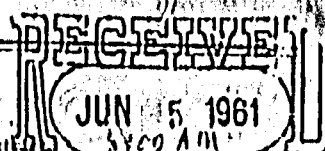


713-2

1. Considered 7-19, 1961
2. Name of Applicant Bladwin J. Paulson
3. Post Office Address Idaho
4. Amount of water claimed 1.37
5. Source of water supply Chamberlain River
6. Water to be used for irrigation
Acres to be irrigated 96.00
7. Water to be diverted and used in Blaine County about
7.0 miles 7.0 of Idaho
8. Proof of Publication Received ✓
Not Received _____
9. Application Approved ✓
Subject to _____
Not Approved _____
Action deferred _____

10. Remarks:

No. 713-2Water Division No. 2 EAST CHEYENNE RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant Glenn T. Paulsen WILBUR OLDENBERG
 Postoffice address Wall, County Penningson, State S. DAK

I. If a corporation

- (a) Name of same _____
 (b) Date and place of incorporation _____
 (c) Amount of capital stock _____
 (d) Amount paid in _____
 (e) Names and 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 Glenn T. Paulsen Irrigation Project A.H.T.
1.37 MAXIMUM ALLOWABLE3. Amount of water claimed 70 cubic feet per second4. Source of water supply East Cheyenne River5. Location of point of diversion 21.68° 00' W 217 Rods from the SE corner
Section 26 T 4 N R 14 E or Right bank Penningson County.6. Annual period or periods during which water is to be used APRIL THROUGH SEPTEMBER

7. To be used for:

1. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?
- gravity

(a) Number of acres to be irrigated 96.2 acres.(b) Legal subdivisions to be irrigated 21.68° 00' W 217 Rods from the SE corner
Section 26 T 4 N R 14 E

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

(c) Statement as to domestic use (giving location, etc.) None

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

(a) Nature of use None
Name any of the above uses claimed(b) Amount of power to be generated None horse power.Amount claimed for engine cooling None

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

MAP NO. 713 622-2

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.)

Pumping Plant

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottomfeet; length at topfeet; thickness at bottomfeet; thickness at topfeet; slope at front water face; slope at back face material used in construction

(b) Reservoir: Capacity when filledacre feet. Surface area at highwater mark.....acres.

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

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

(d) Canal: Total lengthmiles.

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: 3 years years.11. Time required for complete application of water to the proposed beneficial use 3 yrs. years.12. Choice of newspaper for publication of notice of intention to appropriate Coleman
Weekly Mail

STATE OF SOUTH DAKOTA

County of Pennington

I, Charles T. Paulsen, 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 Charles T. PaulsenSubscribed and sworn to before me, this 25th day of May 1921

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

R 15 E

Cheyenne River

N 68° 00' W
1 1/4 Rods

AREA 1
SE 1/4 NE 1/4 Sec. 26
16.2 Ac.

AREA 2
NE 1/4 SE 1/4 Sec. 26
39.5 Ac.

AREA 3
NW 1/4 SE 1/4 Sec. 26
8.5 Ac.

AREA 4
SW 1/4 SE 1/4 Sec. 26
32.0 Ac.



All lands described are owned by Gladwin Paulsen

LOCATION OF LAND TO BE IRRIGATED					
AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	SE 1/4 NE 1/4	26	2N	15E	16.2
2	NE 1/4 SE 1/4	26	2N	15E	39.5
3	NW 1/4 SE 1/4	26	2N	15E	8.5
4	SW 1/4 SE 1/4	26	2N	15E	32.0
TOTAL					96.2

Land to be irrigated

Pump site

T
2
N

SURVEYOR'S CERTIFICATE

I, Hollis W. Allcott DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE Gladwin Paulsen Irr. Project No. 1 AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE Eastern Penn SOIL CONSERVATION DISTRICT.

SIGNATURE: Hollis W. Allcott

TITLE: S.C.S. Agri. Engineer

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 29 DAY OF June, 1961, A.D.

Roy W. Brown
NOTARY PUBLIC

MY COMMISSION EXPIRES Jan, 1962

Scale: 1"=200'

GLADWIN PAULSEN IRRIGATION PROJECT NO. 1

Pennington County, South Dakota

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed _____	Date _____	Approved by _____
Drawn _____		Title _____
Traced _____		Title _____
Checked _____	Sheet No. <u>1</u> of <u>1</u>	Drawing No. _____

26 25
35 36

Remarks by State Water Resources Commission:

Natural flows in the ~~Big Sioux~~ River are not a dependable source of water during the latter part of the summer season. It is likely that water diversion restrictions under this permit to appropriate water will be necessary at times 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, July 31, 1961

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock a.m. upon the 5th day of June, 1961.

State Water Resources Commission

By: Burton J. Jones

Chief Engineer, Executive Officer

Number of permit 713-2

Date of first receipt of application June 5, 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 June 5, 1961

Approved July 19, 1961, Recorded in Book 6 Page 296

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 _____

January 19, 1963

2nd. The whole of said work is to be completed on or before July 19, 1964

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

July 19, 1967

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 37 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 July 19, 1961; said water to be used during the following described annual period:

April Thru October
Witness my hand this 8th day of August, 1961.

State Water Resources Commission

By: J. Jones

Chief Engineer, Executive Officer

Certificate of Construction Issued APRIL 13, 1970

Water License Issued APRIL 13, 1970

WATER LICENSE NO. 713-2

(1) WHEREAS, On the 5th day of June A. D. 1961
Gladwin I. Paulson

made Water Right Application No. 713-2 for a permit to use 1.37 cubic feet per second of the waters of the Cheyenne River

County of Pennington, State of South Dakota, for irrigation

purposes; and
 (2) WHEREAS, On the 19th day of July A. D. 1961
 Permit No. 713-2, with a date of priority of June 5, 1961

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 19th day of July A. D. 1964 and for the application to beneficial use of said water on or before the 19th day of July A. D. 1967

and whereas, on the 6th day of April, 1970, the Water Permit was transferred to Wilbur Oldenberg.

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.37 cubic feet per second of water for beneficial use and.

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent.

for irrigating the following land in Section 26, T2N, R14E

	Acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$	16.2
NE $\frac{1}{4}$ SE $\frac{1}{4}$	39.5
NW $\frac{1}{4}$ SE $\frac{1}{4}$	8.5
SW $\frac{1}{4}$ SE $\frac{1}{4}$	32.0
Total	96.2 Acres

(5) 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 Wilbur Oldenberg

_____ of Wall, South Dakota

the holder _____ and owner _____ of said permit No. 713-2 a water right, dating from June 5, 1961

_____ to use of 1.37 cubic feet per second of the waters

of the Cheyenne River

in the County of Pennington and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at a point N. 68° West; 217 rods from the SE Corner,

Section 26, T2N, R14E

and conduct to and upon portions of the E½, Section 26, T2N, R14E, described on the face

of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 713-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 13th day of April A. D.

Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRINES

Form 15.

Permit No. 713-2

Water Diversion No. 2 EAST CHEYENNE RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Wilbur Oldenberg

_____ the holder _____ of
Permit No. 713-2, issued upon Application No. 713-2, date of priority of June 5,
1961 authorizing the diversion of 1.37 cu. ft. per second of the waters of
the Cheyenne River County of Pennington, State of South Dakota at
a point N. 68° W., 217 rods from the SE Corner, Section 26, T2N, R14E

_____, for irrigation

purposes, has _____ 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 1.37 cu. ft. per second of water.

Date April 13, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

On or before June 22, 1961
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., June 8, 1961

Notice is hereby given that Gladwin I. Paulson whose postoffice address is Wall 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 1.37 cubic feet of water per second of time from the Cheyenne River through the Paulson Irrigation Project the point of diversion of which is to be located on the right bank of said stream in the SE 1/4 of the SW 1/4 of Section 26 portions of Twp. 2N Range 15E. Said water to be used for the purpose of providing irrigation on the following described land:

SW 1/4 SE 1/4, N 1/2 SE 1/4 and SE 1/4 NE 1/4, Section 26, T 2N R 15E

and for Irrigation 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.

State Water Resources Commission

By:

~~XXXXXXXXXXXXXXXXXXXX~~
Lurton F. Jones
Water Right Specialist

CC: R.F. Lewis, Publisher
Wall Courant
Wall, S. Dak.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Pierre } ss.

R. F. Lewis being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the _____

Pierre Co. Courant, 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 of Wall County of

Bramington and State of South Dakota; that the said notice was published in said newspaper on the following dates:

June 15, 22, 29 & July 6
1961

in each and every issue of the full number thereof, the first publication being made on the 15th day of June 1961, and the last publication on the 6th day of July 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.

R. F. Lewis

Subscribed and sworn to before me this 6th day of July A. D. 1961

Notary Public Bramington County, S. D.

APPROPRIATION OF WATER

Office of State Water
 Resources Commission
 Pierre, South Dakota
 June 8, 1961

Notice is hereby given that Gladwin I. Paulsen whose postoffice address is Wall, S. Dak., has made application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.37 cubic feet of water per second of time from the Cheyenne River through the Paulsen Irrigation Project No. 1, the point of diversion of which is to be located on the right bank of said stream in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 26, Twp. 2N, Range 15E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

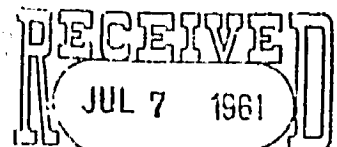
SW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, T2N, R 15E.

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.

State Water Resources Commission
 By: Burton F. Jones
 Water Right Specialist
 CC: R. F. Lewis, Publisher
 Wall Courant
 Wall, S. Dak.

Pub. 6-15, 22, 29, 7-7



STATE WATER RESOURCES COMM.
 PIERRE SOUTH DAKOTA

Permit No. 713-2Water Division No. 2 East Cheyenne River 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 _____ 19____, I have this day made a thorough examination of the diversion works constructed by Wilbur Oldenberg of Wall, Pennington County, South Dakota, holder of Permit No. 713-2, issued upon Application No. 713-2, bearing date of priority of June 5 1951, authorizing the diversion of 132 cu. ft. per second of the waters of Cheyenne River for irrigation purposes. I have to report on the condition of the same as follows:

The diversion works comprise: A portable Gorman-Rupp Co. Pump, Model # 66 AG, Serial # 273020, with 6" intake and 6" output. Powered by tractor power takeoff. 2500' mainline 6" pipe. Approx. 1 mile lateral ditch and several small control ditches. Mainly uses lister rows for control however. and the system is in the following condition: Good

The point of diversion is located

NE⁴SW⁴ Section 26, T2N,
R15E

The works are capable of diverting and conveying to the place of use 132 cu. ft. per second of water, which is to be used for irrigation

The legal sub-divisions to be irrigated are:

SE⁴NE⁴ - 16.2 ac., N²SE⁴ - 48 ac.,
and SW⁴SE⁴ - 32 ac., All in Section 26, T2N,
R15E.

comprising a total of

96.2

acres of land.

The domestic use intended comprises

None

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

None

Witness my hand, this

28th

day of

JulyA. D. 1967

—SEAL—

Richard D. Schwan

Examining Engineer.

water right specialist

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Resources Commission
State Office Building No. 2
Pierre, South Dakota 57501

Date March 25, 1970

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

Portions of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, T2N, R14E

formerly owned by Gladwin I. Paulson, Wall, South Dakota

has been transferred to Wilbur Oldenberg, Wall, South Dakota

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 713-2 as provided for in Section 6127 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 Resources 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.

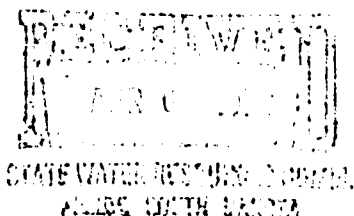
STATE OF SOUTH DAKOTA)
County of DeWitt) ss.

I, Wilbur Oldenberg, 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.

Wilbur Oldenberg
(Signed)

Subscribed and sworn to before me this 3 day of April, 19 70

George J. Dunn
(Notary Public)



Water Rights Division - DWR
Conversation or File Documentation

File No. 713-2

NAME OF PERSON OR FILE: Wilbur O. Penberg

ADDRESS: Wall COUNTY

DATE: 6/12/84 TELEPHONE 279-2257

RE: IQ

COMMENTS:

Sold land to Joseph Lytle (279-2647) has been
IC into his permit upon which inspected this
land will be incorporated into W/P 1768-2.
and Joseph Lytle did send in the IQ on 1768-2 which
incorporates this land

CRT done

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

4/82

NAME: Betty Westlund

713-2

WATER RIGHTS DIVISION
(605) 773-3352

August 23, 1984

Joseph Lytle
3125 Orchard Lane
Rapid City, South Dakota 57701

Dear Mr. Lytle:

This letter is in reference to Water Right No. 713-2 listed in the name of Wilbur Oldenburg. The land covered under this water right is also covered by Water Permit No. 1703-2 listed in your name. Water Right No. 713-2 should be transferred to your name.

Enclosed please find a partially completed transfer form. Please check over, sign, date and have the form notarized before returning it to this office. A \$2.50 filing fee is required for filing the transfer. Upon receipt of the transfer form and filing fee, the water right will be transferred to your name.

South Dakota Water Law 46-5-303 requires notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact us.

Sincerely,

Genny McMeth
Natural Resources Analyst

GM:ins
Enc.

NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: Sept. 17, 1984

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

96.2 Acres - SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, T2N, R14E

formerly owned by Wilbur Oldenburg

has been transferred to Joseph Lytle, 3125 Orchard Lane, Rapid City, SD 57701
(please include complete mailing address)

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

Water Right Permit No. 713-2 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)

County of Penn) ss.

I, Joseph M. Lytle 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.

Joseph M. Lytle
(Signed)

Subscribed and sworn to before me this 18 Day of Sept., 1984.

Don Kojichak
(Notary Public)

My commission expires:
June 23, 1991

RECEIPT

Division of Water Rights

No 4 9755

South Dakota Department of Water and Natural Resources

Pierre, September 21, 19 24

RECEIVED OF Joseph Lytle, 3125 Orchard Lane, Rapid City SD 57701
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form for No. 713-2 _____	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch

Chief Engineer

JOHN HATCH

(KS)

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

September 24, 1984

Joseph Lytle
3125 Orchard Lane
Rapid City SD 57701

Dear Mr. Lytle:

Enclosed is receipt No. 713-2 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 713-2.

Our records now show you as the owner of this Water Right.

Sincerely,

KAREN SCHLAACK
Administrative Aide

enclosure



Department of Water & Natural Resources

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

March 23, 1987

JOSEPH M LYTLE
3125 ORCHARD LN
RAPID CITY, SD 57701

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 713-2, 1380-2. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

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

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

1. Amend Permit No(s). 713-2, 1380-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

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

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



Department of Water & Natural Resources

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

April 24, 1987

713-2
1380-2
1735-2
1768-2

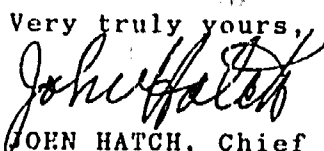
Joseph Lytle
3125 Orchard Lane
Rapid City, SD 57701

Dear Mr. Lytle:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 713-2, 1380-2, 1735-2 and 1768-2 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,


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



DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

GREAT FACES. GREAT PLACES.

March 12, 1991

713-2
1380-2
1735-2
1768-2

Joe Lytle
3125 Orchard Lane
Rapid City, SD 57701

Dear Mr. Lytle:

I am writing in followup to our telephone conversation of March 12, 1991 in which you inquired about placing some of your irrigated land in the CRP Program. The following is an excerpt of the South Dakota Water Laws dealing with acreage reserve programs or production quota programs and their affect on water permits and/or rights:

SDCL 46-5-37.2. Exceptions to forfeiture for nonuse. 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 federal program.

If you have any questions concerning the above Statute, please contact us.

Sincerely,

Genny McMath
Water Rights Division
(605) 773-3352

File No. 71-007
1390-02
1260-02

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Joseph Lytle

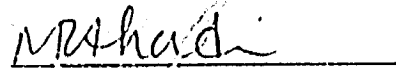
ADDRESS: 3125 Orchard Lane COUNTY: Pennington

DATE: 3-27-92 TELEPHONE: 343-0227

RE: Filing for a Permit

COMMENTS: Mr. Lytle called to express his concerns about my inspection of his permits. He said that he was in the office when he was applying for his permits and he thought that we had taken care of all that. I told him we do not have any document showing that he had a permit to store water or use water from the canyon. He said, the canyon does not flow so often and he can not take a water sample. I told him, send us a letter stating his concerns mentioning the lack of flow in the canyon. He said he would like to come to Pierre to discuss these with us.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.



M. RASSOOL AHADI

Natural Resources Engineer III
DENR. Water Rights Division

Water Rights Division - DWR
Conversation or File Documentation

File No. _____

NAME OF PERSON OR FILE: Joe Lytle

ADDRESS: Butte City COUNTY _____

DATE: 3/20/92 TELEPHONE _____

RE: Investigation and of Colusa River

COMMENTS:

Joe Lytle called to complain about the revocation
of permits out of existing permits and the requirement
to get a new permit for treatment that has
occurred since and was approved 13 years ago
He also was unhappy about losing all of his
permits together since many don't relate

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

4/82

NAME: Michael D. Smith



January 22, 1999

713-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3101
www.state.sd.us/denr

NOTICE

TO: JOSEPH LYTLE, 3125 ORCHARD LANE, RAPID CITY, SD 57701
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaires

Our records indicate that the 1998 Irrigation Questionnaires have not been submitted for Permit Nos. 1768-2, 713-2 & 1380-2. The request for the Questionnaires was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 713-2 & 1380-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1768-2 qualification:

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

The hearing will be held at 9:45 am, March 3, 1999 in 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) 1768-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 713-2 & 1380-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before March 1, 1999, 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 Gerny McMath (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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 25, 1999

713-2

1380-2

1768-2

Joe Lytle
3125 Orchard Lane
Rapid City, SD 57701

Dear Mr. Lytle:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Permit Nos. 713-2, 1380-2 and 1768-2.

I completed questionnaires for you based on our January 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



713
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

June 16, 2000

Joseph Lytle
3125 Orchard Lane
Rapid City, SD 57703

Dear Mr. Lytle:

Enclosed, as you requested, are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with Water Permit or Right Nos. 713-2, 1380-2, 1735-2 and 1768-2.

Please review the forms for accuracy and make any necessary corrections. You will need to complete the portion titled "to be transferred to (name & address)...." Upon completion, the forms will need to be signed in the presence of a notary public by the new owner (or representative).

A \$2.50 filing fee is required for each transfer filed (total of \$10.00). The check or money order for the fee can be made payable to the "Water Rights Program".

If I can answer any questions for you, please get in touch with me.

Sincerely,

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

enclosures



713-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 22, 2003

713-2
1380-2
1768-2

Joseph Lytle
3125 Lytle Ln
Rapid City SD 57703-8004

Dear Mr. Lytle:

Enclosed is a "Notice" dated October 17, 2003 concerning the 2003 irrigation questionnaire. The notice was originally mailed to 3125 Orchard Lane, Rapid City SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



713-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2004

NOTICE

TO: JOSEPH LYTLE, 3125 LYTLE LANE, RAPID CITY, SD 57701

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaires

Our records indicate that the 2003 Irrigation Questionnaires have not been submitted for Permit Nos. 1768-2, 713-2 & 1380-2. The request for the Questionnaires was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 713-2 & 1380-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1768-2 qualification:

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

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

1. Suspend or cancel Permit No(s) 1768-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 713-2 & 1380-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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



713-2

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 7926

Your item was delivered at 9:02 am on January 16, 2004 in RAPID CITY, SD 57701. The item was signed for by W LYTLE.

[Shipment Details >](#)

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SIGNATURE CONFIRMATION NUMBER: 2301 3460 0000 8515 7926		JOSEPH LYTLE 3125 LYTLE LANE RAPID CITY SD 57701		mailing. [Redacted] [Redacted] [Redacted]	
Waiver of Signature		☐ YES ☐ NO		POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com or call 1-800-222-1811	
Postmark Here				☐ Priority Mail® ☐ Package Services	



713-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 2004

713-2
1380-2
1768-2

Joseph Lytle
3125 Orchard Ln
Rapid City SD 57701

Dear Mr. Lytle:

I am writing to acknowledge receipt of your 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Permit and Right Nos. 713-2, 1380-2 and 1768-2.

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

If you have any questions, please contact me.

Sincerely,

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



713-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: JOSEPH LYTLE, 3125 LYTLE LANE, RAPID CITY, SD 57703 8004

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

Our records indicate that the 2004 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 713-2 & 1380-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1768-2 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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) 1768-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 713-2 & 1380-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 25, 2005, 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 (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.



713-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 24, 2005

713-2
1380-2
1768-2

Joseph Lytle
3125 Lytle Lane
Rapid City SD 57703-8004

Dear Mr. Lytle:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Permit or Right Nos. 713-2, 1380-2 and 1768-2.

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

If you have any questions, please contact me.

Sincerely,

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



713-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2006

NOTICE

TO: JOSEPH LYTLE, 3125 LYTLE LANE, RAPID CITY, SD 57703 8004
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaires

Our records indicate that the 2005 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 713-2 & 1380-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1768-2 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 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) 1768-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 713-2 & 1380-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before **February 24, 2006**, 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 (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.



Track & Confirm

Current Status

You entered 2303 2160 0000 0799 3872

Your item was delivered at 9:05 am on January 26, 2006 in RAPID CITY, SD 57703. The item was signed for by W LYTTLE.

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SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0799 3872

JOSEPH LYTTLE
3125 LYTTLE LANE
RAPID CITY SD 57703 8004

Waiver of Signature ☐ YES ☐ NO

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2006

713-2
1380-2
1768-2

Joseph Lytle
3125 Lytle Lane
Rapid City SD 57703

Dear Mr. Lytle:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Permit Nos. 1380-2 and 1768-2 and Water Right No. 713-2.

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

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
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: DR JOSEPH LYTLE
3125 LYTLE LN
RAPID CITY SD 57703

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. 1768-2713-2

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. 1380-2, 1768-2 & 713-2

County: Pennington

Name of Person: Rusty Lytle

Address: 22801 Jensen Road

Date: 8-3-06 **Telephone:** 605-279-2648 cell 605-685-8419

Email: lytlerar@gwtc.net

RE: Investigation of shutoff water rights along the Cheyenne River

Comments:

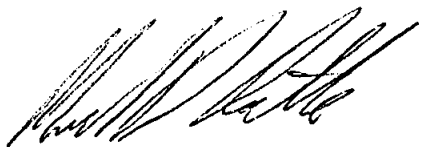
On 8-2-06, Mike DeFea and I flew the Cheyenne River from the Belle Fourche confluence to Angostura Reservoir, to verify shutoff order compliance. We identified and GPS'ed a location of an irrigation system owned by Joe Lytle appeared to having been run very recently.

On 8-3-06, Mike DeFea and I made a personal visit to the Lytle Ranch. We spoke with Rusty Lytle who lives at the ranch. I told him that on our previous day's flight it looked like he had been irrigating in violation of the shutoff order. Mr. Lytle admitted he had run his irrigation at least 4 days after having received the shutoff order. Mr. Lytle wanted to know if he could be allowed to pump his settling pond dry. I told him it also looked as if the gate between the Cheyenne River and his settling pond was open. He admitted it was open about 10 inches. I also told him that the pond was not included in any of his water permits/licenses and that needed to be taken care of.

I told him we wanted to go take a look at this gate. We drove to that site and found that the gate was open. Mike DeFea GPS'ed the location of the gate and took photographs of the low-head dam across the Cheyenne River. Mr. Lytle closed the gate down until it was just cracked open, it appeared some debris or rocks were stopping it from being completely shut. He said he would have his kids come back out and clean out the gate and finish closing it.

On 8-4-06 I called Rusty Lytle and told him that the Chief Engineer denied his request to allow him to pump from the pond with the gate closed. He asked why not. I explained the Chief Engineer feels it is likely the pond is hydraulically connected through the gravels to the river and the pumping would affect flow in the river. Mr. Lytle said he disagreed with that since they pump the pond dry every winter.

I told Mr. Lytle we would be in touch with him on the violation of the shutoff order.



Mark D Rath
Natural Resources Engineering Specialist

Water Rights Program - DENR

File Documentation

File No. 1768-2 and 713-2

Date: 8/9/06

Name of Person: Rusty Lyle

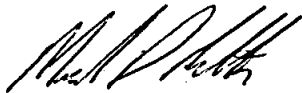
Telephone: 605-279-2648

RE: Temporary rescission of 7-18-06 Shutoff Order

Comments:

I telephoned to inform Mr. Deering that due to runoff from a recent rainstorm causing increased flow on the Cheyenne River, the Chief Engineer was temporarily rescinding the July 18, 2006 shutoff order. The rescission was for a 48 hour period starting at the time the flows begin to significantly increase at the diversion point. At the end of the 48 hour period the July 18, 2006 shutoff order is back in effect.

The water rights affected were those with priority dates between January 1, 1960 to December 31, 1969 on the Cheyenne River reach between the confluences of Rapid Creek and the Belle Fourche River.



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

1380-2(713-2)1768-2

DR JOSEPH LYTLE
3125 LYTLE LN
RAPID CITY SD 57703

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



713-2
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



March 26, 2007

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

713-2
1380-2
1768-2

Rusty Lytle
22801 Jensen Rd
Wall SD 57790

Dear Mr. Lytle:

This letter is in reference to your March 26, 2007 telephone call to Mike DeFea, one of our Water Rights staff, regarding early diversions of water for irrigation from the Cheyenne River for three permits under Joseph Lytle. You indicated that you would like to pump water from the river to irrigate land covered under Water Permits and Water Right Nos. 1380-2, 1768-2 and 713-2 prior to their April and May authorization dates.

Because there is sufficient flow in the Cheyenne River, I am granting your request to withdraw water early for land covered under these water permits and water right. However, please be aware that the water rights will be subject to shut-off orders if Cheyenne flows become low.

Also, in a letter dated March 2, 2007, you were given a copy of the report of examination of works conducted by Don Stroup, and a map for the irrigation system you operate along the Cheyenne River in Pennington County. Please review the report and determine if the report accurately reflects the system that is in place so the Water Rights Program can proceed with licensing the water right. An application form was also enclosed to apply for a permit to authorize diversion of water from your dry draw located in the NE ¼ NW ¼ Section 24.

If you have any questions, please contact Mike DeFea or Mark Rath of the Water Rights Program at phone (605) 773-3352.

Sincerely,

for Garland Erbele, Chief Engineer
DENR, Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
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www.state.sd.us/denr

NOTICE OF SHUTOFF ORDER

July 10, 2007

TO: JOSEPH M LYTLE
3125 LYTLE LN
RAPID CITY SD 57703

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. 713-2 1768-2

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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

January 18, 2008

NOTICE

TO: JOSEPH LYTTLE, 3125 LYTTLE LANE, RAPID CITY, SD 57703 8004

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaires

Our records indicate that the 2007 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 713-2 & 1380-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1735-2, 1768-2 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** 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) 1735-2, 1768-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 713-2 & 1380-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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.

7/3-2

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

March 3, 2008

713-2
1380-2
1735-2
1768-2

Joseph Lytle
3125 Lytle Lane
Rapid City SD 57703

Dear Mr. Lytle:

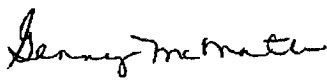
I am writing to acknowledge receipt of your 2007 irrigation questionnaires. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right Nos. 713-2, 1380-2, 1735-2 and Water Permit No. 1768-2.

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

I noted on the irrigation questionnaire for Water Right No. 1735-2 that you have placed the land in CRP through 2010. The water right authorizes diversion of water from a dry draw storage dam to irrigate 60 acres in the E ½ NW ¼ and W ½ NE ¼ Section 20, T2N, R14E. You will not receive an irrigation questionnaire for this water right until after it comes out of CRP.

If you have any questions, please contact me.

Sincerely,


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

McMath, Genny

From: Rusty [lytlerar@gwtc.net]
Sent: Monday, March 03, 2008 12:18 PM
To: McMath, Genny
Subject: Re: irrigation questionnaires

Would you please start sending the info to me. I have assumed the manager role and do most of the bookwork.

Lytle Red Angus
Rusty Lytle
22801 Jensen Rd
Wall, SD 57790
Phone- (605) 279-2648 or (605) 685-8419
E-mail: lytlerar@gwtc.net

----- Original Message -----

From: Genny.McMath@state.sd.us
To: lytlerar@gwtc.net
Sent: Monday, March 03, 2008 7:27 AM
Subject: irrigation questionnaires

Rusty,

We received the on-line version of the irrigation questionnaires for Joe Lytle – I am assuming those are the ones you emailed about.

Everything looked great and we will send confirmation out by regular mail that they were received. I have a question though. Do you want correspondence sent to your address or should we continue to send them to Joe's address at 3125 Lytle Lane in Rapid City?

Thank you in advance for your help

Genny McMath

Water Rights Program

773-5455



713-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

TO: RUSTY LYTLE, MGR, 22801 JENSEN RD, WALL, SD 57790

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaires

Our records indicate that the 2008 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 713-2 & 1380-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1768-2 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** 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) 1768-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 713-2 & 1380-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

c: JOSEPH LYTLE, 3125 LYTLE LN, RAPID CITY SD 57703-8004

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



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

February 13, 2009

713-2
1380-2
1768-2

Rusty Lytle, Mgr
22801 Jensen Rd
Wall SD 57790

Dear Mr. Lytle:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 713-2 and Water Permit Nos. 1380-2 and 1768-2.

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

If you have any questions, please contact me.

Sincerely,

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

c: Joseph Lytle



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

JUN 15 2009

713-2
1380-2
1768-2

Joseph Lytle
3125 Lytle Lane
Rapid City SD 57703-8004

Dear Mr. Lytle:

Enclosed is your Water License No. 1768-2. Water License No. 1768-2 is the final document which completes the process of obtaining a water right.

Also included with your license are the following:

- A map prepared by the staff engineer who conducted the field investigation; and
- Receipt No. 04140 in the amount of \$50.00 which you paid for the investigation and issuance of Water License No 1768-2.

The applicable portions of Water Right No. 713-2 and Water Permit No. 1380-2 were incorporated into Water License No. 1768-2. 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,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures