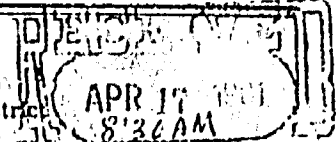


696-2

1. Considered 7-19, 1961
2. Name of Applicant Clay E. King
3. Post Office Address Briggs Gap
4. Amount of water claimed 49
5. Source of water supply Chickamauga River
6. Water to be used for irrigation
Acres to be irrigated 36.7
7. Water to be diverted and used in Jell Low County about
3 N 72 miles of Briggs
8. Proof of Publication Received Yes
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 696-2Water Division No. 2 SOUTH CHEYENNE RIVER DISTRICT
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES, 3000
SOUTH DAKOTA

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

Charles W. Eng

1. Name of applicant Buffalo Gap, SD 57722Postoffice address BUFFALO GAP, County FA RIVER, State SOUTH DAKOTA

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 addresses 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)

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work ENG DIVERSION3. Amount of water claimed 0.49 cubic feet per second4. Source of water supply CHEYENNE RIVER5. Location of point of diversion NW 1/4 SEC 13 T7S R7E BHM S67° 58' W 2631 FT.
FROM THE EAST 1/4 COR OF SAID SEC 13 on LT bank FALL RIVER County.6. Annual period or periods during which water is to be used MARCH TO OCTOBER

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? GRAVITY(a) Number of acres to be irrigated 34.2 acres.(b) Leg subdivisions to be irrigated NE 1/4 SEC 13-2-2 18.9 ACRES NW 1/4 SEC 18-7-8

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

15.8
ACRES

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

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

MAP NO 608-2

OWNER TO USE PUMPING PLANT & DITCHES CONSTRUCTED IN CONNECTION WITH PERMIT #378-2. NO ADDITIONAL WORKS REQUIRED UNDER THIS APPLICATION.

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$-----
(c) Fluming, \$----- (d) Canal-earth, \$----- Rock, \$-----
(e) Other structures ----- \$----- Total, \$-----

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.) FLOOD IRRIGATING
FROM WORKS CONSTRUCTED UNDER PERMIT #378-2

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 at back face -----
material used in construction -----
(b) Reservoir: Capacity when filled ----- acre feet. Surface area at highwater mark ----- acres.

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

CONSTRUCTED UNDER PERMIT #378-2 - SAME DIVERSION.
(c)* Head gate: Width ----- feet; height ----- feet;
Material -----
(d) Canal: Total length ----- NONE ----- miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work ----- 2 ----- years.
11. Time required for complete application of water to the proposed beneficial use ----- 2 ----- years.
12. Choice of newspaper for publication of notice of intention to appropriate -----
HOT SPRINGS STAR

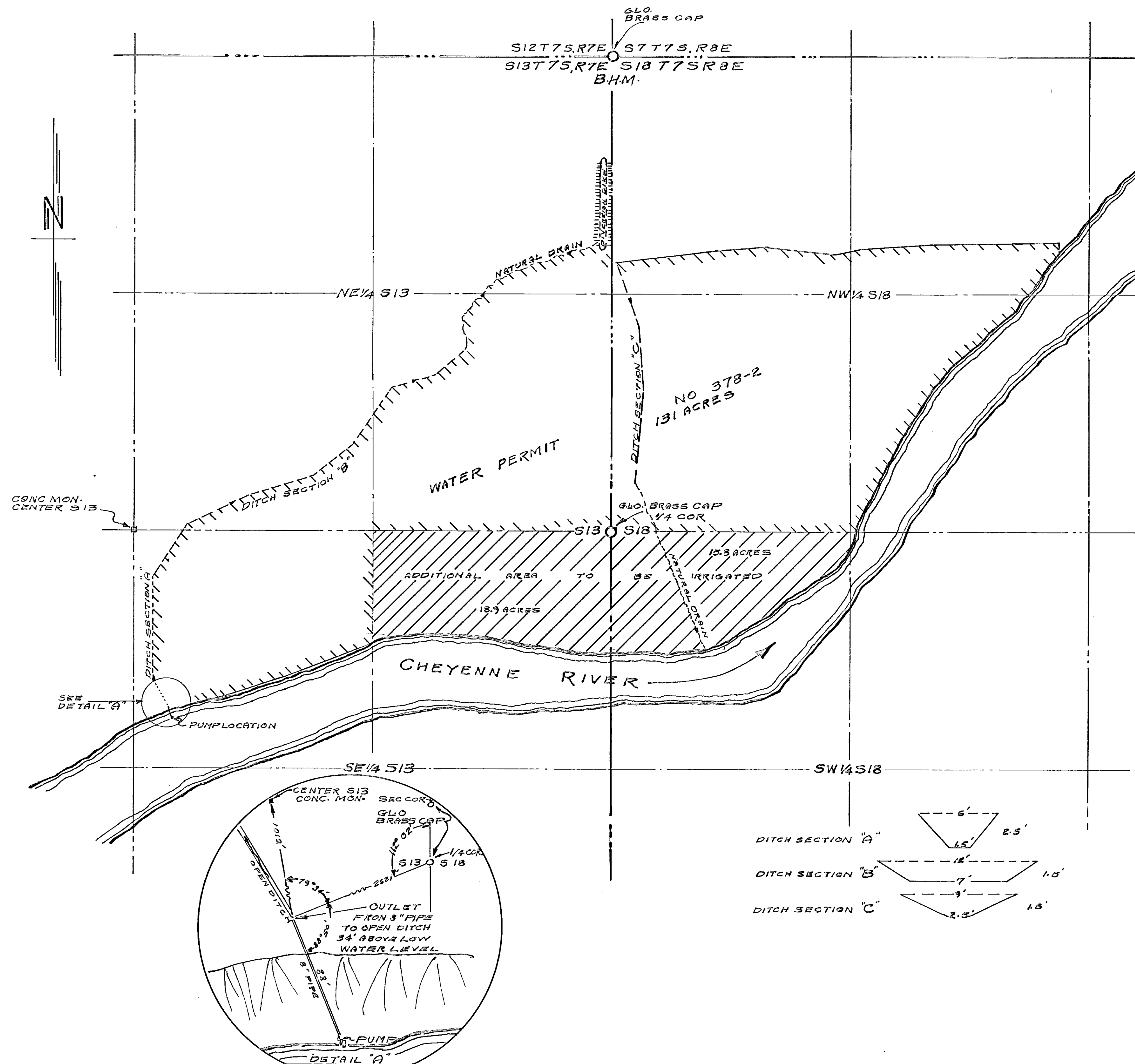
STATE OF SOUTH DAKOTA

County of Fall River ss.

I, Olaf Earg, 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, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed Olaf Earg
Subscribed and sworn to before me this 14th day of April 1961
Spence Wilson
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



MAP OF ADDITION TO IRRIGATION PROJECT FOR
PARTS OF NE 1/4 SE 1/4 S13 T7 S R7 E, B.H.M. &
NW 1/4 SW 1/4 S18 T7 S R8 E B.H.M.

DATE

DRAWN BY *George M. Fowler*
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: 12 APRIL 1961

Frank R. Brady
REG. LAND SURVEYOR

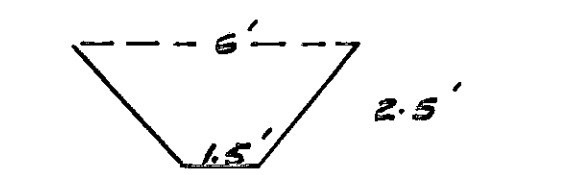
NOTARY PUBLIC:

BE IT KNOWN THAT ON THIS 12TH DAY OF APRIL 1961 BEFORE
ME, A NOTARY PUBLIC, PERSONALLY APPEARED FRANK R. BRADY
KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE
ABOVE CERTIFICATE.

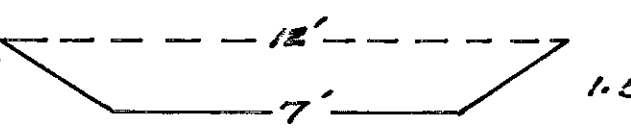
MY COMMISSION EXPIRES 8-19-66

H. A. Sullivan
NOTARY PUBLIC

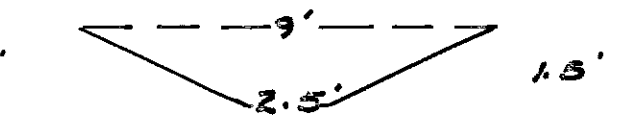
DITCH SECTION "A"



DITCH SECTION "B"



DITCH SECTION "C"



Remarks by State Water Resources Commission:

- Cheyenne*
- Natural flows in the ~~Rock~~ River are not a dependable source of water during the latter part of the summer season. It is probable that water diversion
 - restrictions under this Permit to Appropriate Water will be necessary during ~~some~~ *some* years to assure domestic water supplies, including stockwater, and water supplies
 - for prior water rights.

STATE OF SOUTH DAKOTA

County of Hughes } ss.

Pierre, South Dakota,

September 15, 1961

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock a.m. upon the 17th day of April, 1961.

State Water Resources Commission

By:

[Signature]
for Chief Engineer, Executive Officer

Number of permit 696-D²

Date of first receipt of application April 17, 1961

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right April 17, 1961

Approved September 13, 1961, Recorded in Book 6 Page 330

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we 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 13, 1962

2nd. The whole of said work is to be completed on or before September 13, 1963

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is _____

September 13, 1965

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

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

6th. The amount of the appropriation herein granted shall not exceed 58.49 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 September 13, 1965, said water to be used during the following described annual period:

March to October

Witness my hand this 15th day of September, 1961

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued September 4, 1962

Water License Issued September 4, 1962

STATE OF SOUTH DAKOTA

WATER LICENSE No. 696-2

WHEREAS, On the 17th day of April A. D. 1961
Olaf Eng

of Buffalo Gap County of Fall River and State of
South Dakota duly made application (No. 696-2) to us for a permit to use .49
cubic feet per second of the waters of the Cheyenne River
County of Fall River, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 15th day of September A. D. 1961
Permit No. 696-2 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 13th day of
September A. D. 1963 and for the application to beneficial use of said
water on or before the 13th day of September A. D. 1964
and,

WHEREAS, On the 6th day of August A. D. 1962
the holder of said permit duly made proof of the completion of adequate works for the diversion of .49
cubic feet per second of said waters, as evidenced by our Certificate No. 696.2
dated September 4, 1962 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use .49 cubic feet per second of water, with date of
priority of April 17, 1961 and,

WHEREAS, On the 6th day of August A. D. 1962
proof was duly made of the application to beneficial use of .49 cubic feet per second of said water;
for irrigating 34.7 acres in Section 13, T7S, R7E, and Section 18, T7C, R3E

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to Olaf Eng

of Buffalo Gap the holder and owner of said permit No. 696-2

a water right, dating from April 17, 1961 to the use of .42

cubic feet per second of the waters of the Cheyenne River

in the County of Fall River and State of South Dakota, or so much thereof as may be

necessary for the purposes hereinbelow mentioned, to be diverted at a point S67°58'W, 2631' from the

E. corner, Section 13, T7S, R7E, in the NW 1/4 SE 1/4 of said section

and conducted to and upon portions of the NE 1/4 SE 1/4, Section 13, T7S, R7E, and the NW 1/4 SW 1/4,
Section 18, T7S, R8E

for the purpose of irrigation

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

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 4th day of September A. D. Nineteen
Hundred and Sixty-Two

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. GRIMES

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Amount _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 696-2Water Division No. 2 So. Cheyenne River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

I, Olaf Eng
do hereby certify, That

of Buffalo Gap, County of Fall River, and State of
South Dakota, the holder of Permit No. 696-2, issued upon Application
 No. 696-2, bearing date of priority of April 17, 1961, authorizing the diversion of
.49 cu. ft. per second of the waters of the Cheyenne River
 County of Fall River, State of South Dakota, at a point S67°58'W 2631'
from the E1 corner, Section 13, T7S, R7E in the NW1/4 SE1/4 of said section
for irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of
 completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
 condition for diverting and conveying to the place of intended use .49 cu. ft.

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

to-wit: NE1/4 SE1/4 Section 13, T7S, R7E 18.9 acres

NW1/4 SW1/4 Section 18, T7S, R8E 15.8 "

Total.... 34.7 "

Witness my hand this 4th day of September A. D. 1962

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. GRIMES

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Fall River } ss.

CHARLES T. 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 herein after stated, has been and is printed and published in the

City Hot Springs 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:

June 8, June 15, June 22 and June 29,

1961

in each and every issue of the full number thereof, the first publication being made on the 8th day of June 1961 and the last publication on the 29th day of June 1961, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was the printer and publisher of the said newspaper.

Charles T. Leonard

Subscribed and sworn to before me this 10th day of August A. D. 19 61

My commission expires
 January 21, 1969

Joyce Wilson
 Notary Public Fall River County, S. D.

115
 No. 696-2
 (First Publication on or before
 June 22, 1961)
APPROPRIATION OF WATER
 Office of State Water Resources
 Commission
 Pierre, S. Dak., May 31, 1961
 Notice is hereby given that Olaf
 Eng, whose postoffice address is
 Buffalo Gap, S. Dak., has made an
 application in accordance with the
 provisions of the water laws of
 South Dakota for a permit to ap-
 propriate for beneficial use 49 cu-
 bic feet of water per second of
 time from the Cheyenne River
 through the Eng Diversion, the
 point of diversion of which is to
 be located on the bank of said
 stream in the NW1 of the SE1 of
 Section 13 Twp. 7S Range 7E. Said
 water to be used for the purpose
 of providing irrigation on the fol-
 lowing described land:
 NE1SE1 Section 13, T 7S R 7E;
 and NW1NW1 Section 15, T7S,
 R 8E.
 This application will be taken up
 by the State Water Resources Com-
 mission at their office at Pierre
 for consideration upon the 19th day
 of July, 1961 at 2 P.M. All interest-
 ed persons may appear and be
 heard.
 Appropriate action will be taken
 by the Water Resources Commis-
 sion after suitable time has elapsed
 for the consideration of any or all
 information presented.
 State Water Resources Commission
 by: BURTON P. JONES
 Water Right Specialist
 (June 8-15-22-29)

RECEIVED
 AUG 11 1961

STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

on or before
(First Publication June 22, 1961)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., May 31, 1961

Notice is hereby given that Olaf Eng whose postoffice address is Buffalo Gap S. 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 .49 cubic feet of water per second of time from the Cheyenne River through the Eng Diversion, the point of diversion of which is to be located on the bank of said stream in the NW 1/4 of the SE 1/4 of Section 13 Twp. 7S Range 7E. Said water to be used for the purpose of providing irrigation on the following described land:

NE 1/4 SE 1/4 Section 13, T 7S R 7E; and NW 1/4 SW 1/4, Section 18, T 7S, R 8E

and for purposes

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 19th day of July, 1961 at 2 P. M. All interested persons may appear and be heard.

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

CO: Charles T. Leonard - Publisher

Hot Springs Star

Hot Springs, South Dakota

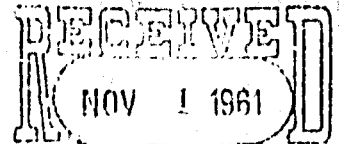
State Water Resources Commission

By:

~~Chief Engineer, Executive Officer~~

BURTON F. JONES

Water Right Specialist



Permit No. _____

STATE WATER RESOURCES COM. & PIERRE, SOUTH DAKOTA

Water Division No. _____

Water District _____

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) _____

(Date) _____

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of 4.9
water from Cheyenne river ft. per second of the waters of the state from
through the Eng Garrison
for to raise feed for livestock (irrigation) purposes
In accordance with the terms and con-
ditions of a certain permit heretofore issued by the Water Resources Commission 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 Fall River State of South Dakota

3. The number of such permit is 696-2 and the date set for the completion of such work is

April 1966

4. Said water to be used for irrigation to raise feed purposes.

5. Said works of diversion will be fully completed on the date set for 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 4.9 cubic feet per second.

6. The amount of land for which said water is available is 34.7 acres,
particularly described as follows: NW 1/4 SEC 13 T 7 R 7 BHM area

NW 1/4 SW 1/4 SEC 18 T 7 S R 8 E

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

(Signature of Owners) _____

Olaf Eng

Permit No. 696-2STATE WATER RESOURCES COM.
 PIERRE SOUTH DAKOTA

Water Division No. _____ Water District _____

Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.) _____

(Date) _____

TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the _____ day of _____
 19____, at _____ County of Fall River State of South Dakota,
 before _____ (Examining Engineer or Officer) proof will be submitted of the application to beneficial use
 of 49 cubic feet per second of the waters of Chayenne River
 in accordance with the terms and conditions of Permit No. 696-2
 heretofore issued by the Water Resources Commission of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are Olaf Eng
Buffalo Gap
2. The use to which said water has been applied is irrigation
livestock
3. The amount applied to beneficial use is 49 c.f.s.
4. The place where said water is used is (If for irrigation, give full and accurate description of the lands irrigated) NE 1/4 SE 1/4 SEC 13 T 7 S R 7 E and NW 1/4 SEC 18 T 7 S R 8 E
34.7 Ac
5. The name of the canal or ditch or other works by which said water is conducted to such place of use is Eng Diversion
6. The right to take the water from such works is based upon permit No. 696-2
7. The source of supply from which such water is diverted is Chayenne River
8. The date of priority which said user is prepared to establish is Sept 1 1961

(Sign)

Olaf Eng

Permit No. 696-2Water Division No. 2 W. Cheyenne R. Water District**Certificate of Examination of Works****Report of Examining Engineer**

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated _____
 10_____, I have this day made a thorough examination of the diversion works constructed by Claf. Eng.
 _____ of Fall River
 _____ County, South Dakota, holder of Permit No. 696-2, issued
 upon Application No. 696-2, bearing date of priority of April, 12, 1961, authorizing the
 diversion of 0.49 cu. ft. per second of the waters of Cheyenne R. for Irrigation
 purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Same as #372-2and the system is in the following condition: Fair

The point of diversion is located NW 1/4 SE 1/4 Sec. 13, T7S R7E BHM 567° 58' W
2631' from the East 1/4 cor. of said sec. 13, on left bank

The works are capable of diverting and conveying to the place of use 0.49 cu. ft. per second of water,
 which is to be used for Irrigation

The legal sub-divisions to be irrigated are: NE 1/4 SE 1/4 Sec. 13-7-7 18.9 acres
NW 1/4 SW 1/4 Sec. 18-7-8 15.8 acres

_____ comprising a total of 34.7 acres of land.
 The domestic use intended comprises Stock water

The utilization for power, mining, or other beneficial uses comprises: _____

Witness my hand, this 6th day of August, A. D. 1962

—SEAL—

William H. Miller
 Examining Engineer.

NOTICE OF TRANSFER OF WATER PERMIT

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

Date _____

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

NE $\frac{1}{4}$ SE $\frac{1}{4}$ S13-T7S-R7E 18.9 acres

NW $\frac{1}{4}$ SW $\frac{1}{4}$ S18-T7S-R8E 15.8 acres

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. 696-2 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 _____)

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.

(Signed)

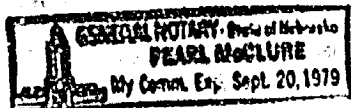
Subscribed and sworn to before me this

10th

day of

Feb.

19 77.



Pearl McClure
 (Notary Public)

WATER RIGHTS DIVISION

(605) 773-3352

December 14, 1982

Richard Chasek
Route #1, Box 2
Whitney, Nebraska 69276

Dear Mr. Chasek:

Enclosed are copies of Water Rights No. 378-2 and No. 696-2 in the name of Charles Eng, and a copy of the map that covers the land under these rights.

You indicated that Mr. Eng stated he had water rights dating back to the 1800's. We find no record in this office of such rights under his name. Perhaps they exist under another name. Too, if we had the land description, we may be able to determine if such rights exist.

You also requested if permits were being issued from the Cheyenne River in this area. To date the Water Management Board has been issuing permits with the following qualification:

Diversion of water under this Permit is contingent upon water supplies being first available to prior water rights downstream on the Cheyenne River. Flow records show that there are occasional years when the flows of the Cheyenne River are definitely and recognizable lower than usual during the months of July, August and September. Diversions of water are not to be made under this Permit during such low flow periods.

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

Sincerely,

Burton F. Jones
Water Rights Specialist

BFJ:ms
Enc.

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
April 15, 1985

Charles W Eng
Buffalo Gap SD 57722

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s). 696-2, 378-2. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 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 10:30 a.m., May 15, 1985 in the Civil Defense Room, State Capitol Building, Pierre, South Dakota.

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

1. Amend Permit No(s). 696-2, 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
John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

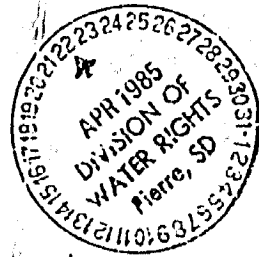
NOTE: If the questionnaire(s) is received in this office before the May 15th hearing date, your name will be deleted from the agenda for the hearings.

*Message on back.
EE*

Buffalo Gap, S.D.
Apr. 17, 1985

Dept of Water + Nat Resources

Dear Sir:



I realize that the questionnaires
No 646-2 and 378-2 have not been
submitted on account of a sequence of
events and will try to explain!

Just before harvest, perhaps a
week before this area experienced a
total hail out and the wheat and
oats had looked so good, had hail
insurance, assessed as a total hail out
but the crop was gone then. Have been
doctoring with the Veterans Hospital in Hot
Springs S.D. the last 2 years Dr Hilkey
for glaucoma and my right eye went
completely blind. Consequently never had
a chance to irrigate but am still
planning to irrigate this year to
maintain my water rights when I
can get someone to help me, god willing.

Charles Long

**South Dakota 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**

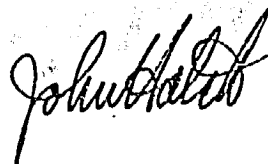
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

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**

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

Attachment to Water Permit No. 696-2

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. 696-2 to add the following qualification:

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

Equal Opportunity Employer

**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 hearings(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."

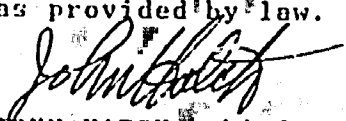
The hearing(s) will be at 2:00 pm, May 6, 1987, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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.



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.

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

November 14, 1988

Attention: John Hatch, Chief Engineer

Re: Water permits 696-2 and 378-2
Eng ranch

Located at Buffalo Gap, South Dakota, Fall River County

Dear Mr. Hatch,

You will find the two questionnaires enclosed that you mailed to me with your correspondence of October 26, 1988. I am returning these questionnaires for my parents. My father's health has disintegrated over the past two or three years and it became apparent to our family that he would need some help in taking care of the ranch business. I suspect that the questionnaire that you sent out last year was not returned. The ranch house burned to the ground in November of 1987 and there were no records to refer to and the event proved to be so traumatic for my father that there were several items of business that did not get attended to in a normal business like manner. I hope that we have provided you with the information that is necessary to allow the irrigation system to be utilized in 1989.

As I pointed out on the questionnaire, we spent a lot of time and money on the pump and irrigation system in 1988. It should be a simple matter of starting the system during the coming season now that the irrigation system received so much attention in 1988.

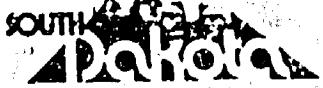
If you have any further questions please contact me. You may call my home at 907-349-6907 or my office at 907-276-7214.

Sincerely,



C. John Eng
3121 Marathon Circle
Anchorage, Alaska 99515





Department of Water & Natural Resources

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

December 4, 1989

378-2
696-2

C 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.

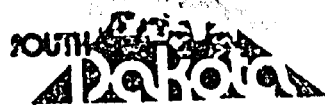
Upon completion of the forms, return them to our office in the enclosed postage paid envelope. The forms must be returned to our office before December 30, 1989.

If you have any questions, please contact me.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosures



Department of Water & Natural Resources

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

696-2

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

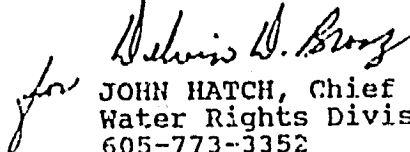
Dear Mr. Eng:

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



696-2

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.

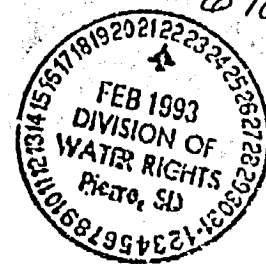
NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Is your RETURN ADDRESS completed on the reverse side?

SENDER: • Complete items 1 and/or 2 for additional service. • Complete items 3, and 4a & b. • Print your name and address on the reverse of this form so that we can return this card to you. • Attach this form to the front of the mailpiece, or at the back if space does not permit. • Write "Return Receipt Requested" on the mailpiece below the article number. • The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: C JOHN ENG 3121 MARATHON C ANCHORAGE AK 99515		4a. Article Number 696-2 P 906 560 206	
5. Signature (Addressee) <i>C. John Eng</i>		4b. Service Type ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise	
6. Signature (Agent) <i>[Signature]</i>		7. Date of Delivery DEC 1993	
		8. Addressee's Address (only if requested and) ANCHORAGE AK 99515	



Thank you for using Return Receipt Service



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 907-522-1554 (work), or by FAX 907-522-2170.

Sincerely,

C. John Eng



696-2

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete Items 1 and/or 2 for additional services.
- Complete Items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

C JOHN ENG
3121 MARATHON CIRCLE
ANCHORAGE AK 99515 2421

696-2

4a. Article Number

P 378 081 432

4b. Service Type

- ☐ Registered ☐ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5. Received By: (Print Name)

John Eng

6. Signature: (Addressee or Agent)

X

John Eng

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

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.



696-2

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 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 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.



696-2

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

696-2

RE: Water permits 696-2 & 378-2
Eng Ranch
Fair 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

July 18, 2006

NOTICE OF SHUTOFF ORDER

TO: CHARLES W ENG % C JOHN ENG
PO BOX 111391
ANCHORAGE AK 99511

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: Cheyenne River Shutoff Order for Junior Priority Date Water Rights

Shutoff Order for Water Right Nos. 696-2

To protect the senior priority water rights, the department is issuing additional shutoff orders to junior water right holders with priority dates between January 1, 1960 and December 31, 1969 for the river reach between the Angostura Dam to Belle Fourche River confluence. Effective immediately, no diversions of water from the Cheyenne River and tributaries will be allowed for those permits with a priority date after January 1, 1960. Shutoff orders were issued previously to Cheyenne River water rights junior to December 31, 1969.

Flow in the Cheyenne River continues to decline to the point where domestic use of water, which includes livestock watering from the river, has become a concern. This order will be rescinded as soon as conditions improve. If conditions do not improve, this order will remain in effect until the end of the calendar year.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

<http://waterdata.usgs.gov/sd/nwis/rt>

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river.

If you have any questions, please contact Mark Rath or Lynn Beck with the Water Rights Program at (605) 773-3352. Thank you.

Water Rights Program - DENR

File Documentation

File No. 696-2

August 10, 2006

Name of Person: *John Eng*

Telephone: 907-349-6907

RE: 24 hour rescission of the 7-18-06 shutoff order

Comments:

I talked to Mr. Eng and told him the Chief Engineer was issuing a verbal temporary rescission of the July 18, 2006 shutoff order. The period he would be allowed to pump is from 12 noon August 10, to noon on August 11. Runoff from a recent rainstorm into the Cheyenne River is increasing for a short period of time.



Mark D Rath

Natural Resources Engineering Specialist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 5, 2006

696-2

CHARLES W ENG - C JOHN ENG
PO BOX 111391
ANCHORAGE AK 99511

Dear Sir:

This letter is to inform you that until further notice pumping **will be allowed** to continue under your junior priority water right(s) from the Cheyenne River. Due to recent rains and cooler temperatures, flow in the Cheyenne River has improved and appears to holding steady.

We will continue to monitor the daily stream flows. If flow conditions worsen and domestic use flow is again being impacted, DENR may be forced to again limit pumping.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the Cheyenne River and it's tributaries at the following web address:

<http://waterdata.usgs.gov/sd/nwis/rt>

If you have any questions, please contact Mark Rath or Lynn Beck with the Water Rights Program at (605) 773-3352. Thank you.

GARLAND ERBELE, Chief Engineer
Water Rights Program



696-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE OF SHUTOFF ORDER

July 10, 2007

TO: CHARLES W ENG
C JOHN ENG
PO BOX 111391
ANCHORAGE AK 99511

FROM: GARLAND ERBELE, Chief Engineer
SD DENR Water Rights Program

SUBJECT: Cheyenne River Shutoff Order for Junior Priority Date Water Rights

Shutoff Order for Water Right Nos. 696-2

To protect the senior priority water rights, the department is issuing shutoff orders to junior water right holders with priority dates between January 1, 1955 and December 31, 1969 for the river reach between the Angostura Dam to Belle Fourche River confluence. Effective immediately, diversions of water from the Cheyenne River and tributaries will not be allowed for those permits with a priority dates after January 1, 1955.

Flow in the Cheyenne River continues to decline to the point where domestic use of water, which includes livestock watering from the river, has become a concern. This order will be rescinded as soon as conditions improve. If conditions do not improve, this order will remain in effect until the end of the calendar year.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

<http://waterdata.usgs.gov/sd/nwis/rt>

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river.

If you have any questions, please contact Mark Rath or Lynn Beck with the Water Rights Program at (605) 773-3352. Thank you.

696-2

State of South Dakota

November 15, 2017

Department of Environment & Natural Resources

Joe Foss Building

523 East Capitol

Pierre, South Dakota 57501-3182

RECEIVED

NOV 21 2017

WATER RIGHTS
PROGRAM

Attention: Jeanne Goodman

Chief Engineer

Water Rights Program

RE: 2017 Irrigation Questionnaire

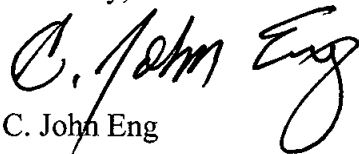
Dear Ms. Goodman,

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.

696-2

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

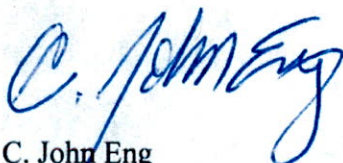
Dear Ms. Goodman,

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