

NO. 3042Water Division No. 2

(Blank to be filled by the State Engineer.)

White RiverDistrict 6 1945

8:30 am

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.APPLICATION FOR PERMIT
To appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant Donald Lytle Eugene Fortune
 Postoffice address Yadona, County Jackson, State South Dakota

~~I. If corporation~~

- (a) Name of same
 (b) Date and place of incorporation
 (c) Amount of capital stock
 (d) Amount paid in
 (e) Names and address of directors:

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor) Direct Labor

(b) Cash on hand, \$..... (c) Treasury stock, \$.....

(d) Bonds to be issued, \$..... (e) Other resources, \$.....

2. Name of diversion work Donald Lytle Irrigation Project

3. Quantity of water claimed 0.37 cubic feet per second.

4. Source of water supply Peck Creek

Location of point of diversion Beginning at the No Corner of Section 4, T-42-N, R-30-W
of 3425.4 feet.
ence South 4 degrees and 36 minutes East for a distance
on left WASHBURN bank.
 (Right or left bank looking down stream.)

5. Annual periods during which water is to be used March to October each year

7. To be used for:

I. Irrigation or domestic use:

- (a) Number of acres to be irrigated 20.17 acres.

- (b) Legal subdivisions to be irrigated Lot 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction (with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

- (c) Statement as to domestic use (giving location, etc.)

~~II. Mining, power, manufacturing, transportation, or other purposes:~~

- (a) Nature of use
 (b) Amount of power to be generated horse power.
 (c) Location of plant
 (d) Method of developing power
 (e) Point where water will be returned to stream

8. Estimated cost of works:

(a) Head gates, \$ 100.00, to be constructed (b) Pumping plant, \$ 225.00
 (c) Fluming, \$ (d) Canal-earth, \$ 150.00 RECK, \$
 (e) Other structures, \$ Total, \$ 475.00

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Pumping plant and tractor, 2250 G.P.H.

II. Dimensions of works:

(a) Dam: Height feet; length at bottom feet; length at top feet; thickness at bottom feet; thickness at top feet; slope of front (water) face; slope of back face; material used in construction
 (b) Reservoir: Capacity when filled acre feet. Surface area at highwater mark acres.

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	FEET OF	CAPACITY ACRE-FEET

(c) Head gate: Width feet; height feet;
 Material

(d) Canal: Total length 0.72 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE DEPTH
At 0 Mile	1 feet	2 feet	6 feet	11.58 feet
At 0.72 Mile	1 feet	2 feet	6 feet	11.56 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 2 years.

11. Time required for complete application of water to the proposed beneficial use 4 years.

12. Choice of newspaper for publication of notice of intention to appropriate
 Jackson County Times

STATE OF SOUTH DAKOTA

County of } ss.

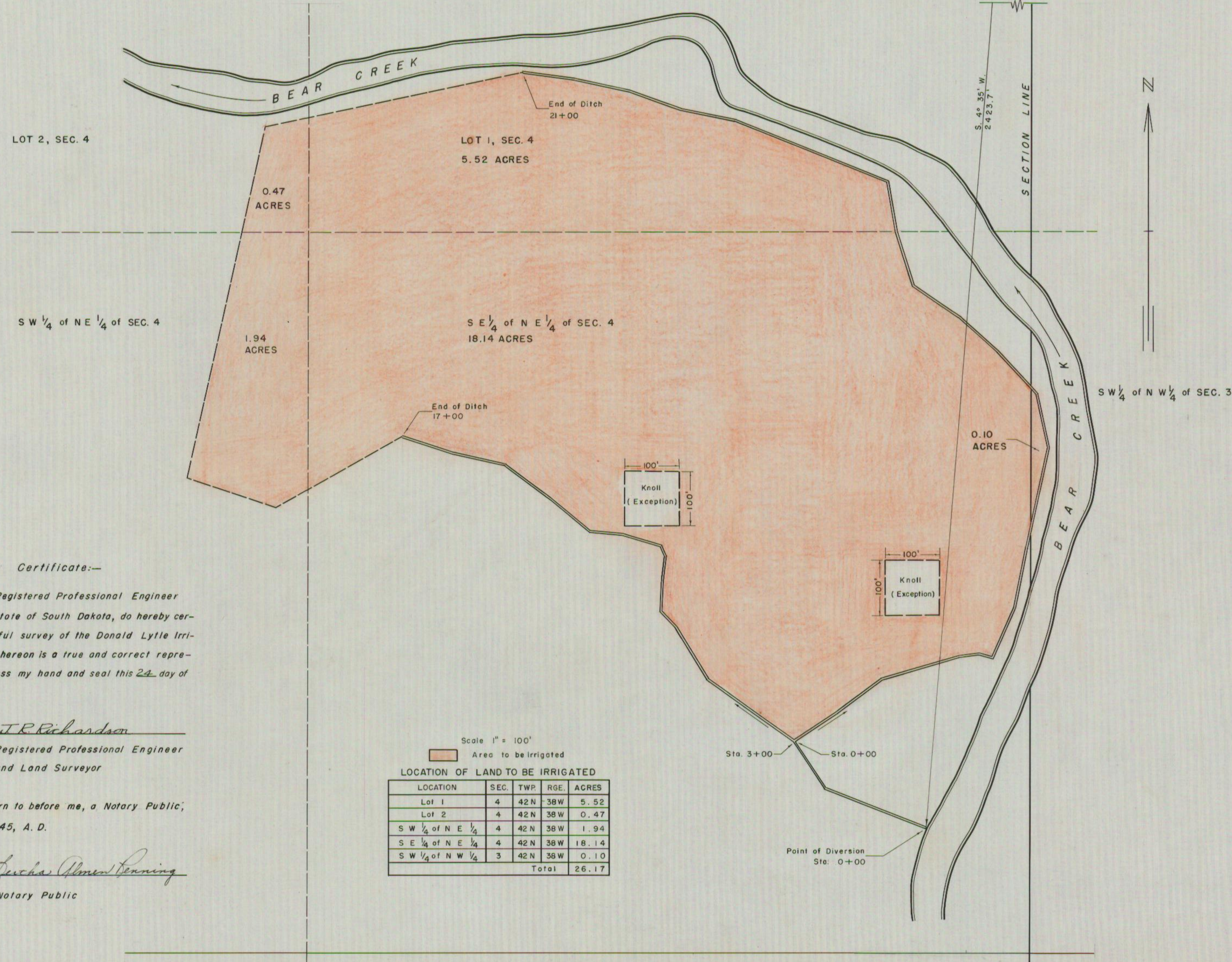
I,, being first duly sworn
 on my oath depose and say: That my relation to the above described, undertaking is that of
, that I have read the above and
 (owner, manager, engineer.)
 foregoing statement, and examined the map accompanying the same, and that I know of my own
 personal knowledge that the matters herein stated and shown are true.

Signed Donald Lytle

Subscribed and sworn to before me this 15th day of June, 1945

Notary Public (or other qualified officer.)

N E CORNER of SEC. 4,
T. 42 N., R. 38 W., of the
6th Principal Meridian
in WASHABAUGH CO.,
SOUTH DAKOTA



Surveyor's Certificate:—

I, J. R. Richardson, Registered Professional Engineer
and Land Surveyor, No. 219, State of South Dakota, do hereby cer-
tify that I have made a careful survey of the Donald Lytle Irri-
gation Project, that the map hereon is a true and correct repre-
sentation of the same. Witness my hand and seal this 24 day of
April, 1945, A. D.

J. R. Richardson
Registered Professional Engineer
and Land Surveyor

Subscribed and sworn to before me, a Notary Public,
this 24 day of April, 1945, A. D.

Lesha Allen Penning
Notary Public

Scale 1" = 100'

Area to be irrigated

LOCATION OF LAND TO BE IRRIGATED

LOCATION	SEC.	TWP.	RGE.	ACRES
Lot 1	4	42 N	38 W	5.52
Lot 2	4	42 N	38 W	0.47
SW 1/4 of NE 1/4	4	42 N	38 W	1.94
SE 1/4 of NE 1/4	4	42 N	38 W	18.14
SW 1/4 of NW 1/4	3	42 N	38 W	0.10
Total				26.17

DONALD LYTLE IRRIGATION PROJECT WASHABAUGH COUNTY, SOUTH DAKOTA				
U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE H. H. BENNETT, Chief				
REFERENCE: LOTS 1 & 2 & THE SW 1/4 OF NE 1/4 & SE 1/4 OF NE 1/4 OF SEC. 4, THE SW 1/4 OF NW 1/4 OF SEC. 3, T. 42 N., R. 38 W. OF 6TH MERIDIAN WASHABAUGH CO., SOUTH DAKOTA				
CARTOGRAPHIC APPROVAL		TECHNICAL APPROVAL		
COMPILED	TRACED	CHECKED	DATE	DRAWING NO.
N. H. S.			3-30-45	5, R-8452

Map No. 338-2 (NK-304-2)

OFFICE OF STATE ENGINEER
FILE COPY

Remarks by State Engineer:

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota, January 4, 1946

This is to certify that the foregoing application was received at this office at 8:30 o'clock
a. m. upon the 6th day of June, 1945 and that after examination it
was found to conform to the State Water laws, a notice of intention
was duly advertised and no objections were received.

Dean W. Loucks
State Engineer.

Number of permit 304-2

Dean W. Loucks,

Date of first receipt of application 8:30 a.m. June 6, 1945

Date of return to applicant for correction 1945

Date of receipt of corrected application 1945

Date from which applicant may claim right 8:30 a.m. June 6, 1945

Approved January 4, 1946, Recorded in Book 2 Page 546-547

This is to certify that I have examined the foregoing application for a permit to appropriate water of the state of South Dakota, and I hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth, of the work above specified is to be completed on or before January 4, 1947

2nd. The whole of said work is to be completed on or before January 4, 1948

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is January 4, 1950

4th. The water appropriated shall be used for the purpose of Irrigation

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 2.37 cubic feet of water per second of time; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before January 4, 1950; said water to be used during the following described annual period:

March to October Inc. Annually

Witness my hand this 4th day of January, 1946

OFFICE OF STATE ENGINEER
FILE COPY

Dean W. Loucks,

State Engineer.

Permit No. 304-2

Water Division No. 2

White River Water District

Certificate of Construction of Works.

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That

DONALD LYTTLE

of Kadoka, County of Jackson, and State of

South Dakota, the holder of Permit No. 304-2 issued upon Application

No. 304-2, bearing date of priority of June 6, 1915, authorizing the diversion of

0.37 second-feet of the waters of Bear Creek

County of Jackson, State of South Dakota, at a point 2,423.7 feet

south 4°35' West from the N.E. corner of Section 4, Twp 42N, Rge 38E.

for irrigation

purposes; has fully complied with the provisions of the laws of the State of South Dakota relating to proof of

completion of the works of diversion set out and described in said Permit; that said works are adequate for divert-

ing and conveying to the place of intended use 0.37

second feet of water; and that the lands proposed to be irrigated by the use of said water are described as follows.

to-wit: Lot 1 and 2, SW 1/4, SE 1/4, Section 4, SW 1/4, Sec 3, T42N, R38E.

26.17 acres of the above tracts.

Witness my hand this 30th day of September, A. D. 1919

Dean W. Loucks
State Engineer of South Dakota.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 304-2

WHEREAS, On the 4th day of June A. D. 1945

DONALD LYTLE

of Kadoka County of Jackson and State of South Dakota

duly made application (No. 304-2) to me for a permit to use 0.37 cubic feet per second of the waters of Bear Creek

County of Jackson State of South Dakota, for Irrigation purposes; and

WHEREAS, On the 4th day of January A. D. 1946

Permit No. 304-2 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein, described on or before the 4th day of January, 1948 and later extended to September 1, 1949 A. D. 1949 and for the application to beneficial use of said water on or before the 4th day of January A. D. 1950 and,

WHEREAS, On the 20th day of September A. D. 1949

the holder of said permit duly made proof of the completion of adequate works for the diversion of 0.37 cubic feet per second of said waters, as evidenced by my Certificate No. 304-2 dated September 30, 1949 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 0.37 cubic feet per second of water, with date of priority of June 6, 1945 and,

WHEREAS, On the 20th day of September A. D. 1949

proof was duly made of the application to beneficial use of 0.37 cubic feet per second of said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of South Dakota, I hereby grant and confirm to.....DONALD LYTLE.....

of.....Kadoka.....the holder... and owner... of said permit No. 304-2
a water right, dating from.....June 6, 1945.....to the use of.....0.37.....

cubic feet per second of the waters of.....Bear Creek.....
in the County of.....JACKSON.....and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted at.....a point 2423.7 ft. south 4°35'
West from the N.E. Corner of Sec. 4, Twp 12N, Rge 38W.

and conducted to and upon.....Lot 1,2, SW 1/4 NE 1/4, Sec 4, Section 4,
SW 1/4 NW 1/4, S-3, T-42N, R38W.

for the purpose... of.....Irrigation.....

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Pierre, South Dakota,
this.....3rd.....day of.....October.....A. D. Nineteen
Hundred and.....49.....

DEAN W. LOUCKS

State Engineer.

STATE OF SOUTH DAKOTA

Water License No. 304-2

To Donald Lytle

Source of Supply Bear Creek

Jackson County

Am't 0.37 Sec. Feet

Point of Diversion

See Application

Place of Use

See Application

Purpose Irrigation

Date of Priority June 6, 1945

Recorded in Office of State Engineer

in Book 11 of W.B. Page 546-47

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, SD 57501

Date: October 3, 1978

This is to notify you that title to the lands described as follows:

Lot 1 and 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ - Section 4; SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, T42N, R38W.

26.17 acres of the above tracts

formerly owned by Donald Lytle

has been transferred to Eugene Fortune, Cottonwood, SD 57728

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 304-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights Commission as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of PENNINGTON) ss.

I, EUGENE FORTUNE being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Eugene Fortune
(Signed)

Subscribed and sworn to before me this 19th Day of OCT 1978.

[Signature]
(Notary Public)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

NO 4 6559

PIERRE, October 23, 1978

RECEIVED OF Dorothy Fortune, (Eugene), Cottonwood, SD 57728

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

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for inspecting Construction, and Issuing Cert. of Construction No. _____		
Fee for inspecting Beneficial Use, and Issuing Water License No. _____		
Fee for issuing Location Certificate Dry Draw, No. _____		
Fee for filing transfer of water right # 304-2	2	50
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

By
SY

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA. County of Jackson ss

M. C. Browning, of said County and State, being duly sworn, on oath deposes and says that the JACKSON COUNTY TIMES, is a legal weekly newspaper of general circulation printed and published in Belvidere in said County and State by M. C. Browning, and has been such a legal weekly newspaper during the time hereinafter mentioned, and that M. C. Browning, the undersigned, is the publisher of said newspaper, and has personal knowledge of all the facts stated in this affidavit, and that the advertisements headed

"Appropriation of Water".....

a printed copy of which is hereto attached, was printed and published in said newspaper for four successive weeks; to-wit The first publication being on Thursday, the 17th day of October, 1945; The second on Thursday, 18th day of October, 1945; The third on Thursday the 25th day of October, 1945; The Fourth on Thursday the 1st day of November, 1945; The Fifth on Thursday the day of 194..

That the full amount of fees charged for publishing same same, to-wit: The sum of Ten and 50/100 Dollars, insures solely to the benefit of the publisher of the JACKSON COUNTY TIMES and that no agreement or understanding for any division thereof has been made with any other person, and that no part has been agreed to be paid to any person whomsoever.

M. C. Browning Pub.

Subscribed and sworn to before me this 1st day of November, 1945
W. C. C. C.

FP1011 LP 111
 APPROPRIATION OF WATER

Office of State Engineer
 Pierre, S. D., June 7, 1945

Notice is hereby given that Donald Lytle whose post office address is Interior, South Dakota has made application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 0.37 cubic feet of water per second of time from the Bear Creek through the Donald Lytle Irr. Project, the point of diversion of which is to be located on the left bank of said stream in the NE 1/4 of the NE 1/4 of Section 1 Twp. 12 N. Range 33 W. Said water to be used for the purposes of providing irrigation.

This application will be taken up by the State Engineer at his office at Pierre for consideration on the 23rd day of December 1945, at 2:00 p.m. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further the information presented.

Appropriate action will be taken by the State Engineer after suitable time has elapsed for the consideration of any and all information presented.
 Dean W. Loucks, State Engineer

(First Publication 194.....)

APPROPRIATION OF WATER

Office of State Engineer,

Pierre, So. Dak., June 7, 1945

Notice is hereby given that Donald Lytle whose postoffice address is Kadoka, So. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 0.37 cubic feet of water per second of time from Bear Creek, through the Donald Lytle Irr. Project, the point of diversion of which is to be located on the left bank of said stream in the S.E. 1/4 of the N.E. 1/4 of Section 4, Twp. 42 N. Range 38 W. Said water to be used for the purpose of providing irrigation.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 3rd day of August, 1945, at 2:00 P.M. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented.

Appropriate action will be taken by the State Engineer after suitable time has elapsed for the consideration of any or all information presented.

Handwritten Signature
State Engineer

304-2

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

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

March 23, 1987

EUGENE FORTUNE
COTTONWOOD, SD 57728

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 1671-2, 304-2. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216. Joe Foss Building, 523 E Capitol, Pierre SD.

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

1. Amend Permit No(s). 1671-2, 304-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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


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

NOTE: If the questionnaire(s) is received in this office before the hearing date, your name will be deleted from the agenda for the hearing.

Permit No. 304-2

Water Division No. 2

White River Water District

Certificate of Examination of Works

Report of Examining Engineer

RECEIVED

SEP 22 1949

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

To the State Engineer, Pierre, South Dakota:

Dear Sir: I hereby certify that in accordance with your letter of authorization dated August 30, 1949, I have this day made a thorough examination of the diversion works constructed by Donald Lytle of Interior, S. Dak., Washabaugh County, South Dakota, holder of permit No. 304-2, issued upon application No. 304-2, bearing date of priority of Unknown, 1945, authorizing the diversion of 0.37 second feet of the waters of Bear Creek for Irrigation purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Pumping Plant, Field Laterals, Border Dikes and a Weir

and the system is in the following condition: Good

The point of diversion is located at a point 4 degrees and 35 minutes west, for a distance 2423.7 feet from the N.E. Corner of Sec. 4, T. 42 N., R. 38 W.

The works are capable of diverting and conveying to the place of use 0.37 second-feet of water, which is to be used for Irrigation

The legal sub-divisions to be irrigated are: Lot 1 & 2, S. 1/4 Sec. 4, S. 1/4 Sec. 3, Township 42 N., R. 38 W., 6th. P.M.

comprising a total of 26.17 acres of land.

The domestic use intended comprises None

The utilization for power, mining, or other beneficial uses comprises: None

Witness my hand, this 20th day of September, A. D. 1949

J. R. Richardson

Examining Engineer.

Permit No. 304-2

RECEIVED

Water Division No.

Water District SEP 22 1949

Certificate of Application of Water to Beneficial Use

OFFICE OF STATE ENGINEER
SIOUX FALLS, S.D.

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Donald Lytle, Lytle Ranch, Rancher, Interior, S.Dak.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Owner, operating for myself.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit No. 304-2, Date unknown, 1945

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Bear Creek, Left Bank, at a point South 4 degrees and 35 minutes West for a distance of 2423.7 feet from the N.E. corner of Sec. 4, T. 42 N., R. 36 W. 6th. P.M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Pumping Plant, field laterals, border dikes and weir capable of conveying 0.37 C.F.S. of water for irrigation

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Irrigation of 5.52 acres in lot 1, 0.47 acres in lot 2, 1.94 ac. in S7 $\frac{1}{2}$ NE $\frac{1}{2}$, 18.14 acres in SE $\frac{1}{2}$ NE $\frac{1}{2}$ all in Sec. 4, 0.10 acres in S7 $\frac{1}{2}$ N7 $\frac{1}{2}$ in Sec. 3, all in T. 42 N., R. 38 W., 6th P.M.

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. None

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 0.37 C.F.S. for supplemental irrigation

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired, present holder.

Ans. Original Applicant

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Growing seasons of 1945, 1946, 1947 & 1949. for pump irrigation using 6.37 c.f.s. of 23.17 acres

(Sign.) Donald Lytle

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Kadoka, County of Jackson State of South Dakota, on this 19th day of September A. D., 1949

Edna F. Richardson

Notary Public

Permit No.

**Proof of Application of Water to
Beneficial Use.**

DEPOSITION OF HOLDER.

Amount of water second feet

Source

County

Purpose

Place of Use

Date of priority

Received and filed

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501
Phone 605/773-3151

October 3, 1978

Eugene Fortune
Cottonwood, SD 57728

Dear Mr. Fortune:

On September 18, 1978, I contacted you about the Donald Lytle Water Right Permit No. 304-2 in Washabaugh County. Being you now own the property, I am enclosing a completed Form 20 "Notice of Transfer of Water Permit" that you should check over and make any necessary corrections. Sign, notarize and return it to this office with a check for \$2.50 to cover the filing fees.

You also asked me to find if there were any permits that covered portions of the E $\frac{1}{2}$ of 33, SW $\frac{1}{4}$ of 22 and N $\frac{1}{2}$ of 21, T43N, R38W. No there are no permits for this land. There are letters on file in Lytle's folder whereby he had been irrigating approximately 70 acres more than permit No. 304-2 had allowed. He was irrigating this 70 acres in violation of South Dakota Water Laws. Mr. Lytle had planned on obtaining a permit but never did apply.

If you wish to irrigate acreage other than that shown on Permit No. 304-2, it will be necessary to apply for a permit to cover that acreage you intend to irrigate. I am enclosing copies of Form 2, "Application for Permit" and a set of instructions in the event you decide to apply for a permit to irrigate areas not covered under permit No. 304-2.

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

Sincerely,

LEROY J. MERNAUGH
Water Resources Engineer

LJM/gy

encl

304-2

INVESTIGATION OF WATER RIGHT 304-2

On July 11, I contacted Mr. Lytle in regard to his request for information in his letter of May 15, 1967.

He has been irrigating approximately 100 acres of land for the past few years. This is about 70 acres more than is authorized under Water License 304-2. He is also planning to develop more land in the near future. He was advised that all the irrigation not covered by License 304-2 should be covered by a new water right application to the Commission. Mr. Lytle stated he would submit such an application as soon as the SCS finished mapping the land.

July 13, 1967

RICHARD SCHMOYER
Water Right Specialist



Department of Water & Natural Resources

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

May 5, 1987

304-2
1671-2

Eugene Fortune
St Rt Box 19
Cottonwood, SD 57728

Dear Mr. Fortune:

Enclosed are copies of the following documents:

1. Water Right No. 304-2,
2. Water Permit No. 1671-2, and
3. Irrigation Questionnaires from 1978-1985.

Mrs. Fortune spoke with Genny McMath, of this office, May 4, 1987. She advised that you were having difficulties obtaining the 1986 irrigation data since the person who operated your irrigation systems last year was no longer around. Mrs. Fortune requested a 30-day extension to try and obtain the information needed for the irrigation questionnaires.

This type of situation is understandable and under the circumstances, we realize you will not be able to submit the irrigation questionnaires by the May 6th hearing date. A 30-day extension will not be necessary. Your name will be deleted from the agenda for the Water Management Board hearings pertaining to the irrigation questionnaire violations. However, we would appreciate receiving any type of information you may be able to obtain concerning irrigation done during the 1986 season.

Very truly yours,

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

encl



304-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: EUGENE FORTUNE, 22150 GRINDSTONE RD, QUINN, SD 57775

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit Nos. 304-2 & 1671-2. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 2, 2005, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit Nos. 304-2 & 1671-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 questionnaires are received in this office on/or before **February 25, 2005**, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaires, 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.



304-2

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 1404

Your item was delivered at 10:52 am on January 22, 2005 in QUINN, SD 57775. The item was signed for by R DYVIG.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email

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[Go >](#)

▶ Request Proof of Delivery

[What is this?](#)

[Go >](#)



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Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 1404

EUGENE FORTUNE
22150 GRINDSTONE RD
QUINN SD 57775

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

CHECK ONE (POSTAL USE ONLY)

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☐ Package Services

(See Reverse)

PS Form 153, July 2001



304-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2005

304-2
1671-2

Eugene Fortune
22150 Grindstone Rd
Quinn SD 57775

Dear Mr. Fortune:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. I completed questionnaires for you based on my January 24th telephone conversation with Mrs. Fortune. Enclosed is a copy of the forms for you to keep for your records.

You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right Nos. 304-2 and 1671-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

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

Sincerely,

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

304-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 14, 2011

304-2
1671-2

Wayne Fortune
21150 Lone Tree Rd
Interior SD 57750

Dear Mr. Fortune:

Thank you for calling concerning the necessary ownership change for Water Right No. 304-2 and Water Permit No. 1671-2. They are currently listed in the name of Eugene Fortune.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (**total of \$100.00**). The check or money order for the fee can be made payable to the Water Rights Program.

With regard to the irrigation questionnaires for this year and I have completed them for you indicating no irrigation was necessary during 2011 due to sufficient natural moisture.

You mentioned that you are irrigating additional land on Water Right No. 304-2. Any additional acreage will require a new permit. I have enclosed the application forms for filing for a new permit.

To recap, the following documents are enclosed:

- Copies of Water Right No. 304-2 and Permit No. 1671-2 (you can keep these)
- Large map showing acreage authorized under No. 304-2 (you can keep this)
- Transfer of ownership forms
- Application forms and an instruction sheet to apply for new irrigation permit

If you have any questions, please contact me.

Sincerely,

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

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

File No. 304-2
1671-2

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Dorothy Fortune, 20650 222nd St, Quinn SD 57775

DATE: October 16, 2012

TELEPHONE: (605) 457-3555

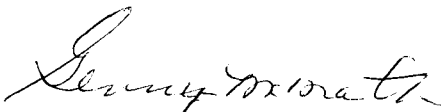
RE: ownership changes for water rights listed in the name of Eugene Fortune

COMMENTS:

Dorothy Fortune called regarding the irrigation questionnaires she received that were addressed to Eugene Fortune. She had wondered if the ownership changes got completed or not. I looked thru the file and found I mailed transfer forms and new permit application forms to Wayne Fortune (her son) in December, 2011.

She said after looking at the maps I sent to Wayne, he decided he did not need to apply for anything additional. She thought for now all that he wanted done was to transfer the water rights to his name.

Mrs. Fortune requested I send her a set of transfer forms and she would give them and the irrigation questionnaires to Wayne to complete and return to us.



Genny McMath
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 17, 2012

304-2
1671-2

Dorothy Fortune
20650 222nd St
Quinn SD 57775

Dear Ms. Fortune:

Thank you for calling in regard to the ownership changes needed for Water Right No. 304-2 and Water Permit No. 1671-2. Forms were sent to Wayne Fortune last December and since they were not returned, it caused the annual irrigation questionnaire to again be sent to your address.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Please have Wayne complete and return them to us with a required filing fee of \$50.00 each (total of \$100.00). The check or money order for the fee can be made payable to the Water Rights Program.

Thank you for taking care of this and as we discussed, it is fine to have him mail back the forms and fee along with the irrigation questionnaires. If you have any questions, please contact me.

Sincerely,

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

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

NOV 19 2012

WATER RIGHTS
PROGRAM

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

No. 304-2

Date:

11/10/12

I/We request that Water Right No. 304-2

formerly owned by: Eugene Fortune

be transferred to: (name & address) Wayne Fortune

21150 Lone Tree Road

Interior, S.D. 57750

Telephone No. 605-433-5301

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

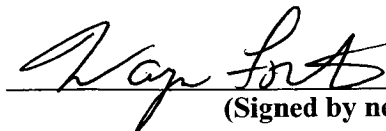
26.17 acres in Lots 1 & 2, SW ¼ NE ¼, SE ¼ NE ¼ Section 4 & SW ¼ NW ¼ Section 3, T42N, R38W

I/We understand that the validity of Water Right No. 304-2 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 Wayne Fortune, the new owner, certify that the above information is true and correct.



(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/19, 20 12

RECEIVED OF Dorothy Fortune 20650 222nd St Quinn SD 57775

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>304-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **05703**

By *David Erbe*
Chief Engineer



304-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 20, 2012

304-2
1671-2

Wayne Fortune
21150 Lone Tree Rd
Interior SD 57750

Dear Mr. Fortune:

I am writing to acknowledge receipt of the 2012 irrigation questionnaires and the ownership changes you filed for Water Right No. 304-2 and Water Permit No. 1671-2.

The ownership changes have been completed. Water Right No. 304-2 and Water Permit No. 1671-2, formerly held by Eugene Fortune are now listed in your name.

The receipts for the filing fees are being forwarded by copy of this letter to Dorothy Fortune. If you have any questions, please contact me.

Sincerely,

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

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

c: Dorothy Fortune w/Receipt Nos. 05703 and 05704



304-2
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, 2014

NOTICE

TO: WAYNE FORTUNE, 21150 LONE TREE RD, INTERIOR, SD 57750

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire has not been submitted for Permit No(s) 304-2 & 1671-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **9:00 am, March 6, 2014**, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 304-2 & 1671-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 3, 2014**, 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

February 26, 2014

304-2
1671-2

Wayne Fortune
21150 Lone Tree Rd
Interior SD 57750

Dear Mr. Fortune:

I am writing to acknowledge receipt of the information for your 2013 irrigation questionnaires. I completed forms for you based on our February 25th phone conversation.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Right No. 304-2 and Water Permit No. 1671-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



304-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: WAYNE FORTUNE, 21150 LONE TREE RD, INTERIOR, SD 57750

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire has not been submitted for Permit No(s) 304-2 & 1671-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 4, 2015**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 304-2 & 1671-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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.

304-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 27, 2015

304-2
1671-2

Wayne Fortune
21150 Lone Tree Rd
Interior SD 57750

Dear Mr. Fortune:

I am writing to acknowledge receipt of your 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right No. 304-2 and Water Permit No. 1671-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



304-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

OCT 19 2015

304-2
1671-2

Wayne Fortune
21150 Lone Tree Rd
Interior SD 57750

Dear Mr. Fortune:

Enclosed is Water License No. 1671-2. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures

Note: Upon licensing, the applicable portions of Water Right No. 304-2 were incorporated into Water License No. 1671-2.