

1. Considered 1-10, 1962

730-2

2. Name of Applicant E. J. Macintosh

3. Post Office Address Giribeen

4. Amount of water claimed 1.3

5. Source of water supply Chugach River

6. Water to be used for irrigation

Acres to be irrigated 91.2

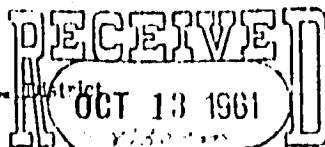
7. Water to be diverted and used in Chugach County about 1.3 miles 1.3 of Chugach.

8. Proof of Publication Received ☒ Not Received ☐

9. Application Approved ☒ Subject to _____
Not approved ☐
Action deferred ☐

10. Remarks:

No. 730-2
 Water Division No. 2 BATTLE CREEK
 (Blanks to be filled by the Engineer for the W. B. C.)



APPLICATION FOR PERMIT TO APPROPRIATE WATER RESOURCES COMM.
TO APPROPRIATE WATER WITHIN THE STATE OF SOUTH DAKOTA
 PIERRE, SOUTH DAKOTA

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

1. Name of applicant L. J. MARKITAN, BOY 85
 Postoffice address FAIRBURN, County CUSTER, State S. DAK.

- I. If a corporation
- (a) Name of same
 - (b) Date and place of incorporation
 - (c) Amount of capital stock
 - (d) Amount paid in
 - (e) Names and 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)

EMPLOYMENT OF OTHERS

(b) Cash on hand, \$ 5,000.00 (c) Treasury stock, \$
 (d) Bonds to be issued, \$ (e) Other resources, \$ 25,000.00

2. Name of diversion work L. J. MARKITAN + SON IRRIGATION PROJECT NO. 1
 3. Amount of water claimed 1.38 cubic feet per second
 4. Source of water supply CHEYENNE RIVER
 5. Location of point of diversion S 5 1/2 T 19 R 10 E 85 RODS S 19° 30' E FROM
NW CORNER OF SECTION 3 on WEST bank CUSTER County.
 6. Annual period or periods during which water is to be used APRIL THROUGH 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 91.2 acres.

(b) Legal subdivisions to be irrigated (ON SEPARATE SHEET)

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

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

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 635-2

8. Estimated cost of work:

(a) Head Gates, \$-----
 (c) Fluming, \$----- (d) Canal-earth, \$ 900⁰⁰
 (e) Other structures PIPE LINE \$ 1000⁰⁰
 (b) Pumping plant, \$ 1500⁰⁰
 Rock, \$-----
 Total, \$ 3400⁰⁰

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 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

(c)* Head gate: Width WEIR 1' feet; height 0.53 feet;
 Material METAL
 (d) Canal: Total length 1.24 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 5 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 CUSTER
COUNTY CHRONICLE, CUSTER, S. DAK.

STATE OF SOUTH DAKOTA
 County of CUSTER } st.

I, L. J. Markstein, 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 L. J. Markstein

Subscribed and sworn to before me this 12th day of October 1961.

Robert Emery
 Notary Public (or other qualified officer.)

32
5 4

33
4 3

Location of land to be Irrigated				
Location	Section	Township	Range	Acres
NW ¹ SE ¹	33	4	10	7.1
NE ¹ SE ¹	33	4	10	4.0
SW ¹ SE ¹	33	4	10	13.8
SE ¹ SE ¹	33	4	10	4.8
NE ¹ NE ¹	4	5	10	18.4
SE ¹ NE ¹	4	5	10	23.1
NE ¹ SE ¹	4	5	10	5.9
NW ¹ NW ¹	3	5	10	5.5
SW ¹ NW ¹	3	5	10	1.5
NR ¹ SW ¹	3	5	10	1.1
Total -				91.2

I, O. A. Aldrich, do hereby certify that this map identifies a reasonably accurate record of the land of the L. J. Markitan & Son - Irrigation Project No. 1, and has been prepared by the Soil Conservation Service for the Custer Co. Soil Conservation District.

Signature O. A. Aldrich
Title Agricultural Engineer
S. C. S. - U. S. D. A.

Subscribed and Sworn to before me this 5th day of October, 1961 A.D.

Lyndon B. Johnson
Notary Public

My Commission expires 1963

L. J. Markitan & Son
Irrigation Project #1
Custer County South Dakota

Map # 635-2
(Appl. # 730-2)



Scale: 1" = 400'

Remarks by State Water Resources Commission:

Natural flows in the ~~Big Sioux~~ ^{Cheyenne} 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, January 17, 1967

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock a.m. upon the 13th day of October, 1961.

State Water Resources Commission

By:

Donald J. Quinn
Chief Engineer, Executive Officer

Number of permit 730-2

Date of first receipt of application October 13, 1961

Date of return to applicant for correction, amendments or changes required as follows November 22, 1961

Date of receipt of corrected application November 28, 1961

Date from which applicant may claim right October 13, 1961

Approved January 10, 1967; Recorded in Book 7 Page 31

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

July 10, 1964

2nd. The whole of said work is to be completed on or before January 10, 1967

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

January 10, 1969

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 ~~1.3~~ 1.3 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 January 10, 1967; said water to be used during the following described annual period.

April thru October

Witness my hand this 17th day of January, 1967

State Water Resources Commission

By:

Donald J. Quinn
Chief Engineer, Executive Officer

Certificate of Construction Issued

August 31, 1964

Water License Issued

August 31, 1964

STATE OF SOUTH DAKOTA

WATER LICENSE No. 730-2

WHEREAS, On the 13th day of October A. D. 1961

L. J. Markitan

of Fairburn County of Custer and State of

South Dakota duly made application (No. 730-2) to us for a permit to use 1.3

cubic feet per second of the waters of the Cheyenne River

County of Custer, State of South Dakota, for Irrigation purposes, and

WHEREAS, On the 17th day of January A. D. 1962

Permit No. 730-2 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 10th

January A. D. 1967 and for the application to beneficial use of said

water on or before the 10th day of January A. D. 1969 and,

WHEREAS, On the 26th day of August A. D. 1964

the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.3

cubic feet per second of said waters, as evidenced by our Certificate No. 730-2

dated August 31, 1964 confirming the completion of works of sufficient capacity for

diverting and conveying to the place of intended use 1.3 cubic feet per second of water, with date of

priority of October 13, 1961 and,

WHEREAS, On the 26th day of August A. D. 1964

proof was duly made of the application to beneficial use of 1.3 cubic feet per second of said water;

for irrigation of 91.2 acres in portions of Sections 3 and 4, T5S, R10E and Sec. 33,

T4S, R10E

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 L. J. Markitan

of Fairburn the holder and owner of said permit No. 730-2
a water right, dating from October 13, 1961 to the use of 1.3

cubic feet per second of the waters of the Cheyenne River

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

necessray for the purposes hereinafter mentioned, to be diverted at a point S19°30' E, 85 rods from

the NW corner, Section 3, T5S, R10E

and conducted to and upon portions of Sections 3 and 4, T5S, R10E and Section 33, T4S, R10E

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 31st day of August A. D. Nineteen
Hundred and Sixty-Four

State Water Resources Commission

By:

J. W. ORMES
Chief Engineer Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Permit No. 730-2Water Division No. 2 Battle Creek Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That L. J. Markitan

of Fairburn, County of Custer, and State of South Dakota, the holder of Permit No. 730-2, issued upon Application No. 730-2, bearing date of priority of October 13, 1961 authorizing the diversion of

1.3 cu. ft. per second of the waters of the Cheyenne River County of Custer, State of South Dakota, at a point S19°30'E, 85 rods from the NW corner Section 3, T5S, R10E 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 1.3 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:

<u>Section 33, T4S, R10E</u>	<u>NE$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>4.0</u>	<u>acres</u>
	<u>NW$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>7.1</u>	<u>"</u>
	<u>SW$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>19.8</u>	<u>"</u>
	<u>SE$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>4.8</u>	<u>"</u>
<u>Section 3, T5S, R10E</u>	<u>NW$\frac{1}{4}$ NW$\frac{1}{4}$</u>	<u>5.5</u>	<u>"</u>
	<u>SW$\frac{1}{4}$ NW$\frac{1}{4}$</u>	<u>1.5</u>	<u>"</u>
	<u>NW$\frac{1}{4}$ SW$\frac{1}{4}$</u>	<u>1.1</u>	<u>"</u>
<u>Section 4, T5S, R10E</u>	<u>NE$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>18.4</u>	<u>"</u>
	<u>SE$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>23.1</u>	<u>"</u>
	<u>NE$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>5.9</u>	<u>"</u>
	<u>total -</u>	<u>71.2</u>	<u>"</u>

Witness my hand this 31st day of August A. D. 1964

State Water Resources Commission

By:

J. W. ORIMES

Chief Engineer, Executive Officer

7. TO BE USED FOR:

J. IRRIGATION

(b) LEGAL SUBDIVISIONS TO BE IRRIGATED

LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
NW ¹ / ₄ -SE ¹ / ₄	33	4	10	7.1
NE ¹ / ₄ -SE ¹ / ₄	33	4	10	4.0
SW ¹ / ₄ -SE ¹ / ₄	33	4	10	19.8
SE ¹ / ₄ -SE ¹ / ₄	33	4	10	4.8
NE ¹ / ₄ -NE ¹ / ₄	4	5	10	18.4
SE ¹ / ₄ -NE ¹ / ₄	4	5	10	25.1
NE ¹ / ₄ -SE ¹ / ₄	4	5	10	5.9
NE ¹ / ₄ -NE ¹ / ₄	3	5	10	5.5
SE ¹ / ₄ -NE ¹ / ₄	3	5	10	1.5
NE ¹ / ₄ -SE ¹ / ₄	3	5	10	1.1
TOTAL				91.2

on or before December 15, 1961
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., November 30, 1961

Notice is hereby given that L. J. Markitan whose postoffice address is Fairburn 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 1.33 cubic feet of water per second of time from the Cheyenne River through the Project #1 Markitan & Son Irrigation, the point of diversion of which is to be located on the West bank of said stream in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 3 Twp. 5S Range 10E Said water to be used for the purpose of providing irrigation on ^{portions of} the following described land:

SE $\frac{1}{4}$, Section 33, T 4S, R 10E; E $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4; W $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, T 5S R 10E

~~XXXXXX~~ ~~XXXXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 10th day of January, 1962, 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

c.c. Carl H. Sundstrom - Publisher
Custer County Chronicle
Custer, South Dakota

~~Chief Engineer; Executive Officer~~
Water Rights Specialist

PROOF OF PUBLICATION

JAN 2 1962

STATE WATER RESOURCES COMMISSION

PIERRE, SOUTH DAKOTA

STATE OF SOUTH DAKOTA }
County of Custer } ss.

Carl H. Sundstrom being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Custer County Chronicle 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 Custer County of Custer and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Dec. 7, 1961

Dec. 14, 1961

Dec. 21, 1961

Dec. 28, 1961

in each and every issue of the full number thereof, the first publication being made on the 7th day of December 1961 and the last publication on the 28th day of December 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.

APPROPRIATION OF WATER

No. 730-2

(First Publication Dec. 7, 1961)

Office, of State Water

Resources Commission,

Pierre, S. Dak.

November 30, 1961

Notice is hereby given that L. J. Markitan whose postoffice address is Fairburn, 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 1.33 cubic feet of water per second (cfs) from the Cheyenne River through the Markitan & Son Irrigation Project No. 1, the point of diversion of which is to be located on the West bank of said stream in the NW 1/4 of the NW 1/4 of Section 3, Twp. 5S, Range 10E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SE 1/4, Section 3, T 4S, R 10E; E 1/4 NW 1/4 and NE 1/4 SE 1/4, Section 4, W 1/4 NW 1/4 and NW 1/4 SW 1/4, Section 3, T 5S, R 10E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 10th day of January, 1962 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

Burton F. Jones,

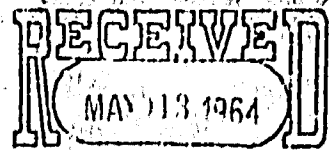
Water Rights Specialist

911D28

Subscribed and sworn to before me this 28 day of December A. D. 1961

James L. Sundstrom

Notary Public Custer County, S. D.

Permit No. 730-2Water Division No. 2BATTLE CREEKSTATE WATER RESOURCES COMM.
Water District PIERRE, SOUTH DAKOTA

NOTICE OF COMPLETION OF WORKS

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

(P. O.) FAIRBURN, S. DAK.(Date) MAY 11, 1964

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 1.3

cu. ft. per second of the water of the state from (APRIL)
through the (MONTH OF OCTOBER) L. J. MARKITAN & SON IRRIGATION PROJECT #1
for IRRIGATION purposes

COMPLETED In accordance with the terms and conditions 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 L. J. MARKITAN & SON IRRIGATION PROJECT #1

2. The postoffice address of such person or the place of business of such corporation is FAIRBURN
County of CUSTER State of S. DAK.

3. The number of such permit is 730-2 and the date set for the completion of such work is JANUARY 10, 1967

4. Said water to be used for IRRIGATION 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 1.3 cubic feet per second.

6. The amount of land for which said water is available is 91.2 acres,
particularly described as follows: NW⁴-SE⁴, NE⁴-SE⁴, SW⁴-SE⁴, AND SE⁴-SE⁴ SECTION 33, T4S, R10E. NE⁴-NE⁴, SE⁴-NE⁴, NE⁴-SE⁴ SECTION 4, T5S, R10E. NE⁴-NE⁴, SE⁴-NE⁴, NW⁴-SW⁴ SECTION 3, T5S, R10E.

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

(Signature of Owners)

L. J. Markitan
L. J. Markitan
Frank Markitan

Permit No. 730-2Water Division No. 2BATTLE
CRUEL Water District

Certificate of Examination of Works

Report of Examining Engineer

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

Dear Sir: I hereby certify that in accordance with your letter of authorization dated

10-1-61, I have this day made a thorough examination of the diversion works constructed by

MARKITAN

of

FAIRBURNCUSTER

County, South Dakota, holder of Permit No.

730-2

issued

upon Application No.

730-2

bearing date of priority of

October 131961

authorizing the

diversion of 1.3 cu. ft. per second of the waters of the Cheyenne River forirrigation

purposes. I have to report on the condition of the same as follows:

The diversion works comprise WESTERN LAND ROLLER 8" PUMP
MODEL 10DH, POWERED BY U.S. ELECTRIC MOTOR TYPE HJ
WITH ADAPHASE UNIT MODEL #60 (NORMIS) 900' 10"
ALUMINUM PIPE 10' APPROX. 1 1/2 MILES OF DITCH WITH
SYMPHON TUBES & CANVAS DAMS - BARBED WIRE IN FIELDS

and the system is in the following condition: EXCELLENT

The point of diversion is located

S 19° 30' E 85 rods from the
NW CORNER SECTION 3, T5S, R10EThe works are capable of diverting and conveying to the place of use 1.3 cu. ft. per second of water,

which is to be used for

IRRIGATION

The legal sub-divisions to be irrigated are:

SEC 32, T4S, R10E, NW 1/4 SE 1/4, 7.1 ac, NE 1/4 SE 1/4,
4.0 ac, SW 1/4 SE 1/4, 19.8 ac, SE 1/4 SE 1/4, 4.8 ac, SEC 3, T5S, R10E, NW 1/4 NW 1/4,
5.5 ac, SW 1/4 NW 1/4, 1.5 ac, NW 1/4 SW 1/4, 1.1 ac, SEC 4, T5S, R10E, NE 1/4 NE 1/4,
18.4 ac, SE 1/4 NE 1/4, 23.1 ac, NE 1/4 SE 1/4, 5.9 ac.

comprising a total of

91.2

acres of land.

The domestic use intended comprises

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

Witness my hand, this 26th day ofAugustA.D. 1964

-SEAL-

E. J. J. J. J.
 Examining Engineer

Officer

SOUTH DAKOTA Department of
Water & Natural Resources

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

July 19, 1990

NOTICE

TO: Cheyenne River Irrigators

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

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

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

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

March 14, 1991

L. J. Markitan
RR-9, Box 109
Fairburn, SD 57732

730-2

Dear Mr. Markitan:

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,

for *John Hatch*
JOHN HATCH, Chief Engineer
Water Rights Division
605-773-3352



April 11, 2005

730-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

79-2
730-2
2324-2

Denise Baker
PO Box 148
Hermosa SD 57744

Dear Ms. Baker:

Thank you for letting us now about the ownership changes needed for Water Right Nos. 79-2, 730-2 and Vested Water Right No. 2324-2. Enclosed are copies for your files.

Also enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Please review the forms and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$2.50 each (total of \$7.50). 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 let me know.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

No.

730-2

MAY - 4 2005

Date:

4-19-05

WATER RIGHTS
PROGRAM

I/We request that Water Right No. 730-2

formerly owned by: L J Markitan

be transferred to: (name & address)

Jim or Denise Baker
PO Box 148
Hermosa SD 5744

Telephone No.

605-255-4170

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

**91.2 acres – SE ¼ Section 33, T4S, R10E; W ½ NW ¼, NW ¼ SW ¼ Section 3, T5S, R10E and
E ½ NE ¼, NE ¼ SE ¼ Section 4, T5S, R10E**

I/We understand that the validity of Water Right No. 730-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We

Denise Baker

, the new owner, certify that the above information is true and correct.

Denise Baker

(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date May 4, 20 05

RECEIVED OF Jim Baker, PO Box 148, Hermosa SD 57744

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2 50
Fee for Application for Permit No. _____ to Appropriate Water for Future use	
Fee to retain Future Use Permit No. _____ after period of seven years.	
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	
Fee for Filing Transfer Form <u>73C-2</u>	
Fee for _____	
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	
Fee for Renewal of Well Driller's License No _____ for C.Y. _____	
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____	
(Any Other Work Provided by Law)	TOTAL
	2.50

No.

0010

By

Dwain L. Clark
Chief Engineer *gm*

730-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 4, 2005

79-2
730-2
2324-2

Jim or Denise Baker
PO Box 148
Hermosa SD 57744

Dear Mr. & Mrs. Baker:

I am writing to acknowledge receipt of the ownership changes you submitted for transferring Water Right Nos. 79-2, 730-2 and Vested Water Right No. 2324-2. The transfers have been completed. The water rights and vested water right formerly held by John & Dean Markitan or L J Markitan are now listed in your names.

Enclosed are your Receipt Nos. 001853, 001854 and 001855 in the amounts of \$2.50 each which you paid for filing the ownership changes. You may keep these for your records.

In South Dakota, all irrigators with the exception of those with water spreading systems are required to report annually the amount of water they pumped during that specific irrigation season. Irrigation questionnaires are not required for Water Right No. 79-2 and Vested Water Right No. 2324-2. Enclosed is a sample copy of the form for 730-2. This will give you an idea of what type of information to keep track of during the season. You do not have to return the sample copy. The actual form that will need to be completed and returned will be sent to you in October.

If I can answer any questions for you, please let me know.

Sincerely,

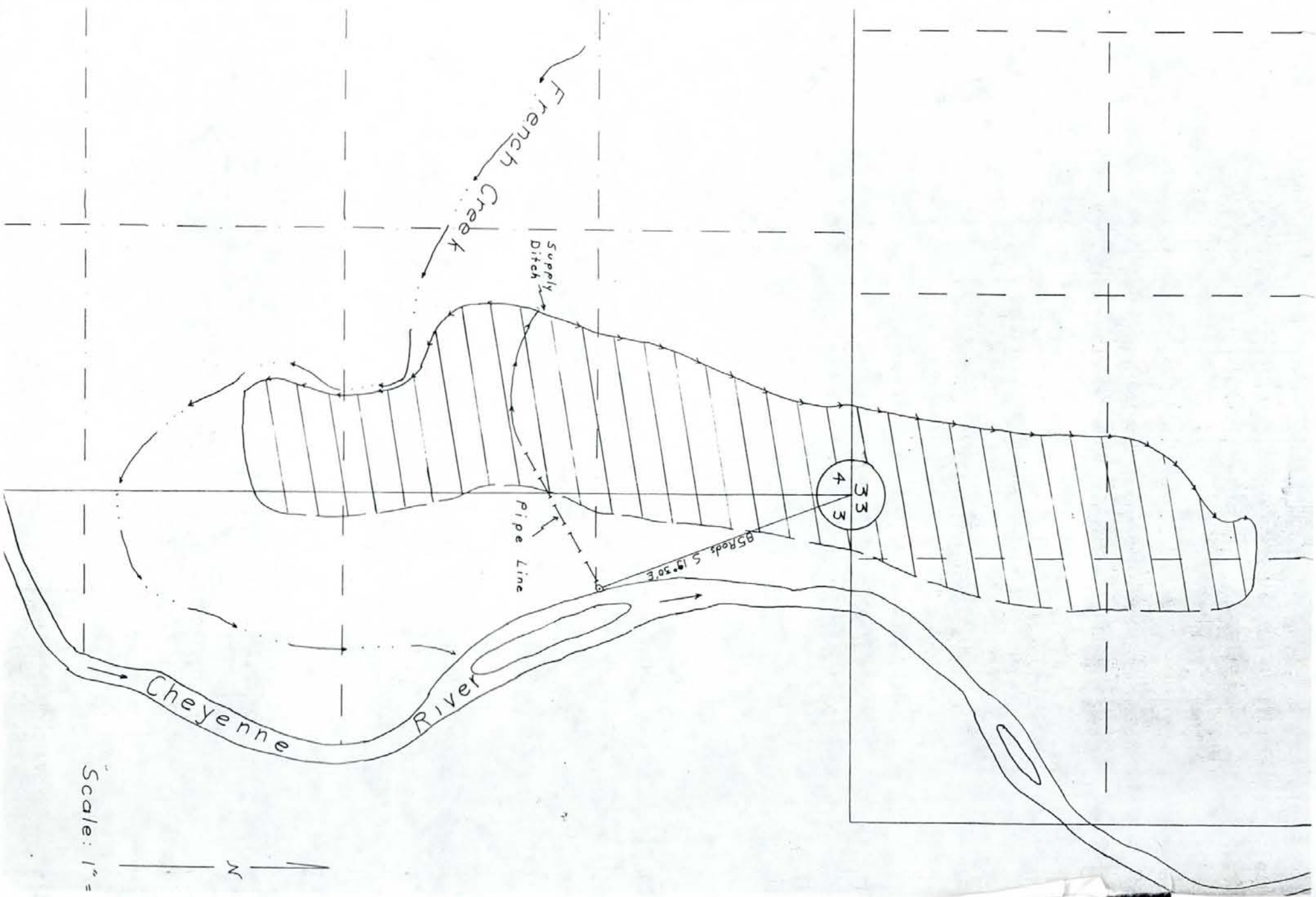
Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

#730-2

Mark: fan

OK



272.R
F30

Wetland
area

9

HEL

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X



**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: JIM OR DENISE BAKER
PO BOX 148
HERMOSA SD 57744

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. 730-2

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. 730-2

August 10, 2006

Name of Person: *Jim Baker*

Telephone: 605-255-4170

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

Comments:

Garland Erbele talked to Mr. Baker and told him as the Chief Engineer he 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

730-2

JIM OR DENISE BAKER
PO BOX 148
HERMOSA SD 57744

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



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 14, 2006

730-2

Jim and Denise Baker
PO Box 148
Hermosa, SD 57744

Dear Mr. and Mrs. Baker:

This letter is in regards to your inquiry concerning the history of shutoff orders on the Cheyenne River downstream from Angostura Dam. The State of South Dakota issues water rights on a priority date system, first in time first in right. When flows in rivers decrease such that demand exceeds the available water, the Chief Engineer of the Water Rights Program issues shutoff orders based upon priority dates.

After reviewing our files, I found the Water Rights Program had issued shutoff orders in three separate years since Angostura Reservoir was constructed in early 1950's. These shutoff orders were for the Cheyenne River reach from Angostura Dam to the confluence with the Belle Fourche River. The first shutoff order was issued on July 12, 1989 for water rights junior to December 31, 1965. This order was rescinded July 19, 1989. The second shutoff order was issue on July 19, 1990 for water rights junior to December 31, 1965. This order was rescinded July 30, 1990.

This year the Water Rights Program issued shutoff orders on June 30, 2006 for water rights junior to December 31, 1969. Then on July 18, 2006 additional shutoff orders were issued for water rights with priority dates junior to January 1, 1960. On September 5, 2006, the Chief Engineer sent a letter authorizing all the water right holders, who had been shutoff, to resume pumping under their water rights.

If you have any additional questions, please contact me at phone (605) 773-3352.

Sincerely,

Mark D. Rath
Natural Resources Engineering Specialist
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

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

NOTICE OF SHUTOFF ORDER

July 10, 2007

TO: JIM OR DENISE BAKER
PO BOX 148
HERMOSA SD 57744

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. 730-2 730A-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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PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 22, 2010

NOTICE

TO: JIM & DENISE BAKER, PO BOX 148, HERMOSA, SD 57744 0148

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaires

Our records indicate that the 2009 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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) 730-2 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) 730A-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 10, 2010** 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) 730A-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 730-2 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 5, 2010**, 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 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link:
<https://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 2010

730-2
730A-2

Jim & Denise Baker
PO Box 148
Hermosa SD 57744-0148

Dear Mr. & Mrs. Baker:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right No. 730-2 and Water Permit No. 730A-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,

A handwritten signature in cursive script that reads "Genny McMath".

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



730-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: JIM & DENISE BAKER, PO BOX 148, HERMOSA, SD 57744 0148

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaires

Our records indicate that the 2011 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 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) 730-2 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) 730A-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 7, 2012** 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) 730A-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 730-2 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 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link:
<http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 21, 2012

730-2
730A-2

Jim & Denise Baker
PO Box 148
Hermosa SD 57744 0148

Dear Mr. & Mrs. Baker:

I am writing to acknowledge receipt of your 2011 irrigation questionnaires.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right No. 730-2 and Water Permit No. 730A-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,

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 22, 2012

730-2
730A-2

Jim & Denise Baker
15003 SD Hwy 40
Hermosa SD 57744 5121

Dear Mr. & Mrs. Baker:

Enclosed is a "Notice" dated October 12, 2012 concerning the 2012 irrigation questionnaire.

The notice was originally mailed to PO Box 148, Hermosa 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
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January 18, 2013

NOTICE

TO: JIM & DENISE BAKER, 15003 SD HWY 40, HERMOSA, SD 57744 5121

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaires

Our records indicate that the 2012 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 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) 730-2 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) 730A-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 7, 2013** 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) 730A-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 730-2 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 4, 2013**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link:

<http://denr.sd.gov/iq.aspx>

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



730-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 11, 2013

730-2
730A-2

Jim & Denise Baker
15003 SD Hwy 40
Hermosa SD 57744 5121

Dear Mr. & Mrs. Baker:

I am writing to acknowledge receipt of your 2012 irrigation questionnaires.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Permit No. 730A-2 and Water Right No. 730-2. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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



730-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

JUN 29 2016

730A-2

Jim & Denise Baker
15003 SD Hwy 40
Hermosa SD 57744

Dear Sir:

Enclosed is Water License No. 730A-2. This is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

Note: The applicable portions of No. 730-2 are incorporated into Water License No. 730A-2.

enclosures