage and come under the jurisdiction of the State of South Dakota. Also, please note in the attached memorandum the paragraph pertaining to Harrison Flat being a Cheyenne River terrace with several ancient channels. There could be a problem with a dam in this area retaining water and it may be advisable to have some test holes drilled at the proposed site. Capturing natural runoff water and return flows from the Irrigation District at the proposed dam site could raise concerns by downstream holders of prior water rights.

I believe you have the forms and instructions for submitting an application for a water permit. If this is not so, please contact the Water Rights Program to obtain the needed documents or you may download them at www.state.sd.us/denr/denr.html.

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

Sincerely,

Donald E. Stroup
DENR Natural Resources Project Engineer

WATER PERMIT APPLICATION No. 2501-2

**North End Farms
c/o Mark A. Neugebauer
HCR 89 Box 209
Hermosa, SD 57744
(605)255-4212**

Water Permit Application No. 2501-2, North End Farms, proposes to appropriate 1.78 cubic feet of water per second (cfs) from a dam to be constructed on an Angostura Irrigation District wasteway in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4 to center pivot irrigate approximately 150 acres in the SE $\frac{1}{4}$ Section 5, all T6S R9E (Attachment 1). Annual use would be from May through September.

Water Source and Existing Water Rights

The applicant proposes to construct a dam with a storage capacity of 30.7 acre-feet on the last wasteway returning Angostura Irrigation District water to the Cheyenne River. The proposed dam would be constructed north of the Irrigation District in a natural draw that drains into Cottonwood Creek and then into the Cheyenne River (Attachment 1). The draw containing the return water flow is a natural drainage way and not man made. According to the Bureau of Reclamation, once a return water flow from the Irrigation District enters a natural drainage way, the water comes under the jurisdiction of the State of South Dakota.

During an on-site examination of the proposed dam location in January 2002 the return flow in the wasteway was several gallons per minute. Mr. Stanley Neugebauer stated that this flow rate was normal during the non-irrigation period and during the irrigation season the return water flow in the wasteway was substantial.

The location of the proposed dam is at the northern edge of Harrison Flat. Harrison Flat is a Cheyenne River terrace marking the floor level of an earlier valley with several ancient river channels containing alluvial fill (Attachment 2). Mr. Stanley Neugebauer was advised by letter after the on-site examination of the proposed dam location that it may be advisable to drill test holes in the area to determine if there could be a problem with water retention.

The proposed dam embankment will be less than 25-feet high with a maximum storage capacity (top of dam) less than 50 acre-feet. Due to the size of the embankment and storage capacity, the design of the dam is not subject to the requirements of the Safety of Dams Rules, Chapter 74:02:08 (Attached P&S Review).

Since October 1949 the flow in the Cheyenne River downstream of Angostura Dam has been regulated primarily to serve the irrigation needs of the Angostura Irrigation District. Water is diverted directly from Angostura Reservoir and delivered through a main canal to the Irrigation District. Average releases to Irrigation District lands are about 40,000 acre-feet per year providing an average on-site delivery of 2.5 acre-feet/acre. Total return water flows to the Cheyenne River from the Irrigation District are estimated to be 54-percent of the amount released to the main canal or about 30-cfs downstream of Angostura Dam to east of Buffalo Gap, SD, the location of the proposed dam. Historically, the steady flow from Fall River, return water

flows from the Irrigation District, and flow from other tributaries has fulfilled State water rights and domestic water use downstream of the Fall and Cheyenne Rivers' confluence.

Perennial Cheyenne River flows, above and below Angostura Reservoir, are normally low with occasional high flows occurring during spring snowmelt and periodic rainstorms. Average precipitation in the area is about 16-inches per year, most of which occurs from April through September. During a severe drought in the Upper Cheyenne River Basin, Water Rights along this reach of the Cheyenne River are subject to Shutoff Orders by the Chief Engineer. If approved, this application would also be subject to Shutoff Orders issued for the Cheyenne River, requiring the dam to be constructed with a low-flow bypass capability for downstream senior Water Rights and domestic use.

From 1968 to 1980 the U.S. Geological Survey (USGS) maintained a stream flow gaging station east of Buffalo Gap, SD approximately 5.5 miles upstream of this proposed project and Cottonwood Creek's confluence with the Cheyenne River. The limited historical data from this gage for the June through August interval, when Cheyenne River flows are mainly regulated by output to the Irrigation District from Angostura Dam, indicate there is a 50-percent probability the median flow rate at the proposed project site will range from 45 to 58-cfs or greater during this interval of any given year. There is a 75-percent probability the median flow rate will range from 34 to 47-cfs or greater for the same interval at this location. (Table 1).

Table 1. Buffalo Gap Monthly Median Flow (cfs)

Percentile	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10	41	57	55	46	43	36	39	39	56	62	60	41
25	48	60	60	52	49	41	34	47	62	64	65	54
50	58	65	66	60	59	52	45	58	66	70	71	64
75	66	72	89	90	74	84	58	67	78	74	74	71
90	70	91	158	154	235	159	82	80	88	81	80	76

Since 1998 USGS has maintained a stream flow gaging station at Red Shirt, SD approximately 12 river miles downstream of the last Irrigation District wasteway at the mouth of Cottonwood Creek. Data through 2001 from this gaging station are high flow rate biased since these years experienced above normal precipitation in the Upper Cheyenne River Basin. Limited data from this gaging station for the June through August interval, when Cheyenne River flows are mainly regulated by output to the Irrigation District from Angostura Dam, indicate there is a 50-percent probability the median flow rate will range from 78 to 97-cfs or greater downstream of the proposed project during this interval of any given year. There is a 75-percent probability the median flow rate will range from 69 to 91-cfs or greater for the same interval at this location. (Table 2)

Table 2. Red Shirt Monthly Median Flow (cfs)

Percentile	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10	67	61	112	112	120	87	63	64	81	98	86	66
25	70	65	141	123	190	91	69	72	85	104	98	80
50	71	72	198	151	309	97	78	87	89	115	113	104
75	99	98	214	466	363	441	139	114	113	150	506	99
90	111	113	233	670	390	627	165	129	123	171	736	140

USGS Wasta, SD stream flow gaging station data from 1950 through 2001 indicate there is a 50-percent probability the median flow rate in the Cheyenne River at this location will range from 104 to 272-cfs or greater during the June through August interval of any given year. There is a 75-percent probability the median flow rate will range from 66 to 93-cfs or greater for the same interval at this location. (Table 3)

Table 3. Wasta Monthly Median Flow (cfs)

Percentile	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10	30	50	102	78	60	53	47	47	51	62	70	45
25	48	78	146	117	95	93	72	66	73	84	93	73
50	80	110	240	214	237	272	142	104	100	112	119	100
75	135	179	471	383	623	925	353	176	152	168	160	130
90	220	349	867	839	1560	2130	725	425	282	279	292	230

The presumption can be made that the stream flow rates recorded at the cited gaging stations are post withdrawal of the majority of those Water Right allocations upstream of the gage's location during the normal irrigation season.

Between Cottonwood Creek and Red Shirt, SD there are four (4) active permits/licenses with diversions from the Cheyenne River totaling 5.30 cfs. From Red Shirt, SD to Wasta, SD there are eight (8) active permits/licenses diverting a total of 19.353 cfs from the Cheyenne River. Two (2) of these permits/licenses are for non-consumptive use of 8.0 cfs total for sand and gravel washing operations.

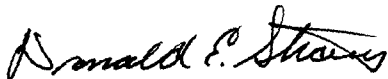
USGS historical stream flow data indicate this proposed project's diversion of 1.78 cfs from the Irrigation District wasteway should not have an adverse affect on any prior Water Rights on the Cheyenne River reach from Buffalo Gap, SD to Wasta, SD except during severe drought conditions. During extended periods of diminished precipitation, return water flow from the Irrigation District's wasteway at Cottonwood Creek may be required to fulfill downstream senior Water Rights on the Cheyenne River.

Conclusions

1. Water Permit Application No. 2501-2, North End Farms, proposes to appropriate 1.78 cubic feet of water per second (cfs) from a dam to be constructed on an Angostura Irrigation District wasteway to irrigate approximately 150 acres by center pivot.
2. The State of South Dakota has jurisdiction over the water source.
3. Due to the size of the embankment and storage capacity, the design of the dam is not subject to the requirements of the Safety of Dams Rules.
4. USGS historical stream flow data indicate this proposed project's diversion from the Irrigation District wasteway should not have an adverse affect on any prior Water Rights on the Cheyenne River reach from Buffalo Gap, SD to Wasta, SD except during severe drought conditions.

5. If approved, this application should have the following qualifications:

- The dam will have the capability to bypass all or part of the inflow as required at the direction of the Chief Engineer to satisfy downstream senior Water Rights on the Cheyenne River and domestic use during periods of diminished precipitation, and
- This appropriation is subject to Shutoff Orders by the Chief Engineer to satisfy downstream senior Water Rights on the Cheyenne River and domestic use during extended periods of diminished precipitation.



Donald E. Stroup
Natural Resource Project 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

USGS National NWISWeb Water Information System, Historical Stream Flow for South Dakota

Bureau of Reclamation, Angostura Unit Contract Negotiation and Water Management Environmental Impact Statement

Supplement to Geology and Ground Water Hydrology of the Angostura Irrigation Project, SD, with Special Emphasis on the Drainage Problem of Harrison Flat. Robert J. Dingman, Geologist, March 1952, Preliminary Draft of Proposed Report

Communications with J. Kramer, Bureau of Reclamation, Oral, SD

P&S Review

From Form 2A & January 22, 2003 File Document:

Dam Height = 22-feet

Freeboard = 4-feet

Primary Spillway (30-inch Diameter) Height = 18-feet

Surface Area = 2.97-acres

Normal Storage = 30.7 acre-feet

18-feet x 2.97-acre = 30.7 acre-feet

Coefficient = 0.57

Maximum Storage @ Top of Dam 22-feet High 3.9-acres Surface Area

22-feet x 3.9 acre-feet x 0.57 = 48.9 acre-feet

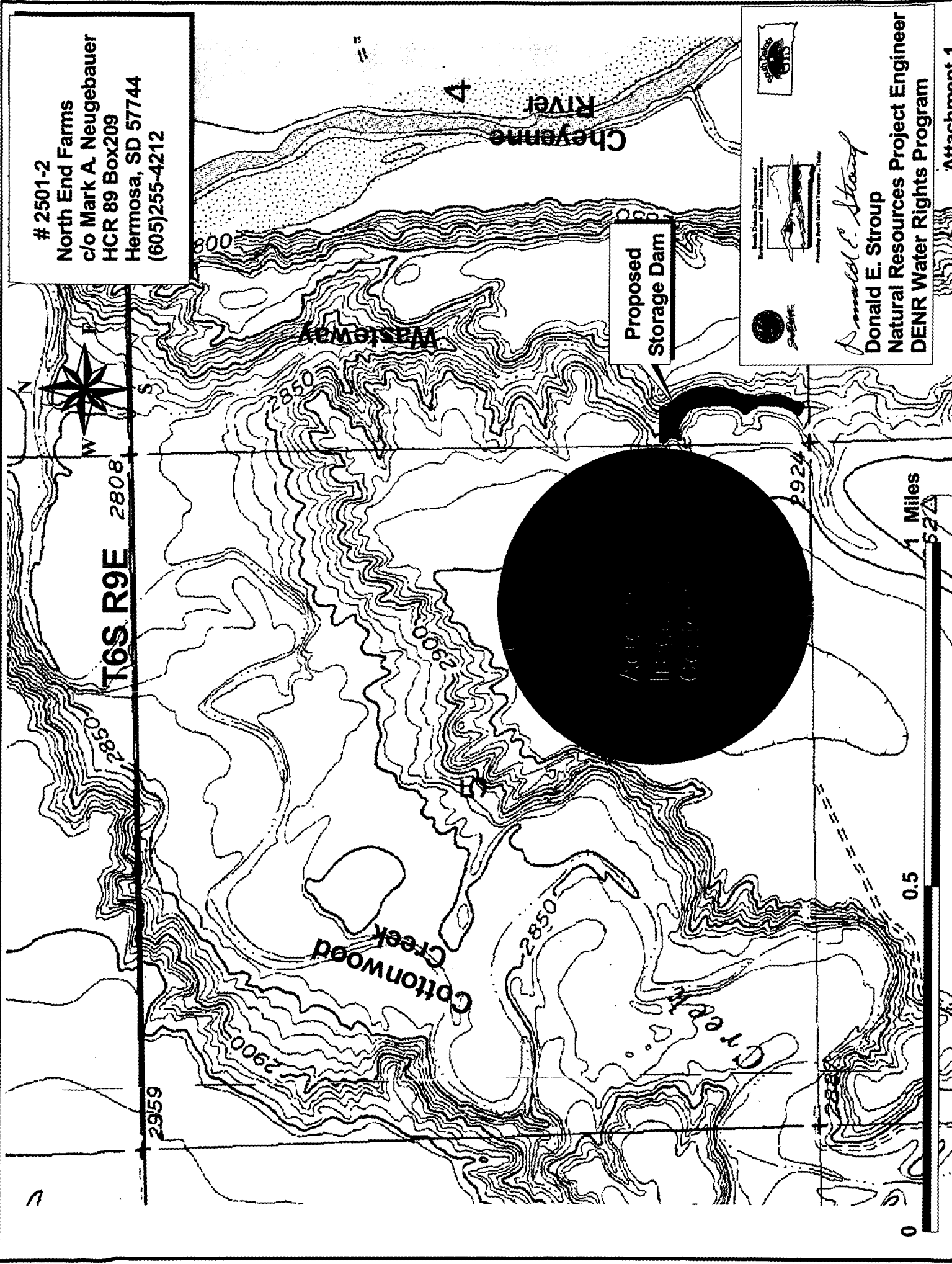
22-feet x 3.9 acre-feet x 0.4 = 34.3 acre-feet

No P&S Required: Dam Height less than 25-feet

Maximum Storage less than 50 acre-feet

2501-2

North End Farms
c/o Mark A. Neugebauer
HCR 89 Box 209
Hermosa, SD 57744
(605)255-4212

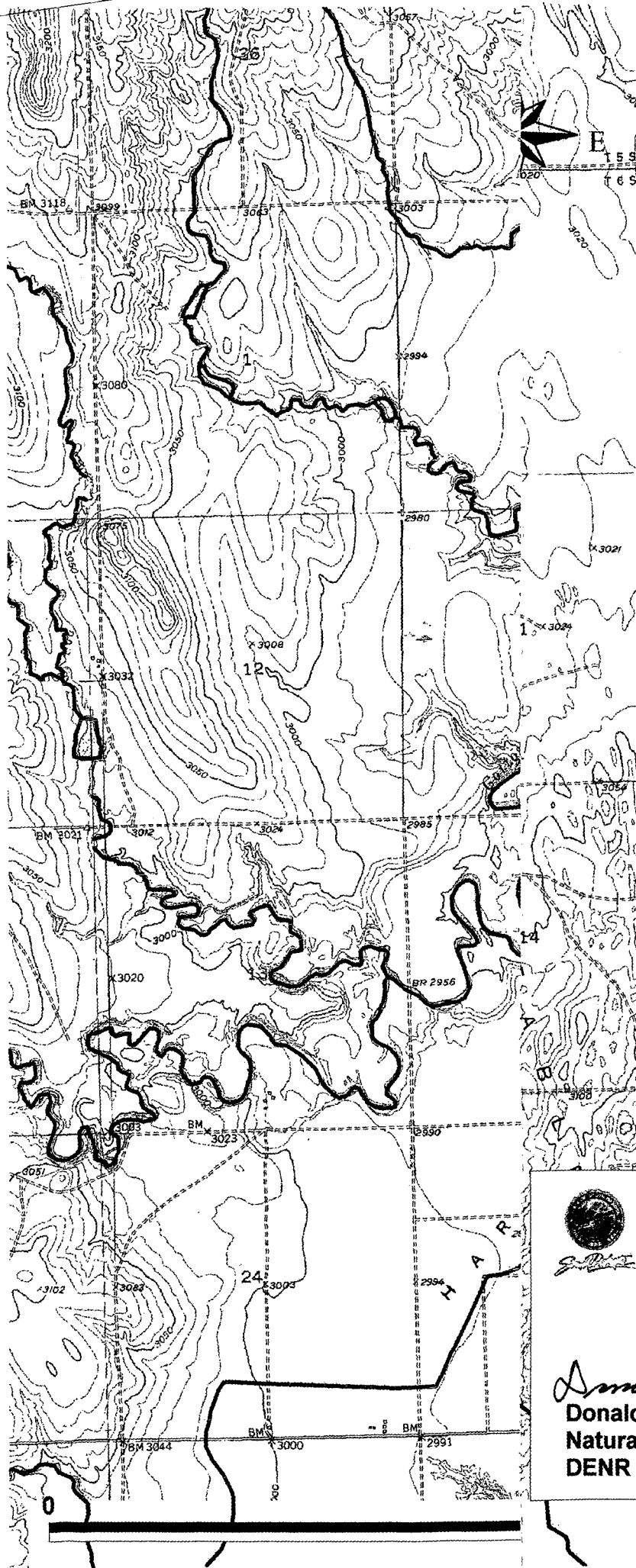


Donald E. Stroup

Donald E. Stroup

Natural Resources Project Engineer
DENR Water Rights Program

2501-2
North End Farms
c/o Mark A. Neugebauer
HCR 89 Box 209
Hermosa, SD 57744
(605)255-4212



South Dakota Department of
Environment and Natural Resources



Protecting South Dakota's Tomorrow ... Today



Donald E. Stroup

Donald E. Stroup
Natural Resource Project Engineer
DENR Water Rights Program



**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. 2501-2, North End Farms**

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. 2501-2, North End Farms, c/o Mark A. Neugebauer, HCR 89 Box 209, Hermosa SD 57744.

The Chief Engineer is recommending APPROVAL of Application No. 2501-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use from Angostura Irrigation Project return water, 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. 2501-2 authorizes a dam with a storage capacity of 30.7 acre feet of water at the primary spillway.
2. Rehabilitation of the Angostura Irrigation District and subsequent conservation measures may reduce return flows in this drainage to the Cheyenne River. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
3. Irrigation authorized by this Permit from the dam is subject to shutoff orders issued by the Chief Engineer to Cheyenne River water right holders.
4. The dam must be constructed with a bypass mechanism capable of bypassing all or part of the inflow as directed by the Chief Engineer to satisfy downstream domestic use, including livestock water and prior water rights.
5. 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
February 18, 2003

Note: It is advisable to conduct testing prior to dam construction to determine if there will be a problem with water retention at the dam site.

Affidavit of Publication

State of South Dakota)

)ss.

County of Custer)

Charles W. Najacht of said county, being duly sworn, on oath says that he is publisher of the Custer County Chronicle, a weekly newspaper printed and published in Custer City, said County of Custer and has full and personal knowledge of all the 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

North End Farms
Notice of Application

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

Feb 26, 2003; Mar 5, 2003;

_____, _____; _____, _____;

_____, _____; _____, _____;

_____, _____; _____, _____;

the full amount of the fees for the publication of the annexed notice is \$ 38.50.

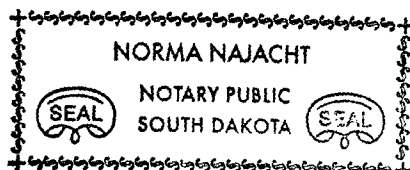
Charles W. Najacht

Subscribed and sworn to me before this 5

of March, 20 03;

Norma Najacht

NOTARY PUBLIC
MY COMMISSION EXPIRES: May 5, 2006



NOTICE OF APPLICATION

NO. 2501 -2 TO APPROPRIATE WATER

Notice is given that North End Farms, c/o Mark A. Neugebauer, HCR 89 Box 209 Hermosa SD 57744 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from a dam to irrigate 150 acres. The dam will impound 30.7 acre feet of water and is to be located in the W 1/2 SW 1/4 Section 4 and E 1/2 SE 1/4 of Section 5, T6S, R9E. The dam will be located on an unnamed drainage to the Cheyenne River. The applicant anticipates receiving Angostura Irrigation Project return flows. The irrigated acres are located in the SE 1/4 Section 5, T6S, R9E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2501 -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 March 17, 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.

#69, 2/26, 3/5

RECEIVED

MAR 17 2003

WATER RIGHTS
PROGRAM

Instruction to Newspaper - Publish first Notice on February 26, 2003 with the second publication 7 days later. The applicant is responsible for payment.

Notice of Application No. 2501-2 to Appropriate Water

Notice is given that North End Farms, c/o Mark A. Neugebauer, HCR 89 Box 209 Hermosa SD 57744 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from a dam to irrigate 150 acres. The dam will impound 30.7 acre feet of water and is to be located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 4 and E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 5, T6S, R9E. The dam will be located on an unnamed drainage to the Cheyenne River. The applicant anticipates receiving Angostura Irrigation Project return flows. The irrigated acres are located in the SE $\frac{1}{4}$ Section 5, T6S, R9E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2501-2 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 March 17, 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

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

February 20, 2003

Custer County Chronicle
PO Box 551
Custer SD 57730-0551

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 2501-2 to Appropriate Water to be published twice. Please publish the first notice on February 26, 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 North End Farms, % Mark A Neugebauer, HCR 89 Box 209, Hermosa SD 57730-0551 (Ph # 605-255-4212).

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. 2501-2

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

Date _____

We are in receipt of your letter of February 20, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 2501-2 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.

February 20, 2003

North End Farms
% Mark A Neugebauer
HCR 89 Box 209
Hermosa SD 57744

Dear Mr. Neugebauer:

Water Permit Application No. 2501-2 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 Custer County Chronicle printed at Custer, SD (Ph # 605-673-2217). 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

February 20, 2003

Curt Anderson
US Bureau of Reclamation
515 9th Street Room 101
Rapid City SD 57701

Dear Mr. Anderson:

I am writing regarding Water Permit Application No. 2501-2 filed by North End Farms. This application proposes to construct a dam on an unnamed drainage to the Cheyenne River in Custer County. The dam may receive return flow from the irrigation project.

Enclosed is a copy of the recommendation, report and notice of hearing on this application. The notice is to be published in the Custer Co. Chronicle on February 26 and March 5, 2003. If the Bureau wishes to participate in a hearing before the Water Management Board, a petition to intervene must be submitted by March 17, 2003.

This information is being sent to keep the Bureau informed of water right permitting issues in the area.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 20, 2003

Mick Jenniges
Angostura Irrigation District
PO Box 346
Oral SD 57766

Dear Mr. Jenniges :

I am writing regarding Water Permit Application No. 2501-2 filed by North End Farms. This application proposes to construct a dam on an unnamed drainage to the Cheyenne River in Custer County. The dam may receive return flow from the irrigation project.

Enclosed is a copy of the recommendation, report and notice of hearing on this application. The notice is to be published in the Custer Co. Chronicle on February 26 and March 5, 2003. If the District wishes to participate in a hearing before the Water Management Board, a petition to intervene must be submitted by March 17, 2003.

This information is being sent to keep the District informed of water right permitting issues in the area.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
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PMB 2020
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www.state.sd.us/denr

February 20, 2003

Leslie Petersen
SD Dept. of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501

Dear Leslie:

I am writing regarding Water Permit Application No. 2501-2 filed by North End Farms. This application proposes to construct a dam on an unnamed drainage to the Cheyenne River in Custer County. The dam may receive return flow from the irrigation project.

Enclosed is a copy of the recommendation, report and notice of hearing on this application. The notice is to be published in the Custer Co. Chronicle on February 26 and March 5, 2003. If GF&P wishes to participate in a hearing before the Water Management Board, a petition to intervene must be submitted by March 17, 2003.

This information is being sent to keep you informed of water right permitting issues on the Cheyenne River.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures



APR 21 2003

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

North End Farms
% Mark Neugebauer
HCR 89 Box 209
Hermosa SD 57744

Dear Mr. Neugebauer:

Enclosed is Water Permit No. 2501-2 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



January 14, 2004

2501-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: NORTH END FARMS, MARK NEUGEBAUER, HCR 89 BOX 209, HERMOSA, SD 57744
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2501-2. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2501-2 qualification:

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

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

1. Suspend or cancel Permit No(s) 2501-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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



2501-2

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 9425

Your item was delivered at 2:58 pm on January 16, 2004 in HERMOSA, SD 57744. The item was signed for by C NEUGEBAUER.

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 9425

NORTH END FARMS
MARK NEUGEBAUER
HCR 89 BOX 209
HERMOSA SD 57744

Waiver of Signature ☐ YES ☐ NO

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

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PS Form 153, July 2001

(See Reverse)



2501-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 25, 2004

2501-2

Mark A Neugebauer
North End Farms
HCR 89 Box 209B
Hermosa SD 57744

Dear Mr. Neugebauer:

I am writing to acknowledge receipt of your 2003 irrigation questionnaire. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Permit No. 2501-2.

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

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
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523 EAST CAPITOL
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www.state.sd.us/denr

October 26, 2006

2501-2

Mark Neugebauer
North End Farms
14199 SD Hwy 40
Hermosa SD 57744

Dear Mr. Neugebauer:

Enclosed is a "Notice" dated October 20, 2006 concerning the 2006 irrigation questionnaire. The notice was originally mailed to HCR 89 Box 209B, Hermosa SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

NOTICE OF SHUTOFF ORDER

June 27, 2007

TO: NORTH END FARMS
MARK NEUGEBAUER
14199 SD HWY 40
HERMOSA SD 57744

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. 2501-2

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.



2501-2
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 21, 2011

NOTICE

TO: NORTH END FARMS, MARK NEUGEBAUER, 14199 SD HWY 40, HERMOSA, SD 57744
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2501-2. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2501-2 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 9, 2011** 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) 2501-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2011**, 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.

2501-2

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 0461

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 1:32 pm on January 22, 2011 in HERMOSA, SD 57744. The item was signed for by S NEUGEBAUER.

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Enter Label/Receipt Number.

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Detailed Results:

- Delivered, January 22, 2011, 1:32 pm, HERMOSA, SD 57744
- Out for Delivery, January 22, 2011, 8:04 am, HERMOSA, SD 57744
- Sorting Complete, January 22, 2011, 7:54 am, HERMOSA, SD 57744
- Arrival at Post Office, January 22, 2011, 7:39 am, HERMOSA, SD 57744

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 0461	
NORTH END FARMS MARK NEUGEBAUER 14199 SD HWY 40 HERMOSA SD 57744	
Waiver of Signature ☐ YES ☐ NO	
Postmark Here	
POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com ® or call 1-800-222-1811	
☐ Priority Mail™ Service ☐ First-Class Mail® parcel ☐ Package Services parcel	



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 9, 2011

2501-2

Mark Neugebauer
North Ed Farms
14199 SD Hwy 40
Hermosa SD 57744

Dear Mr. Neugebauer:

I am writing to acknowledge receipt of your 2010 irrigation questionnaire.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Permit No. 2501-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath".

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



2501-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: NORTH END FARMS, MARK NEUGEBAUER, 14199 SD HWY 40, HERMOSA, SD 57744

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2501-2. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2501-2 qualification:

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

The hearing will be held at **10:00 am, March 7, 2012** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2501-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 2012

2501-2

Mark Neugebauer
North End Farms
14199 SD Hwy 40
Hermosa SD 57744

Dear Neugebauer:

I am writing to acknowledge receipt of your 2011 irrigation questionnaire.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Permit No. 2501-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath".

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



2501-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 24, 2013

NOTICE

TO: NORTH END FARMS, MARK NEUGEBAUER, 14199 SD HWY 40, HERMOSA, SD 57744

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2501-2. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2501-2 qualification:

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

The hearing will be held at **8:30 am, March 7, 2013** 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) 2501-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2013**, 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
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PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

March 8, 2013

2501-2

NORTH END FARMS
MARK NEUGEBAUER
14199 SD HWY 40
HERMOSA, SD 57744

Dear Mr. Neugebauer:

I am writing to acknowledge receipt of your 2012 irrigation questionnaire.

You may disregard the January 24, 2013, "Notice" concerning reporting requirements for Water Permit No. 2501-2. The information was received in our office prior to the Water Management Board meeting and your name was deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 30, 2013

2501-2

Mark Neugebauer
14199 SD Hwy 40
Hermosa SD 57744

Dear Mr. Neugebauer:

Thank you for calling with the irrigation questionnaire information for 2501-2. I completed a questionnaire for you based on our phone conversation.

During our conversation you indicated the water permit should be listed under A & O Farming & Harvesting rather than North End Farms. Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. 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.

I have included a copy of Water Permit No. 2501-2 in the event you do not have one. If I can answer any questions for you, please give me a call.

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

enclosures

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 2501-2

I have this day, May 17, 2016 made a thorough examination of the water use system constructed by North End Farms, 14199 SD Highway 40, Hermosa, SD 57744 of Permit No. 2501-2, bearing the priority of 1/17/2003 authorizing the diversion of 1.78 cu. ft. per second and storage of 30.7 acre-feet of water of an unnamed tributary of the Cheyenne River (Angostura Irrigation District return flows) for irrigation purposes, in Custer County.

Inspection contact & relationship to permit holder, if applicable: **Mark Neugebauer**
605-255-5266

A. Pond Information:

- 1) Surface Area 1.0 ac.
 - 2) Depth 16.5 ft.
 - 3) Approx. storage 5.7 ac-ft
- Date constructed: June 2003

B. Works used to divert the water:

Pump:

- 1) Make Mid America
- 2) Model BF 54A (vertical turbine)

Power:

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

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

- 1) Type PVC pipe
- 2) Size 8 inches
- 3) Length 1,515 feet

D. Works used to apply water to beneficial use:

Center Pivot

- 1) Make Valley
- 2) Overall length 1,223.6 feet
- 3) Number of towers 7
- 4) End gun Yes (partial circle)
- 5) Capacity 850 gpm (@38psi)
- 6) Acres 123

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes

Dam was constructed with a by-pass mechanism consisting of a 48" concrete spillway. Operator stated that during the irrigation season, the pivot uses only about 25% of the irrigation return flows entering the dam from the Angostura Irrigation district.

- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes

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:
977' N and 225' E of the SW corner Section 4 T6S R9E (43.551941, -103.06466).

2. The works are capable of diverting and conveying to the place of use 1.89 cu. ft. per second of water (850 gpm) and storing 5.7 acre-feet of water which is to be used for sprinkler irrigation. Water has been put to beneficial use to the maximum extent as follows:

Section 5 T6S R9E:

NW ¼ SE ¼ 28.6 acres

SW ¼ SE ¼ 28.8 acres

NE ¼ SE ¼ 33.2 acres

SE ¼ SE ¼ 32.4 acres

comprising a total of 123 acres of land and the license should be issued for 1.76 cfs and 5.7 acre-feet of storage .

3. All structures, wells and lands on map: **Yes**

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

Permit authorized a diversion of 1.78 cubic feet per second. The center pivot capacity is 1.89 cfs which is necessary to run the system, which is slightly above the statutory limit of 1 cfs for 70 acres (1.76 cfs).



Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: 5/18/2016



dam impoundment and pump from embankment

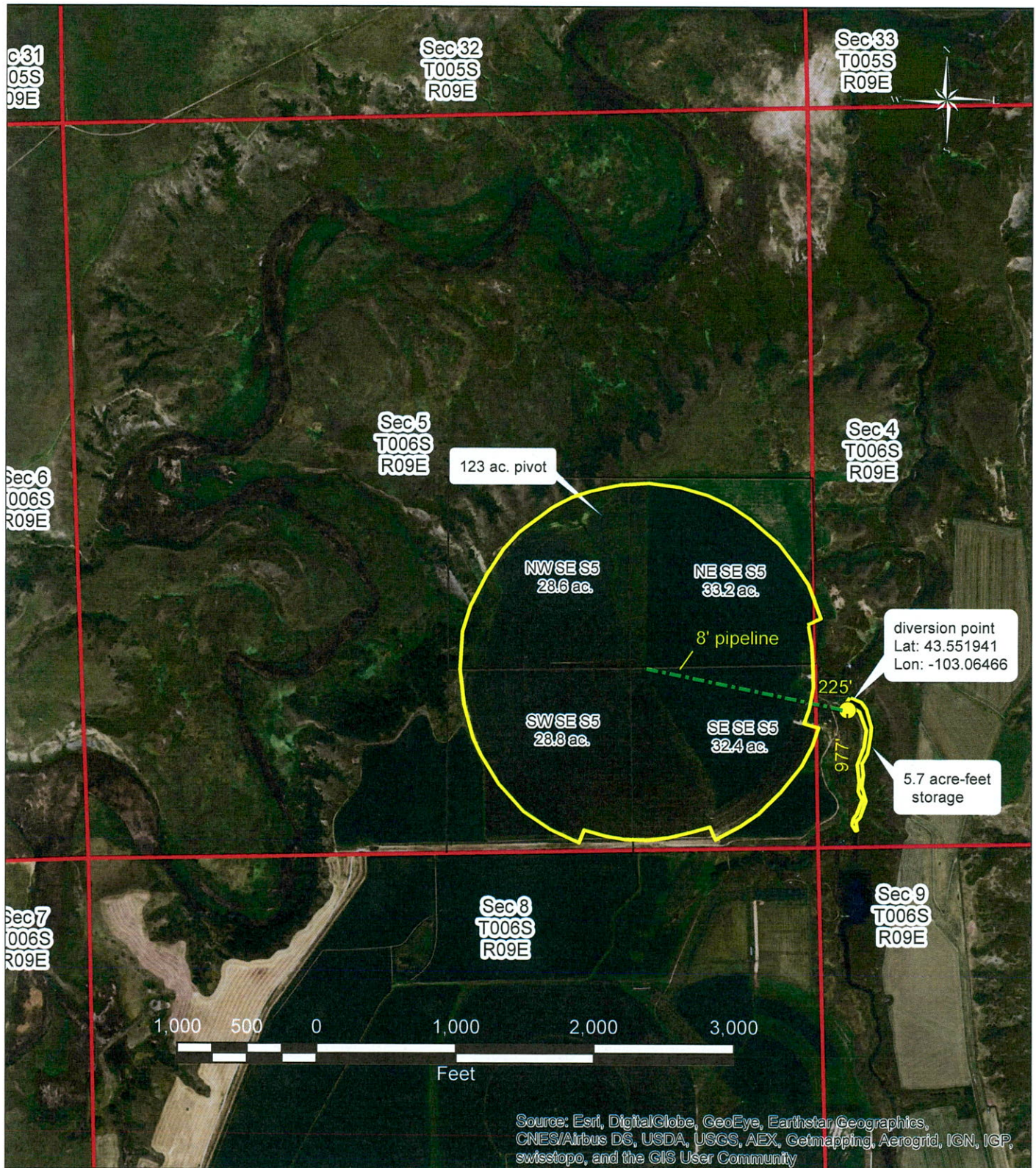


vertical turbine pump



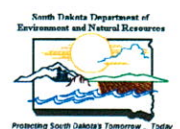
center pivot

Water Right #2501-2
North End Farms
5/17/2016



Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program



STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2501-2

(1) North End Farms, c/o Mark Neugebauer, 14199 SD Highway 40, Hermosa SD 57744 made Application No. 2501-2, January 17, 2003 for a water permit to divert 1.78 cubic feet of water per second from a 30.7 acre-feet storage dam located on an unnamed drainage to the Cheyenne River, Custer County, South Dakota for irrigation purposes. Permit No. 2501-2, with a priority date of January 17, 2003 was approved March 17, 2003 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 17, 2008 and for the application to beneficial use of water on or before March 17, 2012.

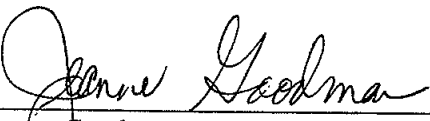
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 2501-2 is issued a license, bearing a priority date of January 17, 2003 to appropriate 1.76 cubic feet of water per second from a 5.7 acre-feet storage dam located on an unnamed drainage to the Cheyenne River to irrigate 123 acres. The storage dam receives Angostura Irrigation Project return flows.

The diversion point is located: 977 feet north and 225 feet east of the SW corner of Section 4-T6S-R9E (SW 1/4 SW 1/4). The storage dam is located in the SW 1/4 SW 1/4 Section 4-T6S-9E. The acres authorized for irrigation are as follows:

Section 5-T6S-R9E			
NW 1/4 SE 1/4	28.6 acres	SW 1/4 SE 1/4	28.8 acres
NE 1/4 SE 1/4	33.2 acres	SE 1/4 SE 1/4	32.4 acres
Total 123 acres			

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2501-2 including the following qualifications:

1. Water Permit No. 2501-2 authorizes a dam with a storage capacity of 30.7 acre feet of water at the primary spillway. ***Based on the developed size of the dam, the storage capacity is reduced to 5.7 acre-feet.***
2. Rehabilitation of the Angostura Irrigation District and subsequent conservation measures may reduce return flows in this drainage to the Cheyenne River. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
3. Irrigation authorized by this Permit from the dam is subject to shutoff orders issued by the Chief Engineer to Cheyenne River water right holders.
4. The dam must be constructed with a bypass mechanism capable of bypassing all or part of the inflow as directed by the Chief Engineer to satisfy downstream domestic use, including livestock water and prior water rights. ***Required bypass mechanism (concrete spillway) has been installed.***
5. 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 29 2016

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

2501-2

JUN 29 2016

North End Farms
c/o Mark Neugebauer
14199 SD Highway 40
Hermosa SD 57744

Dear Mr. Neugebauer:

Enclosed is Water License No. 2501-2. 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 1.89 cubic feet of water per second (cfs) which is equivalent to approximately 850 gallons per minute. The statutory limit for 123 acres is 1.76 cfs (equivalent to 792 gpm). Diversion of water under this water license is limited to 1.76 cfs.

enclosures