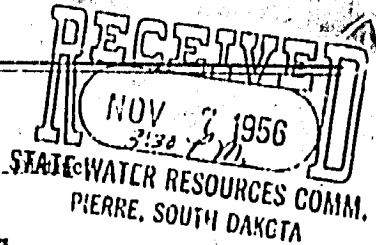


1. Considered March 11, 1957
2. Name of Applicant Ray E. Wyp # 331-3
3. Post Office Address Eik Point, South Dakota
4. Amount of water claimed 228
5. Source of water supply ground water
6. Water to be used for irrigation
Acres to be irrigated 160
7. Water to be diverted and used in Union County about
7 miles SE of Eik Point
8. Proof of Publication Received ☒
Not Received ☐
9. Application Approved ☒
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 3-31-7Water Division No. 3 Big Sioux River
(Blank 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 Rev. E. Jule RT-1, Box 110
 Postoffice address Elk Point, County Butte, 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, \$
 (c) Treasury stock, \$
 (d) Bonds to be issued, \$
 (e) Other resources, \$
deep well

2. Name of diversion work
 3. Amount of water claimed 2.23 cubic feet per second
 4. Source of water supply deep irrigation well
 5. Location of point of diversion 1794' 7" - 511' 2" - 270' 0" NW 1/4 Sec. 36-91-49
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 NW 1/4 Section 36-91-49

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

Map No. 249-3

8. Estimated cost of work:

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

(b) Pumping plant, \$ 2000

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

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

Rock, \$-----

(e) Other structures

Farm laterals

\$ 150

Total, \$ 2150

9. Description of diversion works:

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

Deep well 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. 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 ----- 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 -----

Leader Courier,

Elkhart, I.D.

STATE OF SOUTH DAKOTA

County of Miner

ss.

I, Ray 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, 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

6

day of

Nov.

1956

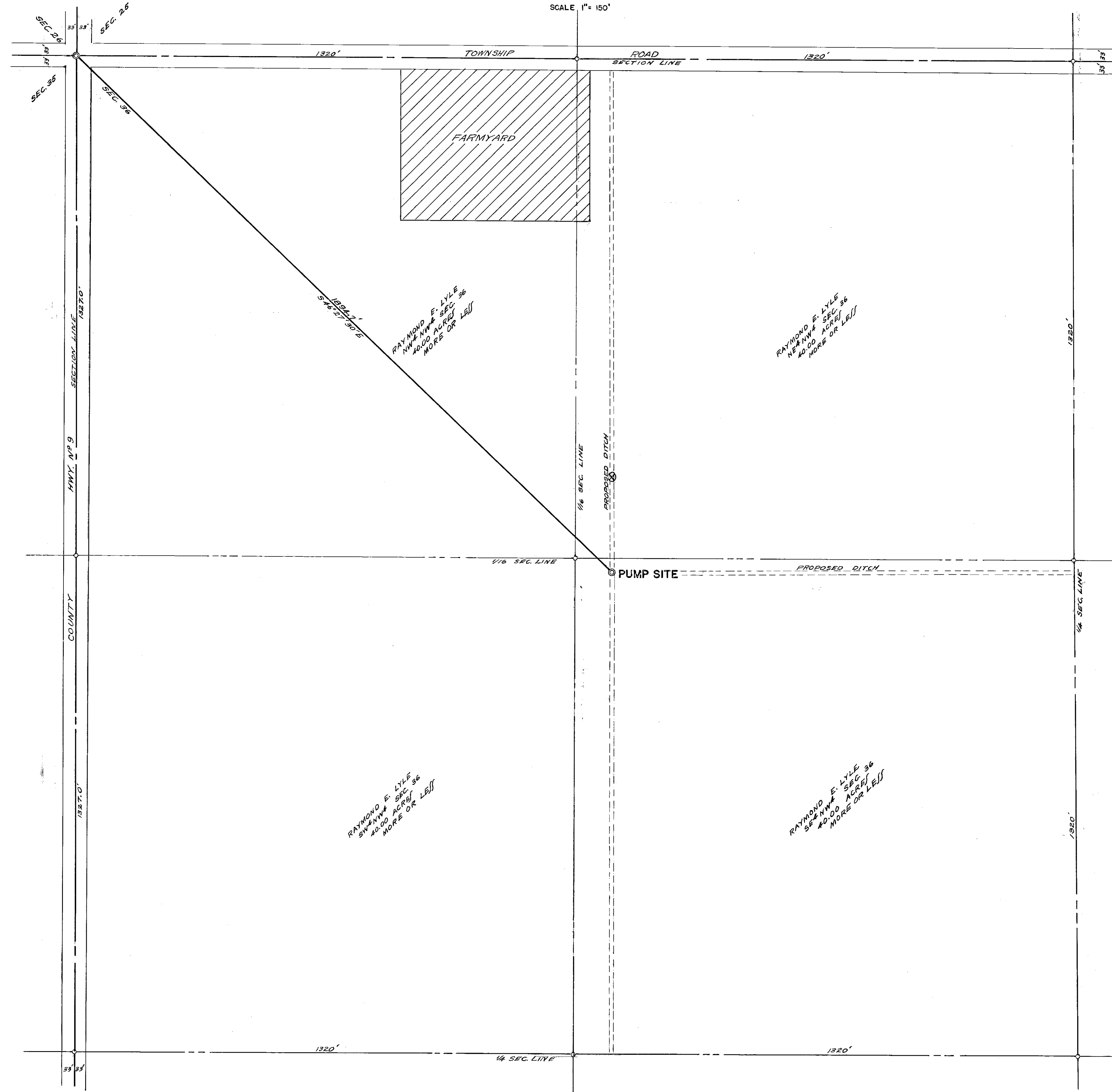
Steve Anderson
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

PLAT
SHOWING

PUMP SITE AND LANDS TO BE IRRIGATED IN THE NW⁴NW⁴,
THE NE⁴NW⁴, THE SW⁴NW⁴ AND THE SE⁴NW⁴ ALL IN
SECTION 36, T9N-R49W OF THE 5TH P.M.

SCALE 1"=150'



SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA } S.S.
COUNTY OF UNION

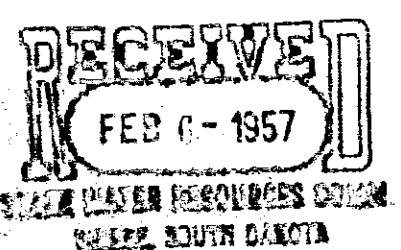
I, ROBERT M. WHYTE, A REGISTERED LAND SURVEYOR, DO HEREBY
CERTIFY THAT, AT THE REQUEST OF THE LAND OWNER'S I HAVE
SURVEYED THE LANDS SHOWN HEREON AND THAT SAID SURVEY IS
IN ALL RESPECTS TRUE AND CORRECT.

Robert M. Whyte
REGISTERED LAND SURVEYOR

STATE OF SOUTH DAKOTA } S.S.
COUNTY OF UNION

ON THIS THE 4TH DAY OF FEBRUARY 1957, BEFORE ME, PETER A.
ANDERSON, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED
ROBERT M. WHYTE, KNOWN TO ME OR SATISFACTORILY PROVEN TO
BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INST-
RUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME FOR
PURPOSES THEREIN CONTAINED, IN WITNESS WHEREOF I HEREUNTO
SET MY HAND AND OFFICIAL SEAL.

Peter A. Anderson
NOTARY PUBLIC



Map No. 249-3
(Appl. No. 331-3)

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA

County of

ss.

Pierre, South Dakota,

December 4, 1956

This is to certify that the foregoing application was received by the Commission at 3:30 o'clock

P.m. upon the 7 day of November, 1956

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Number of permit 331-3

Date of first receipt of application

November 7, 1956

Date of return to applicant for correction, amendments or changes required as follows: December 4, 1956

Date of receipt of corrected application

February 6, 1957

Date from which applicant may claim right

February 6, 1957

Approved March 12, 1957, Recorded in Book 4 Page 39

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 12, 1959

2nd. The whole of said work is to be completed on or before March 12, 1962

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

March 12, 1963

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 March 12, 1963; said water to be used during the following described annual period:

April to October inclusive

Witness my hand this 25 day of March, 1957

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Certificate of Construction issued MAY 12, 1971

Water License issued MAY 12, 1971

9. (continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 3 1/2 inches

Depth 100 ft

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

Size of casing 18 inches, Thickness of casing 6 in
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 in, 40 ft
(diameter) (length)

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

(c) Water Bearing Materials

Distance to water 20 ft

Character of water bearing materials
Coarse gravel and glacial rock

Thickness of water bearing material 60 ft

(d) Pump and Motor

Type of pump Bowl with 4 Impeller
(centrifugal, propeller, mixed flow, etc.)

Name of pump Western Land Rovers 8 mil

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

Horsepower 25

Name of motor Case

(e) Complete well

Capacity 1000 gpm at drawdown of 12 ft

Estimated cost 2300

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

Lytle, Elk Point S.D.
Address

(g) Distance to nearest existing wells

On same Owner's property 80 rods 40' deep

On property owned by others 160 rods

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 331-3

(1) WHEREAS, On the 7th day of November A. D. 19 56
Ray E. Lyle

made Water Right Application No. 331-3 for a permit to use 331-3 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 23th day of March A. D. 19 57
Permit No. 331-3, with a date of priority of February 6, 1957

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 12th day of March A. D. 19 62 and for the
application to beneficial use of said water on or before the 12th day of March A. D. 19 63

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,
for irrigating the NW $\frac{1}{4}$, Section 36, T91N, R49W

(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, South Dakota
the holder _____ and owner _____ of said permit No. 331-3 a water right, dating from February 6, 1957
_____ 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
hereinbelow mentioned, to be diverted at a point 1894.7 feet, South 47° 27' 30" East of
the NW Corner, Section 36, T91N, R49W

and conduct to and upon the NW¼, Section 36, T91N, R49W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 331-3 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. 331-3

Water Division No. 3 BIG SIOUX RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Ray E. Lyle

_____ the holder _____ of
Permit No. 331-3, issued upon Application No. 331-3, bearing date of priority of February 6, 1957
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 1894.7 feet, South 47° 27' 30" East of the NW Corner,
Section 36, T91N, R49W

_____, for irrigation

purposes, has ^B 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

(First Publication before February 15, 1957)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., February 7, 1957

Notice is hereby given that Ray 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 the ground water through the irrigation system, the point of diversion of which is to be located 1300 ft ~~in the SE 1/4 of the NW 1/4 of Section 36~~ In the SE 1/4 of the NW 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, Sec 36, T 91 N, R 49 W

~~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 March, 1957, 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:

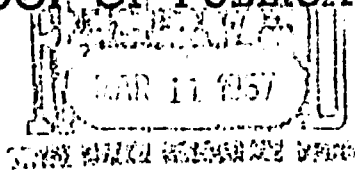
J. W. Grimes,

Chief Engineer, Executive Officer

cc - Mr. W. J. Ryan, Publisher
Leader-Courier
Elk Point, South Dakota

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County UNION } ss.



WM. J. RYAN being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the

LEADER COURIER 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 ELK POINT of UNION County of

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

FEB. 14-21-28, MARCH 7, 1957

in each and every issue of the full number thereof, the first publication being made on the 14th day of FEBRUARY

1957 and the last publication on the 7th day of

MARCH 1957 upon which days or times

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

was MANAGER the printer and publisher of the said newspaper.

APPROPRIATION OF WATER

Office of State Water Resources Commission, Pierre, S. Dak., February 7, 1957.

Notice is hereby given that Ray 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 ground water through the irrigation system, the point of diversion of which is to be located in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 36, Twp. 91N, Range 49W. Said water to be used for

the purpose of providing irrigation on the following described land:

NW $\frac{1}{4}$, Sec. 36, T 91N, R 49W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 12th day of March, 1957, 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: J. W. Grimes,

Chief Engineer, Executive Officer.
(Pub. Feb. 14-21-28, Mar. 7)

Subscribed and sworn to before me this

day of

March

A. D. 1957

Notary Public

Union County, S. D.

Permit No. 331-3Water Division 3 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. 331-3, bearing date of priority of February 6, 19 57
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, 110 ft. deep, 18 inch steel casing
Western Land Roller pump, 8 inch, Mod. 8B
Dayton Electric Motor - 30 HP, Type NJK

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 1894.7 Ft. S. 47° 27' 30" E. of the NW Corner of
Section 36, 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:
NW 1/4, Section 36, 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

South Dakota
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
South Dakota Department of Water and Natural Resources

No 4 9845

Pierre, December 3, 1984

RECEIVED OF Phillip E. Lyde, 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 <u>WR-331-3</u>	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)

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 - NW 1/4 Section 36, T91N, R49W

formerly owned by

Ray E Lyle

has been transferred to

Phillip E Lyle, 255 Clayton 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. 331-3 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 46-2-3.

STATE OF COLORADO

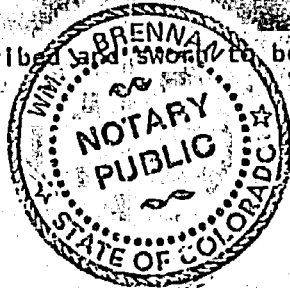
County of Denver ss.

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 infor-
mation herein stated is true.

Phillip E. Lyle
(Signed)

Subscribed and sworn to before me this

29th Day of November, 1984

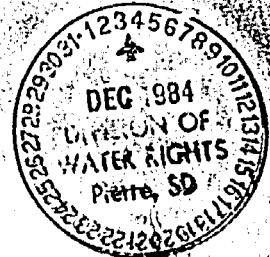


Wm J. Brennan
(Notary Public)

Commission Expires 7-23-87

WNR-820-9/83

Notice of Transfer of Water Permit



**South Dakota 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

331-3

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

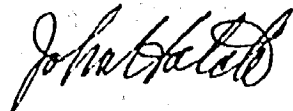
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 331-3, 1932-3, 232-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires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



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



331-3

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.



331-3

**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, 1995 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,

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

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



331-3
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) 773-2352

enclosures



January 22, 1999

331-3

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.



331-3
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,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 26, 2009

331-3
4884-3

Phillip E Lyle
6 Driver Ln
Littleton CO 80123-6663

Dear Mr. Lyle:

Enclosed is a "Notice" dated October 16, 2009 concerning the 2009 irrigation questionnaire.

The notice was originally mailed to 1800 W Littleton Blvd, Littleton 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,

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

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

enclosures

PHILLIP E. LYLE
2230 W. Hazelhurst
Anthem, AZ 85086
H: 623-551-4539
C: 303-478-1716

RECEIVED
NOV 13 2009
WATER RIGHTS
PROGRAM

November 9, 2009

Genny McMath, Environmental Scientist
Department of Environment and Natural Resources
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

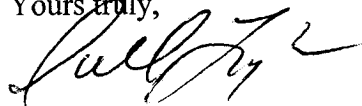
Re: Permits No. 4884-3 and 331-3

Dear Ms. McMath:

Please be advised that I desire to transfer the above referenced water permits and request that you send me the necessary forms to effect said transfers.

I can be reached at the above address, which is my home from November first through May fifteenth.

Yours truly,



Phillip E. Lyle

cc: Brian Chicoine



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 16, 2009

331-3
4884-3

Phillip E Lyle
2230 W Hazelhurst
Anthem AZ 85086

Dear Mr. Lyle:

Thank you for your letter concerning the pending ownership changes needed for Water Right Nos. 331-3 and 4884-3.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing ownership changes. The forms will need to be completed and signed by the new owner(s). Once completed, the forms can be returned to our office with a required filing fee of \$50.00 each (total of \$100.00). The check or money order for the fee can be made payable to the Water Rights Program.

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 8, 2009

331-3
4884-3

Brian Chicoine
32650 480th Ave
Elk Point SD 57025

Dear Mr. Chicoine:

Thank you for calling with the information for your 2009 irrigation questionnaires. Based on our telephone conversation, I completed a total of eight irrigation questionnaires (6 for you and 2 for Philip Lyle). The forms indicate that no irrigation took place this year due to sufficient natural moisture.

In regard to the ownership change for Water Right Nos. 331-3 and 4884-3, enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership change. Upon completion, please sign and return the forms to our office with a required filing fee of \$50.00 each (total of \$100.00). The check or money order for the fee can be made payable to the Water Rights Program.

In the event you do not have them, I am including a copy of both water rights for your records. 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

enclosures

RECEIVED

DEC 18 2009

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 331-3

Date: 12/12/09

I/We request that Water Right No. 331-3

formerly owned by: Phillip Lyle

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:

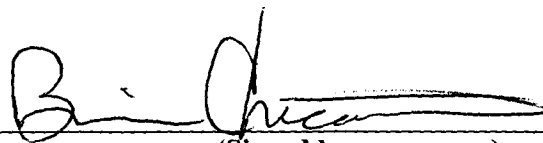
NW ¼ Section 36, T91N, R49W

I/We understand that the validity of Water Right No. 331-3 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 Fifty Dollars (\$50.00) 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 _____, 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 12/18, 20 09

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	50	00
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>331-3</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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 04278

By

Leland Erbe
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 21, 2009

331-3
4884-3

Brian Chicoine
32650 480th Ave
Elk Point SD 57025

Dear Mr. Chicoine:

Thank you for following up on the ownership changes for Water Right Nos. 331-3 and 4884-3. The transfers have been completed. The water rights formerly held by Philip Lyle are now listed in your name.

Enclosed for your records are Receipt Nos. 04278 and 04279 in the amount of \$50.00 each.

If you have any questions, please contact me.

Sincerely,

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

enclosures