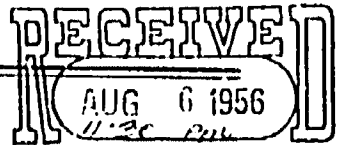


1. Considered September 17, 1956
2. Name of Applicant Ray E. Lyda 232-3
3. Post Office Address Elk Point, S. Dak.
4. Amount of water claimed 2.28 CFS
5. Source of water supply well
6. Water to be used for irrigation
Acres to be irrigated 160
7. Water to be diverted and used in Union County about
4 miles south-east of Elk Point.
8. Proof of Publication Received ☒
Not Received ☒
9. Application Approved ☒
Subject to _____
Not approved ☐
Action deferred ☐

10. Remarks:

No. 232-5Water Division No. 3Big Sioux River

District

STATE WATER RESOURCES COMM.

PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant Lyles, Ray E. Rt 1, Box 110
 Postoffice address Elk Point, County Union, State S. D.

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)

Contract(b) Cash on hand, \$ 3000.00

(c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____

(e) Other resources, \$ _____

2. Name of diversion work Deep well3. Amount of water claimed 2.28 cubic feet per second4. Source of water supply Deep irrigation well5. Location of point of diversion Surveyor's map enclosed

_____ on _____ bank _____ County.

6. Annual period or periods during which water is to be used Frost free period

7. To be used for:

I. Irrigation or ~~domestic~~ use: Gravity, overhead sprinkling or combination system? gravity(a) Number of acres to be irrigated 160 acres.(b) Legal subdivisions to be irrigated Sec 4, Twp 23-41-49

(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 _____

1140 115 182-3

8. Estimated cost of work:

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

(b) Pumping plant, \$ 1920(c) Fluming, \$ 50

(d) Canal-earth, \$-----

Rock, \$-----

(e) Other structures Farm Laterals \$ 200Total, \$ 2170

9. Description of diversion works:

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

Deep well with pumping plant

II. Dimensions of works:

(a) Dam: Height ----- feet; length at bottom ----- feet; length at top ----- feet; thickness at bottom ----- feet; thickness at top ----- feet; slope at front water face -----; slope at back face -----
material used in construction -----

(b) Reservoir: Capacity when filled ----- acre feet. Surface area at highwater mark ----- acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	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 ----- years.

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

12. Choice of newspaper for publication of notice of intention to appropriate Leadest Courier

STATE OF SOUTH DAKOTA

County of ----- } ss.

I, -----, 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

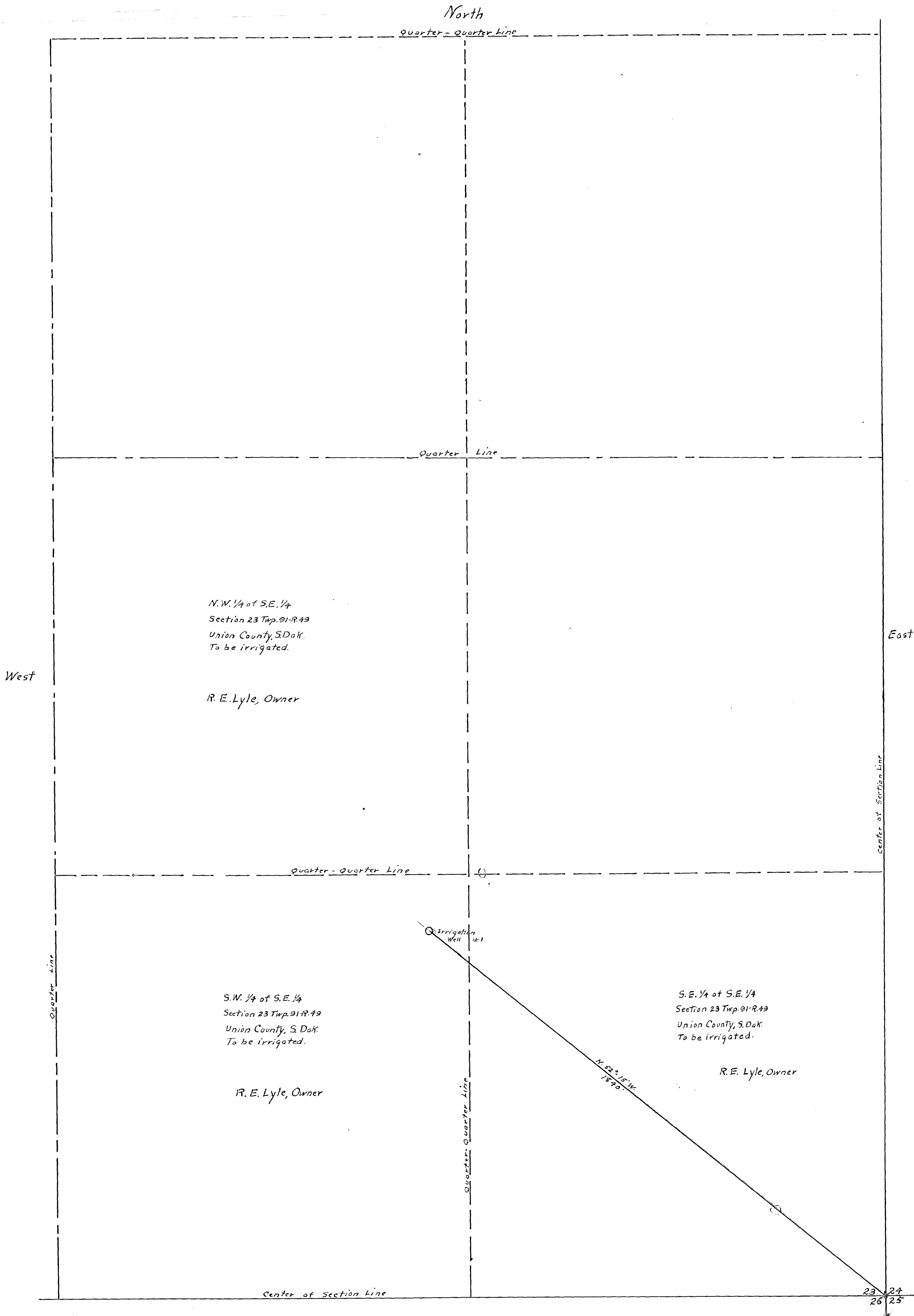
Ray E. Lyle

Subscribed and sworn to before me this 3 day of August 1954

Edward E. Ehen
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

My comm. expires Jan. 5, 1957



Lyle Irrigation Project #I
in S.E. 1/4 of Section 23 Twp. 91-R. 49
Union County, South Dakota

I, Ellis V. Nelson a licensed engineer hereby certify
that I have made a survey of the West 1/2 of
S.E. 1/4 and the S.E. 1/4 of the S.E. 1/4 of Section 23
all in Township 91-Range 49, Union County, South
Dakota and located irrigation well #1 as indicated
on the above plat.

Dated at Sioux Falls, South Dakota, April 5-1956.

Ellis V. Nelson
Licensed Engineer

State of South Dakota } ss
County of Minnehaha

On this 5th day of April, 1956 before me, the
undersigned officer, personally appeared Ellis V. Nelson
known to me or satisfactorily proven to be the person
whose name is subscribed to the within instrument
and acknowledged that he executed the same for the
purpose therein contained.

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

KATHLEEN M. ELLIS
Minnehaha County, S. Dak.
Notary Public, Minnehaha
County, South Dakota

Map No. 182-3
(App. No. 232-3)

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes ss.

Pierre, South Dakota, August 22, 10. 56

This is to certify that the foregoing application was received by the Commission at 4:30 o'clock
p.m. upon the 6 day of August, 10. 56

State Water Resources Commission

By:

Geo. Rinner

Chief Engineer, Executive Officer

Number of permit 232-5

Date of first receipt of application August 6, 10. 56

Date of return to applicant for correction, amendments or changes required as follows: August 13, 10. 56

Date of receipt of corrected application August 21, 10. 56

Date from which applicant may claim right August 6, 10. 56

Approved October 17, 10. 56, Recorded in Book 3 Page 209

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

April 17, 10. 58

2nd. The whole of said work is to be completed on or before October 17, 10. 59

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

October 17, 19. 61

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 2.28 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 October 17, 19. 61; said water to be used during the following described annual period:

April to October inclusive

Witness my hand this 29 day of November, 10. 56

State Water Resources Commission

By:

Geo. Rinner

Chief Engineer, Executive Officer

Certificate of Construction issued MAY 12, 19. 71

Water License issued MAY 12, 19. 71

9. (continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 36 inches,

Depth 100

Type of casing Concrete
(wood, concrete, steel, etc.)

Size of casing 18 inch, Thickness of casing 6 inch
length of casing 4 ft. If collection gallery,
length, size, and depth of gallery _____.

(b) Screens

Type of perforated screen 40 ft perforated concrete

Size of perforated screen 18 inch, 40 ft
(diameter) (length)

Thickness of gravel pack 6 inch, length of gravel
pack entire well

(c) Water Bearing Materials

Distance to water 20 feet.

Character of water bearing materials
coarse gravel and gravel rocks.

Thickness of water bearing material 60 feet

(d) Pump and motor

Type of pump Bowl with 7 Impeller
(centrifugal, propeller, mixed flow, etc.)

Name of pump Weston Tread Roller, size 8 inch

Kind of motor gasoline tractor
(gasoline, electric, diesel, etc.)

Horsepower 25

Name of motor Casa

(e) Complete well

Capacity 1200 gal at drawdown of 12 feet

Estimated cost 2170

(f) Owner of land upon which well is located _____
Name

Ray E. Lyle, Exp Point S D
Address

(g) Distance to nearest existing wells

On same Owner's property 40 rods

On property owned by others 240 rods

Permit No. 232-3

Water Diversion No. 3 BIG SIOUX RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Ray E. Lyle

_____ the holder _____ of
Permit No. 232-3, issued upon Application No. 232-3, bearing date of priority of August 6,
1956 authorizing the diversion of 2.28 cu. ft. per second of the waters of _____
ground water County of Union, State of South Dakota at _____
a point 1840 feet North 22° 15' West of the SE Corner, Section 23,
T91N, R49W
_____, for irrigation

purposes, has 8 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 2.23 cu. ft. per second of water.

Date May 12, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. ... 232-3

(1) WHEREAS, On the 6th day of August A. D. 19 56

Ray E. Lyle

made Water Right Application No. 232-3 for a permit to use 2.28 cubic feet per second of the waters of ground water

County of Union, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 29th day of November A. D. 19 56

Permit No. 232-3, with a date of priority of August 6, 1956

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 17th day of October A. D. 19 59 and for the application to beneficial use of said water on or before the 17th day of October A. D. 19 61

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 2.23 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, 79W

for irrigating the SE $\frac{1}{4}$, Section 23, T91N, R64W

(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 Ray E. Lyle

_____ of Elk Point, S.D.

the holder _____ and owner _____ of said permit No. 232-3 a water right, dating from August 6, 1956

_____ to use of 2.23 cubic feet per second of the waters of ground water

in the County of Union and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 1840 feet, North 52° 15' West of the SE Corner, Section 23, T91N, R49W

and conduct to and upon the SE $\frac{1}{4}$, Section 23, T91N, R49W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 232-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 12th day of May A. D.
Nineteen Hundred and Seventy-one

WATER RESOURCES COMMISSION

By: _____
Chief Engineer, Executive Officer, J.W. GRIMES

Permit No. 232-3

Water Division 2 SIoux RIVER Water District

REPORT 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 Ray E. Lyle
of Elk Point, S.D. holder
of Permit No. 232-3, bearing date of priority of August 6, 19 56
authorizing the diversion of 2.28 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:

Well, 100 feet deep, 24 inch concrete casing, static level 15 ft., bowl setting 45 ft.
Western Land Roller pump, 8 inch- Mod. 8 M. 103N
Case tractors, gasoling, 30 HP, Mod. 49 SC

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

40 rods, 8 inch aluminum main line } This pipe is used jointly for two Water
1/2 mile, 8 inch aluminum gated pipe } Rights No. 232-3 and 331-3

C. Works used to apply water to beneficial use.

Gated Pipe
Land leveling

The system is in the following condition: Good

The point of diversion is located 1840 ft. N. 52° 15' West of the SE Corner, of Section 23,
T91N, R49W

The works are capable of diverting and conveying to the place of use 2.23
cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows: SE 1/4 Section 23, T91N, R49W

comprising a total of 160 acres of land.

Date September 30, 1970

Donald Driscoll
(Signature)

DONALD DRISCOLL, Deputy Chief Engineer
Water Resources Commission

(First Publication August 25, 1956.)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., August 22, 1956

Notice is hereby given that Roy E. Lyle whose postoffice address is Elk Point S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.28 cubic feet of water per second of time from ~~xxx~~ ground water through ~~xx~~ a deep well, the point of diversion of which is to be located ~~xxxx~~ ~~xxxxxx~~ in the SW 1/4 of the SE 1/4 of Section 23 Twp. 91N. Range 49W. Said water to be used for the purpose of providing irrigation on the following described land:

Sec. 23, T. 91N., R. 49W.

~~xxxxxx~~ ~~xxxxxx~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 12th day of September, 1956, at 3:00 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

By:

Les Wyborny, Water Engineer
For: J. W. Grimes, Chief Engineer, Executive Officer

cc: John A. Kennedy, Publisher
The Daily Argus Leader
Sioux Falls, South Dakota

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Minnehaha } ss.

A. A. ROESLER being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the _____

SIOUX FALLS ARGUS LEADER a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the _____

City of Sioux Falls County of _____

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

August 21, 1956

August 31, 1956

September 7, 1956

September 14, 1956

in each and every issue of the full number thereof, the first publication being made on the 21 day of August

1956 and the last publication on the 14th day of

September 1956, upon which days or times

of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was Controller the printer and publisher of the said newspaper.

RECEIVED
OCT 17 1956STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPROPRIATION OF WATER
Office of State Water Resources Commission,
Pierre, S. Dak., August 22, 1956.
Notice is hereby given that Ray E. Lyle whose post office address is Elk Point, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.28 cubic feet of water per second of time from ground water through a deep well, the point of diversion of which is to be located in the SW 1/4 of the SE 1/4 of Section 23, Twp. 51N, Range 48W. Said water to be used for the purpose of providing irrigation on the following described land:
SE 1/4, Sec. 23, T. 51N, R. 48W.
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of September, 1956, 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,
By Les Wyborny, Water Engineer For:
—J. W. Grimes,
Chief Engineer,
Executive Officer.
(Aug. 24, 31, Sept. 7, 14)

Subscribed and sworn to before me this 14th day of September A. D. 1956

Edna Tague
Notary Public Minnehaha County, S. D.

Cleanor Tague
My Commission Expires
June 30, 1958



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 form 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

South Dakota Department of Water and Natural Resources

No 4 9846

Pierre, December 3, 1984

RECEIVED OF E. Phillip/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#232-3

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

Chief Engineer

JOHN HATCH/ms

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 11-29-84

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

160 acres SE $\frac{1}{4}$ Section 23, T91N, R49W

formerly owned by Ray E Lyle

has been transferred to Phillip E. Lyle, 255 Claytor, ^{St.} Denver CO 80206
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 232-3 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.

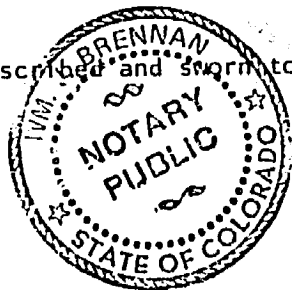
COLORADO
STATE OF ~~SOUTH DAKOTA~~)
County of DENVER) ss.

I, Phillip E. Lyle 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.

Phillip E. Lyle
(Signed)

Subscribed and sworn to before me this

29th Day of November, 1984



Wm J Brennan
(Notary Public)

Commission Expires 7-23-87

WNR-820-9/83
Notice of Transfer of Water Permit





Department of Water & Natural Resources

Joe Foss Building
523 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

232-3

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

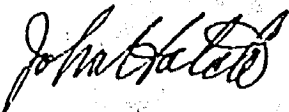
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 331-3, 1932-3, 232-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires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

South Dakota
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

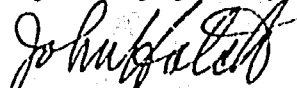
Phillip E Lyle
255 Clayton St
Denver CO 80206

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



232-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 30, 1996

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.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

PHILLIP E LYLE
255 CLAYTON ST
DENVER CO 80206

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

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

☒ Consult postmaster for fee.

4a. Article Number

2161 984 119

4b. Service Type

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

7. Date of Delivery

2-16-90

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

5. Received By: (Print Name)

Phillip E Lyle

6. Signature: (Addressee or Agent)

X *Phillip E Lyle*

PS Form 3811, December 1984

Domestic Return Receipt

Thank you for using Return Receipt Service.



232-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**
JOE FOSS BUILDING
573 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



232-3
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

232-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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.

232-3

Fold at line over top of envelope

SENDER: ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.
3. Article Addressed to: PHILLIP E LYLE 1800 W LITTLETON BLVD LITTLETON CO 80120 2021	4a. Article Number P378 080 738	
	4b. Service Type ☐ Registered ☒ Certified ☐ Express Mail ☐ Insured ☐ Return Receipt for Merchandise ☐ COD	
	7. Date of Delivery 1/25	
5. Received By: (Print Name)	8. Addressee's Address (Only if requested and fee is paid)	
6. Signature: (Addressee or Agent) X L. R. Hille		

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Services.

PS Form 3811, December 1994

122395-98 B-0229

Domestic Return Receipt



232-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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,

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



232-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

DEC 30 1999

4884-3

Phillip Lyle
1800 W. Littleton B'vd.
Littleton, CO 80120

Dear Mr. Lyle:

Enclosed is Water License No. 4884-3. This is the final water right document completing your process of obtaining a Water Right.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 4884-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

ks
enclosures

c: Brian or Terri Chicoine, 32650 480th Ave., Elk Point, SD 57025

NOTE: The applicable portion of Water Right No. 232-3 is incorporated into this No. 4884-3.

Licensing of Acreage Outside of Permitted Area

NAME: Phillip Lyle

ADDRESS: 1800 W. Littleton Blvd., Littleton, CO 80120

DATE: November 27, 2000

COUNTY: Union County

TELEPHONE: (303) 730-3439

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 87 acres as compared to 160 acres authorized by the permit. Licensing of the permit will result in a reduction in the amount of water appropriated.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

Seven acres located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, T91N, R49W are contiguous to the 80 acres authorized by Water Right No. 232-3 located in the SW $\frac{1}{4}$ Section 23, T91N, R49W.

- **Owned by Same Property Owner**

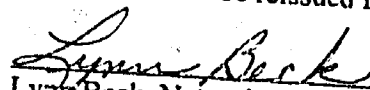
yes

- **Developed Prior to Expiration of Construction Period**

yes

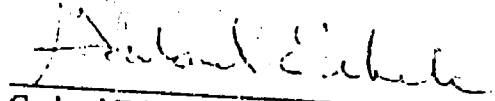
RECOMMENDED ACTION

Based on the above criteria, it is recommended that the 7 acre area be included in the water license. The applicable portion of Water Right No. 232-3 is incorporated into Water Right No. 4884-3. Water Right No. 4884-3 needs to be reissued for 111 acres and 1.58 cubic feet of water per second.


Lynn Beck, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.


Garland Erbele, Chief Engineer
Water Rights Program