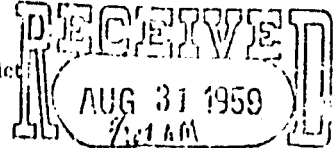


- 115-1
1. Considered 10-1, 1900
2. Name of Applicant H. P. H.
3. Post Office Address Water
4. Amount of water claimed 1000
5. Source of water supply Mountain
6. Water to be used for irrigation
Acres to be irrigated 7200
7. Water to be diverted and used in Yuba County about
10 miles 10 of 10.
8. Proof of Publication Received Yes
Not Received No
9. Application Approved Yes
Subject to 1000
Not approved No
Action deferred No
10. Remarks:

No. 412-1
 Water Division No. 1 District 1
 (Blanks to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

STATE WATER RESOURCES COMM.

To appropriate V

SHEELER FARMS
VALE, SD 57788

Dakota

KARRELS

1. Name of applicant

TRANSFERRED: 11-18-77

Postoffice address

I. If a corporation

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors

(NOTE--A certified copy of articles of Incorporation must accompany the application.)

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

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

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work Adams Irrigation Project

3. Amount of water claimed 3.5 cubic feet per second

From the Belle Fourche River Between a point S 1450' from NW Cor. 28 & a point S 460' from N 1/4 cor. Sec. 28, From Cottonwood Creek, Beg. at a point

4. Source of water supply

5. Location of point of diversion S 370' E 1655' to a point S 1570' from the

on bank County.

From Cottonwood Creek from a point S 370' E 1655' to a point S 1570' from the NW Cor. Sec. 28, T. 6 N., R. 6 E-BNF. to point S 3045' E W from the E 1/4 Cor. Sec. 28, T. 6 N., R. 6 E-BNF.

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

NW-SE-33 Ac., NE-SE-33 Ac. Sec. 28, T. 3 N., R. 6 E-BNF

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

Irrigation and stockwater

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use

Stockwater

Name any of the above uses claimed

(b) Amount of power to be generated

None

horse power.

Amount claimed for engine cooling

None

(c) Location of plant

None

(d) Method of developing power

None

(e) Point where water will be returned to stream

N.Y.

28

173Ac

61 A

234 A

8. Estimated cost of work: Berkeley 6-ZRM Pump with pipe 1400.00
(a) Head Gates, \$----- (b) Pumping plant, \$-----
(c) Fluming, \$----- (d) Canal-earth, \$----- Rock, \$-----
(e) Other structures \$----- Total, \$-----

9 Description of diversion works:

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

Pumping from the Belle Fourche River and Cottonwood Creek
to present ditch system, or additions thereto.

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

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

DEPTH AT OUTLET- FEET	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE- FEET CAPACITY

(c) * Head gate: Width-----feet; height-----feet;
Material-----

(d) Canal: Total length-----miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work-----5-----years.

11. Time required for complete application of water to the proposed beneficial use-----4-----years.

12. Choice of newspaper for publication of notice of intention to appropriate-----
The Valley Irrigator, Newell, So. Dak.

STATE OF SOUTH DAKOTA

County of Butte ss.

I, A.E. Adams, 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 A.E. Adams

Subscribed and sworn to before me this 27th day of August 1950

Carl H. Cornell,

Notary Public (My Comm. Expires October 1951)

*Each diversion must have a headgate or measuring device.

My Commission expires April 18, 1967.

PLAT
OF
THE A.E. ADAMS IRRIGATION PROJECT
Sections 28 & 29, T.8 N., R.5 E-REM

Scale; 1 inch = 660 feet
8 inches = 1 mile.

Surveyor's Certificate.

I, Carl M. Cornell, Licensed Surveyor in and for the State of South Dakota, do hereby certify that, at the request of A.E. Adams of Vale South Dakota, I have made a survey and prepared this plat of the several tracts, shown hereon, for the purpose of furnishing the required plat of the irrigable areas of said tracts as a part of his Application to appropriate water for irrigation purposes.

I further certify that the bearings and lengths of all lines shown hereon and their location, with reference to the Government Land Corriers shown, are correct to the best of my knowledge and belief.

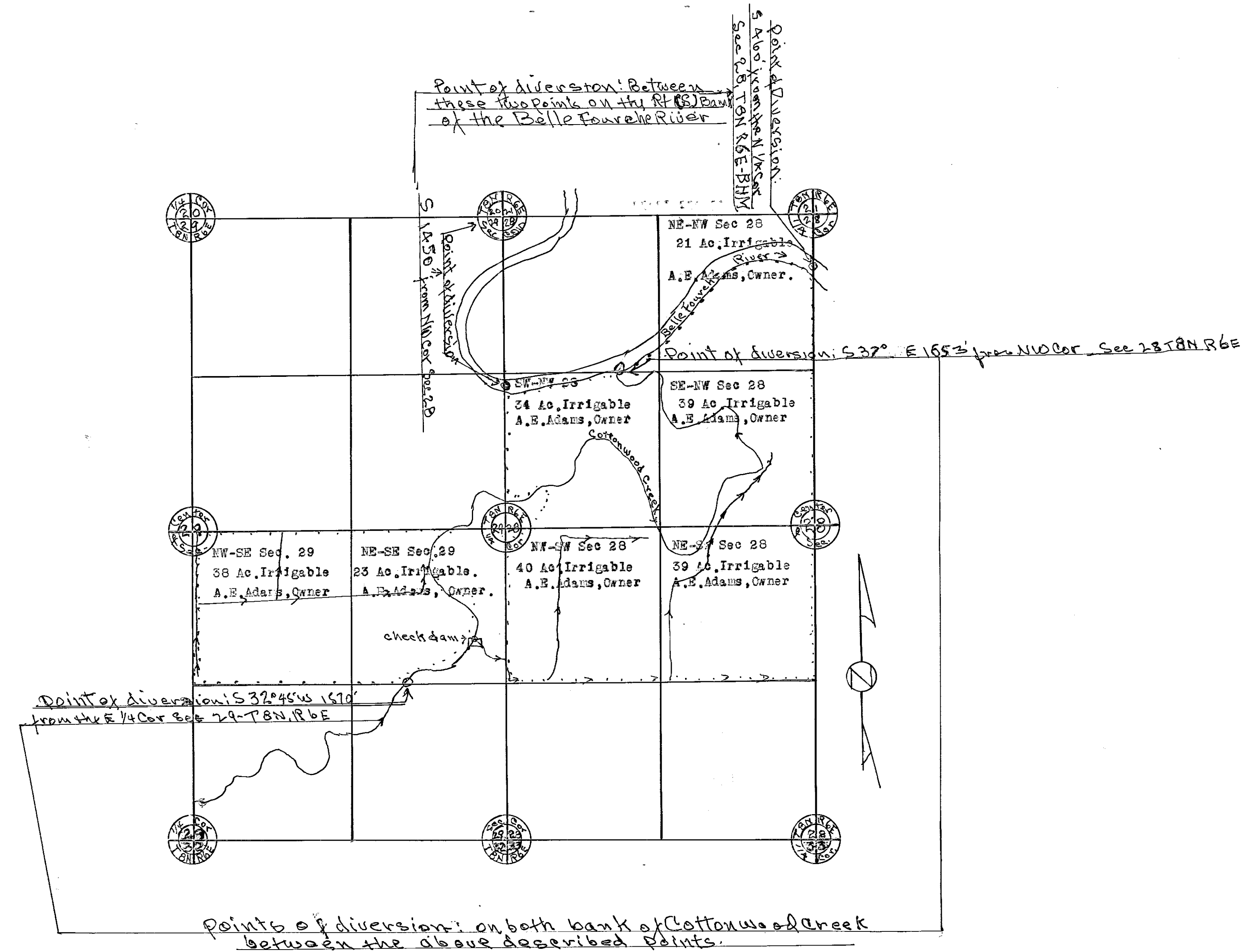
Subscribed and Sworn to at Buffalo, South Dakota this 10th day of August 1959.

Signed, Carl M. Cornell
Carl M. Cornell, Licensed Surveyor #144
(SEAL)

Subscribed and sworn to before me at Buffalo, South Dakota this 10th day of August 1959.

Florence Gundersen
Notary Public (SEAL)
FLORENCE GUNDERSAN

My Commission expires 4-4 1966



Remarks by State Water Resources Commission:

'Vasted Right' Claimed on 152 acres
or 2.19 cfs

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, October 15, 1959

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock

A m. upon the 31st day of August, 1959.

State Water Resources Commission

By: Geo. Bruns

Chief Engineer, Executive Officer

Number of permit 412-1

Date of first receipt of application August 31, 1959

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

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right 2.19 cfs 1.11 cfs August 31, 1959

Approved October 7, 1959, Recorded in Book 5 Page 238

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 October 7, 1960

2nd. The whole of said work is to be completed on or before October 7, 1960

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

October 7, 1968

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 3.30 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 7, 1968; said water to be used during the following described annual period:

April 1 to November 15, inclusive

Witness my hand this 15th day of October, 1959.

State Water Resources Commission

By: Geo. Bruns

Chief Engineer, Executive Officer

Certificate of Construction Issued July 6, 1962

Water License Issued July 6, 1962

STATE OF SOUTH DAKOTA

WATER LICENSE No. 412-1.

WHEREAS, On the 11th day of August A. D. 1959

A. E. Adams

of Valle County of Butte and State of South Dakota duly made application (No. 412-1) to us for a permit to use 3.30 cubic feet per second of the waters of Cottonwood Creek and the Belle Fourche River County of Butte, State of South Dakota, for Irrigation purposes; and

WHEREAS, On the 15th day of October A. D. 1959 Permit No. 412-1 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 7th day of October A. D. 1961 and for the application to beneficial use of said water on or before the 7th day of October A. D. 1968 and,

WHEREAS, On the 19th day of June A. D. 1962 the holder of said permit duly made proof of the completion of adequate works for the diversion of 3.30 cubic feet per second of said waters, as evidenced by our Certificate No. 412-1 dated July 6, 1962 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.30 cubic feet per second of water, with date of priority of 1931 and August 31, 1959 and,

WHEREAS, On the 19th day of June A. D. 1962 proof was duly made of the application to beneficial use of 3.30 cubic feet per second of said water; for irrigating 23 1/2 acres in portions of Sections 28 and 29, T. 8N., R. 6E.

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 A.E. Adams
of Vale the holder and owner of said permit No 112-1
a water right, dating from 1933 and August 31, 1932 to the use of 1.30
cubic feet per second of the waters of Cottonwood Creek and the Belle Fourche River
in the County of Butte and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted at between two points on the Belle Fourche
points on Cottonwood Creek in Section 28 and 29, T 8N, R 6E, more specifically described
in the Certificate of Completion of Works.
and conducted to and upon portions of Sections 28 and 29, T-8N, R-6E, more specifically
described in the Certificate of Completion of Works

for the purpose of Irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

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

this 6th day of July A. D. Nineteen
Hundred and sixty-two

State Water Resources Commission

By:

Chief Engineer, Executive Officer

J.W. GRIMES

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

c. f. s. _____

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Permit No. 412-1Water Division No. 1 BELLE FOURCHE Water District
RIVER**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That A. E. Adamsof Vale, County of Butte, and State ofthe holder of Permit No. 412-1, issued upon ApplicationNo. 412-1, bearing date of priority of 1933 and August 31, 1959, authorizing the diversion of3.30 cu. ft. per second of the waters of Ottomard Creek & the Belle Fourche RiverCounty of Butte, State of South Dakota, at From the Belle Fourche River,
between a point S 11/50' from the NW corner, and a point S 450' from the N1/4 corner, Section 28,
from Cottonwood Creek between a point S 370' E 1653' from the NW corner, Section 28, and a
point S 32°45' W 1570' from the E1/4 Corner Section 29, All in T 8N, R 6E.for Irrigationpurposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 3.30 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit: All in T 8N, R 6E.Section 28 NE1/4 NW1/4 21 acresSW1/4 NW1/4 34 acresSE1/4 NW1/4 39 acresNW1/4 SW1/4 40 acresNE1/4 SW1/4 39 acresSection 29 NW1/4 SE1/4 18 acresNE1/4 SE1/4 23 acresTotal 234 AcresWitness my hand this 6th day of July A. D. 1962

State Water Resource Commission

By:

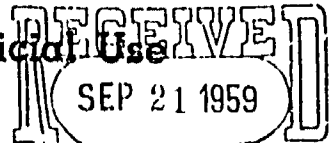
Chief Engineer, Executive Officer
J.W. GRIMES

Location No.

Water Division No. Water District

Proof of Application of Water to Beneficial Use

IDENTIFICATION OF HOLDER

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. A. E. Adams, V. 1-1, Sec. 24, T. 8 N., R. 6 E., Pierre, Pierre, South Dakota (Butte Co.)

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. This is my private enterprise.

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. None posted.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Location of concrete check dam lined to raise water over top of suction screen Cottonwood Creek, S 38° W 1853' from the NW Cor. Sec. 28, T. 8 N., R. 6 E.Constructed in 1933 and used as needed since then and claimed under vested rights.

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. Length 56', height 12', Top width 12 ft. With 24" flume which is left open when dam is not used for irrigation. Reservoir capacity approximate 2.5 acre feet.Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.) For irrigation; SW-NW 34 Ac., SE-NW-39 Ac., NW-SW-40 Ac., NE-SW-39 Ac. Total 152 Acres all in Sec 28, T. 8 N., R. 6 E-BHMAns. Water conveyed by pump, pipe and ditch to areas described above.

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. None.

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. We claim 2.19 acre feet under this vested right but wish to irrigate the additional area indicated in this application to make a total of 234 Ac. to be irrigated and a total of 3.3 acre feet of water applied for.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. No permit on this dam.

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used. **This has been used to irrigate the areas described above since 1933 -by pumping.**

Ans.

(Sign)

A. E. Adams

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Belle Fourche, County of Butte

State of South Dakota, on this 16th day of September A. D. 19 39

Carl A. Cornell, Notary Public
My Commission expires 3/13/40 Witnesses.

[Signature]
[Signature]

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

[Signature]

Locator No. -----	
PROOF OF APPLICATION OF WATER TO BENEFICIAL USE	
A. E. Adams PETITION OF HOLDER	
Amount of Water ----- c. f. s.	
Source -----	
County ----- Butte	
Purpose ----- Irrigation	
Place of Use -----	
Date of recording -----	
Received and filed -----	

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Butte } ss.

F. Lyn Gladstone being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the -----

The Valley Irrigator 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 Newell of Butte County of

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

Sept. 10-17-24 & Oct. 1

in each and every issue of the full number thereof, the first publication being made on the 10th day of September

1952 and the last publication on the 24th day of

September 1952, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was editor the printer and publisher of the said newspaper.

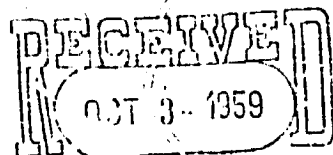
APPROPRIATION OF WATER
 Office of State Water Resources
 Commission, Pierre, S. Dak.
 September 4, 1959.

Notice is hereby given that A. E. Adams, whose postoffice address is Vale, 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 3.2 cubic feet of water per second of time from the Belle Fourche River and Cottonwood Creek through the Adams Irrigation Project, the point of diversion of which is to be located on both banks of said streams on the Belle Fourche River between a point in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and a point in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, both in Sec. 28, T. 5N., R. 3E., and on Cottonwood Creek between a point in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29 and a point in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, both in T. 5N., R. 3E. Said water to be used for the purpose of providing irrigation on parts of the following described land: NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 28 and the N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 29, all in T. 5N., R. 3E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 7th day of October, 1959, at 7:00 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 Rights Engineer (5034)



STATE WATER RESOURCES COM.
 PIERRE, SOUTH DAKOTA

Subscribed and sworn to before me this 10th day of September A. D. 1952

Notary Public Butte County, S. D.

(First Publication before September 11, 1959)

APPROPRIATION OF WATER

Office of State Water Resources Com.

Pierre, S.Dak. September 1, 1959

Notice is hereby given that A.F. Adams whose postoffice address is Vale, 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 3.3 cubic feet of water per second of time from the Belle Fourche River and Cottonwood Creek through the Adams Irrigation Project the point of diversion of which is to be located on both banks of said streams on the Belle Fourche River between a point in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and a point in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ both in Sec. 28, T 8N, R 6E and on Cottonwood Creek between a point in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29 and a point in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 28 both in T 8N, R 6E. Said water to be used for the purpose of providing irrigation on parts of the following described

NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 28 and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29 all in T 8N, R 6E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 7th day of October, 1959 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 Right Engineer

cc Mr. F. Lyn Gladstone, Publisher
The Valley Irrigator
Howell, South Dakota

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Resources Commission
 State Office Building No. 2
 Pierre, South Dakota 57501

Date October 8, 1970

This is to notify you that title to the lands described as follows:
Portions of Section 28 and 29, T8N, R6E described in Water Right No. 412-

formerly owned by A.E. Adams

has been transferred to Ronald Miller

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 412-1 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Resources Commission as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA)
 County of PERKINS) ss.

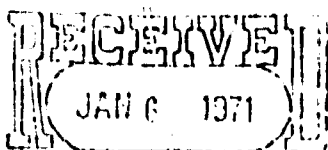
I, Ronald Miller being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Ronald Miller
 (Signed)

Subscribed and sworn to before me this 24th day of December 19 70

My Commission Expires September 5, 1975

Charles Lem Sandstrom
 (Notary Public)



THE WATER RESOURCES COM.

DEPARTMENT OF NATURAL RESOURCE DEVELOPMENT
NOTICE OF TRANSFER OF WATER PERMIT

TO: DIVISION OF WATER RIGHTS
State Office Building
Pierre, South Dakota 57501

Date _____

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

Portions of Section 29, T8N, R6E, Described in Water Permit

No. 412-1.

formerly owned by Ronald Miller, Mud Butte

has been transferred to Oliver Karrels, Faith Route, Sturgis

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 412-1 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Resources Commission as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

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

I, Oliver Karrels 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.

Oliver Karrels
(Signed)

Suscribed and sworn to before me this 22nd day of April 19 76

DENNIS PAINTER, Notary Public
My Commission expires March 24, 1983

Dennis Painter
(Notary Public)



Form 20.

No. 412-1

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, South Dakota 57501

Date: NOVEMBER 18, 1977

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

PORTIONS OF SECTIONS 28 & 29, T8N, R6E
DESCRIBED IN WATER LICENSE 412-1

formerly owned by OLIVER KARRELS

has been transferred to SHEELER FARMS, VALE, S.D

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 412-1 as provided for in Section 61.0127 of the 1960

Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights Commission 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 Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939..

STATE OF SOUTH DAKOTA)
County of Hughes) SS.

I, A. L. Sheeler being first duly sworn on my oath despose 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.

A. L. Sheeler
(Signed)

Subscribed and sworn to before me this 18th day of November

19 77.

Dotty Westlund
(Notary Public)
Lana/Water Clerk II

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE

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

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

April 15, 1985

A L Sheeler
RR 1 Box 87
Vale SD 57788

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s) 412-1, 471-1 & 655-1. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 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 10:30 a.m., May 15, 1985 in the Civil Defense Room, State Capitol Building, Pierre, South Dakota.

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). 412-1, 471-1 & 655-1 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.

Sincerely,

John Hatch
John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

NOTE: If the questionnaire(s) is received in this office before the May 15th hearing date, your name will be deleted from the agenda for the hearings.

South Dakota
Department of
Water & Natural Resources

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

June 12, 1985

Notice of Amendment to Water Permit(s)

To: A.L. Sheeler
Sheeler Farms
RR #1, Box 87
Vale, SD 57788

FROM: John Hatch, Chief Engineer
Water Rights Division 773-3352

John Hatch

SUBJECT: Amendment to Water Permit No(s). 655-1, 471-1 & 412-1.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 655-1, 471-1 & 412-1 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required Irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

South Dakota
Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Attachment to Water Permit No(s). 655-1, 471-1 & 412-1

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 655-1, 471-1 & 412-1 to add the following qualification:

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



Department of Water & Natural Resources

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

March 23, 1987

A. I. SHEELER
RR #1 BOX 27
VALE, SD 57788

NOTICE

Re: Violation of Water Permit No(s). 471-1, 655-1, 412-1

Our records indicate that the 1986 Irrigation Questionnaire has not been received for Permit No(s). 471-1, 655-1, 412-1. The request for the Questionnaire was dated November 2, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 471-1, 655-1, 412-1 qualification:

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

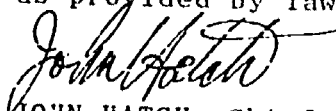
The hearing(s) will be at 2:00 pm, May 6, 1987, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) 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. Suspend Permit No(s). 471-1, 655-1, 412-1 until either the 1986 Questionnaire is submitted or for a period of up to one 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 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

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

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

May 14, 1987

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: SHEELER FARMS
RR #1 BOX 87
VALE, SD 57788

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

John Hatch

SUBJECT: One Year Suspension Of Water Permit No(s). 412-1 If
The 1986 Irrigation Questionnaire Is Not Received By
June 1, 1987

Pursuant to the provisions of the Notice dated March 23, 1987,
and following the Hearing May 6, 1987, the Water Management Board
ordered:

That Water Permit No(s). 412-1 be **SUSPENDED** until December 31,
1987 unless the required 1986 Irrigation Water Use Questionnaire
is received by June 1, 1987.

Suspension of a permit means water may not be pumped during the
1987 Irrigation Season. Decisions of the Board may be appealed
to the Circuit Court and the Supreme Court as provided by law.

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

RR 1 Box 87
Valle, SD 57788

4. Article Number
P 321 925 139

Type of Service:

☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature — Addressee
X *Robert J. Leary*

6. Signature — Agent
X *Robert J. Leary*

7. Date of Delivery
5-15-87

8. Addressee's Address (ONLY if requested and fee paid)
RR 1 Box 87
Valle, SD 57788

South Dakota Department of
Water & Natural Resources

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

May 22, 1987

Water Right Nos. 412-1
471-1
655-1

A James Sheeler
RR #1 Box 87
Vale, SD 57788

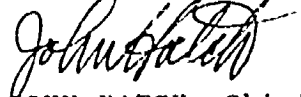
Dear Mr. Sheeler:

I am writing to acknowledge receipt of the 1986 Irrigation Questionnaires for Water Rights listed in the name of A L Sheeler and Sheeler Farms. A notice was sent to you May 14, 1987 regarding the Board action taken May 6, 1987 to suspend these water rights if the 1986 irrigation questionnaires were not received before June 1, 1987.

You may disregard the May 14 notice. With receipt of your 1986 questionnaires, your water rights will not be suspended.

If you have any questions, please contact us.

Very truly yours,



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

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

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

January 29, 1988

SHEELER FARMS - James Sheeler
RR #1 BOX 87
VALE, SD 57788

NOTICE

Re: Violation of Water Permit No(s). 412-1

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 412-1. 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 permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 412-1 qualification:

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

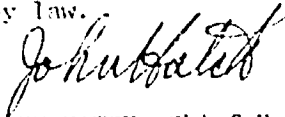
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) 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. Suspend Permit No(s). 412-1 until either the 1987 Questionnaire is submitted or for a period of up to one 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, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

 **Department of
Water & Natural Resources**

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

February 5, 1988

412-1
471-1
655-1

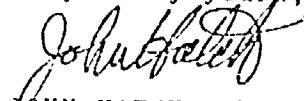
A James Sheeler
RR 1, Box 87
Vale SD 57788

Dear Mr. Sheeler:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the the requirement to submit the Irrigation Questionnaire(s) for Water Permit Nos. 412-1, 471-1 & 655-1 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

 **Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

September 21, 1988

NOTICE

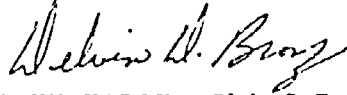
A James Sheeler
Sheeler Farms
RR 1, Box 87
Vale SD 57788

Dear Mr. Sheeler:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 412-1 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,


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



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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3131

December 1, 1988

Vested Water Right
Claim No. 412-1

A James Sheeler
Sheeler Farms
RR 1, Box 27
Vale SD 57788

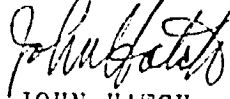
Dear Mr. Sheeler:

Enclosed is a copy of a letter received from the U.S. Department of Interior, Bureau of Reclamation. The Bureau of Reclamation is opposing those vested water right claims in Pennington, Perkins, Butte and Fall River counties which have never been investigated by the Division of Water Rights. Earlier, you received a letter stating that I was opposing your claim until an investigation can be completed.

After the investigation has been completed, you and the Bureau of Reclamation will be notified as to the date, place and time of the hearing on your vested water right claim. At that time all parties of record will have an opportunity to testify on the validation.

If we can answer any questions, please contact us.

Very truly yours,



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

cc: Bruce Laymon, Bureau of Reclamation



Water Rights Division - DWNR
Conversation or File Documentation

File No. 412-1

NAME OF PERSON OR FILE: A. James Sheeler

ADDRESS: RR1, Box 87 Vale, SD 57788 COUNTY Butte

DATE: 5/5/89 TELEPHONE 456-2307

RE: VR inspection

COMMENTS:

on Wednesday, April 19, 1989 VR #412-1 was inspected.

Accompanied by Mr. Sheeler. The diverse points, irrigation ditches

and the area he is irrigating. The land and the diverse points

were located at the same area as originally applied for and were

plotted on the Map 359-1, for Application No 412-1.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: MR. Sheeler

SOUTH DAKOTA
Department of
Water & Natural Resources

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

March 28, 1991

Sheeler Farms
RR 1, Box 87
Vale SD 57788

Dear Mr. Sheeler:

The Water Management Board has validated the enclosed Vested Water Right No. 412-1. This validation gives legal status to the claim and is the final document for your vested right.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,



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

enclosure

SOUTH DAKOTA

VALIDATION OF (PARTIAL) VESTED WATER RIGHT CLAIM NO. 412-1
FOR IRRIGATION

Date Claim Accepted For Filing August 31, 1959.

Date of Validation September 27, 1959.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim Permit No. 412-1 for irrigation purposes for Sheeler Farms, Rural Route 1, Box 87, Vale, South Dakota 57788 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 412-1 appropriates 2.19 cubic feet of water per second from Cottonwood Creek to irrigate 152 acres. The point of diversion is located at any point between and including the NE 1/4 SE 1/4, Section 29 and the SW 1/4 NW 1/4, Section 28, all in T8N, R6E. The irrigated acres are located in the S 1/2 NW 1/4 and N 1/2 SW 1/4, Section 28, T8N, R6E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per year for each acre of irrigated land. The water is to be used during the following annual period: April 1 - November 15.
3. The priority date of the Vested Water Right is January 1, 1933.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

John H. H. H.
Chief Engineer
Division of Water Rights
Dept. of Water and Natural Resources

MAR 28 1991

date

412-1



United States Department of the Interior

BUREAU OF RECLAMATION
Great Plains Region
Belle Fourche Projects Office
P.O. Box 226
Newell, South Dakota 57760-0226



WTR 4.10
BF-430

AUG 18 1993



Mr. John Hatch, Chief Engineer
Water Rights Division
South Dakota Department of Water and Natural Resources
523 E. Capitol
Pierre SD 57501-3181

Subject: Vested Water Right Claims in Western South Dakota (Your Letter
Dated April 20, 1993) (Water Rights)

Dear Mr. Hatch,

We have reviewed the vested water right claims located in Perkins, Pennington, Fall River, and Jutte Counties as listed in your letter dated April 20, 1993. We have also discussed these rights with contract water users. We appreciate the assistance of your staff in providing documentation of inspections and validation proceedings for specific claims as we requested.

We are satisfied with all of the actions taken by the board. Our intent in opposing validation of the water rights was to assure that all of the rights were reviewed prior to validation. That review has been completed by your staff. Thank you for notifying us of the board's actions and extending the opportunity to reconsider the actions if it would have been deemed necessary. We understand that future notification will be made in advance of board actions.

If we can be of further assistance, please contact Craig Kjar or me at (605) 456-2625.

Sincerely,

Bruce M. Laymon
Project Manager

cc: Mr. Joe Kramer, Manager
Angostura Irrigation District
PO Box 346
Oral SD 57766

Mr. James E. Winterton, Project Manager
Belle Fourche Irrigation District
PO Box 225
Newell SD 57760



4/12-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 7, 1995

A JAMES SHEELER
RR #1 BOX 87
VALE SD 57788 9701

NOTICE

RE: Violation of Water Permit No(s) 412-1, 471-1 & 655-1.

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No(s) 412-1, 471-1 & 655-1. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 412-1, 471-1 & 655-1 qualification:

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

The hearing will be held at 9:30 am, March 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 S 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 SDCL 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) 412-1, 471-1 & 655-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 3, 1995, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- 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:

412-1

A JAMES SHEELER
RR #1 BOX 67
VALE, SD 57783 9701

4a. Article Number

P 757 566 323

4b. Service Type

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

7. Date of Delivery

8-8-95

5. Signature (Addressee)

6. Signature (Agent)

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



412-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 24, 1995

412-1
471-1
655-1

A James Sheeler
RR # 1 Box 87
Vale, SD 57788-9701

Dear Mr. Sheeler:

I am writing to acknowledge receipt of your 1994 irrigation questionnaires. You may disregard the February 7, 1995, Notice of Violation of Water Permit Nos. 412-1, 471-1 and 655-1.

The questionnaires were 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



412-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: A JAMES SHEELER, PO BOX 87, VALE, SD 57788 9701

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 412-1, 471-1 & 655-1. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 412-1, 471-1 & 655-1 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, February 25, 1998 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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) 412-1, 471-1 & 655-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on or before February 20, 1998, 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 at (605) 773-3352.

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



412-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 13, 1998

412-1
471-1
655-1

A James Sheeler
PO Box 87
Valle, SD 57788-0087

Dear Mr. Sheeler:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 412-1, 471-1 and 655-1.

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

September 10, 1998

Sheldon Sheeler
Box 163
Vale, SD 57788

Dear Mr. Sheeler:

I am contacting you with regard to your September 9th telephone conversation with Del Brosz.

It is my understanding that James Sheeler has passed away and you were inquiring about water rights held in his name. The following is a list of water rights with James Sheeler's name on them. They are as follows:

Water Right No.	Name	C.F.S.	Source of Water	Acres - Description
No. 412-1	Sheeler Farms (%) James Sheeler)	3.30	Cottonwood Creek & the Belle Fourche River	234 acres -- NE ¼ NW ¼, S ½ NW ¼, N ½ SW ¼ Sec. 28 & N ½ SE ¼ Sec. 29, T8N, R6E
No. 471-1	A James & Sheldon Sheeler	1.00 cfs	Cottonwood Creek	74 acres -- S ½ NE ¼ Sec. 29, T8N, R6E
No. 506-1	James Sheeler, Jr.	0.23 cfs	Belle Fourche River	17 acres -- NW ¼ SE ¼ Sec. 14, T8N, R5E
No. 655-1	A James Sheeler	0.35 cfs	ground water (sump hole)	78 acres -- NE ¼ Sec. 24, T8N, R5E and W ½ NW ¼ Sec. 19, T8N, R6E
No. 892-1	James Sheeler, Jr.	1.00 cfs	Belle Fourche River	70 acres -- W ½ NE ¼, SE ¼ NW ¼ Sec. 14, T8N, R6E

Enclosed, as you requested, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change with Partial Vested Water Right No. 412-1. No. 471-1 should probably be transferred to your name also. It is currently held in both your names, however in order to have it listed solely in your name, a transfer form is required. Basically, this shows that the permit holder requested the action and the staff didn't arbitrarily take someone's name off a water right.

Please review the forms and make any necessary corrections or additions. Please complete the portion titled "to be transferred to: (name and address)...". You will need to 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).

continued

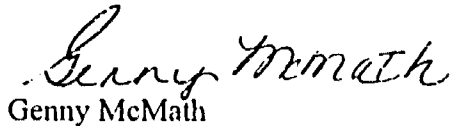
Page 2
September 10, 1998
Sheidon Sheeler

With respect to the water rights held in James' name, who should we be directing transfer forms and correspondence to for those? The reason I ask is because we are getting ready to mail out the 1998 irrigation questionnaires (in October) and I want to be sure I get them to the right person(s).

During your phone conversation with Del, you asked about whether or not the yearly irrigation questionnaires for James' water rights were being returned. I reviewed the past few years and found that we do have them on file.

Thank you Mr. Sheeler for getting in touch with us concerning these water rights. If I can answer any other questions for you, please get in touch with me. The transfer of Partial Vested Water Right No. 412-1 and Water Right No. 471-1 will be effective once we receive the completed forms and filing fees in our office.

Sincerely,

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

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. 412-1

Date: Sept 28, 98

I/We request that Partial Vested Water Right No. 412-1

formerly owned by: Sheeler Farms, Inc.

be transferred to: (name & address) Sheldon Sheeler
Box 163, Vale, SD 57788 Telephone No. 605 456-2515

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

234 acres - NE 1/4 NW 1/4, S 1/4 NW 1/4, N 1/4 SW 1/4 Section 28; N 1/4 SE 1/4 Section 29, T8N, R6E

I/We understand that the validity of Partial Vested Water Right No. 412-1 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.

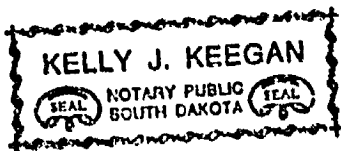
STATE OF SOUTH DAKOTA)

County of Butte)

I/We Kelly J. Keegan 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.

Sheldon A. Sheeler
(Signed)

Subscribed and sworn to before me this 28th day of September, 19 98.



Kelly J. Keegan
(Notary Public)

My Commission Expires
September 19, 2003

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
Pierre, _____

NS 415877

September 29, 1998

RECEIVED OF Sheldon Shealer, P.O. Box 163, Vale, SD 57788
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 Fut. _____ 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 Partial Vested Water Right No. 412-1

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By _____

Chief Engineer



412-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 30, 1998

412-1
471-1

Sheldon Sheeler
PO Box 163
Vale, SD 57788-0163

Dear Mr. Sheeler:

This letter will acknowledge receipt of the transfer of ownership forms you sent in for Vested Water Right No. 412-1 and Water Right No. 471-1. The transfers have been completed and the water rights are now listed in your name.

Enclosed are Receipt Nos. 415877 and 415878 in the amounts of \$2.50 each. If I can answer any questions for you, please get in touch with me.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 26, 2000

412-1
471-1

Sheldon Sheeler
PO Box 265
Rozet, WY 82727-0265

Dear Mr. Sheeler:

Enclosed is a "Notice" dated October 20, 2000 concerning the 2000 irrigation questionnaires. The notice was originally mailed to PO Box 163, Vale, SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



January 14, 2004

NOTICE

412-1
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: JAMES SHEELER, JR, RR 3 BOX 10, VALE, SD 57788

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaires

Our records indicate that the 2003 Irrigation Questionnaires have not been submitted for Permit Nos. 412-1 & 471-1, 506-1, 884A-1 & 892-1. The request for the Questionnaires was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 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) 506-1, 884A-1 & 892-1 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) 412-1 & 471-1 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 412-1 & 471-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 506-1, 884A-1 & 892-1 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 February 27, 2004, 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.



412-1

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 8008

Your item was delivered at 11:15 am on January 15, 2004 in NEWELL, SD 57760. The item was signed for by M SHEELER.

[Shipment Details >](#)

Notification Options

- ▶ Track & Confirm by email [What is this?](#) [Go >](#)
- ▶ Request Proof of Delivery [What is this?](#) [Go >](#)



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Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 8008

JAMES SHEELER, JR
RR 3 BOX 10
VALE SD 57788

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

ore mailing.

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

☐ Priority Mail®
☐ Package Services



412-1

**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 3, 2004

412-1
471-1
506-1
892-1

James Sheeler Jr
13154 River Loop Rd
Vale SD 57788

Dear Mr. Sheeler:

I am writing to acknowledge receipt of your 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right Nos. 412-1, 471-1, 506-1 and 892-1.

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

February 5, 2009

412-1
471-1

Sheldon Sheeler
2600 Sammie Ave
Gillette WY 82718

Dear Mr. Sheeler:

I am writing in follow-up to the phone conversation Mrs. Sheeler had with Eric Gronlund in our program concerning Water Right Nos. 412-1 and 471-1.

The 2008 irrigation questionnaires were returned by James Sheeler on December 5th. I am enclosing a copy of what he sent in so you will have it for your records. If the information contained in the reports is not accurate, please get in touch with me and I will edit our copies of the questionnaires.

As requested, James Sheeler's name has been removed from our records as that of operator for Water Right Nos. 412-1 and 471-1. All correspondence concerning the water rights will be directed to you until you tell us otherwise.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 10, 2009

412-1

471-1

Sheldon Sheeler
2600 Sammie Ave
Gillette WY 82718

Dear Mr. Sheeler:

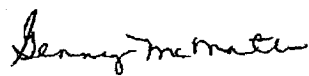
I am writing in follow-up to my phone conversation with Mrs. Sheeler. Our discussion pertained to information submitted on the annual irrigation questionnaires filed by James Sheeler Jr.

James has filed the annual forms and has been reporting "no irrigation". I am sending copies of the reports showing his comments for the years 2003 through 2007. If you feel the information he supplied is in error, please send us a letter with the information you have on irrigation of the land. We will not be able to go back and edit those years to show how much water was used but we will be able to have something in the record that says the land was irrigated.

As requested, I am sending you a new set of 2008 irrigation questionnaires. Since we are still gathering irrigation information from irrigators for last crop season, we can replace the forms James filed with the corrected forms that you send in.

I appreciate your efforts in updating the water rights. 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

2-17-09

Dept. of Environment
& Natural Resources
Pierre, South Dakota

412-1
471-1

RECEIVED

FEB 19 2009

WATER RIGHTS
PROGRAM

Genny McMath
Environmental Scientist
Water Rights Program

Dear Ms. McMath,

The questionnaires on my water permits, 471-1 & 412-1, were sent to me up until 2003. Since I didn't ask that they be sent to James Sheeher Jr. (my renter), I can only assume that, for reasons of his own, he did. My wife, Marilyn, called your office a couple of years ago as we were concerned about not receiving the annual questionnaires. We were told that James Sheeher Jr. was keeping these questionnaires current & that if he should fail to do so, we would be informed.

I was not concerned about his filling out the questionnaires, as I never thought he would claim to not be using the water. Although we live in Gillette, we spend most of our spring, summer & fall weekends on my South Dakota farm. We know he irrigates out of creek and the river, we have seen him do this and of course he always has ditches to do so.

As concerns permit No 412-1, every since this property was purchased in 1976, I have found it necessary to use the water right. It is the only way to get water for my field located by the riverside.

Most of my farm acreage is located up the

hill from the river, these fields are irrigated via the BFID (Belle Fourche Irrigation District), I have also often supplemented this water with the water permit. I have a small plot of farmable land located halfway down the hill between my uphill fields & my riverside field. a number of years ago I attempted to irrigate this field with BFID water. It didn't work, I only wasted water. In the 2007 questionnaire James Jr, claims to have apparently irrigated the riverside field with BFID water, from my own experience, this is geographically impossible! In the 2006 questionnaire he claims to get water from the neighbors, once again, that riverside field can only be watered with the water permit, and I know he irrigated that field in 2005, 2006 and 2008.

As concerns permit No 471-1, I have seen James Jr. use this water. In the questionnaires in 2005 & 2006 he indicates that he didn't use the water permit, yet by way of the comment box on the questionnaires he apparently needed more water than he himself could get from the BFID.

When my brother, James Sheeler Sr., & I farmed this area in partnership for 30 years we found it necessary to use all the water we could get.

I am sorry that my nephew sent in erroneous questionnaires, I can not afford to lose these water permits.

Sincerely,

Sheldon Sheeler

307-685-0640

Sheldon Sheeler

RECEIVED

MAR 26 2009

WATER RIGHTS
PROGRAM

Sheldon Sheeler
2600 Samnise Ave.
Gillette WY. 82718

Permit # 412-1

Crop Year 2005 alfalfa

21.5 acres irrigated by flood irrigation
400 gallons per minute pumped

5 days run 24 hours per day in July

4 days run 24 hours per day in August.

Crop year 2006 Alfalfa

21.5 acres irrigated by flood irrigation

400 gallons per minute pumped

4½ days run 24 hours per day in July

4 days run 24 hours per day in August

Crop year 2007 alfalfa

21.5 acres irrigated by flood irrigation

400 gallon per minute pumped

5 days run ~~in~~ 24 hours per day in June

4 days run 24 hours per day in July

4 days run 24 hours per day in August

No chemicals or fertilizers were applied
at any time.

this water is pumped out of Cottonwood creek



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 10, 2009

412-1

471-1

Sheldon Sheeler
2600 Sammye Ave
Gillette WY 82718

Dear Mr. Sheeler:

We have received the information you sent in regarding water use for the 2005, 2006, and 2007 irrigation seasons for Water Right Nos. 412-1 and 471-1. The information is very valuable and shows that irrigation did indeed take place during those crop years. The data you provided will be made part of each of their respective files.

In past telephone conversations I discussed with you about the need to irrigate at least once every three years in order to maintain a water right. The three year period is waived if legal excuse exists for the years of non-use. Legal excuse for not irrigating includes but is not limited to,

- unavailability of water to satisfy a water right;
- water use under existing climatic conditions that would result in a waste of water (in other words, you had too much water and did not need to irrigate);
- legal proceedings which prevent the use of water

With the information you supplied, from the period of record I reviewed (1983 through the present), there is no longer a three year period in which water was not applied to beneficial use. There are a couple years where irrigation did not take place however a notation was made that it was not necessary due to ample water supply for the specific crop planted.

Thank you again for updating the water use records for Water Right Nos. 412-1 and 471-1. 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

412-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 27, 2016

412-1
471-1

Sheldon Sheeler
PO Box 191
Vale SD 57788 0191

Dear Mr. Sheeler:

Enclosed is a "Notice" dated October 21, 2016 concerning the 2016 irrigation questionnaire.

The notice was originally mailed to 2600 Sammye Ave, Gillette WY. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures