



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

DEC 20 2018

410A-2

Cynthia L Tolle
Evergreen Ranching & Livestock LLC
12134 Mountain Goat Lane
Custer SD 57730

Dear Ms. Tolle:

Enclosed is Reissued Water License No. 410A-2.

Based on the ownership changes filed, Water Right No. 410-2 has been divided and reissued to reflect separate ownership as follows:

- **No. 410A-2, Cynthia L Tolle, dba Evergreen Ranching & Livestock LLC, 12134 Mountain Goat Lane, Custer SD 57730** authorizing diversion of 0.57 cfs (approximately 256 gpm) from the Cheyenne River to irrigate 40 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24, T9S, R3E;
- **No. 410B-2, Matthew Hespen & Kathi Koester, PO Box 206, Custer SD 57730** authorizing diversion of 0.28 cfs (approximately 126 gpm) from the Cheyenne River to irrigate 20 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 24, T9S, R3E.

For informational purposes, each year in October we mail out irrigation questionnaires to irrigators in South Dakota for reporting annual water use. It is our understanding from recent communication with you that no irrigation took place in 2018. Water Right No. 410A-2 will be added to the list to receive annual irrigation questionnaires beginning in October, 2019.

Included with your water license is Receipt No. 08757 in the amount of \$50 which you paid for filing an ownership change. 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

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 410A-2
(DIVISION OF WATER LICENSE NO. 410-2 INTO NOS. 410A-2 & 410B-2)

(1) K A Helsel, Edgemont SD was issued Water License No. 410-2, June 4, 1974 for a water right to divert 0.85 cubic feet of water per second (approximately 382 gallons per minute) from the Cheyenne River, Fall River County, South Dakota for irrigation purposes. Water Right No. 410-2, with a priority date of March 24, 1955 authorizes irrigation of 60 acres located in the SE ¼ NW ¼ & SW ¼ NE ¼ Section 24, T9S, R3E.

On September 7, 2018 and October 19, 2018, ownership changes were filed for the land described in the water right. At the time the ownership changes were filed, Water Right No. 410-2 was held by John Anthony DeRungs. Based on the ownership changes, Water Right No. 410-2 has been divided and reissued to reflect separate ownership as follows:

- **No. 410A-2, Cynthia L Tolle, dba Evergreen Ranching & Livestock LLC, 12134 Mountain Goat Lane, Custer SD 57730** authorizing diversion of 0.57 cfs (approximately 256 gpm) from the Cheyenne River to irrigate 40 acres in the SE ¼ NW ¼ Section 24, T9S, R3E;
- **No. 410B-2, Matthew Hespen & Kathi Koester, PO Box 206, Custer SD 57730** authorizing diversion of 0.28 cfs (approximately 126 gpm) from the Cheyenne River to irrigate 20 acres in the SW ¼ NE ¼ Section 24, T9S, R3E.

(2) It is certified that the water right holder has complied with the provisions of South Dakota State Law and is entitled to divert 0.57 cubic feet of water per second for beneficial use. The location of the diversion point is:

- NW ¼ Section 24, T9S, R3E (*as shown on map provided with original application*)

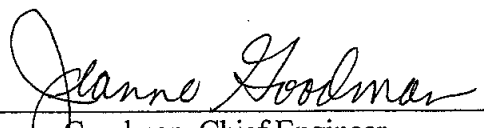
(3) The water right holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

- 40 acres located in the SE ¼ NW ¼ Section 24, T9S, R3E

(4) Pursuant to South Dakota Water Law 46-5-30.1 Cynthia L Tolle, dba Evergreen Ranching & Livestock LLC, 12134 Mountain Goat Lane, Custer SD 57730 the holder and/or owner of Water Right No. 410A-2 is issued a license to appropriate water, the right to use 0.57 cubic feet of water per second from the Cheyenne River with a priority date of March 24, 1955 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 410-2 and subject to the following qualifications:

- This Water Right is subject to the irrigation water use questionnaire being submitted each year. (*The originating Water Right No. 410-2 was amended March 7, 2018 to include the qualification.*)



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

DEC 20 2018

date



Filed for Record-Fall River County SD

Filed On 5/09/2018 8:00 AM
Document# R 057069 Type:DEED-WARBOOK 143 of DEEDS
PAGE 933 thru 934 #ofPages 2Prepared by:
David Gregory Wick
Pennington Title Company
725 Kansas City Street
Rapid City, SD 57701
Phone: (605)343-5670Melody Engebretson, Register of Deeds
Fee \$ 30.00 CKTransfer Fee \$ 963.50 **SCN**
Key# 99471Return To:
PENNINGTON TITLE
725 KANSAS CITY STREET PO BOX 8023
RAPID CITY, SD 57709**WARRANTY DEED**

J. Anthony DeRungs, a single person, Grantor, of 11684 Indian Canyon Road, Edgemont, SD 57735, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, grants, conveys, and warrants to **Evergreen Ranching and Livestock, LLC**, a South Dakota limited liability company, Grantee, of 12134 Mountain Goat Lane, Custer, SD 57730, the following-described real estate located in Fall River County, South Dakota:

Township 9 South, Range 3 East of the Black Hills Meridian, Fall River County, South Dakota:

Section 13: S1/2SW1/4

Section 14: S1/2

Section 23: N1/2NW1/4NW1/4; NE1/4NW1/4; N1/2NE1/4; SW1/4NE1/4; NE1/4SW1/4;

Subdivision of SE1/4SE1/4 into Lots 1 through 12, as shown on Plat filed in Book XI of Plats, Page 70, nka SE1/4SE1/4 (Book XXVI Plats, Page 53)

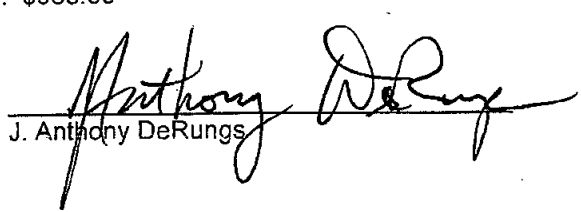
Section 24: E1/2NW1/4; SW1/4NW1/4; S1/2NW1/4NW1/4; NW1/4NE1/4; W1/2SW1/4;

SE1/4SW1/4; SW1/4SE1/4

together with all improvements and appurtenances thereon and subject to easements, rights-of-way, restrictions, reservations, declarations and covenants of record; and

further Grantor reserves the perpetual right to hunt on the subject property for deer, elk, turkeys, and antelope with up to three (3) other hunters. Such right shall be assignable to Josh Klinkhammers and any of his children.

TRANSFER FEE: \$963.50

Dated this 7th day of May, 2018.
J. Anthony DeRungs

[ACKNOWLEDGMENT TO FOLLOW ON PAGE 2]



410A-2

RECEIVED

SEP 07 2018

WATER RIGHTS
PROGRAM

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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

Water Right/Permit No. 410-2
Date: 8/30/2018

I/We request that Water Right/Permit No. 410-2 formerly owned by:
John Anthony DeLungs be transferred to:

New Owner Name: Cynthia L. Tolle DBA Evergreen Ranching and Livestock LLC
Address: 12134 Mountain Goat Lane
City, State, Zip: Custer SD 57730 Telephone No. 605 440 0323
605 673 4958

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

Indian Canyon Ranch transferred from
DeLungs to Cynthia Tolle - Evergreen Ranching + Livestock LLC.

☒ I understand that the validity of Water Right/Permit No. 410-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

I, Cynthia L. Tolle, the new owner, certify that the above information is true and correct.

Cynthia L. Tolle
(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

RECEIVED OF Evergreen Ranching & Livestock LLC 1234 Mtn Goat Ln Custer 57730 Date September 7, 20 18

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>410-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **08757**

By Jeanne Goodman
Chief Engineer 24m

McMath, Genny

From: Evergreen Ranching <evergreenranching@gmail.com>
Sent: Tuesday, September 11, 2018 10:30 AM
To: McMath, Genny
Subject: Re: [EXT] Water Right No. 410-2

Sounds good Genny thanks

On Tue, Sep 11, 2018, 9:22 AM McMath, Genny <Genny.McMath@state.sd.us> wrote:

Cindy,

Thank you for responding back about the map and inquiry into the acreage. The split in acreage we discussed yesterday came from the way it was described on the examination of works and subsequent water license. After reviewing a newer FSA photo, we concur with your assessment that the acreage split was likely errant when the license was issued back in the early 70's.

Our intent is to divide the water right into two separate water rights as follows:

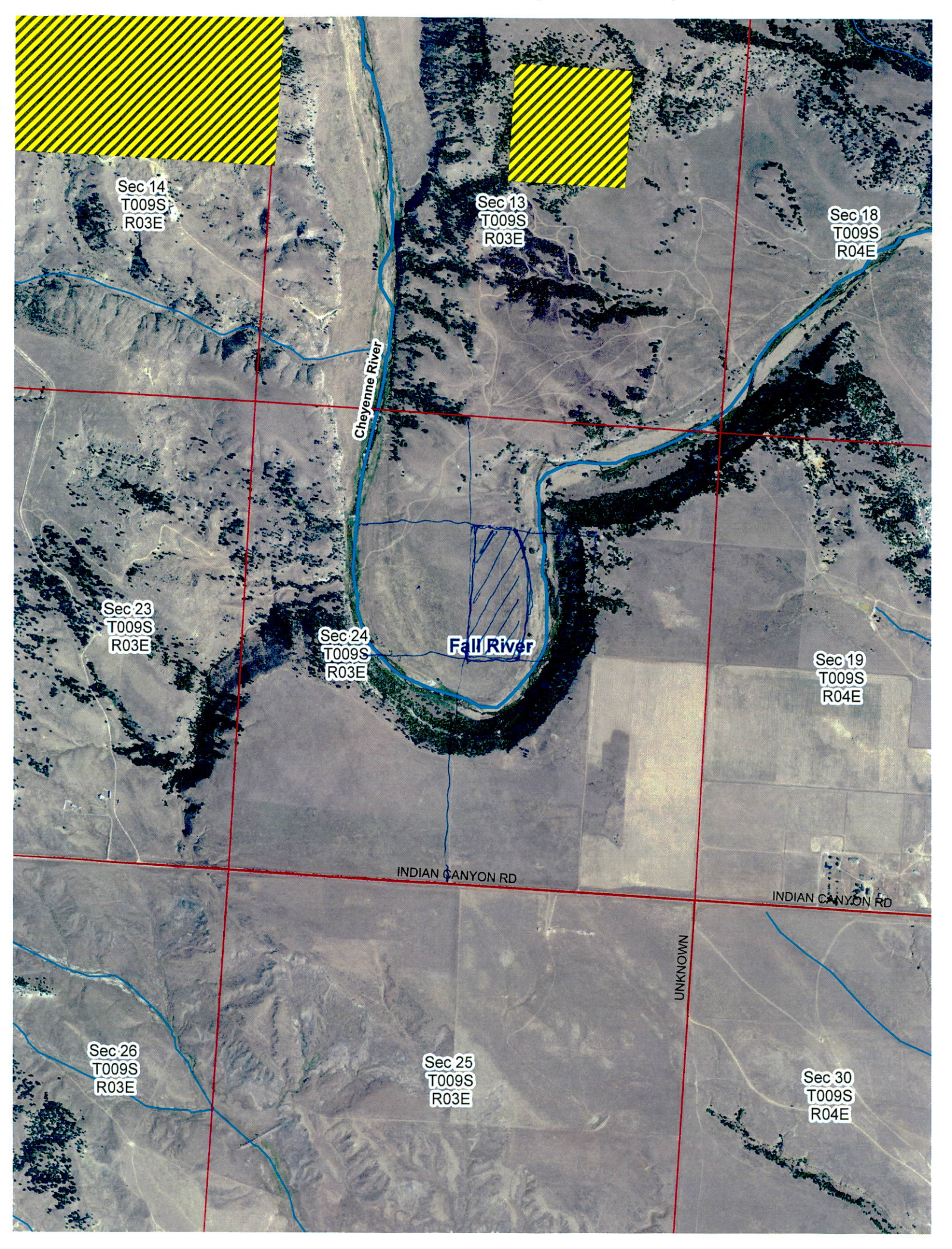
- 410A-2: Evergreen Ranching and Livestock LLC – 40 acres in the SE ¼ NW ¼ Section 24, T9S, R3E with an associated diversion rate of 0.57 cfs;
- 410B-2: other land owner (yet to be determined) – 20 acres in the SW ¼ NE ¼ Section 24, T9S, R3E with an associated diversion rate of 0.28 cfs.

Please be aware that Water Right No. 410-2 is junior in priority to the US Bureau of Reclamation water right for Angostura and is subject to shutoff orders. When this occurs, junior water right holders are notified in writing if they need to cease diversions. You indicated making upgrades to the irrigation system; Water Rights wants to make you fully aware that shut off orders may occur as necessary to protect prior rights.

The Water Rights Program will proceed to split the water right as set forth above. We intend to contact the owner of land in the SW ¼ NE ¼ Section 24 and work towards getting updated water licenses issued.

If you have any questions, please contact us.

Genny McMath



This is an aerial photograph of a river valley, likely in the western United States, showing a winding river and surrounding land parcels. The map is overlaid with a grid of red lines representing section boundaries. Several sections are labeled with their respective township, range, and section numbers. Two areas are highlighted with yellow diagonal hatching: a large rectangular area in the top left corner and a smaller rectangular area in the top center. A central area, bounded by the river and a blue line, is also hatched with blue diagonal lines. The river is labeled 'Cheyenne River' and 'Fall River'. A road labeled 'INDIAN CANYON RD' runs horizontally across the lower middle of the map. A vertical line is labeled 'UNKNOWN'. The terrain is a mix of dry, hilly land and some forested areas.

Sec 14
T009S
R03E

Sec 13
T009S
R03E

Sec 18
T009S
R04E

Sec 23
T009S
R03E

Sec 24
T009S
R03E

Fall River

Sec 19
T009S
R04E

INDIAN CANYON RD

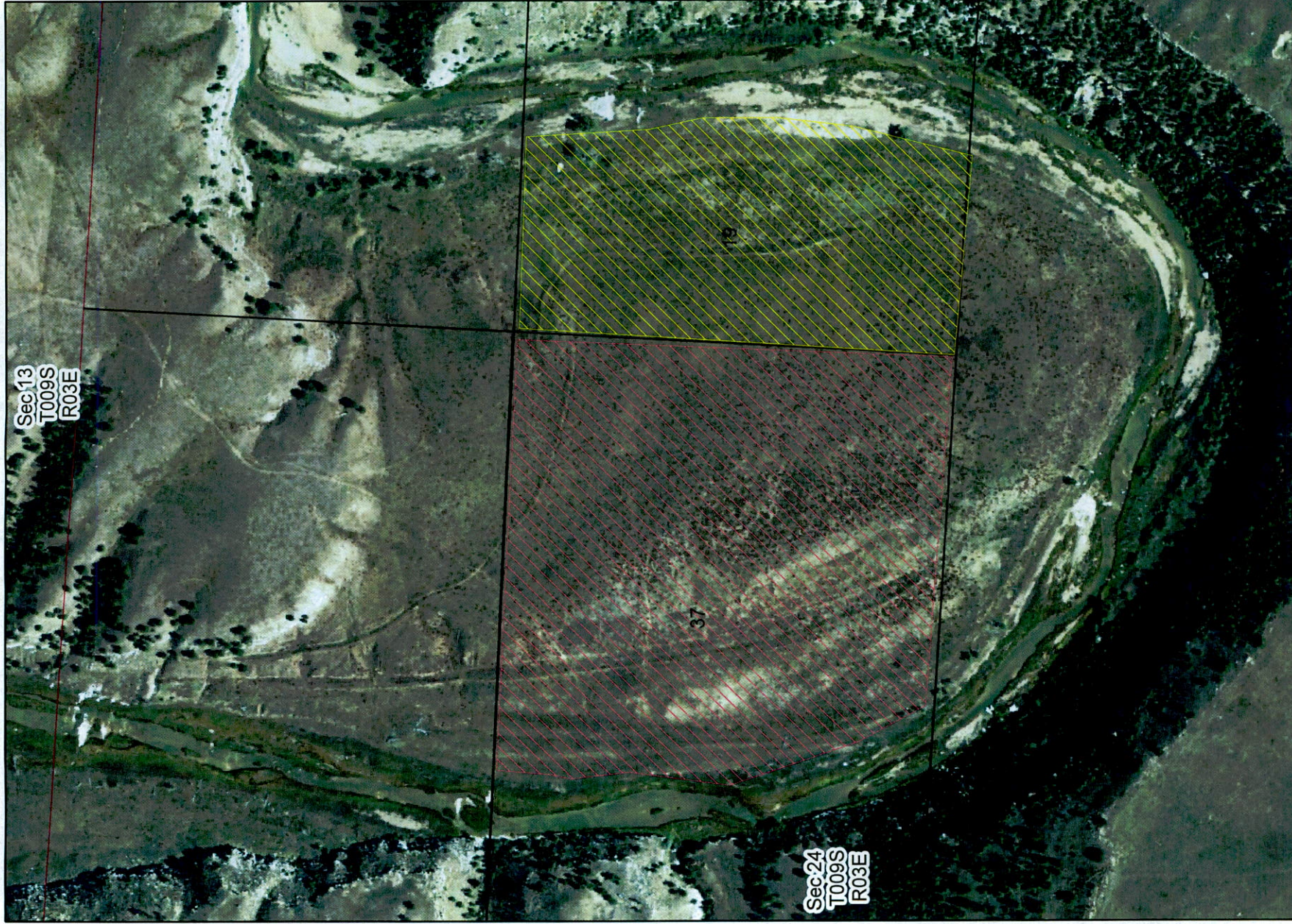
INDIAN CANYON RD

UNKNOWN

Sec 26
T009S
R03E

Sec 25
T009S
R03E

Sec 30
T009S
R04E





DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: EVERGREEN RANCHING & LIVESTOCK LLC, CYNTHIA L TOLLE, 12134 MOUNTAIN GOAT LANE, CUSTER, SD 57730

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 410A-2. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 410A-2 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 410A-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 before the **March 3, 2021** 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: <https://denr.sd.gov/iq> using this password: MCFULV**

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.



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 2021

410A-2

Cynthia Tolle
Evergreen Ranching & Livestock LLC
12134 Mountain Goat Lane
Custer SD 57730

Dear Ms. Tolle:

I am writing to acknowledge receipt of your 2020 irrigation questionnaire.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right No. 410A-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Going forward, remember to keep track of how much water was pumped during the season for reporting purposes. The questionnaires requesting the information are sent out every October and are due back by the first week in December. If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2023

NOTICE

TO: EVERGREEN RANCHING & LIVESTOCK LLC, CYNTHIA L TOLLE, 12134 MOUNTAIN
GOAT LANE, CUSTER, SD 57730

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 410A-2. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 410A-2 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 410A-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 before the **March 8, 2023** 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: <https://danr.sd.gov/iq> using this password: TEPCQQ**

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 AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 13, 2023

410A-2

Cindy L Tolle
Evergreen Ranching & Livestock LLC
12134 Mountain Goat Lane
Custer SD 57730

Dear Ms. Tolle:

I am writing to acknowledge receipt of the information for your 2022 irrigation questionnaire.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right No. 410A-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
Genny.mcmath@state.sd.us



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 19, 2024

NOTICE

TO: EVERGREEN RANCHING & LIVESTOCK LLC, CYNTHIA L TOLLE, 12134 MOUNTAIN
GOAT LN, CUSTER, SD 57730

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 410A-2. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 410A-2 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 410A-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 before the **March 6, 2024** 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: VOLQGD**

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 AGRICULTURE
and NATURAL RESOURCES**

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

February 12, 2024

410A-2

Evergreen Ranching & Livestock LLC
c/o Cynthia L Tolle
12134 Mountain Goat Ln
Custer SD 57730

Dear Ms. Tolle:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 410A-2. The information was received prior to the March 6, 2024, Water Management Board meeting and this permit number has been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 14, 2025

NOTICE

TO: EVERGREEN RANCHING & LIVESTOCK LLC, CYNTHIA L TOLLE, 12134 MOUNTAIN
GOAT LN, CUSTER, SD 57730

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 410A-2. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 410A-2 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 410A-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 before the **March 5, 2025**, 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: UPRPFG**

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 AGRICULTURE
and NATURAL RESOURCES**

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

February 19, 2025

410A-2

Evergreen Ranching & Livestock LLC
c/o Cynthia Tolle
12134 Mountain Goat Ln
Custer SD 57730

Dear Ms. Tolle:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 410A-2. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

RAPID CITY ONE-STOP
221 MALL DRIVE, SUITE 201
RAPID CITY, SD 57701
danr.sd.gov

EVERGREEN RANCHING & LIVESTOCK LLC
12134 MOUNTAIN GOAT LANE
CUSTER, SD 57730

410A-2

April 09, 2026

Dear Cheyenne River Water Right Holder:

Due to the ongoing drought I am advising Cheyenne River water right holders of the possibility of shutoff orders in 2026 for the river reach from the Wyoming-South Dakota state line to Angostura Dam. 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 March 12 feet below full (top of active conservation pool) and the current forecast throughout the summer months is not favorable for improved conditions.

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 to minimize use 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 critically low levels, other uses, including irrigation, will begin to interfere with domestic uses and senior water rights. If levels become critically low, the department must issue shut-off orders to protect domestic water uses and senior water rights. 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 <https://waterdata.usgs.gov/state/south-dakota/> and click on "View monitoring location page" for the USGS gages above Angostura Dam.

Thank you for your cooperation. If you have any questions, please contact Nakaila Steen or another member of the DANR-Water Rights Program at (605) 394-2229 (Rapid City Office) or (605) 773-3352 (Pierre Office).

Sincerely,

Adam Mathiowetz, PE
Acting Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

RAPID CITY ONE-STOP
221 MALL DRIVE, SUITE 201
RAPID CITY, SD 57701
danr.sd.gov

June 05, 2026

TO: EVERGREEN RANCHING & LIVESTOCK LLC
12134 MOUNTAIN GOAT LANE
CUSTER, SD 57730

FROM: Adam Mathiowetz, PE, Acting Chief Engineer, Water Rights Program *Adam Mathiowetz*

SUBJECT: Shutoff Order for Junior Priority Date Water Rights Upstream of Angostura Dam

Shutoff Order for Water Permit No(s). 410A-2

The US Bureau of Reclamation holds Water Right No. US579-2 for Angostura Reservoir with a senior priority date of April 11, 1941. To protect this right, the Water Rights Program is issuing shutoff orders for junior water right holders. Effective immediately no diversions of water from the Cheyenne River or its tributaries, by holders of water rights junior to the priority date of April 11, 1941, upstream of Angostura Dam will be allowed. On June 03, 2026, the water elevation in Angostura Reservoir was 3173.87-feet, 13.3-feet below the fill elevation of 3187.2-feet (top of the conservation pool). Storage was at 71,519.0 acre-feet, which is approximately 51,529 acre-feet below full. At this time, Angostura Reservoir is not expected to fill with the current low inflows.

The Angostura Reservoir storage level will be closely monitored and if the flows in the Cheyenne River and its tributaries upstream of the dam increase such that the reservoir will fill, this shutoff order will be rescinded at that time. If conditions do not improve, this order will remain in effect until the end of the calendar year.

I am asking for your cooperation in complying with this shutoff order. If you have any questions, please contact Nakaila Steen at (605) 394-2229, or myself at (605) 773-3352 with the Water Rights Program. Thank you.

We would appreciate it if you would call Nakaila in our Rapid City office and provide an up-to-date phone number and email for faster communication on this matter. Thank you.