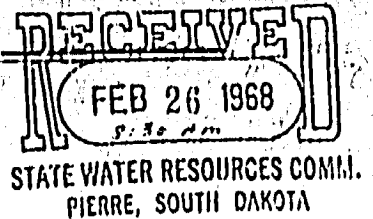


B27-2A

1. Considered 3-20, 1968
2. Name of Applicant RAYMOND A. BOYCE
3. Post Office Address RAPID CITY
4. Amount of water claimed NO ADDITIONAL
5. Source of water supply CHEYENNE R.
6. Water to be used for IRRIGATION
7. Acres to be irrigated SAME ACRES AS B27-2
7. Water to be diverted and used in DEAN CUSTER county
about 13E 2S miles of FAIRBURN.
8. Proof of Publication
Received ✓
Not received
9. Application
Approved
Subject to
Not Approved
Action deferred
10. Remarks:

No. 827-2A

Water Division No. 2 BATTLE CREEK District
(Blanks to be Filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant Raymond A. Boyce, M.D.
628 1/2 6th Street 4350 Cliff Dr.
 Postoffice address Rapid City, S.D., County Pennington, State South Dakota

I. If a corporation

- (a) Name of same
 (b) Date and place of incorporation
 (c) Amount of capital stock
 (d) Amount paid in
 (e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

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

2. Name of diversion work Boyce Water Right
 3. Amount of water claimed _____ cubic feet per second
 4. Source of water supply Cheyenne River
 5. Location of point of diversion Between a point S 1° 15' E., 1720' from the NE Corner
Section 34, and a point on the West bank of the
Cheyenne River where it crosses the 1/4 line in
Lot 3, Section 27, All in T4S, R10E, 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? combination

- (a) Number of acres to be irrigated _____ acres.

- (b) Legal subdivisions to be irrigated

(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

"This is for a change of diversion only, to water permit No. 827-2 and proposes no additional diversion of water or irrigation of additional acres of land."

MAP NO 712-2

8. Estimated cost of work:

(a) Head Gates, \$-----

(c) Fluming, \$-----

(e) Other structures -----

(d) Canal-earth, \$ 2000.00

(b) Pumping plant, \$-----

Rock, \$-----

Total, \$-----

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

pump, pipe and sprinkler system

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 ----- feet; height ----- feet;

Material -----

(d) Canal: Total length ----- 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 ----- three ----- years.

11. Time required for complete application of water to the proposed beneficial use ----- three ----- years.

12. Choice of newspaper for publication of notice of intention to appropriate -----
Rapid City Journal, Rapid City, S.D.

STATE OF SOUTH DAKOTA

County of Pennington ss.

I, Raymond A. Royce M.D., 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

Raymond A. Royce

Subscribed and sworn to before me this 24 day of July

1968

W. H. Bush
Notary Public (or other qualified officer.)

Remarks by State Water Resources Commission:

QUALIFICATIONS LISTED IN PERMIT B27-2 ALSO
APPLY TO THIS PERMIT

STATE OF SOUTH DAKOTA

County of HUGHES } ss.

Pierre, South Dakota, MARCH 22, 1968

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock

A m upon the 26TH day of FEBRUARY, 1968

State Water Resources Commission

By:

Burton Z. Jones
for Chief Engineer, Executive Officer

Number of permit B27-2A

Date of first receipt of application FEBRUARY 26, 1968

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

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right APRIL 9, 1968

Approved MARCH 20, 1968 Recorded in Book 108 Page 244A

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before

SEPTEMBER 20, 1969

2nd. The whole of said work is to be completed on or before MARCH 20, 1971

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

MARCH 20, 1974

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 NO ADDITIONAL 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 MARCH 20, 1974; said water to be used during the following described annual period:

APRIL THRU OCTOBER

Witness my hand this 22ND day of MARCH, 1968

State Water Resources Commission

By:

John L. Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued

OCTOBER 1, 1974

Water License Issued

OCTOBER 1, 1974

STATE OF SOUTH DAKOTA

WATER LICENSE NO. ... 827-2A

(1) WHEREAS, On the 26th day of February A. D. 19 68
Raymond A. Boyce, 11.1).

made Water Right Application No. 827-2A for a permit to use 3.2 cubic feet per second of the waters
of Cheyenne River
County of Custer, State of South Dakota, for irrigation
purposes; and

(2) WHEREAS, On the 22nd day of March A. D. 19 68
Permit No. 827-2A with a date of priority of April 9, 1964

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 20th day of March A. D. 19 71 and for the
application to beneficial use of said water on or before the 20th day of March A. D. 19 74

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 3.2 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 T4S, R10E

Section	Lot	Acres
Section 27,	Lot 3	26.34
	Lot 4	27.19
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	29.36
Section 33,	Lot 1	39.33
	Lot 2	24.17
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	27.54
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	6.06
Section 34	Lot 1	12.48
	Lot 2	.48
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	29.40
Total		232.35 Acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the law of the State of South Dakota, We hereby grant and confirm to Raymond A. Boyce, M.D.

of Rapid City, S.D.

the holder _____ and owner _____ of said permit No. 827-2A a water right, dating from April 9, 1964

to use of 3.2 cubic feet per second of the waters

of Cheyenne River

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

purposes hereinbelow mentioned, to be diverted at between a point South 1 15' East, 1720 feet from the

NE Corner, Sec. 34, and a point on the West Bank of the Cheyenne River where it

crosses the North Boundary of Lot 3, Sec. 27, All in T4S, R10E

and conduct to and upon portions of Sections 27, 33, and 34, T4S, R10E more fully described

on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 827-2A and subject to the laws of the State of South Dakota.

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

this 1st day of October A. D.

Nineteen Hundred and Seventy-four

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer DONALD ERISCOLL

Form 15.

Permit No. 627-2A

Water Diversion No. 2 BATTLE CREEK Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Raymond A. Boyce, M. D.

_____ the holder _____ of
Permit No. 627-2A, issued upon Application No. 627-2A, bearing date of priority of April 9,
1964 authorizing the diversion of 3.2 cu. ft. per second of the waters of _____
Cheyenne River County of Custer, State of South Dakota;
between a point South 1° 15' East, 1720 feet from the NE Corner, Sec. 34,
and a point on the West Bank of the Cheyenne River where it crosses the North Boundary
of lot 3, Sec. 27, All in T4S, R10E for irrigation

purposes, has 5 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 3.2 cu. ft. per second of water.

Date October 1, 1974

By: WATER RIGHTS COMMISSION

DONALD DRISCOLL, Chief Engineer

APPROPRIATION OF WATER

Pierre, S. Dak., February 28, 1960

and for ~~XXXXXX~~ REXERO

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

cc: Dr. Raymond Boyce, Rapid City, S.D.

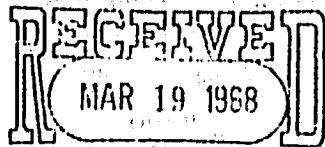
~~XXXXXXXXXXXXXXXXXXXX~~
BURTON F. JONES
Water Rights Specialist

Affidavit of Publication

STATE OF SOUTH DAKOTA

County of Pennington

ss.



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Feb. 14, 1968
APPROPRIATION OF WATER
Office of State Water Resources
Pierre, S. Dak.
Notice is hereby given that Raymond A. Wagan, whose post office address is Rapid City, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to divert the point of diversion from the Cheyenne River through the Coyote Water Right to the point of diversion which is to be located on the west bank of said stream between a point in Lot 3, Section 17, and a point in Lot 1 of the NE 1/4 of Section 23, Twp. 25, Range 10E, S. Dak. water to be used for the purpose of providing irrigation and covered under Water Permit 827-2. This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 20th day of March, 1968, at 2:00 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
cc: Dr. Raymond Boyce,
Rapid City, S.D.

W. C. WAGMAN, of Rapid City, in said County, being first duly sworn, upon his oath says: That he is now and was at all times hereinafter mentioned, the agent of the publisher named, designated and appointed as such for the purposes herein set forth, by resolution and action of its Board of Directors, of the RAPID CITY JOURNAL COMPANY, a corporation, of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated; that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said RAPID CITY JOURNAL, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said newspaper once each week for four successive weeks, the first publication thereof being on the 28th day of February 19 63, and the last publication thereof being on the 18th day of March, 19 68, that the fees charged for the publication thereof are twenty-three Dollars and 12 cents.

[Signature]

Subscribed and sworn to before me this 18th day of

March 1968.

[Signature]

Notary Public.

I, W.C. Wagan, Business Manager of the Rapid City Journal certify that the average daily paid Circulation of the Rapid City Journal for the month of February, 1968 was 30,924.

[Signature]
W. C. Wagan

Subscribed and sworn to before me this 18th day of March, 1968.

[Signature]
Notary Public

Permit No. 827-2AWater Division 2 BATTLE CREEK Water District

**REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

WATER RIGHTS COMMISSIONTO: Water ~~Commission~~ Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Raymond A. Boyce, MD
827-2 & of R.R. #4, Box 967, Rapid City, SD holder
 of Permit No. 827-2A, bearing date of priority of April 9, 19 64
 authorizing the diversion of 3.2 cu. ft. per second of the waters of Cheyenne River
 for irrigation purposes purposes, in Custer County County.

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

The Water Use System consists of,

A. Works used to divert the water:

Berkeley Centrifugal pump, 6" Mod. 54FRBL, Brook Electric Motor, Type DP-60 HP

Cornell Centrifugal pump 6", Mod. 8HS-30-4, General Electric Electric motor, Type K. 30 HP

B. Works used to transport water to place of use,

Several miles of aluminum pipe, mostly 6 inch

C. Works used to apply water to beneficial use.

One 11 tower Valley - water driven center pivot sprinkler system

One 7 tower Valley - water driven center pivot sprinkler system

The smaller Valley sprinkler operates from two different pivots, some gravity irrigation

The system is in the following condition: excellent

The point of diversion is located between point S.1⁰ 15' East, 1720 ft. from the NE Corner of
Sec. 34, and a point on the west bank of the Cheyenne River where it crosses the
north boundary of Government Lot 3, Sec. 27, all in T4S, R10E

The works are capable of diverting and conveying to the place of use 3.2cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: all in T4S, R10E, Section 27,82.89 acres - Section 33, 97.10 acres and Section 34, 42.36 acres as shownon Water Right map No. 712-2comprising a total of 222.35 acres of land.

Letter of Notification should state that inasmuch as water license 827-2A will
 contain all of the pertinent parts of Water Permit No. 827-2, after license
 No. 827-2A is issued, Water Permit No. 827-2 will be cancelled by Commission
 Action.

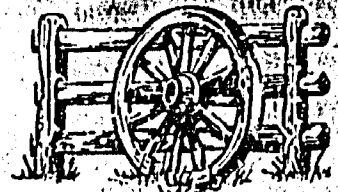
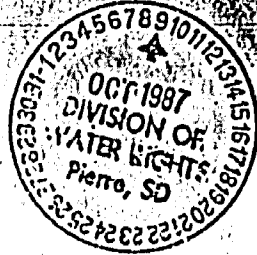
Date August 15, 1974

Donald Driscoll
 (Signature)

DONALD DRISCOLL, Chief Engineer, W.R.C.

P.O. Box 2211
4820 Riva Ridge Rd
Rapid City, South Dakota 57709
(605)343-8697 / (605)343-9192

827-2A
BRYCE D. NELSON
REAL ESTATE



October 8, 1987

South Dakota Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3131

Attention Water Rights Division
Timothy G. Schaal

Dear Mr. Schaal;

Raymond and Dorothy Boyce have sold their ranch property in Custer County to
Clarence L. Werner.

I have enclosed a copy of the deed for your files.

If there is something else that you need to transfer the water Rights associated
with this property, please let me know.

Sincerely,

Bryce D. Nelson

Bryce D. Nelson
BDN/bls

Raymond A. Boyce and Dorothy M. Boyce, husband and wife

grantors, of Pennington

County,

State of South Dakota

for and in consideration of One Dollar

and other good and valuable consideration

DO. LARS

GRANTS, CONVEYS AND WARRANTS TO Clarence L. Werner, a married person

grantee of Route 4, Box 15B, Hermosa, SD 57744

P. O. the following described

real estate in the County of Custer

in the State of South Dakota.

See attached Exhibit A

Dated this 1st day of October, 1982

Raymond A. Boyce

Dorothy M. Boyce

Dorothy M. Boyce

STATE OF SOUTH DAKOTA,

County of Pennington ss.

Filed for record this 1st day of

1982 at

1 o'clock M., and recorded in

Book , Page

Register of Deeds.

By

Deputy.

Fees, \$

STATE OF SOUTH DAKOTA,

County of Pennington ss.

On this the 1st day of October, 1982, before

me, Scott D. Nelson, the undersigned officer, personally appeared Raymond A. Boyce and Dorothy M. Boyce, husband and wife

known to me or satisfactorily proven to be the person's whose name S subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

Scott D. Nelson

Notary Public

My commission expires February, 1982

South Half of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Twenty-Eight (28); and the East Half (E $\frac{1}{2}$) and the East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$) and the East Half of the East Half of the Northeast Quarter of the Southwest Quarter (E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Thirty-Three (33); and the East Half (E $\frac{1}{2}$) of Section Thirty-Six (36); all in Township Three (3) South, Range Ten (10) East of the Black Hills Meridian, Custer County, South Dakota; and

Government Lot Four (4) and the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) and the West Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Three (3); and Government Lots One (1) and Two (2) and the South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$) and the Southeast Quarter (SE $\frac{1}{4}$), East Half of the East Half of the East Half (E $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$) of Government Lot Three (3) (also referred to as the East Half of the East Half of the East Half of the Northeast Quarter of the Northwest Quarter (E $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$)) and the East Half of the East Half of the East Half of the Southeast Quarter of the Northwest Quarter (E $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Four (4); and the East Half (E $\frac{1}{2}$) of Section Nine (9); and the West Half of the West Half (W $\frac{1}{2}$ W $\frac{1}{2}$) of Section Ten (10); and the West Half of the Northwest Quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$) of Section Fifteen (15); and the South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$) of Section Sixteen (16); and Government Lots Three (3) and Four (4) and the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Twenty-Seven (27); and Government Lots One (1) and Two (2) and the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) and the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Thirty-Three (33); and Government Lots One (1) and Two (2) and the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Thirty-Four (34); all in Township Four (4) South, Range Ten (10) East of the Black Hills Meridian, Custer County, South Dakota; and

Government Lots One (1) and Two (2) and the East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$) and the East Half (E $\frac{1}{2}$) of Section Thirty-One (31); and the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) and the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) and the South Half of the Northwest Quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$) and the North Half of the Southwest Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Thirty-Two (32); all in Township Three (3) South, Range Eleven (11) East of the Black Hills Meridian, Custer County, South Dakota; and

Government Lots One (1) and Two (2) and the South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$) and the North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Six (6); all in Township Four (4) South, Range Eleven (11) East of the Black Hills Meridian, Custer County, South Dakota;

EXCEPTING from the E $\frac{1}{2}$ of Sec. 36, T3S, R10E BHM and from the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 16, T4S, R10E BHM deposits of coal, ores, metals and other minerals, asphaltum, oil, gas and other like substances, and rights relating thereto, as reserved by the State of South Dakota in Patents recorded March 28, 1958, in Deed Book 24, Page 111, and April 2, 1963, in Deed Book 25, Page 48, Custer County records;

Exhibit A Page 2

AND ALSO EXCEPTING from the S1NE1 and NE1SE1 of Sec. 33, T3S, R10E BHM, and from Govt. Lots 1 and 2 and the SW1NE1 of Sec. 33 and Govt. Lots 1 and 2 of Sec. 34, T4S, R10E BHM, and from the SW1NE1, NW1NW1, S1NW1 and N1SW1 of Sec. 32, T3S, R11E BHM, and the N1SE1 of Sec. 36, T4S, R11E BHM, all the coal and other minerals in said land, together with the right to prospect for, mine and remove the same, pursuant to the provisions and limitations of the Act of December 29, 1916 (39 Stat., 862), as reserved by the United States in Patents recorded October 23, 1924, in Patent Book 6, Page 218, and May 14, 1927, in Patent Book 6, Page 374, and December 27, 1930, in Patent Book 7, Page 42, Custer County Records;

AND ALSO EXCEPTING from the E1NW1 of Sec. 33, T3S, R10E BHM, and E1 of Sec. 9 and W1W1 of Sec. 10 and W1NW1 of Sec. 15, T4S, R10E BHM, all coal, oil, gas, and other minerals, including all uranium, thorium, and all other materials determined pursuant to Section 5(b)(1) of the Atomic Energy Act of 1946 (60 Stat. 761), to be peculiarly essential to the production of fissionable material; also including sand, gravel, stone, clay, and similar materials, together with the usual mining right, powers, and privileges, including the right at any and all times, to enter upon the land and use such parts of the surface as may be necessary in prospecting for, mining, saving, and removing said minerals or materials, as reserved by the United States of America in Deed recorded July 29, 1952, in Deed Book 20, Page 643, Custer County records;

AND ALSO EXCEPTING from all of the land in R11E BHM fifty percent of all oil, gas and other minerals in said land, as reserved by Harry R. Morris and Betty Morris in Deed recorded March 9, 1963, in Deed Book 25, Page 39, Custer County records.



Department of Water & Natural Resources

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

827-2A

1024-2

1221-2

October 19, 1987

Bryce Nelson Real Estate
PO Box 2211
4820 Riva Ridge Rd
Rapid City, SD 57709

Dear Mr. Nelson:

This letter will acknowledge receipt of the warranty deeds you forwarded to our office concerning land purchased by Clarence Werner. Portions of the legal descriptions specified in the deeds are covered under Water Right Nos. 827-2A, 1024-2 and 1221-2.

In order for these water rights to be transferred from Raymond and Dorothy Boyce to Clarence Werner, a "Notice of Transfer" will need to be filed for each one. Enclosed are partially completed transfer forms. These should be signed by the new owner in the presence of a Notary Public. A \$2.50 filing fee is required for filing a "Notice of Transfer". Please return the completed transfer forms and a total of \$7.50 in filing fees to our office.

Part of the legal descriptions listed in the warranty deeds were for property owned by the Boyce's in Shannon County. One of the enclosed transfer forms is for this water right as I assumed it should be transferred also.

South Dakota Water Law 46-5-30.3 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 concerning the transfers, please contact me.

Sincerely,

GENNY MCNATH
Natural Resources Analyst

encl

NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: October 26, 1987

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

Lots 3 & 4, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27; Lots 1 & 2, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33; Lots 1 & 2, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34, all in T4S, R10E

formerly owned by Raymond & Dorothy Boyce

has been transferred to Clarence L. Werner, Rt. 4 Box 15B, Hermosa, SD 57744

(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

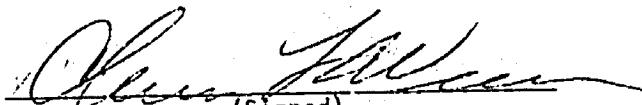
Water Right Permit No. 827-2A as provided for in SDCL 46-5-32 and 46-5-33.

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.

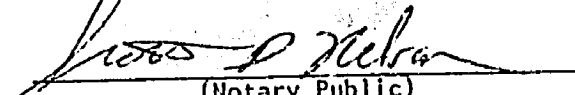
A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
) ss.
County of Pennington)

I, Clarence L. Werner being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.


(Signed)

Subscribed and sworn to before me this 26th Day of October, 1987.


(Notary Public)
My commission expires Feb. 6, 1992.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, November 12, 1987

RECEIVED OF Bryce Nelson Real Estate (for Clarence Werner) 4820 Reva Ridge Rd. Rapid City
the following amount in fees for services rendered as provided for by law: SD 57702

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 827-2A	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 MS



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

February 24, 1988

Clarence Werner
RR 4, Box 15B
Hermosa, South Dakota 57744

Dear Mr. Werner:

I am contacting you in regard to the ownership status of Water Right Nos. 827-2A, 1024-2 and 1221-2. The completed transfer forms and filing fees were received in our office November 12, 1987. The water rights were then transferred to your name.

By copy of this letter, I am sending Receipts for the filing fees to Bryce Nelson Real Estate. I apologize for not notifying you sooner that the transfers were completed.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
cc: Bryce Nelson Real Estate

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

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

January 29, 1988

RAYMOND A BOYCE
4350 CLIFF DR
RAPID CITY, SD 57702

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

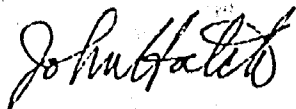
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 827-2A, 1221-2. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires 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 9:00 am, March 2, 1988 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:

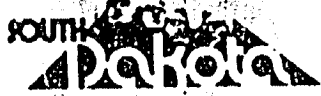
1. Amend Permit No(s). 827-2A, 1221-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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 March 2 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

February 5, 1988

827-2A
1024-2
1221-2

Raymond & Dorothy Boyce
4350 Cliff Dr.
Rapid City SD 57701

Dear Mr. & Mrs. Boyce:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit Nos. 827-2A, 1024-2, 1221-2 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours

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

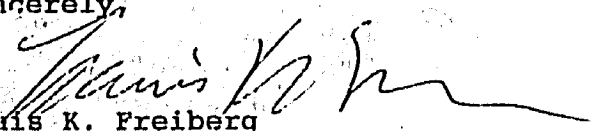
NOTE: Clarence Werner has been contacted about transfer of these water permits.

Please advise that you have received sufficient information from my office that the foreclosure proceedings prevented the use of water under that permit and that there was no available water for use during part of the period and that the water rights have not been abandoned.

Mr. Ron Duvall
Natural Resources Engineer
September 27, 1988
Page Two

I would certainly appreciate this additional letter.

Sincerely,



Louis K. Freiberg
Attorney at Law

:js

Enclosures



**Department of
Water & Natural Resources**

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

June 1, 1988

Louis Freiberg, attorney
PO Box 1159
Rapid City SD 57709

Dear Mr. Freiberg:

This letter is in response to our phone conversation on June 1, 1988 regarding the status of Water Right No. 827-2A. Mr. Werner was sent the letter dated May 26, 1988 because the irrigation questionaire for the last five years indicated no use of water. You indicated that water was not available for use and that the irrigated land was involved in foreclosure proceedings.

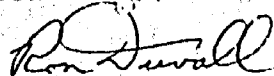
SDCL 46-5-37 specifies that if appropriated water is not used at least once every three years then the unused portion becomes unappropriated public water. However, General Rules Section 74:02:01:37.01 states the following:

Legal excuse for nonuse of water, such as unavailability of water to satisfy a permit or right or legal proceedings which prevent the use of water, suspends the period of nonuse specified in SDCL 46-5-37.

Therefore, if the foreclosure proceedings prevented use of water and/or no water was available for use and assuming the system has not been abandoned, then the water right appears to be valid based on the considerations in this letter. The Water Management Board has authority to make rulings on the validity of water rights. The information which you requested will be sent under separate cover.

Please contact me if you have any questions.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352



Department of
Water & Natural Resources

Building
Capitol
South Dakota 57501-3181

May 26, 1988

Clarence L. Werner
RR 4, Box 15B
Hermosa, SD 57744

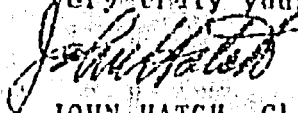
Dear Mr. Werner:

I am writing in regard of our review of irrigation questionnaire records. No irrigation has been reported for the last five irrigation seasons under Permit No(s) 827-2A.

South Dakota Codified Laws state that when any person fails to use water for the purpose for which it was appropriated for a period of three years, or abandons the use of the water, such unused water shall revert to the public. An exception to the law is when there is legal excuse for nonuse of water. Examples of legal excuse for nonuse of water are when water is not available or legal proceedings which prevent the use of water.

Since your permit(s) has (have) not been used for five years, the permit(s) may be subject to cancellation by the Water Management Board unless there is a legal reason for not using water. Please advise by June 17, 1988 if you still want to keep your water right and if there is a reason why water has not been used. Let us know, if you have any questions.

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

January 3, 1989

Louis Freiberg, Attorney
PO Box 1159
Rapid City SD 57709

Dear Mr. Freiberg:

I am writing in response to your letter dated September 27, 1988 regarding the status of Water Right No. 827-2A. The water right appropriates 3.2 cubic feet of water per second from the Cheyenne River to irrigate 222.35 acres.

In response to your question about the validity of the water right, only the Water Management Board has the authority to officially determine if the water right is valid. Decisions by the Board are subject to appeal to the Circuit and State Supreme Courts. Water Rights Division employees do not have authority to officially determine the status of water permits/rights.

The Board can be requested to make a declaratory ruling on the validity of Water Right No. 827-2A pursuant to General Rules Sections 74:02:01:46 through 74:02:01:49 (copy enclosed). The Division will then investigate the court record on the foreclosure proceedings (if made available), review flow data on the Cheyenne River and review our records. A report and recommendation would then be prepared for consideration by the Water Management Board.

Please contact me if you have any further questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.



SOUTH DAKOTA

Department of Water & Natural Resources

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

May 26, 1988

Clarence L Werner
RR 4, Box 15B
Hermosa, SD 57744

Dear Mr. Werner:

I am writing in regard of our review of irrigation questionnaire records. No irrigation has been reported for the last five irrigation seasons under Permit No(s). 827-2A.

South Dakota Codified Laws state that when any person fails to use water for the purpose for which it was appropriated for a period of three years, or abandons the use of the water, such unused water shall revert to the public. An exception to the law is when there is legal excuse for nonuse of water. Examples of legal excuse for nonuse of water are when water is not available or legal proceedings which prevent the use of water.

Since your permit(s) has (have) not been used for five years, the permit(s) may be subject to cancellation by the Water Management Board unless there is a legal reason for not using water. Please advise by June 17, 1988 if you still want to keep your water right and if there is a reason why water has not been used. Let us know, if you have any questions.

Very truly yours,



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

SOUTH DAKOTA

Department of Water & Natural Resources

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

June 1, 1988

Louis Freiberg, attorney
PO Box 1159
Rapid City SD 57709

Dear Mr. Freiberg:

This letter is in response to our phone conversation on June 1, 1988 regarding the status of Water Right No. 827-2A. Mr. Werner was sent the letter dated May 26, 1988 because the irrigation questionnaire for the last five years indicated no use of water. You indicated that water was not available for use and that the irrigated land was involved in foreclosure proceedings.

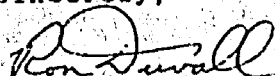
SDCL 46-5-37 specifies that if appropriated water is not used at least once every three years then the unused portion becomes unappropriated public water. However, General Rules Section 74:02:01:37.01 states the following:

Legal excuse for nonuse of water, such as unavailability of water to satisfy a permit or right or legal proceedings which prevent the use of water, suspends the period of nonuse specified in SDCL 46-5-37.

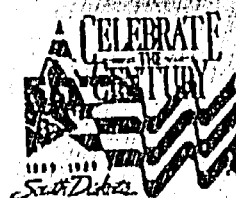
Therefore, if the foreclosure proceedings prevented use of water and/or no water was available for use and assuming the system has not been abandoned, then the water right appears to be valid based on the considerations in this letter. The Water Management Board has authority to make rulings on the validity of water rights. The information which you requested will be sent under separate cover.

Please contact me if you have any questions.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352



827-2A

South Dakota Department of Water & Natural Resources

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

July 19, 1990

NOTICE

TO: Cheyenne River Irrigators

FROM: John Hatch, Chief Engineer
 Division of Water Rights 

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

July 30, 1990

827-2A
1024-2
1221-2

Fred Rittberger
Rittberger Beef & Dairy Inc
HCR 83 Box 13
Hermosa, SD 57744

Dear Mr. Rittberger:

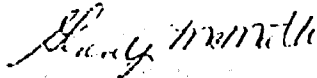
Enclosed, as you requested, are partially completed "Notice of Transfer of Ownership" forms. The forms are for use in filing ownership changes on Vested Water Right Claim No. 1221-2 and Water Right Nos. 827-2A and 1024-2. These are currently listed in the name of Clarence Werner.

Please complete the forms and then sign them in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (total of \$7.50).

South Dakota Water Law 46-5-30.3 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 me.

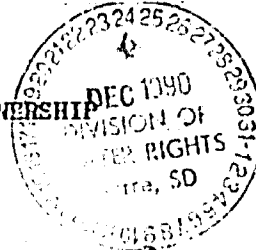
Sincerely,



Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP



No. 827-2A

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: Dec 10, 1990

I/We request that Water Permit/Right No. 827-2A

formerly owned by: Clarence Werner

be transferred to: (name & address) Rittberger Brothers, He... ..
HC 56 Box 19 Buffalo Gap S Dak (telephone No.) 605-833-6805

Title to the following described land(s)/property has been transferred as described above:
Lots 3 & 4, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27; Lots 1 & 2, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33; Lots 1 & 2,
NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34, T4S, R10E

I/We understand that the validity of Water Permit/Right No. 827-2A 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 at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of Custer)

I/We Rittberger Brothers 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 that I know of my own personal knowledge that the information herein stated is true.

Rittberger Brothers
by Rittberger
(Signed)

Subscribed and sworn to before me this 20 day of December, 19 90.

Albert M. Melvin
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water 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

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____ December 24, 19__90

RECEIVED OF Ritchberger Brothers, 401 So. 12, Buffalo Gap SD

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, Water Right No. <u>327-22</u>		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 Joyce Hatch
Chief Engineer



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

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

January 8, 1991

No. 1221-2

1024-2

827-2A

Rittberger Brothers
HC 56 Box 19
Buffalo Gap SD 57722

Dear Mr. Rittberger:

Enclosed is are three receipts in the amount of \$2.50 each which you paid for the transfer of Vested Water Right No. 1221-2, Water Right No. 1024-2, and Water Right No. 827-2A.

Our records now show you as the owner of Vested Water Right No. 1221-2, Water Right No. 1024-2, and Water Right No. 827-2A.

Sincerely,

Jaci Konop

JACI KONOP
Senior Secretary
Water Rights Division
605 773-3352

enclosure

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

March 14, 1991

1024-2
827-2A

Rittberger Brothers
HC 56 Box 19
Buffalo Gap, SD 57722

Dear Mr. Brothers:

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 Prosz (605-773-3352).

Very truly yours,

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



827-2A
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2000

NOTICE

TO: RITTBERGER BEEF & DAIRY INC, ROBERT RITTBERGER, HC 89 BOX 302A,
HERMOSA, SD 57744

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire has not been submitted for Permit No(s) 827-2A, 1024-2, 1221-2 & 1613-2. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 1:30 pm, March 1, 2000, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 827-2A, 1024-2, 1221-2 & 1613-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2000, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



827-2A
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2000

Robert Rittberger
Rittberger Beef & Dairy, Inc
HC 89 Box 302A
Hermosa, SD 57744

RE: Water Permit/Right Nos. 827-2A, 1024-2, 1221-2 and 1613-2

Dear Mr. Rittberger:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit/Right Nos. 827-2A, 1024-2, 1221-2 and 1613-2.

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

NOT TO SCALE



91.1

27

4-10

208-L

Shannon

Boyce

(App # 1221-2) ~~827-2A~~



**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: RITTBERGER BROTHERS % ROBERT RITTBERGER
HC 89 BOX 302A
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. 827-2A 827B-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. 827-2A

August 10, 2006

Name of Person: Bob Rittberger

Telephone: 605-255-4394

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

Comments:

Garland Erbele talked to Mr. Rittberger 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

1024A-2 1024-2 827B-2 827-2A

RITTBERGER BROTHERS - ROBERT RITTBERGER
HC 89 BOX 302A
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



January 26, 2007

NOTICE

827-2A
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: RITTBERGER BROTHERS, ROBERT RITTBERGER, 15663 SD HWY 40, HERMOSA, SD 57744

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaires

Our records indicate that the 2006 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 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) 827-2A, 1024-2 & 1221-2 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) 827B-2 & 1024A-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 7, 2007 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) 827B-2 & 1024A-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 827-2A, 1024-2 & 1221-2 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 1, 2007, 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/E0455V5-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.



827-2A

[Home](#) | [Help](#)[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0799 7269

Status: **Delivered**

Your item was delivered at 11:29 AM on February 1, 2007 in HERMOSA, SD 57744. The item was signed for by B RITTBERGER.

[Additional Details >](#)[Return to USPS.com Home >](#)

Track & Confirm

Enter Label/Receipt Number.

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)**POSTAL INSPECTORS**
Preserving the Trust[site map](#)[contact us](#)[government services](#)[jobs](#)[National & Premier Accounts](#)

Copyright © 1999-2004 USPS. All Rights Reserved. Terms of Use Privacy Policy

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0799 7269	RITTBERGER BROTHERS		ling.
	ROBERT RITTBERGER		
	15663 SD HWY 40		
	HERMOSA SD 57744		
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			
BACKONE (POSTAL CUSTOMER) ☐ Priority Mail™ Service ☐ First-Class Mail® parcel ☐ Package Services parcel			
Printed 1/23/07, May 2007			(See Reverse)



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 9, 2007

Robert Rittberger
Rittberger Brothers
15663 SD Hwy 40
Hermosa SD 57744

Dear Mr. Rittberger:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Permit or Right Nos. 827-2A, 827B-2, 1024-2, 1024A-2 and 1221-2.

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

827-12



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 5, 2007

Dear Water Right Holder;

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

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

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

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

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

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE OF SHUTOFF ORDER

July 10, 2007

TO: RITTBERGER BROTHERS
ROBERT RITTBERGER
15663 SD HWY 40
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. 827B-2 1024A-2 827-2A

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.



827-2A
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 21, 2011

NOTICE

TO: RITTBERGER BROTHERS, ROBERT RITTBERGER, 15663 SD HWY 40, HERMOSA, SD 57744

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaires

Our records indicate that the 2010 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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) 827-2A & 1221-2 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) 827B-2 & 1024A-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 9, 2011** 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) 827B-2 & 1024A-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 827-2A & 1221-2 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, 2011**, 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.

827-2A

[Home](#) | [Help](#) | [Sign In](#)[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 1499

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 2:39 pm on February 11, 2011 in HERMOSA, SD 57744. The item was signed for by R RITTBERGER.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, February 11, 2011, 2:39 pm, HERMOSA, SD 57744
- Notice Left, January 22, 2011, 2:17 pm, HERMOSA, SD 57744
- Out for Delivery, January 22, 2011, 8:04 am, HERMOSA, SD 57744
- Sorting Complete, January 22, 2011, 7:54 am, HERMOSA, SD 57744
- Arrival at Post Office, January 22, 2011, 7:39 am, HERMOSA, SD 57744

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)[Site Map](#)[Customer Service](#)[Forms](#)[Gov't Services](#)[Careers](#)[Privacy Policy](#)[Terms of Use](#)[Business Customer Gateway](#)

Copyright© 2010 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 1499

RITTBERGER BROTHERS
ROBERT RITTBERGER
15663 SD HWY 40
HERMOSA SD 57744

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel

mailing.



**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 9, 2011

Robert Rittberger
Rittberger Brothers
15633 SD Hwy 40
Hermosa SD 57744

RE: Water Right or Permit Nos. 827B-2, 1024A-2, 827-2A and 1221-2

Dear Mr. Rittberger:

I am writing to acknowledge receipt of your 2010 irrigation questionnaires.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for the above listed permits and rights. 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



827-2A
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 15, 2016

NOTICE

TO: RITTBERGER BROTHERS, ROBERT RITTBERGER, 15663 SD HWY 40, HERMOSA, SD 57744

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaires

Our records indicate your 2015 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 827-2A & 1221-2 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) 827B-2 & 1024A-2 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 827B-2 & 1024A-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 827-2A & 1221-2 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 before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <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
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 3, 2016

827-2A
827-2B
1024A-2
1221-2

Rittberger Brothers
c/o Robert Rittberger
1563 SD Hwy 40
Hermosa SD 57744

Dear Mr. Rittberger:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Permit Nos. 827-2A, 827-2B, 1024A-2 and 1221-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



827-2A
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 20, 2017

NOTICE

TO: RITTBERGER BROTHERS, ROBERT RITTBERGER, 15663 SD HWY 40, HERMOSA, SD 57744

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaires

Our records indicate your 2016 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 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) 827-2A & 1221-2 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) 827B-2 & 1024A-2 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 827B-2 & 1024A-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 827-2A & 1221-2 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 before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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.



827-2A
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 8, 2017

Robert Rittberger
Rittberger Brothers
15663 SD Hwy 40
Hermosa SD 57744

RE: Water Right Nos. 827-2A, 827B-2, 1024A-2 and 1221-2

Dear Mr. Rittberger:

I am writing to acknowledge receipt of your 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right Nos. 827-2A, 827B-2, 1024A-2 and 1221-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



827-2A
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 26, 2018

NOTICE

TO: RITTBERGER BROTHERS, ROBERT RITTBERGER, 15663 SD HWY 40, HERMOSA, SD 57744

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

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaires

Our records indicate your 2017 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 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) 827-2A & 1221-2 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) 827B-2 & 1024A-2 qualification:

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

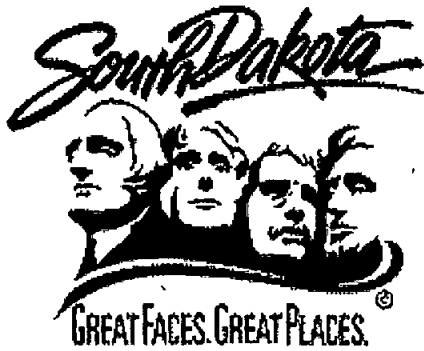
The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 827B-2 & 1024A-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 827-2A & 1221-2 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 before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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.



827-2A

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 2018

Robert Rittberger
Rittberger Brothers
15663 SD Hwy 40
Hermosa SD 57744

RE: Water Right Nos. 827-2A, 827B-2, 1024A-2 & 1221-2

Dear Mr. Rittberger:

I am writing to acknowledge receipt of your 2017 irrigation questionnaires.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right Nos. 827-2A, 827B-2, 1024A-2 & 1221-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



827-2A
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 5, 2018

Robert Rittberger
13677 SD Hwy 36
Hermosa AS 57744-5426

RE: Water Right Nos. 827-2A, 827-2B, 1024A-2 & 1221-2

Dear Sir:

Enclosed is a "Notice" dated October 30, 2018 concerning the 2018 irrigation questionnaires.

The notice was originally mailed to 15663 SD Hwy 40, 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 AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2022

NOTICE

TO: RITTBERGER BROTHERS, ROBERT RITTBERGER, 13677 SD HWY 36, HERMOSA, SD 57744 5426

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaires

Our records indicate your 2021 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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) 827-2A & 1221-2 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) 827B-2 & 1024A-2 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 827B-2 & 1024A-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 827-2A & 1221-2 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 before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: QJ CXBW**

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.

827-2A



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 2, 2022

827-2A
827B-2
1024A-2
1221-2

Robert Rittberger
Rittberger Brothers
13677 SD Hwy 36
Hermosa SD 57744 5426

Dear Mr. Rittberger:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 827-2A, 1221-2, 827B-2 & 1024A-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 14, 2025

NOTICE

TO: RITTBERGER BROTHERS, ROBERT RITTBERGER, 13677 SD HWY 36, HERMOSA, SD 57744 5426

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaires

Our records indicate your 2024 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 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) 827-2A & 1221-2 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) 827B-2 & 1024A-2 qualification:

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

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

1. Suspend or cancel Permit No(s) 827B-2 & 1024A-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 827-2A & 1221-2 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 before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: RKMWAN**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 21, 2025

827-2A, 827B-2
1024A-2, 1221-2

Rittberger Brothers
c/o Robert Rittberger
13667 SD HWY 36
Hermosa SD 57744

Dear Mr. Rittberger:

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

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 827-2A, 827B-2, 1024A-2 & 1221-2. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

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

Sincerely,

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