

378-2

Office of State Engineer
DOCUMENT FILE

Olaf - Eng
Buffalo, S. Dak.

Sec 13, T. 7 S., R. 7 E.
Fall River County

Nebraska River

Engineer Frank B. Brady
Box 707
Hot Springs

Map No. 407-2

No. *407-2*

Division No. *2*

Fall River District

PERMIT

to appropriate water from

Cheyenne River

Custer County, South Dakota.

Name of applicant

Olaf Eng.

Name of diversion works

Eng. Diversion Works

Date of first receipt at office of State

Engineer *June 29* 19 *51*

Returned to applicant for Correction

July 2 19 *51*

Corrected application received

July 27 19 *51*

Date of water right

July 29 19 *51*

Recorded in Book *3* Page *8*

One-fifth of work to be completed

September 28 19 *51*

Whole work to be completed

October 1 19 *51*

Final proof of use of water

November 24 19 *51*

Approved *September 24* 19 *51*

DEAN W. LOUCKS State Engineer.

CORRECTED APPLICATION

Form 2—Application for Permit to appropriate Water—Original

Map No. 107-2

Corrected Application
H. Received

RECEIVED
8:15 A.M.
JUN 29 1951

NO. 378-2

Water Division No. 2 Fall River
(Blanks to be filled by the State Engineer.)

RECEIVED
District 1000 a. h.
JUL 27 1951

APPLICATION FOR PERMIT

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

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

1. Name of applicant ☒ Charles W. Eng
Buffalo Gap, SD 57722
Postoffice address Buffalo Gap, County Custer, State S. Dak.

- I. If a 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) Work is complete except for headgate which will be constructed by direct labor
- (b) Cash on hand, \$
- (c) Treasury stock, \$
- (d) Bonds to be issued, \$
- (e) Other resources, \$

2. Name of diversion work None

3. Quantity of water claimed 1.8 cubic feet per second.

4. Source of water supply Cheyenne River

5. Location of point of diversion E 67° 53' W, 2631 feet from E₁ Corner of S13T78R7E NRM, Fa 11 River County. (In NW₁SE₁ of said S13)

6. Annual periods during which water is to be used Left bank.
Fall and Spring

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?

- (a) Number of acres to be irrigated 131 acres.
- (b) Legal subdivisions to be irrigated See attached sheet

(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.) None

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

- (a) Nature of use Name any of the above uses claimed
- (b) Amount of power to be generated horse power.
Amount claimed for engine cooling
- (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, \$ 50.00..... (b) Pumping plant, \$ 150.00.....
 (c) Fluming, \$ 00.00..... (d) Canal-earth, \$ 1,000.00.. Rock, \$ 00.00.....
 (e) Other structures 8" pipe \$ 200.00 Total, \$ 1,400.00.....

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.) 6" Centrifugal pump powered by Model E John Deere tractor pump through 8" pipe with a lift of 35 feet into open canal as shown on the accompanying map.

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 at 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	ACRE-Feet CAPACITY

- (c) * Head gate: Width two feet; height one feet;
 Material Concrete and steel
 (d) Canal: Total length 0.93 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
At 0.13 Mile	2.5 feet	1.5 feet	3.3 feet	10.6 feet
At 0.67 Mile	1.5 feet	7.0 feet	8.65 feet	10.6 feet
At 0.93 Mile	1.5 feet	1.5 feet	6.5 feet	10.6 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 one week years.
 11. Time required for complete application of water to the proposed beneficial use two months years.
 12. Choice of newspaper for publication of notice of intention to appropriate Hot Springs Star, Hot Springs, S. Dak.

STATE OF SOUTH DAKOTA

County of Fall River

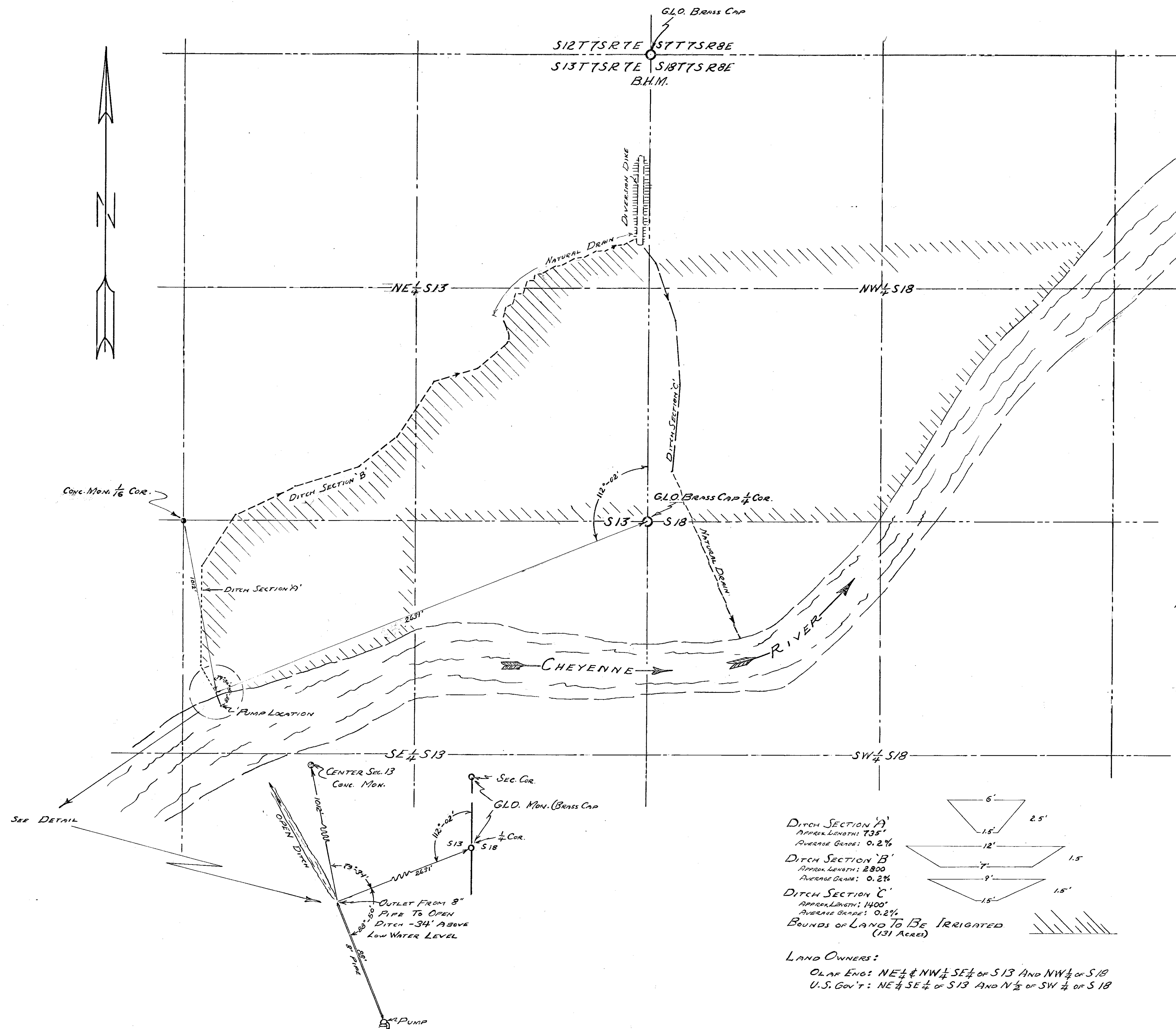
I, Olaf Eng

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 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 Olaf Eng

Subscribed and sworn to before me this 26th day of July, 1957

Helena Trumbull
 Notary Public (or other qualified officer.)



MAP OF PROPOSED IRRIGATION PROJECT FOR
PART OF NE 1/4 & NW 1/4 SE 1/4 S13 T7S R7E
BHM AND NW 1/4 S18 T7S R8E BHM
DATE: 27 JUNE 1951 DRAWN BY: Frank R. Brady
REG. LAND SURVEYOR
SCALE: 1"=300'

SURVEYORS CERTIFICATE:

I, FRANK R. BRADY, REGISTERED LAND SURVEYOR, DO
HEREBY CERTIFY THAT, AT THE DIRECTION OF OLAF ENG
I HAVE SURVEYED THE PROPOSED IRRIGATION
PROJECT AS SHOWN ON THIS MAP. THE BEARINGS,
ANGLES AND DISTANCES ARE AS SHOWN.

DATE: 27 JUNE 1951

Frank R. Brady
REG. LAND SURVEYOR

NOTARY PUBLIC:

BE IT KNOWN THAT ON THIS 27 DAY OF JUNE 1951 BEFORE
ME, A NOTARY PUBLIC, PERSONALLY APPEARED FRANK R. BRADY
KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE
ABOVE CERTIFICATE.

MY COMMISSION EXPIRES 11/30/1951

Floyd A. Trumbull
NOTARY PUBLIC

DITCH SECTION A
APPROX. LENGTH: 735'
AVERAGE GRADE: 0.2%

DITCH SECTION B
APPROX. LENGTH: 2800'
AVERAGE GRADE: 0.2%

DITCH SECTION C
APPROX. LENGTH: 1400'
AVERAGE GRADE: 0.2%

BOUNDS OF LAND TO BE IRRIGATED
(131 ACRES)

LAND OWNERS:

OLAF ENG: NE 1/4 & NW 1/4 SE 1/4 OF S13 AND NW 1/4 OF S18
U.S. GOV'T: NE 1/4 SE 1/4 OF S13 AND N 1/2 OF SW 1/4 OF S18

Map No. 407-2
(Water Right No. 378-2)

RECORD OF DEED
COPY TO STATE RECORDS

104 10 02
21244
Bureau

Remarks by State Engineer

STATE OF SOUTH DAKOTA

County of Hughes

SS.

Pierre, South Dakota, September 24, 1951

This is to certify that the foregoing application was received at this office at 8:15 o'clock a. m. upon the 22th day of June, 1951 and that after examination it was found to comply with the South Dakota water laws, was published in accordance with the provisions thereof and consideration given to an all information presented. No protests were received.

DEAN W. LOUCKS

State Engineer.

Number of permit 378-2

Date of first receipt of application June 29, 1951

Date of return to applicant for correction July 2, 1951

Date of receipt of corrected application July 27, 1951

Date from which applicant may claim right June 29, 1951

Approved September 24, 1951, Recorded in Book 3 Page 3

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 September 28, 1951.

2nd. The whole of said work is to be completed on or before October 1, 1951.

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is November 24, 1951.

4th. The water appropriated shall be used for the purpose of providing 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 1.8 cubic feet per second; 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 November 24, 1951; said water to be used during the following described annual period:

April 1st to October 1st inclusive.

Witness my hand this 24th day of September, 1951.

DEAN W. LOUCKS

State Engineer.

Certificate of Construction issued 10, 1951

Water License issued 10, 1951

Olaf Eng

Supplemental Sheet to
Application For Permit
To appropriate water within the State of S. Dak.

I.

(b) Legal subdivisions to be irrigated

In S18 T7S R8E B1M

NW1/4 6A

NE1/4 7A

SE1/4 13A

SW1/4 40A

In S13 T7S R7E B1M

NE1/4 2A

SE1/4 35A

SW1/4 7A

NW1/4 21A

Permit No. 378-2.

Water Division No. 2

Fall River Water District

Certificate of Construction of Works.

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Olaf E. E.

of Buffalo Gap County of Custer and State of South Dakota, the holder of Permit No. 378-2, issued upon Application No. 378-2, bearing date of priority of June 29, 1951, authorizing the diversion of 1.8 second-feet of the waters of the Cheyenne River

County of Custer State of South Dakota, at a point S. 67° 58' W., 2631 ft. from E 1/4 corner of Sec. 13, T.7S, R.7E.

for irrigation

purposes, and 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 diverting and conveying to the place of intended use 1.8

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

to-wit: NW 1/4 Sec. 18, T.7S., R.8E.E 1/2 NE 1/4, SW 1/4 NE 1/4, NW 1/4 SE 1/4 Sec. 13, T.7S., R.7E.Witness my hand this 16day of JanuaryA. D. 19 52

Dean W. Loucks
DEAN W. LOUCKS, State Engineer of South Dakota.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 378-2

WHEREAS, On the 19 day of June A. D. 19 51

Olaf Eng

of Buffalo Gap County of Custer and State of South Dakota

duly made application (No. 378-2) to me for a permit to use 1.8 cubic feet per second of the waters of the Cheyenne River

County of Custer State of South Dakota, for irrigation purposes; and

WHEREAS, On the 24 day of September A. D. 19 51

Permit No. 378-2 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 1 day of

October

A. D. 19 51 and for the application to beneficial use of said

water on or before the 24 day of November A. D. 19 51

and,

WHEREAS, On the 5 day of November A. D. 19 51

the holder of said permit duly made proof of the completion of adequate works for the diversion of

1.8 cubic feet per second of said waters, as evidenced by my Certificate No. 378-2

dated November 23 confirming the completion of works of sufficient capacity for

diverting and conveying to the place of intended use 1.8 cubic feet per second of water,

with date of priority of June 29, 1951 and,

WHEREAS, On the 23 day of November A. D. 19 51

proof was duly made of the application to beneficial use of 1.8 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 Olaf Eng of Buffalo Gap, South Dakota the holder and owner of said permit No. 378-2 a water right, dating from June 29, 1951 to the use of 1.8 cubic feet per second of the waters of the Cheyenne River in the County of Custer and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point S. 67° 58' W., 2631 ft. from E 1/4 corner of Sec. 13, T.7S., R.7E. and conducted to and upon NW 1/4 Sec. 18, T.7S., R.8E. E 1/4 NE 1/4, SW 1/4 NE 1/4, NW 1/4 SE 1/4 Sec. 13, T.7S., R.7E.

for the purpose of providing 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 16 day of January A. D. Nineteen Hundred and 52

Dean W. Loucks
DEAN W. LOUCKS, State Engineer.

STATE OF SOUTH DAKOTA

Water License No. 378-2

To Olaf Eng

Buffalo Gap,

South Dakota

Source of Supply Cheyenne River

County Custer

Amount 1.8 Sec. Feet

Point of Diversion NW 1/4 SE 1/4 Sec. 13,

T.7S., R.7E.

Place of Use Sec. 13, T.7S., R.7E.

Sec. 18, T.7S., R.8E.

Purpose irrigation

Date of Priority June 29, 1951

Recorded September 24, 1951

in Book 3 of 5 Page 8

(First Publication _____, 10____)

APPROPRIATION OF WATER

Office of State Engineer,

Pierre, So. Dak., August 3, 1951

Notice is hereby given that Olaf Eng whose postoffice address is Buffalo Gap, 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 1.8 cubic feet of water per second of time from the Cheyenne River through the Eng Diversion Works, the point of diversion of which is to be located on the left bank of said stream in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 13 Twp. 7B. Range 7E. Said water to be used for the purpose of providing irrigation on the following described land:

NW $\frac{1}{4}$ Sec. 18, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 13, T. 7S., R. 7E.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 11th day of September, 1951, at 2:00 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~~
~~Appropriation~~ action will be taken by the State Engineer after suitable time has elapsed for the consideration of any or all information presented.

Very truly yours

DEAN W. LOUCKS
State Engineer

HCS:el
Enc
cc: Brady

Copy

PROOF OF PUBLICATION

RECEIVED
SEP 12 1951STATE OF SOUTH DAKOTA }
County of Fall River } ss.OFFICE OF STATE ENGINEER
PIERRE, S. DAK.Charles J. Leonard being duly sworn, deposes and says the annexed printed copy of Notice of Intention to appropriate Water was taken from the.....Hot Springs Star a newspaper which during the whole time of publication of said notice hereinafter stated, has been and is printed and published in the City of Hot Springs County of Fall River and State of South Dakota: that the said notice was published in said newspaper on the following dates:August 16, 1951
August 23, 1951
August 30, 1951
September 6, 1951in each and every issue of the full number thereof, the first publication being made on the 16 day of August 1951 and the last publication on the 6th day of September 1951, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Editor the printer and publisher of the said newspaper.Charles J. LeonardSubscribed and sworn to before me this 7th day of September A. D. 1951Notary Public Fall River County, S. D.

212
(First Publication Aug. 16, 1951)
APPROPRIATION OF WATER
Office of State Engineer,
Pierre, S. D.
August 1, 1951
Notice is hereby given that Olaf Bag, whose postoffice address is Buffalo Gap, S. D., has made an application in accordance with the provisions of water laws of South Dakota for a permit to appropriate for beneficial use 1.8 cubic feet of water per second of time from the Cheyenne River through the Bag Diversal Works, the point of diversion of which is to be located on the NW 1/4 of the SE 1/4 of Section 13 Twp. 78, Range 7E. Said water to be used for the purpose of providing irrigation on the following described land: NW 1/4 Sec. 15, T. 78, R. 7E, NW 1/4 NE 1/4 Sec. 13, T. 78, R. 7E.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 14th day of September, 1951, 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.

Very truly yours,
Dean W. Loocke,
State Engineer

NCL:el
Enc
cc: Brady
Aug. 16; 23-30-Sept 6 50

Permit No. 378-2

RECEIVED
10:15 AM
NOV 8 1951

Water Division No. _____ Water District _____

NOTICE OF COMPLETION OF WORKS

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

(This blank must be filled out by the holder of permit and forwarded to the State Engineer at least 60 days before the time set for completion of works.)

(P. O.) Buffalo Gap, S. Dak.(Date) 5 Nov 1951

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of 1.8 (one and eight tenths) second feet of the waters of the State from Cheyenne River through the no name Project (Olaf Eng) for Irrigation purposes in accordance with terms and conditions of a certain permit heretofore issued by the State Engineer of the State of South Dakota.

1. The name of the person or corporation holding said permit is Olaf Eng
2. The postoffice address of such person or the place of business of such corporation is Buffalo Gap
County of Custer State of South Dakota
3. The number of such permit is 378-2 and the date set for the completion of such work is 1 Oct 1951
4. Said water to be used for Irrigation purposes.
5. Said works of diversion will be fully completed one month after such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 1.8 cubic feet per second.
6. The amount of land for which said water is available is 131 acres, particularly described as follows: NE $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$ of S13 T7S R7E and NW $\frac{1}{4}$ of S18 T7S R8E BHM

(In case of all canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the above notice are true.

Frank R. Brady
Frank R. Brady

Engineer.

(Signature.)

Olaf Eng
Olaf Eng

Permit No. 378-2

Water Division No.

Water District

Certificate of Examination of Works

Report of Examining Engineer

NOV 26 1951

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 10. November 1951, I have this day made a thorough examination of the diversion works constructed by Olaf Eng of Fall River

County, South Dakota, holder of permit No. 378-2, issued upon application No. bearing date of priority of 2. 1951, authorizing the diversion of 1.8 second feet of the waters of Cheyenne River for Irrigation purposes. I have to report on the condition of the same as follows:

The diversion works comprise: 1400 feet of open ditch, 80 feet of metal pipe (2") a 6" Centrifugal pump and a John Deere tractor power unit.

and the system is in the following condition: The pump is old but apparently in good working condition the tractor is nearly new, the ditch is open and fairly free of vegetation. The pipe is new but has some small leaks at the joints; the leakage all runs back into the River. The point of diversion is located On the left bank south 67° 58' west, 2,631 feet from the quarter corner common to S13 T7S R7E and S18 T7S R8E BHM.

The works are capable of diverting and conveying to the place of use. M. x. 1.9 * See below Irrigation purposes which is to be used for

The legal sub divisions to be irrigated are: In T7S R7E BHM NW 1/4 SE 1/4 S13, NE 1/4 SE 1/4 S13, NE 1/4 NE 1/4 S13, SW 1/4 NE 1/4 S13, SE 1/4 NE 1/4 S13 and NE 1/4 NE 1/4 S13 and in T7S R8E BHM S 1/2 NW 1/4 S18, N 1/2 NW 1/4 S18.

*The pumping unit will pump 1.9 Cubic feet per second at full power, but it is not practical to run the power unit at this speed.

comprising a total of 131 acres of land.

The domestic use intended comprises None

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

Witness my hand, this 23 day of November A. D. 1951

Charles B. Brady
Examining Engineer

Permit No. _____

Water Division No. _____ Water District _____

CERTIFICATE OF APPLICATION OF WATER TO BENEFICIAL USE

NOV 20 1951

DEPOSITION OF HOLDER

STATE OF SOUTH DAKOTA
PIERRE, S. DAK.

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

Ans. Olaf Eng; Fall River County, S. Dak.; farming and ranching; Postoffice-
Buffalo Gap, 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. _____

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

Ans. No. 578-2 Date of Permit- Date of Priority-

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

Ans. Cheyenne River; Point of diversion is on the left bank south 67° 53' west
2,631 feet from the quarter corner common to S13T7S R7E and S18 T7S R8E BHM

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. A 6" centrifugal pump powered by a Model A, John Deere tractor pumps the water
through an 8" pipe 80 feet long to the open canal 1400 feet long. The pumping system
will pump approximately 1.8 cubic feet per second. Canal has no name.

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. NW $\frac{1}{4}$ SE $\frac{1}{4}$ S13- 20A; NE $\frac{1}{4}$ SE $\frac{1}{4}$ S13-2 A. ; SW $\frac{1}{4}$ NE $\frac{1}{4}$ S13-7 A. ; SE $\frac{1}{4}$ NE $\frac{1}{4}$ S13-0 A. ;
NE $\frac{1}{4}$ NE $\frac{1}{4}$ S13-0 A. all of T7S R7E BHM and S $\frac{1}{2}$ NW $\frac{1}{4}$ S18 T7S R8E BHM- 0 Acres
The above acres have been irrigated to date, but I plan to irrigate all of the land
covered by my application.

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

Ans. _____

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

Ans. 1.8 Cubic feet per second during the irrigating periods

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 by present holder.

Ans. _____

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

Ans. During the month of August I pumped water for 120 hours and during the month of September I pumped 60 hours through the diversion work described under question 5 to irrigate the land described under question 6. The pumping was done at the rate of approximately 1.6 Cubic feet per second.

(Sign.)

Olaf Eng.

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 Hot Springs, County of Fall River, State of South Dakota, on this 23rd day of November A.D., 1951

Floyd A. Trumbull

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 _____

TELEPHONE 96W-2

FRANK R. BRADY
CONSULTING ENGINEER

BOX 707

HOT SPRINGS, SOUTH DAKOTA

December 4, 1951

RECEIVED

DEC 6 1951

OFFICE OF STATE ENGINEER,
PIERRE, S. DAK.

Mr. Dean W. Loucks
State Engineer
Pierre, S. Dak.

Subject: Water Permit No. 378-2
Olaf Eng
Measuring Device

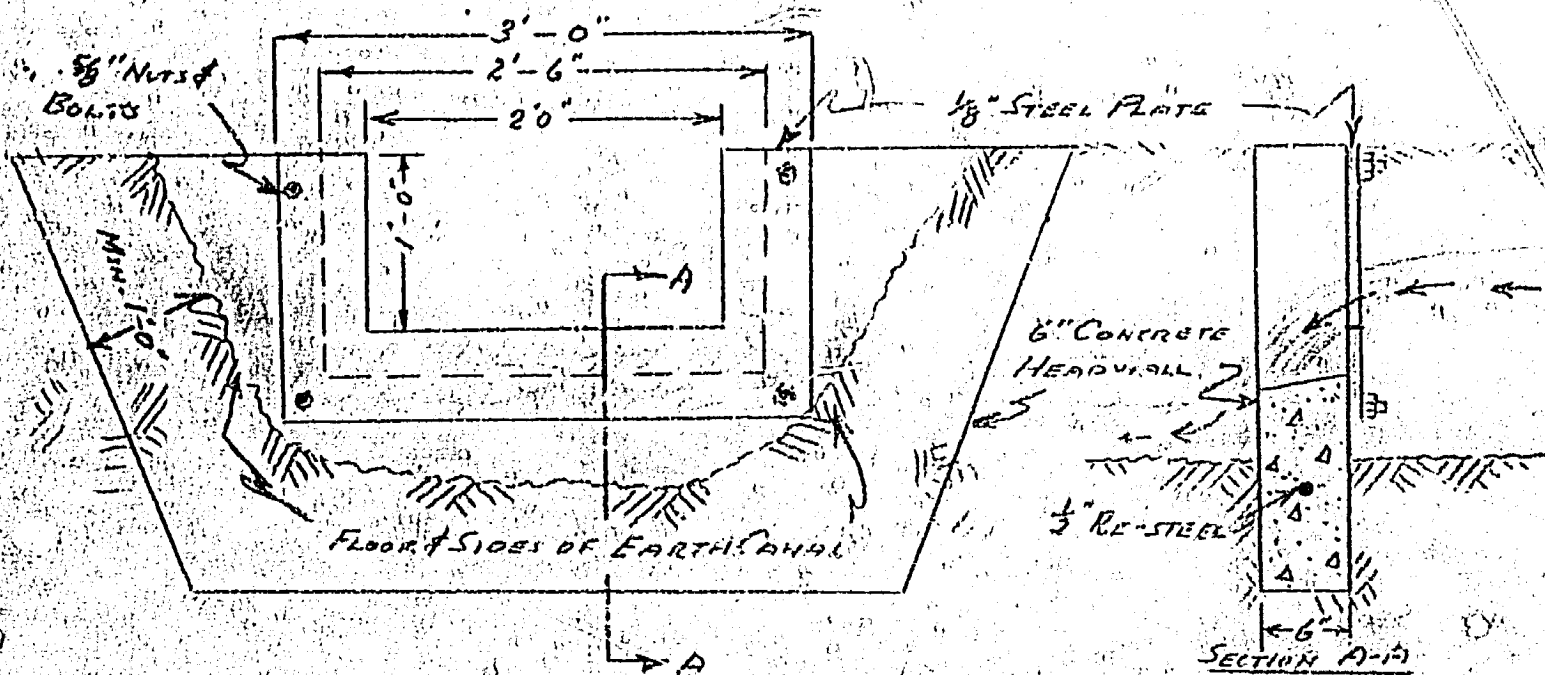
Dear Sir;

Mr. Eng constructed a weir similar to that shown on the enclosed sketch. However, it was too near the pipe outlet so that the turbulence made it difficult to measure the flow accurately.

He is going to build a concrete turnout approximately fifty feet downstream from the pipe outlet and will build another weir at that point in accordance with the enclosed sketch. The weir will be above the first turnout so will measure all water used.

Very truly yours,

Frank R. Brady
Frank R. Brady



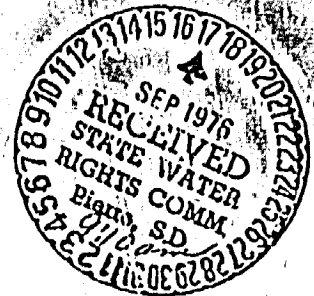
WEIR FOR CHAF LIN. IRRIGATION
WORKS

Frank R. Beady

THIS SYSTEM WAS CHECKED ON AUGUST 16,
1974 AND HAS BEEN IN USE SINCE THE
WATER LICENSE WAS ISSUED.

P.A.G.

THOMAS GARDNER
WATER RESOURCES ENGINEER



IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT OF THE
STATE OF SOUTH DAKOTA, WITHIN AND FOR FALL RIVER COUNTY

In The Matter Of The Estate Of) ORDER APPROVING FINAL REPORT,
) DECREE TERMINATING LIFE ESTATE
OLAF ENG, Deceased) AND DECREE OF FINAL DISTRIBUTION

CHARLES W. ENG and RUTH O. HUBBARD, the duly appointed,
qualified and acting co-executors of the estate of Olaf Eng,
deceased, having heretofore presented and filed herein their
duly verified Final Report of their proceedings as such co-
executors together with their verified Petition for the termina-
tion of the life estate of the decedent in and to certain per-
sonal property set forth in said Report and for a Decree of Final
Distribution of the residue of the said estate of the decedent
to the persons entitled thereto

THIS being the time and place for said hearing and said
matter coming on now regularly for hearing and said petitioners
appearing in person and with their witnesses and by their attor-
ney and no one appearing in opposition thereto, and the Court
having heard the evidence adduced by the said petitioners and their
witnesses and being fully advised in the premises, and it appear-
ing to the satisfaction of the Court from such evidence and from
the files and records herein and the Court finding that due and
legal notice of the time and place of this hearing was given in
all respects as required by law and the Order of this Court, and
that more than four (4) months elapsed from the first publica-
tion of the said Notice prior to the filing of the said Report
and Petition, and that there are no expenses of last illness,
funeral expenses or expenses of administration unpaid and no
unpaid claims against the said deceased or his estate and that
there are now no personal property taxes legally levied due
from the said deceased or the said estate to the State of South
Dakota, the County of Fall River, or any school or municipal
corporation therein, and

IT FURTHER APPEARING to the satisfaction of the Court and the Court finding that the said estate was duly inventoried and appraised and that due proceedings have been had on the matter of the South Dakota inheritance taxes and that South Dakota inheritance taxes in the amount of \$12,715.66 were paid in full on August 23, 1976, and the Court further finding that the petitioners have made and filed with the Internal Revenue Service of the United States of America the United States Estate Tax Return required by federal law and have paid United States estate taxes in the amount of \$58,942.06, and that to the best of their knowledge, have paid all the federal inheritance taxes due thereon.

THE COURT HAVING examined the said Final Report and the said co-executors in relation thereto and finding that the same is, in all respects, true and correct and that the said estate is ready for final closing.

NOW ON MOTION of Martin P. Farrell, Hot Springs, South Dakota, the attorney for the co-executors, it is in open Court, with no one opposing:

ORDERED, ADJUDGED AND DECREED:

I.

That the Final Report of the co-executors and every act therein enumerated be, and they hereby are, allowed, approved and confirmed in full.

II.

That there are no unpaid claims of any creditors and that all funeral expenses and expenses of last illness, South Dakota inheritance taxes and expenses of administration have been paid in full.

III.

That Olaf Eng was also known as Trond Oluf Eng, Trond Olaf Eng and Olaf Trond Eng.. That Olaf Eng departed this life in Fall River County, State of South Dakota, on December 8, 1975, being at the time of his death a resident of Fall River County, State of South Dakota, and leaving an estate within the County of Fall River and State of South Dakota consisting of real and personal property.

IV.

That Olaf Eng, deceased, departed this life testate leaving as his heirs, legatees and devisees the following:

NAME	RELATIONSHIP
Charles W. Eng	Son
Ruth O. Hubbard	Daughter.

V.

That prior to the death of Olaf Eng, deceased, the said decedent and the following named persons owned as joint tenants the following personal property, namely:

With Ruth O. Hubbard, daughter:

1st Federal Savings & Loan, Rapid City, SD:

Certificate 16391:	\$10,000.00
Certificate 26127:	10,000.00

Perpetual Savings & Loan, Rapid City, SD:

Certificate 2917.8:	20,000.00
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Chadron Savings & Loan, Chadron, NE:

Certificate 1082:	10,000.00
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National Bank of South Dakota,
Hot Springs, SD:

Certificate 5676:	8,607.61
Savings account 4779:	7,737.34

Southern Hills Bank, Buffalo Gap, SD:

Certificate 3497:	3,000.00
Certificate 3567:	10,000.00

1st National Bank of the Black
Hills, Hot Springs, SD:

Checking account 034-331:	\$ 666.14
Savings account 073-663:	9,341.53
Certificate 16435:	15,000.00

U.S. Series "H" Bonds:

# M8 885 748H:	1,000.00
#M11 329 803H:	1,000.00
#M11-329-804H:	1,000.00

With Charles W. Eng, son:

U.S. Series "H" Bonds:

// #M8 886 326H:	\$1,000.00
#M8 886 327H:	1,000.00
#M8-886-328H:	1,000.00
#D7 393 219H:	500.00

That there was thereby created in the said decedent and the respective joint tenants as named above a life estate in the personal property described above. That the said Charles W. Eng and Ruth O. Hubbard survived the said Olaf Eng and that the respective joint tenancies in and to the personal property described above terminated on the date of the death of Olaf Eng, on December 8, 1975, and that neither Olaf Eng, nor his estate, have any right, title, interest or estate therein, but that the said personal property is hereby declared to be the sole property of the respective surviving life tenant as above named, free and clear of any claim, right, title or interest of Olaf Eng, deceased, or of his assigns, heirs or legatees, and that the title in and to the above described personal property is and has been, since December 8, 1975, vested in the respective joint tenants as above named.

VI.

That by a Waiver, Consent and Agreement dated August 6, 1976, executed by Ruth O. Hubbard and Charles W. Eng, each party waived the itemization of any of the receipts and disbursements received or made by the co-executors during the probate of this estate.

VII.

That by a valid Assignment dated August 6, 1976, on file with the Clerk of the above entitled Court wherein Charles W. Eng assigned, transferred and set over to Ruth O. Hubbard all his right, title and interest in and to the following personal property, namely:

7 U.S. Series "E" Bonds	
#D94 933 651E; D94 933 652E;	
D94 933 653E; D94 933 654E;	
M93 899 672E; M93 899 673E;	
M93 899 674E:	\$4,418.00
50 shares Exxon common stock:	4,300.00
240 shares Standard Oil Co. of Indiana capital stock:	9,840.00
440 shares American Telephone & Telegraph Co. capital stock:	22,000.00
4 notes of \$500 each w/interest at 6% per annum; SD Farm Bureau Mutual Insurance Co. (6-441, 6-442, 6-453, 6-454):	2,000.00
1st Federal Savings & Loan, Rapid City, SD:	
Certificate 16391:	10,000.00
Certificate 26127:	10,000.00
Perpetual Savings & Loan, Rapid City, SD:	
Certificate 2917.8:	20,000.00
Chadron Savings & Loan, Chadron, NE:	
Certificate 1082:	10,000.00
National Bank of South Dakota, Hot Springs, SD:	
Certificate 5676:	8,607.61
Savings account 4779:	7,737.34
Southern Hills Bank, Buffalo Gap, SD:	
Certificates 3497 and 3567:	13,000.00
1st National Bank of the Black Hills, Hot Springs, SD:	
Checking account 034-331:	666.14
Savings account 073-663:	9,341.53
Certificate 16435:	15,000.00
U.S. Series "H" Bonds	
(M8 885 748H; M11 329 803H;	
M11 329 804H):	3,000.00

and in the same Assignment the said Ruth O. Hubbard did assign, transfer and set over to Charles W. Eng all her right, title and interest in and to the following real and personal property:

REAL PROPERTY

Southeast Quarter, Section 27,
Township 6 South, Range 8 East,
Black Hills Meridian,
Custer County, South Dakota, and
Northeast Quarter, and
Northwest Quarter of Southeast Quarter, and
Northeast Quarter of Northwest Quarter,
in Section 13, and
South Half of Southeast Quarter in
Section 14, Township 7 South,
Range 7, and
South Half of Southeast Quarter in
Section 6, and
East Half of Northeast Quarter, and
North Half of Southeast Quarter, and
East Half of Southwest Quarter, and
Lots 3 and 4 in Section 7, and
West Half of Northeast Quarter, and
North Half of Southeast Quarter, and
Northwest Quarter in Section 8, and
Lots 1 and 2, and
East Half of Northwest Quarter in
Section 18, Township 7 South,
Range 8, and
Lot 4 in Section 13, and
East Half of Northeast Quarter in
Section 21, and
West Half of Northwest Quarter in
Section 22, and
Lots 1, 2 and 3 in Section 24,
Township 7 South, Range 9,
all of above East of Black Hills Meridian,
Fall River County, South Dakota, and
Farm Unit #36 of the Angostura Project
according to the plat thereof recorded
in the office of the register of deeds
of Fall River County, South Dakota, in
Platbook VI, p. 42, being a part of
Sections 13, 23 and 24, Township 7 South,
Range 7, and Section 18, Township 7 South,
Range 8, East of Black Hills Meridian,
Fall River County, South Dakota, and
also the:

South Half of Southeast Quarter
in Section 14, and
All that portion of the
Northeast Quarter of Southeast Quarter
in Section 13, Township 7 South,
Range 7 East, Black Hills Meridian,
included in Farm Unit #36 of the
Angostura Project, according to the
plat thereof recorded in the office
of the register of deeds, Fall River
County, South Dakota, in Platbook VI,
p. 42.

PERSONAL PROPERTY

4 Series "H" Bonds.

(M8 886 326H; M8 886 327H;
M8 886 328H; D7 303 219H):

\$3,500.00

Household goods, furniture and fixtures including clothes washer, freezer, kitchen gas stove, radio, refrigerator, space heater, color t.v., 300 Savage rifle, 1965 JD model 2010 tractor, 7-ft. haymower, hay dump rake, farmhand, 10½ ft. grain drill, posthole digger, grain auger and other miscellaneous property owned by Olaf Eng at the time of his death;

and each did authorize, direct and empower this Court at this hearing to distribute the real and personal property of Olaf Eng, deceased, as above set forth.

VIII.

That Olaf Eng, deceased, died testate leaving a Last Will and Testament dated December 27, 1974, heretofore admitted to probate by this Court on March 24, 1976, wherein the said Olaf Eng gave, devised and bequeathed all of his property equally to his son, Charles W. Eng, and his daughter, Ruth O. Hubbard; the said Will providing that there be taken into consideration any jointly owned property the decedent owned with either his son or daughter so the property he owned in his name alone and subject to this probate would be distributed so that (taking into consideration the jointly owned property owned by the son and the daughter) each child would receive an equal share of the total combined estate of jointly owned property and non-jointly owned property.

IX.

That pursuant to said Last Will and Testament and said Assignment dated August 6, 1976, and the quit-claim deed executed by Ruth O. Hubbard conveying the above described Custer County, South Dakota, land, which quit-claim deed was recorded in the office of the register of deeds of Custer County, South Dakota, in Book 28 Deeds, page 267, and the said quit-claim deed executed by the said Ruth O. Hubbard as grantor to

Charles W. Eng as grantee, quit-claiming and transferring to Charles W. Eng the above described property in Fall River County, South Dakota, which said quit-claim deed was recorded in the office of the register of deeds of Fall River County, South Dakota, in Book 88 of Deeds at page 247-8 ; there is hereby distributed to Charles W. Eng, to him and his heirs forever, the following described real and personal (which includes jointly owned) property:

REAL PROPERTY

Southeast Quarter, Section 27,
Township 6 South, Range 8 East,
Black Hills Meridian,
Custer County, South Dakota, and
Northeast Quarter, and
Northwest Quarter of Southeast Quarter, and
Northeast Quarter of Northwest Quarter,
in Section 13, and
South Half of Southeast Quarter in
Section 14, Township 7 South,
Range 7, and
South Half of Southeast Quarter in
Section 6, and
East Half of Northeast Quarter, and
North Half of Southeast Quarter, and
East Half of Southwest Quarter, and
Lots 3 and 4 in Section 7, and
West Half of Northeast Quarter, and
North Half of Southeast Quarter, and
Northwest Quarter in Section 8, and
Lots 1 and 2, and
East Half of Northwest Quarter in
Section 18, Township 7 South,
Range 8, and
Lot 4 in Section 13, and
East Half of Northeast Quarter in
Section 21, and
West Half of Northwest Quarter in
Section 22, and
Lots 1, 2 and 3 in Section 24,
Township 7 South, Range 9,
all East of Black Hills Meridian,
Fall River County, South Dakota, and:
Farm Unit #36 of the Angostura Project,
according to the plat thereof recorded
in the office of the register of deeds
of Fall River County, South Dakota, in
Platbook VI, p. 42, being a part of
Sections 13, 23 and 24, Township 7
South, Range 7, and Section 18, Township
7 South, Range 8, East of Black Hills
Meridian, Fall River County, South
Dakota, and also the:

South Half of Southeast Quarter
in Section 14, and
All that portion of the
Northeast Quarter of Southeast Quarter
in Section 13, Township 7 South,
Range 7 East, Black Hills Meridian,
included in Farm Unit #36 of the
Angostura Project, according to the
plat thereof recorded in the office
of the register of deeds, Fall River
County, South Dakota, in Platbook VI,
p. 42, together with all water rights
pertaining to said lands.

PERSONAL PROPERTY

4 U.S. Series "H" Bonds
(M8 886 326H, M8 886 327H,
M8 886 328H, D7 393 219H): \$2,500.00

Household goods, furniture, fixtures
including clothes washer, freezer,
kitchen gas stove, radio, refrigerator,
space heater, color t.v., 300 Savage
rifle, 1965 JD 2010 tractor, 7'
haymower, hay dump rake, farmhand,
10½' grain drill, posthole digger,
grain auger and other miscellaneous
property owned by Olaf Eng at the
time of his death.

X.

That the following personal property (which includes
jointly owned property) is hereby distributed, assigned and
vested in Ruth O. Hubbard, to her and her heirs and assigns
forever, namely:

FIRST FEDERAL SAVINGS & LOAN,
Rapid City, SD:

Certificate 16391: \$10,000.00
Certificate 26127: 10,000.00

PERPETUAL SAVINGS & LOAN,
Rapid City, SD:

Certificate 2917.8: 20,000.00

CHADRON SAVINGS & LOAN,
Chadron, NE:

Certificate 1082: 10,000.00

NATIONAL BANK OF SOUTH DAKOTA,
Hot Springs, South Dakota:

Certificate 5676:	\$8,607.61
Savings account 4779:	7,737.34

SOUTHERN HILLS BANK,
Buffalo Gap, SD:

Certificate 3497:	3,000.00
Certificate 3567:	10,000.00

FIRST NATIONAL BANK OF THE BLACK HILLS,
Hot Springs, South Dakota:

Checking account 034-331:	666.14
Savings account 073-663:	9,341.53
Certificate 16435:	15,000.00

3 U.S. Series "H" Bonds:
(M8 885 748H; M11 329 803H;
M11 329 804H): 3,000.00

7 U.S. Series "E" Bonds:
(D94 933 651E; D94 933 652E;
D94 933 653E; D94 933 654E;
M93 899 672E; M93 899 673E;
M93 899 674E): 4,418.00

50 shares Exxon common stock:

240 shares Standard Oil Co. of Indiana
capital stock:

440 shares American Telephone &
Telegraph Co. capital stock:

4 notes of \$500 each w/interest
at 6% per annum; SD Farm Bureau
Mutual Insurance Co. (6-441, 6-441,
6-453, 6-454): 2,000.00

XI.

That pursuant to a Family Agreement between the said
Charles W. Eng and Ruth O. Hubbard, there is hereby distributed
equally to the said Charles W. Eng and Ruth O. Hubbard the
following personal property, namely:

1966 Ford pickup;

The wheat crop that was harvested in
August, 1976, from the above described
real estate; and

Approximately 950 bushels of wheat from
prior years stored in warehouses in
Rapid City, South Dakota, and
Minneapolis, Minnesota.

XII.

That from evidence adduced at this hearing, the Court finds that Charles W. Eng has executed and delivered to Ruth O. Hubbard his promissory note dated August 6, 1976, due March 1, 1977, for an amount so that the value of the property assigned to each is of equal value.

XIII.

That any and all other personal property which the decedent owned at the time of his death or to which his estate may hereafter become entitled or in which it may have an interest be, and the same hereby is, distributed, assigned and vested in the following persons in the following shares, namely:

<u>NAME</u>	<u>SHARE</u>
Charles W. Eng	50%
Ruth O. Hubbard	50%

XIV.

Done in open Court in the City of Hot Springs, County of Fall River, State of South Dakota, this 10th day of September, 1976.

BY THE COURT:

MERTON B. TICE, JR.

CIRCUIT JUDGE

LORRY LOU MILETT

ATTEST: _____

CLERK

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Joe Ross Building
Pierre, South Dakota 57501

Date _____

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

NW $\frac{1}{4}$ S18-T7S-R8E & E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ S13-T7S-R7E

formerly owned by Olaf Eng

has been transferred to Charles W. Eng

together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 378-2 as provided for in Section 61.0127 of the 1960
Supplement to the South Dakota Code of 1939.

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 one dollar is hereto attached to cover filing fees as required
under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA)

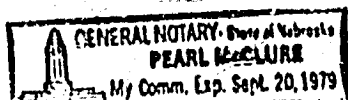
County of Hy)

ss.

I, Charles W. Eng 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.

Charles W. Eng
(Signed)

Subscribed and sworn to before me this 10th day of Feb.

19 77.

Pearl McClure
(Notary Public)

 **Department of
Water & Natural Resources**

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

March 31, 1986

Charles W. Eng
Buffalo Gap, SD 57722

Notice

Re: Violation of Requirement to Submit 1985 Irrigation Questionnaire

Our records indicate that the 1985 Irrigation Questionnaire has not been submitted for Water Permit No(s). 696-2 and 378-2. The request for the Questionnaire was dated November 13, 1985. The Water Management Board has directed that owners of water permits who have not submitted 1985 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.

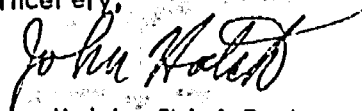
The hearings will be held at 2:00 p.m., May 14, 1986 in Room 216, Joe Foss Building, Pierre, South Dakota.

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

1. Amend Permit No(s). 696-2 and 378-2 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.

Sincerely,


John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

Note: If the questionnaire(s) is received in this office before the May 14 hearing date, your name will be deleted from the agenda for the hearings.

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

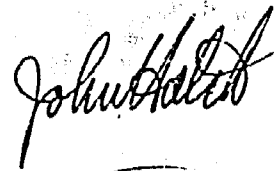
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

May 20, 1986

NOTICE OF AMENDMENT TO WATER PERMIT(s)

To: Charles W. Eng
Buffalo Gap,
South Dakota 57722

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352



SUBJECT: Amendment to Water Permit No(s) 378-2 & 696-2

Pursuant to the provisions of the notice dated March 31, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No(s). 378-2 & 696-2 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

Equal Opportunity Employer

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

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

Attachment to Water Permit No. 378-2

Pursuant to the provisions of the notice dated May 20, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No. 378-2 to add the following qualification:

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

Equal Opportunity Employer

DATE MICROFILMED

CAMERA OPERATOR

SOUTH DAKOTA
Department of
Water & Natural Resources

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

March 23, 1987

CHARLES W ENG
BUFFALO GAP, SD 57722

NOTICE

Re: Violation of Water Permit No(s). 378-2, 696-2

Our records indicate that the 1986 Irrigation Questionnaire has not been received for Permit No(s). 378-2, 696-2. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 378-2, 696-2 qualification:

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

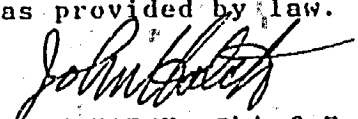
The hearing(s) will be at 2:00 pm, May 6, 1987, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 378-2, 696-2 until either the 1986 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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


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

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

SOUTH DAKOTA
Department of
Water & Natural Resources

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

May 14, 1987

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: CHARLES W ENG

BUFFALO GAP, SD 57722

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

John Hatch

SUBJECT: One Year Suspension Of Water Permit No(s). 696-2,
378-2 If The 1986 Irrigation Questionnaire Is Not
Received By June 1, 1987

Pursuant to the provisions of the Notice dated March 23, 1987,
and following the Hearing May 6, 1987, the Water Management Board
ordered:

That Water Permit No(s). 696-2, 378-2 be **SUSPENDED** until
December 31, 1987 unless the required 1986 Irrigation Water Use
Questionnaire is received by June 1, 1987.

Suspension of a permit means water may not be pumped during the
1987 Irrigation Season. Decisions of the Board may be appealed
to the Circuit Court and the Supreme Court as provided by law.

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

2. Article Addressed to:

CHARLES W ENG
BUFFALO GAP, SD 57722

4. Article Number

P 576 309 768

5. Type of Service:

☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED**.

5. Signature - Addressee

X *Charles W Eng*

6. Signature - Agent

X

7. Date of Delivery

5-19-87

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

SOUTH DAKOTA
Department of
Water & Natural Resources

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

December 4, 1989

378-2
696-2

G John Eng
3121 Marathon Circle
Anchorage, AK 99515

Dear Mr. Eng:

Enclosed are your 1989 irrigation questionnaires. In order for us to calculate the amount of water used, we need the average pump rate included on the forms.

In order for the questionnaires to be complete, please include the following:

1. Average pump rate;
2. Crop(s) irrigated; and
3. Specific acres irrigated.

Upon completion of the forms, return them to our office in the enclosed postage paid envelope. The forms must be returned to our office before December 30, 1989.

If you have any questions, please contact me.

Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosures

378-2

South Dakota
Department of
Water & Natural Resources

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

July 19, 1990

NOTICE

TO: Cheyenne River Irrigators

FROM: John Hatch, Chief Engineer
Division of Water Rights *John Hatch*

SUBJECT: Shutoff Order for water rights in the Cheyenne River reach from the Angostura Dam to Rapid Creek with priority dates after 1965.

Due to the present low flow conditions in the Cheyenne River, the following water rights must cease withdrawals of water from the Cheyenne River for the remainder of this irrigation season. This order is effective July 21, 1990. Additional shutoffs may be necessary if conditions show the need.

PERMIT NO.	NAME	PRIORITY DATE
1241A-2	Chauncey D. Taylor, Hermosa	02/06/75
1241B-2	Donald R. Thorson, Scenic	02/06/75
2061-2	Rittberger Beef & Dairy, Buffalo Gap	08/22/88
1923-2	Rittberger Beef & Dairy, Buffalo Gap	03/15/85
1613-2	Rittberger Beef & Dairy, Buffalo Gap	10/28/77
2059-2	Fred Weibert, Hermosa	06/27/88
1408-2	RIBOB-ELJIM-KADEN, Rapid City	06/06/77
1754-2	Earl Stombaugh, Buffalo Gap	01/27/81
1109-2	Lloyd Neugebauer, Oral	04/21/72
1882-2	Roland/Donna March, Hot Springs	05/29/84
1024-2	Clarence Werner, Hermosa	05/22/70

If you have any questions, please contact Del Brosz, Division of Water Rights, Joe Foss Building, Pierre, SD 57501.
Phone (605) 773-3352.

cc: Water Right Holders on the Cheyenne River in the Reach from Angostura Dam to Rapid Creek Confluence

 **Department of
Water & Natural Resources**

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

March 14, 1991

378-2
696-2

John Eng
Charles W. Eng
3121 Marathon Cir.
Anchorage, Ak 99515

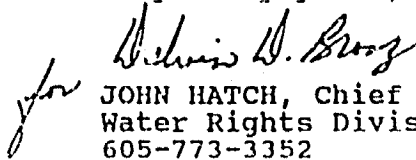
Dear Mr. Eng:

I am contacting irrigators and water users below Angostura Reservoir to advise of the low water level conditions in Angostura Reservoir and of potential water use restrictions from the Cheyenne River. Due to the continuing drought, Angostura Reservoir is receiving below normal inflows. As of February 27, 1991 the water level in the reservoir was at elevation 3170.25 feet above mean sea level (msl). Full elevation of the reservoir is 3187.2 msl.

Flow conditions in the Cheyenne River will be monitored during the coming irrigation season. Low flows may require that shut off orders be issued to junior water right holders to protect senior water rights. Low water levels in Angostura and the potential for low flows in the Cheyenne should be considered when planning for the coming water use and irrigation season.

Junior Water Rights above Angostura were shut off during 1989 and will remain shut off until Angostura fills again. If you have any questions, please contact Mark Rath or Del Brosz (605-773-3352).

Very truly yours,


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

378-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: C JOHN ENG
3121 MARATHON C
ANCHORAGE AK 99515

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

RE: Violation of Water Permit No(s) 378-2 & 696-2

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 378-2 & 696-2. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 378-2 & 696-2 qualification:

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

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 378-2 & 696-2 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. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

FEB 1997
DIVISION OF
WATER RIGHTS
Reno, NV

February 18, 1993

Department of Environment & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota
57501-3181

Attention: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water rights division

RE: Violation of water permit numbers 378-2 and 696-2

Dear Mr. Duvall,

I received the attached letter in which a response was requested. I am not able to attend the hearing mentioned in the letter but I am able to give information that may be helpful to you in this letter. I received the annual questionnaire, completed the information and returned it by mail. Unfortunately, it seems that it was never received. It seems that some of our mail was not received by the intended receivers last fall and your questionnaire may be an additional problem for me.

However, I can tell you that the irrigation system was not used during 1992 for watering or for chemicals. There was more than adequate rain at the ranch in western South Dakota during 1992, so the need for using water from the Cheyenne river did not exist. I hope this information will provide you with what you need for your survey. As far as the timeliness of the questionnaire, I am sorry that it did not reach you. If as a result, the rights are suspended, I will understand the technical validity of your position. However, I request that you do not suspend or cancel the water rights because of my problem with the mail. If you would like additional information that I have not provided in this letter, please contact me by mail at 3121 Marathon Circle, Anchorage, Alaska 99515-2421, telephone 907-349-6907(home) or 907-522-1954(work), or by FAX 907-522-2170.

Sincerely,

C. John Eng

C. John Eng



378-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 22, 1993

378-2
696-2

C John Eng
3121 Marathon Circle
Anchorage, AK 99515-2421

Dear Mr. Eng:

I am writing to acknowledge receipt of the information needed for your 1992 irrigation questionnaires. Based on your February 18, 1993 letter, questionnaires were filled out stating that you did not irrigate in 1992. You may disregard the January 29, 1993, Notice of Violation of Water Right Nos. 378-2 and 696-2.

The questionnaires were completed 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

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352

378-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 4, 1997

NOTICE

TO: C JOHN ENG, 3121 MARATHON CIRCLE, ANCHORAGE, AK 99515 2421
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s). 378-2 & 696-2

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 378-2 & 696-2. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 378-2 & 696-2 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in the Floyd Matthews Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 378-2 & 696-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 1997, 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.



378-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 25, 1997

378-2
696-2

C John Eng
3121 Marathon Circle
Anchorage, AK 99515-2421

Dear Mr. Eng:

I am writing to acknowledge receipt of your 1996 irrigation questionnaire. You may disregard the February 4, 1997, Notice of Violation of Water Permit Nos. 378-2 and 696-2.

I completed questionnaires for you based on our February 25th telephone conversation. 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 for calling and if you have any questions, please contact me.

Sincerely,

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

RE: Water permits 696-2 & 378-2
Eng ranch
Fort River County

New address notification

C. John & Lynn Ann Eng

Mailing address:

P.O. Box 111391

Anchorage, AK 99511-1391

Physical address:

5300 Country Club Lane

Anchorage, AK 99516

RECEIVED

MAR 31 2003

WATER RIGHTS
PROGRAM

Old address

3121 Marathon Circle

Anchorage, Alaska 99511-1391



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 5, 2007

Dear Water Right Holder;

Due to the ongoing drought I am advising Cheyenne River water right holders of the possibility of shutoff orders in 2007 for the river reach from Angostura Dam to the Belle Fourche River confluence. This is **not a shutoff order**.

As a result of the continuing lack of precipitation, tributary flows throughout the Cheyenne River basin remain well below the historical average. Angostura Reservoir ended February almost 21-feet below full and the forecast for improved conditions throughout the summer months is not favorable.

This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shut-off orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and trying to avoid wasting water.

South Dakota water law gives the highest priority to domestic use, which includes livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses, including irrigation, will begin to interfere with domestic use. If levels become critically low, the department must issue shut-off orders to protect domestic water uses. Once these orders are issued, the department will continue to monitor water availability and should conditions improve, the shutoff orders would be rescinded.

If you are interested, the US Geological Survey has an Internet site showing river flows at 150 stream gauging stations across the state. Go to sd.water.usgs.gov and click on "Realtime streamflow data via satellite".

Thank you for your cooperation. If you have any questions, please contact Mark Rath or Mike DeFea at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

State of South Dakota

November 15, 2017

Department of Environment & Natural Resources

Joe Foss Building

523 East Capitol

Pierre, South Dakota 57501-3182

NOV 21 2017
WATER RIGHTS
PROGRAM

Attention: Jeanne Goodman

Chief Engineer

Water Rights Program

RE: 2017 Irrigation Questionnaire

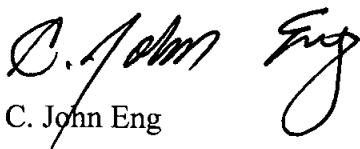
Dear Ms. Goodman,

You will find a copy of the questionnaire(s) for 2017 enclosed. Water was not pumped this year. After 2016, my renter informed me that for the system to be useful for them, the system should be updated. As a result, the concrete lined ditches were removed, property surveyed, and a quotation was obtained to purchase new center pivot irrigation equipment. The renter also informed me that technology would probably replace center pivot systems eventually with underground piping with "pop up" sprinkler heads. I am not familiar with working irrigation systems, or improving irrigation technology, but perhaps what is being described resembles the systems used for golf courses. The area irrigated is used for alfalfa, and occasionally crops. I was also told that with the weathered shale soil on our property, the ground compacts from irrigation, and periodically the ground needs to be plowed to loosen the soil and then reseeded. Since your department deals with a variety of irrigation systems, perhaps you can offer some advice regarding the best systems for the plains located approximately 10 to 20 miles east of the Black Hills. I will appreciate your advice, if it can be offered. If you direct me to somewhere to research, it would be helpful, or perhaps offer a list of publications that could be of use. Or if I am way off base by asking you for advice, please tell me that also.

The second item involves efforts to keep the water rights current. A couple of years ago, I was told by someone in your office that physical work on a system for the area(s) involved are an indication that the rights would be covered and current. If this is true, will continued work to complete the system in 2018 be credited to maintaining water rights?

I look forward to further communication with you and or someone from your department.

Sincerely,


C. John Eng



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

November 27, 2017

C. John Eng
PO Box 111931
Anchorage AK 99511

Dear Mr. Eng:

South Dakota Department of Environment and Natural Resources is in receipt of the 2017 Irrigation Questionnaires submitted for Water Right Nos. 696-2 and 378-2. Accompanying the questionnaires was a letter inquiring on types of water system and maintaining the water rights.

First you asked if DENR can offer any advice regarding the best systems for your area. DENR does not regulate the type of irrigation system. DENR only regulates so that the parameters in the water right are not exceeded and that the use does not extend to the waste or unreasonable method of diversion of water. The East River side of South Dakota is dominated by center pivot for applying crop irrigation water. That has also been occurring West River with producers in the Angostura and Belle Fourche Irrigation District converting to center pivot irrigation for efficiency purposes. There have been a few producers beginning to work with subsurface irrigation. However, I am not aware of anyone installing underground piping with "pop up" sprinkler heads for conventional crop irrigation. You may want to discuss options with an irrigation equipment representative the best method for irrigation for your land.

You also inquired about what is necessary to keep the water rights current. South Dakota law has provisions for when a water right is subject to cancellation for abandonment or forfeiture for nonuse. A permit can be subject to forfeiture for nonuse when any part of the appropriated water fails to be used beneficially for the purpose for which it was appropriated for a period of three years. The unused water shall revert to the public and shall be regarded as unappropriated water. You asked whether physical work on the system is credited to maintaining the water right. Since these are water rights dating back to the 1950's and early 1960's and time to complete construction of works has long past, work towards changing the type of equipment used for irrigation does not in my opinion exempt a water right holder from the forfeiture for nonuse criteria set forth in state law. Enclosed for your review are the applicable regulations dealing with when a water right can become subject to cancellation.

Please feel free to contact the Water Rights Program anytime you have a question about your water rights.

Sincerely,

Eric Gronlund

Water Rights Program, DENR

605 773-3352

Eric.gronlund@state.sd.us

enclosure

Statutes:

46-5-36. Abandonment of use of water appurtenant to land - Public water subject to general appropriation. If the owner of the land to which water has become appurtenant abandons the use of such water upon such land, such water shall become public water, subject to general appropriation.

46-5-37. Failure to use beneficially appropriated water - Forfeiture for nonuse - Reversion to public. When any person entitled to the use of appropriated water fails to use beneficially all or any part of such water for the purpose for which it was appropriated, for a period of three years, such unused water shall revert to the public and shall be regarded as unappropriated public water.

46-5-37.1. Abandonment or forfeiture of permits or rights - Recommendation of chief engineer for cancellation. Upon the initiative of the chief engineer or upon petition by any interested person and after reasonable notice to the holder of the right or permit, if he can be located, the chief engineer may investigate whether or not a water permit or right has been abandoned or forfeited. After the investigation, the chief engineer may recommend cancellation of the permit or right for reason of abandonment or forfeiture. The recommendation, notice and hearing shall be conducted pursuant to the procedure contained in chapter 46-2A.

46-5-37.2. Exceptions to forfeiture for nonuse. The provisions of SDCL 46-5-37 notwithstanding, no water right or permit may be forfeited for nonuse if land authorized for irrigation by a permit or right is placed under an acreage reserve or production quota program or otherwise withdrawn from use as required for participation in any federal program, if the water source is not fully appropriated, if the withdrawal from use does not prevent approval of new permits from the same source, and if the appropriated water has been applied to beneficial irrigation use prior to participation in a federal program.

Rules:

74:02:01:36. Board authorized to cancel invalid water permits, rights, or vested rights. The board may cancel a water permit, right, or vested right which has become invalid and file a record of the cancellation in the water permit, right, or vested right record.

74:02:01:37. Invalid water permit, right, or vested right defined. A water permit, right, or vested right is invalid if it meets one or more of the following conditions:

- (1) The necessary works were not constructed or the water put to beneficial use within the time limits as provided by statute;
- (2) Use of water has been abandoned as specified in SDCL 46-5-36;
- (3) Use of water has been forfeited for nonuse as specified in SDCL 46-5-37.

74:02:01:37.01. Legal excuse for nonuse of water. Legal excuse for nonuse of water suspends the period of nonuse specified in SDCL 46-5-37. Legal excuses for nonuse of water include but are not limited to the following:

- (1) Unavailability of water to satisfy a permit, right, or vested right;
- (2) Legal proceedings which prevent the use of water;
- (3) Water use under existing climatic conditions would result in a waste of water.

378-2

Department of Environment and Natural Resources

November 12, 2018

Joe Foss Building

523 East Capitol

Pierre, South Dakota 57501-3182

RECEIVED

NOV 20 2018

WATER RIGHTS
PROGRAM

Attention: Jeanne Goodman
Chief Engineer
Water rights program

RE: Permits numbered 378-2 and 696-2
2018 activities

Dear Ms. Goodman,

In addition to the two yellow sheet questionnaires, the following information is being provided. During 2018, the areas served by the permits referenced above were renovated and reconstructed. The concrete lined ditches that served the irrigated properties were served by an electric pump that pumped water from the Cheyenne River, and directed it to the gravity transported ditches. We invested in an underground 12 inch diameter water line that transports water from the Cheyenne River, and brings it to a new center pivot irrigation system. The center pivot system operated for a portion of three billing cycles for the electrical power. This is an improvement over the prior years efforts, and seeing the improvement in the grass/hay is a beautiful thing for me to behold. If you, or anyone from your staff would like to visit the operations this year, or any future year, we can arrange to meet with you. This update was a substantial investment for me, but since our renter has been patient to remain with me for the past 30 years +/-, I wanted to respond with a positive effort on my part also.

The system (center pivot) serves a portion of the acreage described by the permits with direct application of water from the pivot, and also serves the remaining portion(s) with gravity flow(s) to the remaining portion.

If you have questions, please feel free to call me at my home number of 907-349-6907, cellular number of 907-441-9354, or my office number of 907-929-2016. The area that the permits involve, are two hours ahead of our Alaska time zone, and Pierre is probably three hours ahead of our Alaska time zone.

Sincerely,



C. John Eng

Copy-file

Dear Mike and Renee,

October 30, 2019

RECEIVED

DEC 09 2019

WATER RIGHTS
PROGRAM

RE: Irrigation questionnaire for 2019

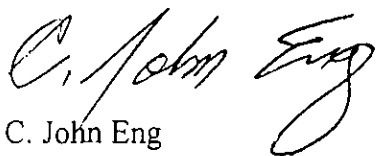
A photocopy of the correspondence and questionnaire for the ranch is enclosed. We have plenty of time to provide the information. If you will pencil in the information on the enclosed forms and send them to me, I can have them returned to the Department of Environment and Natural Resources by the requested date of December 2nd. Then I will have the information for my records also.

Lynn and I attended a family reunion on a Caribbean cruise last month. The day we returned to Orlando, Florida, Lynn received a telephone call from one of her sisters, and she asked whether Lynn could come to Phoenix to cooperate with hospice care for our sister-in-law who was suffering from internal cancer. Lynn has been in Phoenix since the 23rd of September, and Sharon, Lynn's brother's wife died last Thursday. Lynn is helping her brother dispose of a variety of items that Jim will not need, and will then return to Anchorage. The entire ordeal has been an eye-opener in many respects. I hope that Lynn is able to return to Anchorage within the coming week.

Because of all the demands of business, family, and recreation, I have not traveled to South Dakota like I had hoped. We hope that you are able to have wonderful fall. We are developing a business plan to get involved at Ellsworth AFB near Rapid City. It is nice to be able to tell people that we have contacted that High Point Construction, Inc. is a South Dakota corporation, and that our family has been involved in businesses of some sort in South Dakota since 1910.

Thank you in advance for the help with the forms.

Sincerely,



C. John Eng

Copy- file

RECEIVED 378-2

DEC 09 2019

WATER RIGHTS
PROGRAM

Hi John + Lynn -

We are returning the Dept. of Environment & Natural Resources questionnaire as requested. With such a wet year, we didn't really need irrigation. Quite unusual for South Dakota but 2019 set a new record for moisture and the wet trend continued. We try not to ever complain about moisture but would be grateful if it would quit until spring! We are still unable to get the millet out of the bottom as it is too soft for trucks and trailers and would get stuck and/or leave deep ruts. The rest of the month looks a little more favorable. Gravel has helped.

Hope you had a good time on your cruise. Sorry to hear about Lynn's sister-in-law. She has certainly dealt with a lot of grief with her family.

Rapid City is gearing up for the Ellsworth expansion. Some are happy about it - others fearing too big of a population increase before the area is ready. It was just a few years ago when the government was trying to close the base.

Let us know if you have any questions. Take care and have a good fall.

Mike & Renee