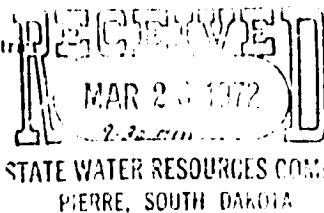


r Right Number 1932-3

1. Considered MAY 17, 1972
2. Name of Applicant RAYMOND T. LYLE
3. Post Office Address ELK POINT, S.D.
4. Amount of water claimed 1.70
5. Source of water supply GROUND WATER
6. Water to be used for IRRIGATION
- Acres to be irrigated 120
7. Water to be diverted and used in UNION County
about _____ Miles _____ of _____
8. Proof of Publication Received 4-28-72
Not received _____
9. Application Approved 5-17-72
Subject to WT.
Not approved _____
Action deferred _____

10. Remarks:

No. 1932-3Map No. 1366-3 Water Division No. 3 BIG SIOUX RIVER (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 T. Lyle
 Postoffice address Elk Point, Rt 1, Box 110 State So. Dak. 57025
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work well
4. Amount of water claimed (cubic feet per second) 1500 gal./min. 1.7 MAXIMUM ALLOWABLE
5. Source of water supply well
6. Location of point of diversion 1920' West & 1100' South of the NE Corner of
Section 36 T91 - R - 49
 _____ County Union County
7. Annual period or periods during which water is to be used June thru August
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, _____ Total number of acres to be irrigated 120

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>W 1/4 NE 1/4 36 T91 R49</u>	<u>80</u>		
<u>SE 1/4 NE 1/4 36 T91 R49</u>	<u>40</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 5 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Leader Courier, Elk Point, So. Dak.
12. Principal Features of the Proposed Water Supply System

A. Works proposed to divert water from its natural source

B. Works proposed to transport water to place of use

C. Works proposed to apply water to beneficial use

Well with gravity irrigationEstimated Total Cost \$ 10,000.00

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water is proposed. Attach map (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of UnionI RAYMOND T. LYLE the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Raymond T. LyleSubscribed and sworn to before me this 24 day of April, 1972
Marvin L. Russell
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1932-3
RAYMOND T. LYLE ELK POINT
 (Applicant) (Post Office Address)

SOUTH DAKOTA With the following modifications:
 (State)

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells or in irrigation wells having prior water rights.

A PORTION OF THE LAND COVERED UNDER THIS PERMIT IS ALSO COVERED UNDER PERMIT NO 1791.3. A COMBINATION OF DIVERSIONS UNDER THE TWO PERMITS SHALL NOT EXCEED THE STATUTORY LIMIT OF 1 CFS. FOR EACH 70 ACRES IRRIGATED.

Date of first receipt of application MARCH 28 19 72
 Date of return to applicant for correction, amendments or changes required — 19 —
 Date of receipt of corrected application — 19 —
 Approved MAY 17 19 72 Recorded in Book 12 Page 112

WATER RIGHT PERMIT NO. 1932-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1932-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is MARCH 28 19 72
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 17 19 74
3. The whole of said work is to be completed on or before MAY 17 19 77
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 17 19 77
5. The water appropriated shall be used for the purpose of IRRIGATION
6. 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.
7. The amount of the appropriation herein granted shall not exceed 1.7 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and, if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and 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 MAY 17 19 72 said water to be used during the following described annual period: JUNE thru AUGUST

Witness my hand this 23RD day of JUNE 19 72

WATER RESOURCES COMMISSION

By:

[Signature]
 Chief Engineer, Executive Officer

Certificate of Construction Issued — 19 —

Water License Issued — 19 —

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

(1) Drill Hole, Diameter 36", Depth 110 Ft.

(2) Casing, Type Concrete Diameter 18 in. Thickness 6 in.
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type Concrete, Diameter 18 in., Length 40 ft.

(4) Gravel Pack. Thickness 6 in., Length of gravel pack entire well

E. Dugout Information or Estimates.

(1) Surface dimensions None, Depth _____

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials Coarse gravel and glacial rock

Depth to top of water bearing material 20 ft.

Depth to bottom of water bearing material 110 ft.

Thickness of water bearing material 60 ft.

Depth to water (ground surface to water level) 20 ft.

(2) Distance to nearest existing household or livestock watering wells.

On same owner's property 80 rds. On property owned by others 120 rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Drillers Log

0'-43' Clay
43'-53' gravel
53'-65' Clay
65'-110' Gravel

Raymond T. Lyle
Signature of Applicant

DRILLER'S LOG OF WELL

Union

Location of Well: _____, Section 36, Township 91, Range 49

Well to be drilled for: Raymond Lyle Elk Point, So. Dakota
(Name) (Address)

Owner of land (if other than above): _____
(Name) (Address)

Date well drilling started June 13, 1972 finished June 15, 1972

Purpose of well irrigation
(domestic, irrigation, municipal, industrial, other)

Diameter <u>16"</u> Inches		
5 Feet	Black Dirt Top Soil	Ground Surface Elevation: _____ (If Available)
41 Feet	Yellow & grey clay mixed Describe kind of materials drilled through (add layers on back of form if necessary)	Kind and thickness of casing to be installed: <u>16" transite</u>
57 Feet	coarse gravel & sand	Size of casing to be installed: <u>69</u> feet of <u>16</u> inches diameter _____ feet of _____ inches diameter _____ feet of _____ inches diameter
59 Feet	grey clay mixed sand & gravel	Type of Seal between casing sizes: <u>none</u>
62 Feet	coarse sand & gravel	Kind of perforated screen to be installed: Material <u>transite</u> (steel, wood, concrete, etc.)
103 Feet	1" rock & coarse gravel Water bearing material	Size of Screen: Diameter <u>16</u> inches Length <u>39</u> feet Size openings <u>1/8</u> inches
		Depth below ground surface to which water rises in well <u>71</u> feet.

RECEIVED
JUN 28 1972

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1932-3

(1) WHEREAS, On the 28th day of March, A. D. 19 72
Raymond T. Lyle

made Water Right Application No. 1932-3 for a permit to use 1.70 cubic feet per second of the water of groundwater (on a well)

County of Union, State of South Dakota, for Irrigation

purposes; and

(2) WHEREAS, On the 17th day of May, A. D. 19 72

Permit No. 1932-3, with a date of priority of March 28, 1972

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 17 day of May, A. D. 19 77 and for the application to beneficial use of said water on or before the 17 day of May, A. D. 19 77

WHEREAS, on August 9, 1979, upon inspection, the applicable portions of Permit No. 1791-3 have been incorporated into this Water License with priority dates of May 12, 1971 (1.14 cfs) and March 28, 1972 (.56 cfs) and Permit No. 1791-3 has been cancelled. The gated pipe is used jointly on this project and on Permits No. 232-3 and 331-3.

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.7 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,

to irrigate the following lands all in Section 36, T91N, R49W

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 "

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 "

TOTAL 120 acres

(5) NOW, THEREFORE, By the virtue of the Authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Raymond T. Lyle

of Elk Point, SD

the holder and owner of said permit No. 1932-3 a water right, dating from .56 cfs from March 28, 1972 and 1.14 cfs from May 12, 1971 use of 1.70 cubic feet per second of the water or groundwater (two wells) one existing from prior Permit No. 331-3

in the County of Union and State of South Dakota, or so much thereof as may be necessary for the purposes hereinafter mentioned, to be diverted at a point 1920'W and 1000'S of the NE corner, Section 36, T91N, R49W and 1894-7'S, 47°27'30"E of the NW corner, both in Section 36, T91N, R49W

and conduct to and upon lands in the NE 1/4, Section 36, T91N, R49W more fully described on the face of this license

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 1932-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 13th day of September A. D.
Nineteen Hundred and seventy-nine

Board of Water Management

By:

John Hatch
Chief Engineer JOHN HATCH

Permit No. 1932-3Water Diversion No. 3 Big Sioux River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Raymond T. Lyle

_____ the holder _____ of
 Permit No. 1932-3, issued upon Application No. 1932-3, bearing date of priority of March 28, 1972 and
May 12, 1971 authorizing the diversion of 1.7 cu. ft. per second of the waters of groundwater

*(two wells-one existing from /Permit No. 331-3) _____ Union _____, State of South Dakota at
 _____ County of _____
 a point 1920'W & 1000'S of the NE corner, Section 36, T91N, R49W and 1894.7'
 South, 47° 27' 30"E of the NW corner, both in Section 36, T91N, R49W
 _____, for Irrigation

_____ purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
 completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
 condition for diverting and conveying to the place of intended use 2.22 cu. ft. per second of water

Date September 13, 1979

*The applicable portions of Permit
 No. 1791-3 have been incorporated
 into this Certificate of Construction
 and Permit No. 1791-3 has been cancelled.

John Hatch
 JOHN HATCH, Chief Engineer
 Water Rights, WMD

1932-3

Publish first publication, on or before April 20, 1972

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

March 29, 1972

Notice is hereby given that Raymond T. Lyle

whose post office address is Elk Point, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

1.7 cubic feet of water per second of time from the ground water through the Lyle #4, the point of diversion of which is to be located in the _____

NW 1/4 NE 1/4

of Section 36, Twp. 91N, Range 49W. Said water to be used for the purpose of providing irrigation on the following described land:

NW 1/4 NE 1/4 and SE 1/4 NE 1/4, Section 36, T91N, R49W

This application No. 1932-3 will be considered by the Water Resources Commission at their office at Pierre upon the 17th day of May, 1972, at 2:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

cc: Mr. Raymond T. Lyle, Elk Point, S.D. 57025

Permit No. 1932-3Water Division 3 BIG SIBOUX RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources 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 T. LYLE of ELK POINT holder 1971
 of Permit No. 1932-3, bearing date of priority of 1.14 CFS FROM MAY 12, 1971 56 CFS FROM MARCH 26, 1972 *
 authorizing the diversion of 1.70 cu. ft. per second of the waters of GROUND WATER
 for IRRIGATION purposes, in UNION 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:

110' DEEP WELL WITH 16" TRANSITE CASING
 WESTERN LAND ROLLER 10" PUMP - SINGLE STAGE #A72123 WITH
 14" BOWL

POWERED BY 30HP. U. S. ELECTRIC MOTOR

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

660' OF 10" BURIED TRANSITE MAINLINE
 660' OF 8" ALUMINUM MAINLINE

C. Works used to apply water to beneficial use. **

1980' OF 8" GATED PIPE WITH 30" GATES
 2530' OF 8" GATED PIPE WITH 40" GATES

The system is in the following condition: GOOD

The point of diversion is located 1920' W & 1000' S OF THE NE CORNER,
SECTION 36, T9N, R49W.

The works are capable of diverting and conveying to the place of use 2.22cu. 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 SECTION 36, T9N, R49W

NW ⁴ NE ⁴	40 ACRES
SW ⁴ NE ⁴	40 "
SE ⁴ NE ⁴	40 "

comprising a total of 120 acres of land.

** THE GATED PIPE IS USED JOINTLY
 ON THIS PROJECT AND ON
 PERMITS NO 232-3 & NO 331-3

* THE APPLICABLE PORTIONS OF
 PERMIT NO 1791-3 HAVE BEEN
 INCORPORATED INTO THIS
 WATER LICENSE, AND PERMIT
 NO 1791-3 HAS BEEN CANCELLED.

Date AUGUST 9, 1979
Darwin Jones
 (Signature)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7008

PIERRE, August 23, 1979

RECEIVED OF Raymond T. Lyle, Elk Point, SD 57025
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No. 1932-3	12	00
Fee for inspecting Beneficial Use, and issuing Water License No. 1932-3		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL //	12	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH gy



**Department of
Water & Natural Resources**

100 Foss Building Water Rights, Water Management Division
Pierre, South Dakota 57501 (605) 773-3352

September 14, 1979

Raymond T. Lyle
Elk Point, SD 57025

Dear Mr. Lyle:

Enclosed herewith are, Water License No. 1932-3 and Certificate of Construction.

Water License No. 1932-3 is the final water right document completing your process of obtaining a water right.

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.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights, WMD

JH:gy

enclosures

NOTE: The applicable portions of Permit No. 1791-3 have been incorporated into this Certificate of Construction and Permit No. 1791-3 has been cancelled.



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

November 26, 1984

232-3

331-3

1932-3

Phillip E Lyle
255 Clayton
Denver Co 80206

Dear Mr. Lyle:

Enclosed are copies of Notice of Transfer of Water Permit forms for Water Right Nos. 232-3, 331-3 and 1932-3. These forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 each, total of \$7.50.

The transfer forms are being sent to you in reference to the 1984 Irrigation Questionnaires returned by Lucille Lyle of Elk Point SD. Ms. Lyle indicated you were now the present owner of the lands covered under these water rights.

Upon receipt of the enclosed forms and the \$7.50 filing fees the Water Rights will be transferred to the proper name. 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.

Please advise if you have any questions.

Sincerely,

GENNY MCNATH
Natural Resources Analyst

enclosures

RECEIPT

Division of Water Rights

No 4 3844

South Dakota Department of Water and Natural Resources

Pierre, December 3, 1984

RECEIVED OF Phillip E. Lyle, 255 Clayton St., Denver, CO 80206

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 WR# 1932-3

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

2 50

By John Hatch
Chief Engineer JOHN HATCH/ms



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

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

Water Rights Division
605 773-3352

December 7, 1984

232-3
331-3
1932-3

Phillip E Lyle
255 Clayton St
Denver CO 80206

Dear Mr. Lyle:

Enclosed are receipts No. 49844 - 49846 in the amounts of \$2.50 each which you paid for the transfers of Water Rights No. 232-3, 331-3 and 1932-3.

Our records now show you as the owner of these Water Rights.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Administrative Aide

enclosures

SOUTH DAKOTA
Department of
Water & Natural Resources

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

January 29, 1988

PHILLIP E LYLE
 255 CLAYTON ST
 DENVER, CO 80206

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation Questionnaire

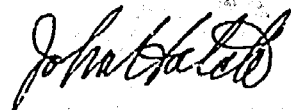
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 331-3, 1932-3, 232-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires 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). 331-3, 1932-3, 232-3 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 9, 1988

232-3
331-3
1932-3
4882-3
4884-3

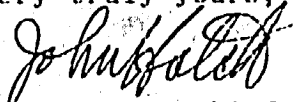
Phillip E Lyle
255 Clayton St
Denver CO 80206

Dear Mr. Lyle:

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 No. 232-2, 331-3, 1932-2, 4882-3, 4884-3 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



January 30, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

NOTICE

TO: PHILLIP E LYLE, 255 CLAYTON ST. DENVER, CO 80206

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s) 4882-3 & 4884-3, 232-3, 331-3, 1932-3 & 4847-3 and 1995 Irrigation Questionnaire Requirements

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 4882-3 & 4884-3, 232-3, 331-3, 1932-3 & 4847-3. The request for the Questionnaires was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 232-3, 331-3, 1932-3 & 4847-3 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) 4882-3 & 4884-3 qualification:

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

The hearing will be held at 9:45 am, March 6, 1996 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4882-3 & 4884-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 232-3, 331-3, 1932-3 & 4847-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before March 1, 1996, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



~~1932-3~~
1932-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 5, 1996

Phillip E Lyle
255 Clayton St.
Denver, CO 80206

RE: Water Permit Nos. 232-3, 331-3, 1932-3, 4847-3, 4882-3 and 4884-3

Dear Mr. Lyle:

I am writing to acknowledge receipt of your 1995 irrigation questionnaires. You may disregard the January 30, 1996, Notice of Violation of Water Permits and Violation of the Requirements to Submit the 1995 Irrigation Questionnaires.

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 Division
(605) 773-3352



1932-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 27, 1998

Phillip E Lyle
1800 W Littleton Blvd
Littleton, CO 80120-2021

RE: Water Permit/Right Nos. 232-3, 331-3, 1932-3, 4874-3, 4882-3 and 4884-3

Dear Mr. Lyle:

Enclosed is a "Notice" dated October 16, 1998 concerning the 1998 irrigation questionnaires. The notice was originally mailed to 255 Clayton St. Denver, CO. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



January 22, 1999

1932-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: PHILLIP E LYLE, 1800 W LITTLETON BLVD, LITTLETON, CO 80120 2021

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaires

Our records indicate that the 1998 Irrigation Questionnaires have not been submitted for Permit Nos. 4882-3 & 4884-3, 232-3, 331-3, 1932-3 & 4847-3. The request for the Questionnaires was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 232-3, 331-3, 1932-3 & 4847-3 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) 4882-3 & 4884-3 qualification:

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

The hearing will be held at 9:45 am, March 3, 1999 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4882-3 & 4884-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 232-3, 331-3, 1932-3 & 4847-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before March 1, 1999, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



1932-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 1999

Phillip E Lyle
1800 W Littleton Blvd
Littleton, CO 80120

RE: Water Permit/Right Nos. 232-3, 331-3, 1932-3, 4847-3, 4882-3 & 4884-3

Dear Mr. Lyle:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Permit/Right Nos. 232-3, 331-3, 1932-3, 4847-3, 4882-3 & 4884-3.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 24, 2000

1932-3
4874-3

Arlene Wells
403 Cascio Dr
Bellevue, NE 68005

Dear Ms. Wells:

I am contacting you in regard to ownership of Water Right No. 1932-3 and Water Permit No. 4874-3. Phillip Lyle called yesterday and indicated that these two numbers should be transferred.

Enclosed are two partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership change. Please fill in the portion titled "*be transferred to: (name & address)*". Upon completion, please sign the forms in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the "Water Rights Program".

I am including a copy of Water Right No. 1932-3 and Water Permit No. 4874-3. You may keep these for your records. If I can answer any questions for you, please let me know.

Thank you in advance for your help.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 1932-3

Date: 11-3-00

I/We request that Water Right No. 1932-3

formerly owned by: Phillip E Lyle

be transferred to: (name & address) ARLENE LYLE WELLS

403 CHASCIO DR., BELLEVUE, NE, 68005

Telephone No. (402) 291-6995

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

120 acres - NW 1/4 NE 1/4, S 1/4 NE 1/4 Section 36, T91N, R49W

I/We understand that the validity of Water Right No. 1932-3 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.

STATE OF ~~SOUTH DAKOTA~~) Nebraska

County of Scripps)

I/We Arlene Wells 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.

Arlene Wells
(Signed)

Subscribed and sworn to before me this 3 day of November, 2000.



Rachel Carrera
(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 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

NE 416679

Pierre, November 8, 2000

RECEIVED OF Lyle Earle Partnership, 403 Cassio Dr. Bellevue NE 68005
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 _____		
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>Water Right No. 1932-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By Garland Everts
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 9, 2000

1932-3
4874-3

Arlene Lyle Wells
403 Cascio Dr
Bellevue, NE 68005

Dear Ms. Wells:

Thank you for following up on the ownership changes for Water Right No. 1932-3 and Water Permit No. 4874-3. The transfers have been completed and Nos. 1932-3 and 4874-3 are now listed in your name.

Enclosed are your Receipt Nos. 416679 and 416680 in the amount of \$2.50 each.

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

CLARK ENERSEN
OLSSON BURROUGHS & THOMSEN
ARCHITECTS — ENGINEERS
LINCOLN, NEBRASKA

DATE 3-28-72 PAGE 1 OF 1

JOB Ray hyle Irrigation Project

JOB NO. 1

BY Ray Lyle

Irrigation Well

Section 36 T91R49

Land to be irrigated:
W $\frac{1}{2}$ NE $\frac{1}{4}$ & SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 36 T91R49.

MAP NO. 1366-3 APPL. NO. 1932-3



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 8, 2008

No. 1932-3 and 4874-3

Brian Chicoine
32650 480th Ave
Elk Point SD 57025

Dear Mr. Chicoine:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Permit/Right Nos. 1932-3 and 4874-3. The water permits are currently listed in the name of Arlene Lyle Wells.

The transfer forms should be checked over for accuracy and **signed by the new owner**. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (\$5.00 total).

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 Lynn Beck or me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
email: karen.schlaak@state.sd.us

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED
APR - 3 2008
WATER RIGHTS
PROGRAM

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

No. 1932-3

Date: 3/31/08

I/We request that Water Right/Permit No. 1932-3

formerly owned by: Arlene Lyle Wells

be transferred to: (name & address) Brian Chicoine, 32650 480th Ave, Elk Point SD 57025

Telephone No. 605 966-5271

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

120 acres - W 1/2 NE 1/4, SE 1/4 NE 1/4 Section 36-T91N-R49W

I/We understand that the validity of Water Right/Permit No. 1932-3 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 Brian Chicoine, the new owner, certify that the above information is true and correct.


(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 4/3, 20 08

RECEIVED OF Brian Chicoine 32650 480th Ave Elk Point SD 57025

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>1932-3</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. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

03611

By

Richard E. Ebel
Chief Engineer

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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



April 8, 2008

Brian Chicoine
32650 480th Ave
Elk Point SD 57025

RE: Water Right Nos. 845-3, 1932-3, 3313-3 and 4874-3

Dear Mr. Chicoine:

I am writing to acknowledge receipt of the ownership changes you filed for Water Right Nos. 845-3, 1932-3, 3313-3 and 4874-3.

With reference to the transfer forms for Water Right Nos. 845-3 and 3313-3 (Roland Chicoine); a legal description was not included on either form showing what property was transferred. Water Right No. 845-3 authorizes irrigation of the S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 34 and NW $\frac{1}{4}$ Section 35, T91N, R49W and No. 3313-3 authorizes irrigation of the N $\frac{1}{2}$ Section 35, T91N, R49W. Since no legal description was included, we are assuming that you own the entire acreage. If this is incorrect, please contact me so corrections can be made.

The transfers have been completed. The water rights are now listed in your name. Enclosed are your Receipt Nos. 3610, 3611, 3612 and 3613 in the amounts of \$2.50 each which you paid for filing the ownership changes.

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

Sincerely,

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

enclosures

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

Water Right No. 1932-3 with priority dates of May 12, 1971 and March 28, 1972 authorized irrigation of 120 acres. Water Permit No. 4874-3 was obtained to add acreage to No. 1932-3.

At the time of licensing, the applicable portions of Water Right No. 1932-3 were incorporated into Water License No. 4874-3.