

477-1

1. Considered 8-3, 1960
2. Name of Applicant A.L. Sheeler
3. Post Office Address Vale
4. Amount of water claimed 1.2
5. Source of water supply Cottonwood Cr
6. Water to be used for irrigation
Acres to be irrigated 74-
7. Water to be diverted and used in Butter County about
1 1/2 miles of Vale
8. Proof of Publication Received ☒
Not Received ☐
9. Application Approved ☐
Subject to ☐
Not approved ☐
Action deferred ☐

10. Remarks:

*This is a downstream division. It was
not recommended approval at this
meeting.*

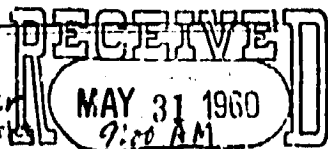
Letter of Complaint filed 477-1

No. 471-1Water Division No. 1

(Blanks to be filled by the Engineer for the W. R. C.)

Belle Fourche River

District

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant A.L. Shaefer
 Postoffice address Valle, County Butte, State So. Dak.

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

(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)

Direct labor and the employment of others.(b) Cash on hand, \$ X X(c) Treasury stock, \$ X X(d) Bonds to be issued, \$ X X(e) Other resources, \$ X X2. Name of diversion work THE SHEELER IRRIGATION PROJECT3. Amount of water claimed 1.0 cubic feet per second4. Source of water supply COTTONWOOD CREEK~~Between the points of the S. 31, T. 3 N., R. 6 E. BHM~~5. Location of point of diversion and a point which liesN 00° E 231 ft. from the E 1/4 Cor. S. 29, T. 8 N., R. 6 E. BHMon both bank Butte County.6. Annual period or periods during which water is to be used April 1st thru Sept. 15th

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? GravitySW 1/4 NW 1/4 - 36 ac.(a) Number of acres to be irrigated 74 acres.SW 1/4 SE-NE-38 Ac., 80.29 Total(b) Legal subdivisions to be irrigated SW 1/4 SE-NE-38 Ac., 80.29 Total

(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.)

None

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

(a) Nature of use Irrigation only

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 X X

Map No. 411-1

8. Estimated cost of work:

(a) Head Gates, \$... ~~Power-take-off pump~~ (Estimate) (b) Pumping plant, \$2500.00

(c) Fluming, \$----- (d) Canal-earth, \$----- Rock, \$-----

(e) Other structures ----- \$----- Total, \$-----

8. Description of diversion works:

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

I. Dimensions of work.

(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 filledacres feet. Surface area at high water mark.....acres.

[illegible]

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

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

[illegible]

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 4 years ----- years.

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

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

Belle Fourche, S.D., Belle Fourche, S.D., Dak.

STATE OF SOUTH DAKOTA

County of Butte

I, A.L. Sheeler and Harold Watz, 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

Subscribed and sworn to before me this 20th day of May 1960

Notary Public (or ~~Notary Public~~)

Carl M. Connolly, Note
My Commission Expires April 18, 1967
*Each division must have a designate or inspecting officer.

*Each division must have a designate at measuring device.

PLAT
OF
THE SHEELER-WETZ IRRIGATION PROJECT
IN
SECTIONS 29 and 31, T. 8N., R. 6 E-BHM
Butte County, South Dakota.

SCALE 1 inch = 660 feet.
8 inches = 1 mile.

- SURVEYOR'S CERTIFICATE -

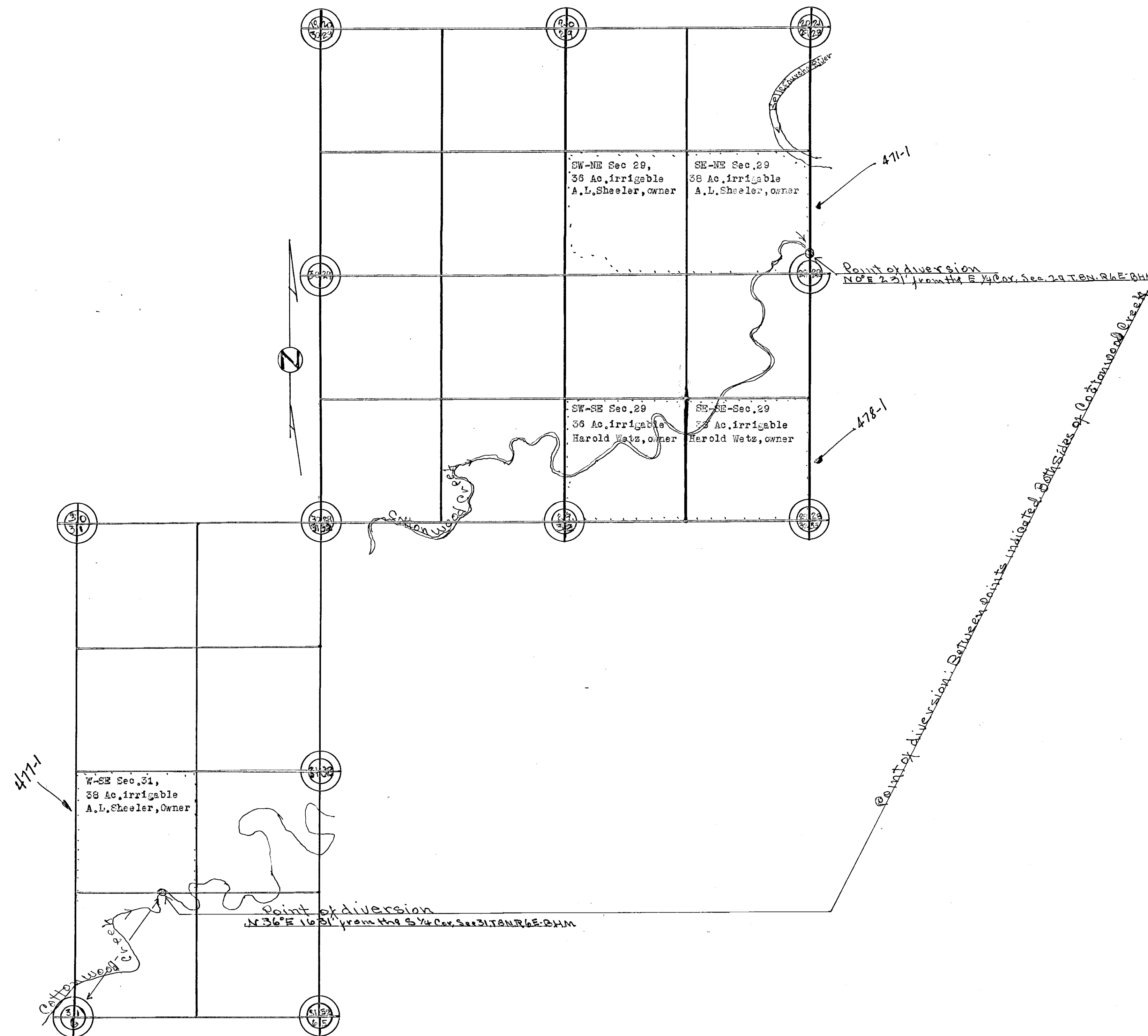
I, Carl M. Cornell, Licensed Surveyor, in and for the State of South Dakota, do hereby certify that, at the request of A.L. Sheeler and Harold Wetz of Vale, Butte County, South Dakota, I have made a survey of the tracts shown hereon for the purpose of showing the amount of irrigable land embraced in the several tracts shown and have prepared this plat of said irrigable land for the purpose of furnishing the required plat which is to be filed as a part of the said applicant's "Application for a Permit to appropriate Water for Irrigation Purposes".
I further certify, that the bearings and lengths of the several lines shown and their location, with reference to the Government Land Corners shown hereon, are correct, to the best of my knowledge and belief.

Subscribed and sworn to at Buffalo, South Dakota this 23rd day of May, 1930.

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

Subscribed and sworn to before me at Buffalo, South Dakota this 23rd day of May 1930.

M. R. Kinn
Notary Public (S.D.A.B.)



Remarks by State Water Resources Commission:

Primarily, water available for this permit is return flows from the Belle Fourche Project. Such available flows may be reduced or changed by different water utilization by the project. The use of water under this permit is contingent upon water supplies being available to prior water rights. Lands described in this permit which receive water from the Belle Fourche Project may not receive water under this permit at the same time water is being obtained from the Belle Fourche Project.

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, December 29, 1960

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 May, 1960

State Water Resources Commission
By: Burt G. Jones
Chief Engineer, Executive Officer

Number of permit 471-1

Date of first receipt of application MAY 31, 1960

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 MAY 31, 1960

Approved December 21, 1960, Recorded in Book 6 Page 166

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 December 21, 1962
- 2nd. The whole of said work is to be completed on or before December 21, 1960
- 3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is December 21, 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 1.0 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 December 21, 1968; said water to be used during the following described annual period:

April to September 15, inclusive
Witness my hand this 29th day of December, 1960

State Water Resources Commission
By: Joe Guinn
Chief Engineer, Executive Officer

Certificate of Construction Issued July 10, 1967

Water License Issued July 19, 1967

STATE OF SOUTH DAKOTA

WATER LICENSE No. . . . 471-1 . . .

WHEREAS, On the 31st day of May A. D. 19 60

A. L. Shetler

of Valle County of Butte and State of
South Dakota duly made application (No. 471-1) to us for a permit to use 1.0
cubic feet per second of the waters of Cottonwood Creek
County of Butte, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 29th day of December A. D. 19 60
Permit No. 47-1 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 21st day of
December A. D. 19 64 and for the application to beneficial use of said
water on or before the 21st day of December A. D. 19 68
and,

WHEREAS, On the 6th day of April A. D. 19 67
the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.5
cubic feet per second of said waters, as evidenced by our Certificate No. 471-1
dated July 14, 1967 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 1.5 cubic feet per second of water, with date of
priority of May 31, 1960 ~~53~~ and,

WHEREAS, On the 6th day of April A. D. 19 67
proof was duly made of the application to beneficial use of 1.0 cubic feet per second of said water;
for irrigating 4 acres in the S4 NE4 Section 29, T8N, R6E

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.L. Shoeler
of Vale the holder and owner of said permit No. 471-1
a water right, dating from May 31, 1960 to the use of 1.0
cubic feet per second of the waters of Cottonwood Creek
in the County of Butte and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinafter mentioned, to be diverted at a point N 0° E, 211' from
the E4 corner, Section 29, T8N, R6E
and conducted to and upon the N4 NE4, Section 29, T8N, R6E

for the purpose of irrigation subject to any limitations listed in the
permit to appropriate water, and

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.

WITNES: My hand and seal of our office at Pierre, South Dakota,
this 14th day of July A. D. Nineteen
Hundred and Sixty-seven

State Water Resources Commission

By:

J.W. GRIMES Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Permit No. 471-1

BELLIE FOURCHE

Water Division No. 1 RIVER Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That A. L. Cheeler

of Vale, County of Butte, and State of
South Dakota, the holder of Permit No. 471-1 issued upon Application
 No. 471-1, bearing date of priority of May 21, 1960, authorizing the diversion of
 cu. ft. per second of the waters of Cottonwood Creek
 County of Butte, State of South Dakota, at a point N 0° E.
231' from the E. corner, Section 29, T8N, R6E.
 for irrigation

purposes, 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 1.5 1.0 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 Section 29, T8N, R6E

SW 1/4 NE 1/436 acresSE 1/4 NE 1/438 AcresTotal74 Acres

Witness my hand this 14th day of July A. D. 11

State Water Resources Commission

By:

J.W. GRIMES Chief Engineer, Executive Officer

**OVERSIZE
DOCUMENT IS
SUPPLEMENTARY
TO MICROFILM FILE**

Permit No. 471-1Water Division No. 1Belle Fourche River
Water District**Certificate of Examination of Works****Report of Examining Engineer**

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that ~~in accordance with your letter of authorization dated~~
~~to~~, I have ~~this day~~ made a thorough examination of the diversion works constructed by
A.L. SHEELER, of VALE,
BUTTE County, South Dakota, holder of Permit No. 471-1, issued
upon Application No. 471-1, bearing date of priority of May 31, 1940, authorizing the
diversion of 1.0 cu. ft. per second of the waters of Cottonwood Creek for irrigation
purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Reinforced Model S-PP 8" x 8" pump
Diesel Tractor, 120 feet of 8" aluminum pipe and 1/4 mile of Belle Fourche Irrigation District ditches.

and the system is in the following condition: Good

The point of diversion is located any place on Cottonwood Creek in the
SE 1/4 SW 1/4 Section 29, T8N, R6E, B1M

The works are capable of diverting and conveying to the place of use 1 1/2 cu. ft. per second of water,
which is to be used for irrigation purposes

The legal sub-divisions to be irrigated are:

Section 29, T8N, R6E

SW 1/4 NE 1/4 36 Ac

SE 1/4 NE 1/4 38 Ac

comprising a total of 74 acres of land.

The domestic use intended comprises Incidental stockwater

The utilization for power, mining, or other beneficial uses comprises:

Witness my hand, this 6th day of April, A. D. 1947.

—SEAL—

Donald Driscoll

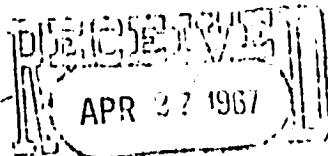
Examining Engineer.

Deputy Chief Engineer

Water Resources Commission

Location No. 471-1Belle Fourche RiverWater Division No. 1

Water District

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA**Proof of Application of Water to Beneficial Use****PETITION OF HOLDER**

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

Ans. A. L. SHEELER RANCHER VALE SD. DAK

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. _____

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

Ans. May 31, 1960

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

Ans. Source of water is Cottonwood Creek, diverted
in the SE 1/4 SW 1/4 section 24, T.5N. R.6E. as shown on water
right map No. 411-1

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 each place of use, and date of completion of same.

Ans. 8' x 8" pump, Diesel Tractor, 120' of 8" pipe and 1/4
mile of main District ditch system can carry 2 1/2 c.f.s
system was completed in 1960

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.)

Ans. Water is used to irrigate the 74 acres
shown on water right map No. 411-1

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

Ans. _____

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

Ans. 2 c.f.s

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. _____

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. System has been used as described every
year since built except in 1966

(Sign) *C. L. Huel* X

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 Wade, County of Butte

State of South Dakota, on this 26 day of April A. D. 1967

Witnesses.

Bessie E. Hawk

Walter Fournier, Clerk

Term Expires March 1968

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of 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.

Spencer Gooding
Wm. L. McKinstry

Location No. _____

**PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE**

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

On or before
(First Publication) July 8, 1960

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., July 5, 1960

Notice is hereby given that A. L. Sheeler 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 1.0 cubic feet of water per second of time from the Cottonwood Creek through the Sheeler Irrigation Project, the point of diversion of which is to be located on the north bank of said stream in the SE ¼ of the NE ¼ of Section 29 Twp. 6N Range 6E. Said water to be used for the purpose of providing irrigation on the following described land:

S ¼ NE ¼, Sect 34 R 6E
XXXXXX

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 3rd day of August, 1960, at 2 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

cc: Laurence Warner - Publisher
Belle Fourche Bee
Belle Fourche, South Dakota

By: BURTON F. JONES

~~Chief Engineer, Executive Office~~
Water Right Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Butte } ss.

Laurence Weyler being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the

Belle Fourche Bee a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the city of Belle Fourche County of Butte and State of South Dakota;

that the said notice was published in said newspaper on the following dates:

July 7, 1960

July 14, 1960

July 21, 1960

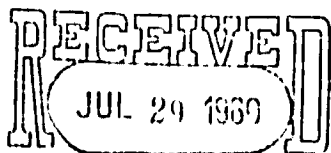
July 28, 1960

in each and every issue of the full number thereof, the first publication being made on the 7th day of July 1960 and the last publication on the 28th day of

July 1960, upon which days or times of publication aforesaid the newspaper was regularly published and that during the whole time of said publication he was publisher printer and publisher of the said newspaper.

Laurence Weyler

Subscribed and sworn to before me this 28th day of July A. D. 1960



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

No. 471-1
APPROPRIATION OF WATER

Office of State Water Resources Commission,
Pierre, S. Dak., July 5, 1960
Notice is hereby given that A. L. Sheeler 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 1.0 cubic feet of water per second of time from the Cottonwood Creek through the Sheeler Irrigation Project, the point of diversion of which is to be located on the north bank of said stream in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 29 Twp. 8N Range 6E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

S $\frac{1}{2}$ NE $\frac{1}{4}$, Section 29 T 3N R 6E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 3rd day of August, 1960, at 2 P.M. All interested persons may appear and be heard.

Appropriation 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: BURTON F. JONES
Water Right Specialist
Bdt 7/7-14-21-28

40

Notary Public Butte County, S. D.

Notary Public, Butte County, S. Dak.
My Commission Expires Sept. 22, 1963

Shoeler WR 477-1

June 10, 1960

Mr. George M. Hafner, Sheriff
Butte County Court House
Belle Fourche, South Dakota

Dear Mr. Hafner:

Enclosed herewith, in duplicate, is a Water Diversion Stop Order issued by the Water Resources Commission to Mr. A. L. Shoeler, Vale, South Dakota.

Please serve the copy of this Stop Order to Mr. Shoeler.

Please return the original of this Stop Order to the Water Resources Commission with your affidavit of service shown therein.

A partially completed voucher for payment of your fees for this service is enclosed. Please complete the voucher form by filling in the amount of your fees and your signature and return it to me.

Thank you.

Sincerely,

J. W. GRIMES
Chief Engineer

JWG:ls
cc-with enclosure
Parnell Donahue
Attorney General
Pierre, South Dakota

Larry M. Hamblin, State Attorney
Belle Fourche, S.D.

Fred Albrecht
Vale, S.D.
Each Water Resources Commissioner

COPY

Water Resources Commission

Water Diversion Stop Order

Issued to Mr. A. L. Sheeler, Vale, South Dakota

Investigations disclose that you are taking or have taken water from Cottonwood Creek to irrigate approximately 40 acres of land in the Southwest Quarter, Section 31, Township 8 North, Range 6 East, Black Hills Meridian, without an appropriative water right for this purpose and are thereby depriving a water right holder, namely, Fred and Katie Albrandt, of his use of water from this stream.

You are hereby ordered to stop your unauthorized withdrawals of water from Cottonwood Creek for irrigation purposes on the above lands or other lands, except "domestic use" water supplies, unless and until you have acquired a water right to do so pursuant to the provisions of Chapter 430, Session Laws of 1955, as amended. This order is effective upon your receipt of same.

Should you consider yourself aggrieved by this Stop Order, you may submit any information that you consider to be pertinent concerning this Stop Order to the Water Resources Commission, State Office Building, Pierre, South Dakota.

Dated this _____ day of June, 1960

WATER RESOURCES COMMISSION

J. W. GRIMES, Executive Officer

(SEAL)

December 5, 1960

Mr. Sterling H. Clark
Clark and Clark
Attorneys At Law
516 1/2 State Street
Belle Fourche, South Dakota

Dear Mr. Clark:

In a letter dated July 25, 1960, on behalf of your client, Fred Albrandt of Nisland, you made formal objection to the applications of Mr. A.L. Sheeler, No. 471-1 and 477-1 and Mr. Harold Wetz, No. 478-1 to appropriate water from Cottonwood Creek.

On August 4, 1960 the State Water Resources Commission deferred action on applications 471-1, 477-1 and 478-1, pending further investigation.

This letter is written to inform you that applications, No. 471-1, 477-1 and 478-1 are scheduled to be reconsidered by the State Water Resources Commission at 10 A.M., December 22, 1960 at the office of the State Water Resources Commission at Pierre.

In your letter of July 25, 1960 you mention that all three applications would allow the applicants to secure water above Mr. Albrandt. Actually only application 471-1 specifies a diversion point upstream from Mr. Albrandt.

The conditions involved in these three applications, have been studied by the staff of the State Water Resources Commission, and the staff will make the following recommendations regarding these applications:

Applications 471-1 and 478-1.

That these applications be approved, subject to the following limitations:

1. Primarily, water available for this permit is return flows from the Belle Fourche Project. Such available flows may be reduced or changed by different water utilization by the project.
2. The use of water under this permit is contingent upon water supplies being available to prior water rights.

Sterling H. Clark

-2-

December 5, 1960

3. Lands described in this permit, which are also receiving water from the Belle Fourche Project may not receive water under this permit at the same time water is being obtained from the Belle Fourche Project.

Application No. 422-1

That application be approved subject to the same limitations as in applications 471-1 and 478-1 and an additional limitation saying no water may be diverted under this permit during the months of June, July, and August except during time when the creek flows are substantially above normal.

The basis for the recommendations are:

1. A drainage ditch from the Belle Fourche Project enters Cottonwood Creek about a mile above the mouth of Cottonwood Creek. During the irrigation season substantial flows are carried to Cottonwood Creek by this ditch. Even during the drought year of 1960 these flows were in excess of that used by the most downstream irrigator, Mr. A.E. Adams.
2. During years of normal or greater precipitation there will be periods of time when runoff flows above Mr. Albrandt's property will be in excess of the needs of existing irrigators.

Sincerely,

J.W. GRINES
Chief Engineer

JWG:DD:pp

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3781

April 15, 1985

A. L. Sheeler
P.O. Box 87
Pierre 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
527 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

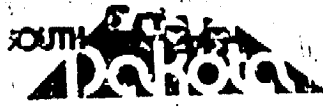


SUBJECT: Amendment to Water Permit No(s). 655-1, 471-1 & 412-1.

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.



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."

SOUTH DAKOTA
Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501
Division of Water Rights
605 773-3352

No. 655-1
471-1

Sheeler Farms
RR#1, Box 87
Vale, South Dakota 57788

Dear Sir:

Please find enclosed a copy of a Notice of Transfer of Water Permit forms. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50. ~~for each, total of \$5.00.~~

Upon receipt of the enclosed form and the \$2.50 filing fee/ ~~the permit will~~ **for each permit total of \$5.00** 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,

Maxine Stirling
Staff Assistant

m/

Enc.



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

WATER RIGHTS DIVISION
(605) 773-3352

471-1
655-1

May 21, 1987

A. James Sheeler
RR 1, Box 37
Vale, South Dakota 57788

Dear Mr. Sheeler:

Thank you for your recent letter regarding Water Right Nos. 471-1 and 655-1 listed in the name of A. L. Sheeler. These water rights should be transferred to whoever now owns the land.

Enclosed are partially completed "Notice of Transfer" forms. Please check them over, complete where necessary, date, and sign the forms in the presence of a notary public. Upon completion of the forms, return them to our office with a \$2.50 filing fee for each (total of \$5.00).

Upon receipt of the forms and filing fees in our office, Water Right Nos. 471-1 and 655-1 will be transferred to the new owner. If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.

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

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

March 23, 1987

A. L. SHEELER
RR #1 BOX 87
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 3, 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 hearings(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."

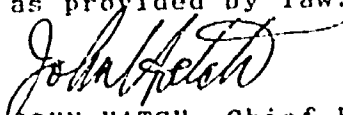
The hearing(s) will be at 2:00 pm, May 6, 1987, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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.



May 14, 1987

TO: A L SHEELER
RR #1 BOX 87
VILE, SD 57788

John H. H. H.

471-1

That Water Permit No(s). 471-1, 655-1 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.

Sorry about the delay as it is
Negligence on my part! Be advised
That A.L. Sheeler is deceased, said today.
Please address all correspondence to A. James Sheeler

RR1 Box 87
Valle S.D. 57788

Thank you!
Jim Wheeler



**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

September 18, 1987

Second Notice
Water Right Nos.
471- & 655-1

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

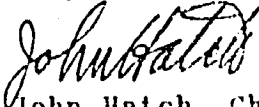
Dear Mr. Sheeler:

On May 21, 1987, notice was sent to you concerning the transfer of Water Right Nos. 471-1 and 655-1 in the name of A L Sheeler which cover irrigation of portions of Sections 19 & 29, T8N, R6E and Section 24, T8N, R5E. To date, we have not heard from you on this matter.

Transfer forms were previously sent to you, enclosed are additional forms. Please sign, have notarized and return the forms to this office with the required filing fee of \$2.50 each (total of \$5.00). The water rights can then be transferred to your name. If you are not the present owner of the land covered under these water rights, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact us.

Very truly yours,



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

enclosure

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:

A. James Sheeler
RRI, Box 87
Vale SD 57788

Ellen Sheeler

5. Signature - Addressee

X

6. Signature - Agent

X

7. Date of Delivery

4. Article Number

P 321 925 677

5. Type of Service:

☒ Registered

☐ Certified

☐ Express Mail

☐ Insured

COD

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

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



Department of Water & Natural Resources

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

January 29, 1988

A L SHEELER %JAMES SHEELER
RR #1 BOX 87
VALE, SD 57788

NOTICE

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

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 655-1, 471-1. 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 hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 655-1, 471-1 qualification:

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

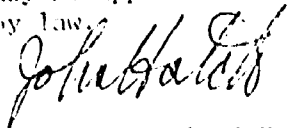
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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). 655-1, 471-1 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.

10. 471-1

NOTICE OF TRANSFER OF WATER PERMIT

TO. Water Rights
Foss Building
Pierre, SD 57501

Date: _____

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

74 Acres - S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 29, T8N-R6E

formerly owned by A. L. Sheeler

has been transferred to A. James Sheeler & Sheldon A. Sheeler RT1 Box 87
(please include complete mailing address) 1416 SN
together with any rights to the beneficial use of water thereon as evidenced by 5723

Water Right Permit No. 471-1 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of Battle) ss.

I, A. James 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. James Sheeler
(Signed)

Subscribed and sworn to before me this 1st Day of February, 1988.

Oliver Williamson
(Notary Public)

10/20/91



WNR-820-9/83

Notice of Transfer of Water Permit



Department of Water & Natural Resources

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

February 5, 1988

412-1
471-1
655-1

A James Sheeler
RR , 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

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

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

February 9, 1988

471-1
655-1

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

Dear Mr. Sheeler:

I am contacting you in regard to the "Notice of Transfer" forms you filed for Water Right Nos. 471-1 and 655-1. The forms were completed properly, however, they can not be filed for record without the required filing fees.

A \$2.50 filing fee (for each transfer) is required before a change of ownership can be filed on a water permit or right. Please remit a total of \$5.00 to our office as soon as possible. Upon receipt of the \$5.00, Water Right Nos. 471-1 and 655-1 will be transferred to A James and Sheldon A Sheeler.

If you have any questions, please contact me.

Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

411150

Pierre, February 27, 1918, 1918

RECEIVED OF Shuler Farms, Box 1, Box 87, Val, SD 57755

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>471-1</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)

No. 471-1

 **Department of
Water & Natural Resources**
Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

February 24, 1988

A. James & Sheldon A. Sheeler
Route 1, Box 87
Vale, South Dakota 57788

Dear Sirs:

Enclosed is receipt No. 411159 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 471-1.

Our records now show you as the owner of this Water Right.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

WNR-821-7/79
Receipt & Notice of filing of Transfer of Water Right



471-
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 1995

A JAMES STEELER
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 Duveill Natural Resources Engineer IV
Water Rights Division
605 773-3352

471-1



**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



471-1

**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.



471-1

**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
Vale, 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 ¼ 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 cross 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

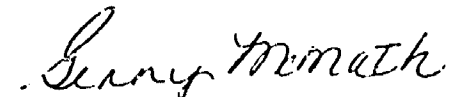
Page 2
September 10, 1998
Sheldon Sheeler

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,



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. 471-1



Date: Sept 28, 98

I/We request that Water Right No. 471-1

formerly owned by: A James and Sheldon Sheeler

be transferred to: (name & address) Sheldon Sheeler
Box 163 Vale SD 57788 Telephone No. 605-486-2515

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

74 acres in the S 1/4 NE 1/4 Section 29, T8N, R6E

I/We understand that the validity of Water Right No. 471-1 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.

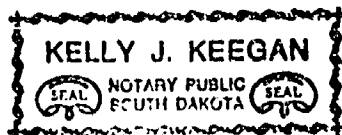
STATE OF SOUTH DAKOTA)

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

NO 415878

So. Dakota Department of Environment and Natural Resources

September 29, 1998

Pierre,

RECEIVED OF Sheldon Shetler, 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 Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form _____ Water Right No. 471-1

Fee for Filing Extension Request _____

Fee for _____

Total

2 50

2 50

(Any Other Work Provided by Law)

By _____
Chief Engineer

John Hatch (47)



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

471-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

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.



471-1

**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 10, 2009

412-1
471-1

Sheldon Sheeler
2600 Sammye Ave
Gillette WY 82718

Dear Mr. Sheeler:

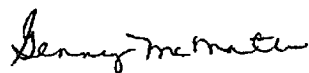
I am writing in follow-up to my phone conversation with Mrs. Sheeler. Our discussion pertained to information submitted on the annual irrigation questionnaires filed by James Sheeler Jr.

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



**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 Sammye 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 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

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 Sheeler 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 Sheeler 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

Sheldon Sheeler
2600 Sammyle Ave
Gillette WY 82718

Permit # 471-1

RECEIVED

MAR 26 2009

WATER RIGHTS
PROGRAM

Crop year 2005 corn
18 acres irrigated by flood irrigation
550 gallons per minute
5 days run 24 hours per day in July
5 days run 24 hours per day in August
5 days run 24 hours per day in September

Crop year 2006 corn
18 acres irrigated by flood irrigation
500 gallons per minute
5 days run 24 hours per day in July
5 days run 24 hours per day in August

Crop year 2007
planted small grain, did not irrigate
in 2007

no chemicals or fertilizer were applied
at any time with the water
this water is diverted 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,

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

471-1



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