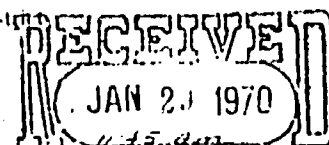


884-1

1. Considered MARCH 18, 1970
2. Name of Applicant A. L. SHEELER
3. Post Office Address VALE
4. Amount of water claimed 1.03
5. Source of water supply COTTONWOOD CREEK
6. Water to be used for IRRIGATION
Acres to be irrigated 72
7. Water to be diverted and used in BUTTE county
about 4 E miles - of VALE
3-9-70
8. Proof of Publication
Received 3-9-70
Not received _____
9. Application
Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 884-1Map No. 411-1 Water Division No. 1 BELLE FOURCHE RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

STATE WATER RESOURCES CO., INC.
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant Ross Oakley-O. Lamphere
Sturgis, SD State South Dakota
 Postoffice address _____

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) direct labor3. Name of diversion work Sheeler Irrigation Project #24. Amount of water claimed (cubic feet per second) 1.035. Source of water supply Cottonwood Creek6. Location of point of diversion Between a point N. 0° E., 495' from the S½ Corner, and a point N. 36° W., 1632' from the SE Corner, Section 29, T8N, R6ECounty Butte7. Annual period or periods during which water is to be used April thru October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 72

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
All in Section 29, T8N, R6E			
SW¼ SE¼	36		
SE¼ SE¼	36		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Five years. Additional time required to complete application of water to the proposed beneficial use Four years.

11. Choice of newspaper for Notice of Intent to Appropriate Water publication Belle Fourche Bee, Belle Fourche, S.D.

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Pump and motor

B. Works proposed to transport water to place of use.

Mainline

C. Works proposed to apply water to beneficial use.

Gated pipe

Estimated Total Cost \$ _____

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

STATE OF SOUTH DAKOTA

County of HughesI, A.L. Sheeler the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary constructionSigned A.L. Sheeler

29th day of January, 1970

Subscribed and sworn to before me this _____

Betty Westlund
 Notary Public (or other qualified officer)
 Betty Westlund, Tech. Assistant, W.R.C.

ROSS

WATER RIGHT APPLICATION APPROVAL

OAKLEY O. LAMPHERE

The Water Resources Commission hereby approves Water Right Application No. 884-1A. L. SHEETER

(Applicant)

VALE Box 476, SUEBIS

(Post Office Address)

SOUTH DAKOTA 57785

(State)

With the following modifications:

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.

Date of first receipt of application JANUARY 29 19 70

Date of return to applicant for correction, amendments or changes required _____ 19 _____

Date of receipt of corrected application _____ 19 _____

Approved MARCH 18 19 70 Recorded in Book 11 Page 82WATER RIGHT PERMIT NO. 884-1

The Water Resources Commission hereby grants and issues this Water Right Permit No. 884-1 authorizing the construction of a water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is JANUARY 29 19 70
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 18 19 72
3. The whole of said work is to be completed on or before MARCH 18 19 75
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 18 19 79
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 1.03 cubic feet per second, neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is

actually and beneficially applied for irrigation on or before MARCH 18 19 79; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 20TH day of MARCH 19 70

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer

Certificate of Construction Issued

SEPTEMBER 9 19 77

Water License Issued

SEPTEMBER 9 19 77

WATER LICENSE NO. 884-1

(1) WHEREAS, On the 29th day of January, A. D. 19 70

A. L. Sheeler

made Water Right Application No. 884-1 for a permit to use 1.03 cubic feet per second of the waters of Cottonwood Creek

County of Butte, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 18th day of March, A. D. 19 70

Permit No. 884-1, with a date of priority of January 27, 1970

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 18th day of March, A. D. 19 79 and for the

application to beneficial use of said water on or before the 18th day of March, A. D. 19 79

and whereas, on the 13th day of May, 1976, the Permit was transferred to Oakley O. Lamphere, Sturgis, SD.,

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.03 cubic feet per second of water for beneficial use and.

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

for irrigating the following land in Section 29, T8N, R6E

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 36 acres

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 36 acres

TOTAL 72 acres

(5) NOW, THEREFORE, by the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Oakley O. Lamphere

_____ of Sturgis
the holder _____ and owner _____ of said permit No. 884-1 a water right, dating from January 20, 1970
_____ to use of 1.03 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 hereinbelow mentioned, to be diverted at Between points N0°E, 495' from the S½ corner and
N36°W, 1362' from the SE corner, Section 29, T8N, R9E

and conduct to and upon portions of the S½SE¼, Section 29, T8N, R9E

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 884-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 9th day of September A. D.
Nineteen Hundred and Seventy-seven

WATER RIGHTS COMMISSION

By:

John Hatch
Civil Engineer, Executive Officer John Hatch

Form 15.

Permit No. 884-1

Water Diversion No. 1 Belle Fourche River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Oakley O. Lamphere

_____ the holder _____ of
Permit No. 884-1, issued upon Application No. 884-1, bearing date of priority of January 29,
1970 authorizing the diversion of 2.5 cu. ft. per second of the waters of _____
of Cottonwood Creek _____ County of Butte _____, State of South Dakota
between points N0°E, 435' from the S4 Corner and N36°W, 1362' from the
SE corner, Section 29, T3N., R6E
_____, for irrigation

_____ purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 2.5 cu. ft. per second of water.

Date September 9, 1977

WATER RESOURCES COMMISSION

By:

John Hatch
JOHN HATCH, Chief Engineer

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 884-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Battle) ss.

I, Darwin W. Jones hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Battle Branch 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 Battle Branch
County of Battle and State of South Dakota;
that the said notice was published in said newspaper on the following
four dates:

Feb. 6, 1970

Feb. 13, 1970

Feb. 20, 1970

Feb. 27, 1970

Darwin W. Jones
(Signature)

Publisher
(Title)

March 3, 1970
(Date Signed)

No. 884-1
NOTICE INTENT
TO APPROPRIATE WATER
Pierre, South Dakota 57501
February 2, 1970

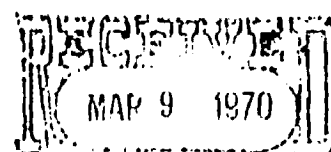
Notice is hereby given that
A.L. Sheeler whose post office
address is Vale, South Dakota,
has made an application in ac-
cordance with the provisions
of the water laws of South Da-
kota for a permit to appropriate
for beneficial use 1.03 cubic
feet of water per second of
time from Cottonwood Creek
through the Sheeler Irrigation
Project #2, the point of diver-
sion of which is to be located
between points in the SW 1/4
SE 1/4 and in the SE 1/4 SE 1/4,
Section 29, T8N, R6E. Said
water to be used for the purpose
of providing irrigation on the
following described land: S1/2
SE 1/4, Section 29, T8N, R6E.

This application No. 884-1
will be considered by the Water
Resources Commission at their
office at Pierre upon the 18th
day of March, 1970, at 2:00
P.M. All interested persons
may appear and be heard.

WATER RESOURCES
COMMISSION

By: Burton F. Jones, Water
Rights Specialist

41B(2)6-13-20-27



STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

Form 6 - Notice of Intent to Appropriate Water

884-1

Publish first publication, on or before February 19, 1970

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 2, 1970

Notice is hereby given that A.L. Sheeler
whose post office address is Vale, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
1.03 cubic feet of water per second of time from the Cottonwood Creek through the
Sheeler Irrigation Project #2, the point of diversion of which is to be located in the
between points in the SW 1/4 SE 1/4 and in the SE 1/4 SE 1/4, Section 29, T8N, R6E

of Section 29, Twp. 8N, Range 6E. Said water to be used for the purpose
of providing irrigation on the following described land:

SW 1/4, Section 29, T8N, R6E

This application No. 884-1 will be considered by the Water Resources Commission at their office at
Pierre upon the 18th day of March, 1970, at 2:00 P. M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

cc: A.L. Sheeler, Vale, S.D.

By:

EURTON F. JONES, Water Rights Specialist

884-1

NOTICE OF TRANSFER OF WATER PERMIT

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

Date MAY 13, 1976

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

SW & SE SECTION 29, T8N, R6Eformerly owned by A. L. SHEELER, VALE, SDhas been transferred to OAKLEY O. LAMPHERE, STURGIS, S.D.

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 884-1 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 Hughes) ss.

I, Oakley O. Lamphere 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.

Oakley O. Lamphere
(Signed)Subscribed and sworn to before me this 13th day of May, 19 76.Betty Wardlund
(Notary Public)
Sundsvall Clerk II

Permit No. 884-1

Water Division 1 BELLE FOURCHE RIVER Water District

REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by A. L. SHEELER

_____ of VALE _____ holder _____

of Permit No. 884-1, bearing date of priority of JANUARY 29, 1970

authorizing the diversion of 1.03 cu. ft. per second of the waters of COTTONWOOD CREEK

for IRRIGATION purposes, in BUTTE County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

RAINMASTER MODEL 8DP 8"X8" PUMP P.T.O.
POWERED BY IHC DIESEL TRACTOR

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

APPROX 1/4 MILE MAIN DITCH

C. Works used to apply water to beneficial use.

1000' OF 8" GATED PIPE PLUS SYPHON TUBES
FROM DITCH TO LEVELLED LAND

The system is in the following condition: GOOD

The point of diversion is located BETWEEN POINTS N 0° E, 495' from the S 1/4 CORNER
AND N 36° W, 1362' FROM SE CORNER, SECTION 29, T 8 N, R 6 E

The works are capable of diverting and conveying to the place of use 2.5

cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows: ALL IN SEC 29, T 8 N, R 6 E

<u>SW 1/4 SE 1/4</u>	<u>36 ACRES</u>
<u>SE 1/4 SE 1/4</u>	<u>36 "</u>

comprising a total of 72 acres of land.

Date SEPTEMBER 28, 1972

Anton Stone
(Signature)

WATER RIGHT SPECIALIST
WATER RESOURCES COMMISSION

NO. 884-1

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: April 12, 1981

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

S½ SE¼ Section 29, T8N, R6E (72 acres)

formerly owned by Oakley O Lamphere

has been transferred to Ross Lamphere, Box 445, Sturgis, SD 57785

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

Water Right Permit No. 894-1 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 Office 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 Wood } ss.

I, Ross Lamphere 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.

Ross Lamphere
(Signed)

Subscribed and sworn to before me this 16th day of April, 1981.

Deborah D. O'Connor
(Notary Public)

Deborah D. O'Connor
Notary Public, State of SD
My Commission Expires January 6, 1984

 **Department of
Water & Natural Resources**

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

884-1

January 20, 1988

Kent Rasmussen
PO Box 866
Rapid City, South Dakota 57709

Dear Mr. Rasmussen:

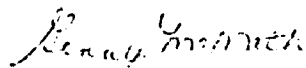
Enclosed is a copy of Water Right No. 884-1 listed in the name of Ross Lamphere. During our telephone conversation of January 19, you indicated this land was currently owned by Equitable Life Assurance Company. It was my understanding that the land was in the process of being sold to another party.

Enclosed is a partially completed "Notice of Transfer". At such time as the land is sold, please have the new owner complete the form and return it to our office. A \$2.50 filing fee is required for filing the transfer.

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 concerning this water right or the enclosed transfer form, please contact me.

Sincerely,



Genny McMath
Natural Resources Analyst

GM:ms
Enc.

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

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

April 13, 1989

884-1

Dale Johnson
RR #3 Box 23A1
Vale, SD 57788

Albert Sheeler
RR #1 Box 195
Vale, SD 57788

Dear Mr. Johnson & Mr. Sheeler:

I am writing in regard to ownership of Water Right No. 884-1, currently listed in the name of Ross Lumphre. The water right authorizes irrigation of 72 acres in the S 1/2 SE 1/4 Section 29, T8N, R6E. It is my understanding that each of you own a portion of the land described in Water Right No. 884-1.

I have enclosed a partially completed "Notice of Transfer" form for use in filing a change of ownership. Please complete the form by signing in the presence of a notary public and then returning the form to us with a required filing fee of \$2.50.

Upon receipt of both of the transfer forms and the filing fees, Water Right No. 884-1 will be split into 884A-1 and 884B-1. Water Right No. 884A-1 will be issued to Albert Sheeler for the portion of land he now owns and Water Right No. 884B-1 will be issued to Dale Johnson.

If you have any questions, please contact me.

Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosure



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

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

October 6, 1989

884-1

Dale Johnson
RR 3 Box 23A1
Vale, SD 57788

Albert Sheeler
RR #1 Box 195
Vale, SD 57788

Dear Mr. Johnson and Mr. Sheeler:

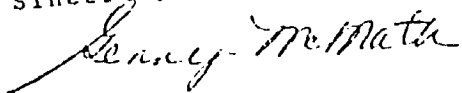
In followup to my telephone conversation with Mrs. Dale Johnson, enclosed are "Notice of Transfer" forms for use in filing ownership changes on Water Right No. 884-1. The water right is currently listed in the name of Ross Lamphere.

Forms were sent to you April 13, 1989, however, to date, we have not heard from you on this matter. Please have the forms signed and notarized before returning them to our office. A \$2.50 filing fee is required for filing a Notice of Transfer.

Upon receipt of both completed forms and the filing fees, Water Right No. 884-1 will be transferred and divided into 884A-1, Albert Sheeler and 884B-1, Dale Johnson.

If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosure





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

May 23, 2024

884-1

Sheeler Family Limited Partnership
13154 River Loop Rd
Vale SD 57788

To whom it may concern:

I am writing today in regard to Water Right No. 884-1, presently held in the name of Ross Lamphere. Water Right No. 884-1 authorizes the diversion of 1.03 cubic feet of water per second (approx. 460 GPM) from Cottonwood Creek, for the irrigation of 72 acres located within the S ½ SE ¼ Section 29, T8N, R6E, Butte County. A map of the authorized area is enclosed for you to reference, along with a copy of the original water right.

While the annual reporting of water use, through irrigation questionnaires, is a requirement of Water Right No. 884-1, questionnaires have not been mailed in recent years due to the uncertainty of ownership. Our records now indicate that Sheeler Family Limited Partnership owns all of the lands authorized for irrigation under Water Right No. 884-1.

If irrigation is still taking place, under South Dakota Water Laws, water rights for irrigation are appurtenant to the land and should be transferred to reflect this change in ownership. For your convenience I have enclosed a partially completed "Notice of Transfer of Ownership" and pre-paid envelope. Please complete the highlighted portions of the transfer form and return it with payment in the amount of \$50.00. Checks should be made payable to SD Water Rights Program.

SDCL 46-5-37 also requires water be put to beneficial use, as described in the water right, at least once every three years. Failure to exercise a water permit/right may render it subject to cancellation for abandonment and/or forfeiture. Water Rule 74:02:01:37.1 allows for exceptions of non-use, such as the unavailability of water, sufficient moisture, or legal proceeding preventing access to the irrigation system.

Should irrigation no longer be taking place, no transfer will be necessary. If this is the case, please let us know so that we may cancel the unused portions of the water right.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosures

884-1

PAID

JUN 24 2024

Ck# 334

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 884-1 Rec't#

Date: 6-19-24

I/We request that Water Right No. 884-1

formerly owned by: Ross Lamphere, Sturgis SD

be transferred to: (name & address) Sheeler Family Limited Partnership; By James Sheeler
James Sheeler 13154 River Loop rd. Vate SD 57788
Email: JSFarms@SDPlains.com Telephone No. 605-645-7484

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

72 acres - S 1/2 SE 1/4 Section 29, T8N, R6E

I/We understand that the validity of Water Right No. 884-1 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 Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We James Sheeler, the new owner, certify that the above information is true and correct.

James Sheeler
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIVED
JUN 24 2024
OFFICE OF
WATER

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date June 24th, 2024

RECEIVED OF Sheeler Family Limited Partnership: By James Sheeler 13154 River Loop Rd 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 <u>No 884-1</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$50.00</u>

By Eric G. Gonslund
Chief Engineer

SG



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

June 25, 2024

884-1

Sheeler Family Limited Partnership
c/o James Sheeler
13154 River Loop Rd
Vale SD 57788

Dear Mr. Sheeler:

I have received your "Notice of Transfer of Ownership" form and the required fees. Enclosed is a receipt of payment for your records.

Water Right No. 884-1 previously held by Ross Lamphere, is now listed under Sheeler Family Limited Partnership. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the water right, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the water right will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosure



Department of Water & Natural Resources

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

April 13, 1989

884-1

Dale Johnson
RR #3 Box 23A1
Vale, SD 57788

Albert Sheeler
RR #1 Box 195
Vale, SD 57738

Dear Mr. Johnson & Mr. Sheeler:

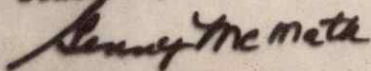
I am writing in regard to ownership of Water Right No. 884-1, currently listed in the name of Ross Lamphere. The water right authorizes irrigation of 72 acres in the S 1/2 SE 1/4 Section 29, T8N, R5E. It is my understanding that each of you own a portion of the land described in Water Right No. 884-1.

I have enclosed a partially completed "Notice of Transfer" form for use in filing a change of ownership. Please complete the form by signing in the presence of a notary public and then returning the form to us with a required filing fee of \$2.50.

Upon receipt of both of the transfer forms and the filing fees, Water Right No. 884-1 will be split into 884A-1 and 884B-1. Water Right No. 884A-1 will be issued to Albert Sheeler for the portion of land he now owns and Water Right No. 884B-1 will be issued to Dale Johnson.

If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosure



STATE OF SOUTH DAKOTA

WATER LICENSE NO. ⁸⁸⁴⁻¹₈₈₄₋₁(1) WHEREAS, On the 29th day of January A. D. 19 70A. L. Steelermade Water Right Application No. 884-1 for a permit to use 1.03 cubic feet per second of the waters of Cottonwood CreekCounty of Butte, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 18th day of March A. D. 19 70Permit No. 884-1, with a date of priority of January 19, 1970was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 18th day of March A. D. 19 79 and for the application to beneficial use of said water on or before the 18th day of March A. D. 19 79

and whereas, on the 13th day of May, 1976, the Permit was transferred to Oakley O. Lamphere, Sturgis, SD.,

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.03 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

for irrigating the following land in Section 29, T6N, R6ESW 1/4 SE 1/4 36 acresSE 1/4 SE 1/4 36 acresTOTAL 72 acres- Albert Steeler 884A-1
- Dale Johnson 884B-1

(G&N, R6E)

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Oakley O. Lamphere

_____ of Sturgis
the holder _____ and owner _____ of said permit No. 884-1 a water right, dating from January 20, 1970
_____ to use of 1.03 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 hereinbelow mentioned, to be diverted at Between points N0°E, 495' from the S½ corner and
N36°W, 1362' from the SE corner, Section 29, T8N, R6E

and conduct to and upon portions of the S½SE¼, Section 29, T8N, R6E

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 884-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 9th day of September A. D.
Nineteen Hundred and Seventy-seven

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer John Hatch

NO. 894-1

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: April 16, 1981

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

S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 29, T8N, R6E (72 acres)

formerly owned by Oakley O Lamphere

has been transferred to Ross Lamphere, Box 445, Sturgis, SD 57785

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

Water Right Permit No. 884-1 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 Office 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 Meade) ss.

I, Ross Lamphere 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.

Ross Lamphere
(Signed)

Subscribed and sworn to before me this 16th day of April, 1981.

Deborah D. O'Connor
(Notary Public)

Deborah D. O'Connor
Notary Public, South Dakota
My Commission Expires February 2, 1984

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412051

Pierre, _____ January 22, 19 90

RECEIVED OF Albert Sheeler, RR 1, Box 195, 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 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. 884A-1		
Fee for Filing Transfer Form <u>884A-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 (KS)

NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 1/18/90

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

SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, T8N, R6E

formerly owned by Ross Lamphere

has been transferred to Albert Sheeler RRI, Box 195, Vale SD 57788

(please include complete mailing address)

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

Water Right Permit No. 884-1 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 Meade) ss.

I, Albert Sheeler 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.

Albert Sheeler
(Signed)

Subscribed and sworn to before me this 18 Day of January, 1990

Debra B. Powers
(Notary Public)



Debra L. Powers
Notary Public

My Commission Expires June 10, 1990



Department of Water & Natural Resources

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

February 9, 1990

DALE JOHNSON, MGR
RR 3 BOX 23A1
VALE, SD 57788

NOTICE

RE: Violation of Requirement to Submit 1989 Irrigation Questionnaire

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 884B-1. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted 1989 Irrigation Questionnaire 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 8:30 am, March 7, 1990 at the Howard Johnson's, Jefferson-Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

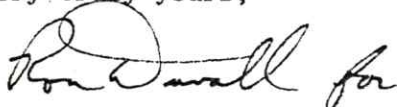
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 884B-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.

If the questionnaire(s) is received in this office before the March 7th hearing date, your name will be deleted from the agenda for the hearing.

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

March 14, 1990

NOTICE OF AMENDMENT OF WATER PERMIT

TO: DALE JOHNSON, MGR
RR 3 BOX 23A1
VALE, SD 57788

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



SUBJECT: Amendment to Water Permit No(s). 884B-1

Pursuant to the provisions of the notice dated February 9, 1990, and following the Hearing March 7, 1990, the Water Management Board has amended Water Permit No(s). 884B-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 contact Genny McMath (605 773-3352), if you have any questions.



884A-1

DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 1, 1991

ALBERT SHEELER, MGR
RR 1 BOX 195
VALE SD 57788

NOTICE

RE: Violation of Requirement to Submit 1990 Irrigation Questionnaire

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 884A-1. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s) 884A-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.

If the questionnaire(s) is received in this office before the February 27th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,

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

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 19, 1991

884A-1

Albert Sheeler, Mgr
RR #1 Box 195
Vale, SD 57788

Dear Mr. Sheeler:

I am writing to acknowledge receipt of your 1990 irrigation questionnaire for Water Right No. 884A-1. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaire, your name has been deleted from the February Water Management Board meeting agenda.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division



884B-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 1993

NOTICE

TO: DALE JOHNSON, MGR
RR 3 BOX 23AA
VALE SD 57788

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Violation of Water Permit No(s) 884B-1

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 884B-1. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 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) 884B-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 3, 1993, 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 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) 884B-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. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 9, 1993

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: DALE JOHNSON, MGR
RR 3 BOX 23AA
VALE SD 57788

FROM: Ron Duvall, Natural Resources Engineer IV
Water Rights Division
(605) 773-3352 

SUBJECT: One Year Suspension of Water Permit No. 884B-1

Pursuant to the provisions of the notices dated January 29, 1993, and following the hearing of March 3, 1993, the Water Management Board has ordered:

That Water Permit No. 884B-1 be SUSPENDED until December 31, 1993. Suspension of the permit does not excuse the permit owner from the requirement to submit the 1992 irrigation questionnaire.

Suspension of a permit means water may not be pumped during the 1993 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension(s), you will need to submit a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 5-6, 1993 in Pierre. The letter should include your reasons for not completing the irrigation questionnaire prior to the March Board meeting.

CERTIFICATION

I hereby certify that on March 9, 1993, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 9, 1993, regarding NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT'S addressed as stated below:

4651-3: Donald Abraham, RR 2, Box 64, Elk Point, SD 57025.

833-2: Sadie & Bob Assman, RR 3, Box 144, Winner, SD 57580.

754-1: Lloyd & Barbara Campbell, HC 62, Box 8, McIntosh, SD 57641.

978-2: Robert Christensen, HCR 81, Box 47, Kennebec, SD 57544.

2080-2: Gary L. Dickinson, HC 72, Box 23, Tuthill, SD 57574.

4702-3, 5226-3: Dan Hanson, RR 1, Box 6A, Elk Point, SD 57025.

5070-3: Mike Wurtz-Jamesville Colony, RR 1, Box 51, Utica, SD 57067.

884B-1: Dale Johnson, Mgr. RR 3, Box 23AA, Vale, SD 57788.

1252-3: Dave Kokesh, Renter, Rt 1, Wagner, SD 57380.

4948-3: Gerald A. Person, RR 2, Box 123, Britton, SD 57430.

751-1: Prairie View, Inc., HC 75, Box 154, Sturgis, SD 57785.

2137-2: Frank Simpson, 1116 Jackson Bl., Rapid City, SD 57702.

1028-3: William M. Smith, Rt 1, Box 136, Mission Hills, SD 57046.

200-3: Teresa Wessel, RR 1, Box 127, Woonsocket, SD 57385.

5482-3: Wiese Brothers Farms, RR 1, Box 36A, Twin Brooks, SD
57269-9801.

1341-3: Daniel J. Kamphuis, 8513 Keiser SE, Alto, MI 49302-9728.

Cheryl A. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 10th day of March, 1993.



John Hated
Notary Public

884B-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 14, 1995

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHT

TO: Dale Johnson, RR # 3 Box 23AA, Vale, SD 57788

FROM: JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

SUBJECT: One Year Suspension of Water Right No. 884B-1

Pursuant to the provisions of the notice dated February 7, 1995, and following the hearing of March 8, 1995, the Water Management Board has ordered:

That Water Right No. 884B-1 be suspended until December 31, 1995. Suspension of the water right does not excuse the water right holder from the requirement to submit the 1994 Irrigation Questionnaire.

Suspension of a water right or permit means water may not be pumped during the 1995 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Please contact Genny McMath at (605) 773-3352, if you have any questions.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

DALE JOHNSON, MGR
RR 3 BOX 23AA
VALE SD 57788

NOTICE

RE: Violation of Water Permit No 884B-1.

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No 884B-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 884B-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 884B-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 is 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



February 4, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: DALE JOHNSON, RR 3 BOX 23AA, VALE, SD 57788
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s). 884B-1

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 884B-1. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 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) 884B-1 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 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) 884B-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 28, 1997, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 7, 1997

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHT

TO: DALE JOHNSON, RR 3 BOX 23AA, VALE, SD 57788

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

SUBJECT: One Year Suspension of Water Right No. 884B-1

Pursuant to the provisions of the notice dated February 4, 1997, and following the hearing of March 5, 1997, the Water Management Board has ordered:

That Water Right No. 884B-1 be suspended until December 31, 1997, for failure to submit the 1996 irrigation questionnaire.

Suspension of a water right or permit means water may not be pumped during the 1997 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension, you will need to submit the 1996 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for April 29, 1997, in Pierre, SD. The letter should include your reasons for not completing the 1996 irrigation questionnaire.

Please contact Genny McMath at (605) 773-3352, if you have any questions.

CERTIFICATION

I hereby certify that on March 7, 1997, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 7, 1997, regarding One Year Suspension of the following Water Rights/Permits, addressed as stated below:

W.R. #884B-1: Dale Johnson, RR 3, Box 23AA, Vale, SD 57788.

W.R. #816-2 & W.P. #973-2: Lien Ranch, Inc., HCR 80, Box 17, Presho, SD 57568.

W.R. #1280-2: Odie Dale Bowen, Box 407, Philip, SD 57567.

W.R. #1342-2: Gerald Novak, Manager, HCR 1, Box 51, Martin, SD 57551.

Copy sent to: Leonard Novak, Box 139, Batesland, SD 57551.

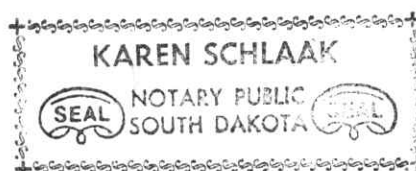
W.R. #3466-3: I. A. Schwan, P.O. Box 97, Hitchcock, SD 57348-0097.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 10th day of March, 1997


Notary Public



KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001



884A-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

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

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 has not been submitted for Permit No(s) 506-1, 884A-1 & 892-1. 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 be given notice of hearing to determine if any Board action is to be taken concerning this issue.

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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 506-1, 884A-1 & 892-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
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, your name will be deleted from the Board agenda. If you have any questions or need assistance with 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 13, 1998

506-1
884A-1
892-1

James Sheeler, Jr
RR 3 Box 10
Vale, SD 57788

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. 506-1, 884A-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



884-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 10, 2003

James Sheeler
RR 3 Box 10
Vale SD 57788

Dear Mr. Sheeler:

Awhile back, you contacted our office concerning the ownership changes needed for Water Right Nos, 506-1 and 892-1. Enclosed are copies of those water rights.

Also enclosed are partially completed Notice of Transfer of Ownership forms for filing an ownership change. The forms should be completed and signed by the new owner(s). Upon completion they need to be returned to our office with a required filing fee of \$2.50 each. The check or money order for the fee can be made payable to the Water Rights Program.

Eric Gronlund spoke with you concerning the water rights and there was some discussion on ownership of Water Right No. 884-1. I have included a copy of the water right for your review. A transfer was filed by Albert Sheeler for a portion of the water right in January, 1990 (SW ¼ SE ¼ Section 29). The other owner at the time (Dale Johnson) would never follow up on the ownership changes.

Our intent was to divide and reissue No. 884-1 into "884A-1" and "884B-1" to reflect separate ownership. I have been mailing irrigation questionnaires to you for No. 884A-1. The records indicate the land was last irrigated in 1992. Mr. Johnson has never filed questionnaires so I am unable to determine if his portion was irrigated or not.

Ownership of water rights are certainly transferable, however changing ownership of a water right that may have been abandoned or forfeited due to nonuse does not revive the water right. I have included excerpts from our water laws dealing with these issues.

If you have any questions concerning the enclosed information, please get in touch with either myself or Eric Gronlund at (605) 773-3352.

Sincerely,

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

SWSE + SESE -29-8N-6E

Sheeler Family LTD Part.

13154 River Loop Rd

Vale SD 57788

Regrid shows all lands
now owned by Sheeler's.

AMD mailed letter ^{5/23/24}
(see WR file)
for ownership + use confirmation

Either x for all of 884-1
(delete 884A-1 + 884B-1) +
resume mailing 10s,
or cancel everything

DONE (AMD)

11:55

S¹/₂ SE¹/₄ Sec 29, T8N, R6E

Assessor
(Butte Co)

RR#3 Box 23A1

892-3950

SE¹/₂ SE¹/₄ Dale Johnson, Va

57288

→ 884B-1

SW¹/₂ ~~SE~~ SE¹/₄

Albert Skuler, Va

884A-1

RR#1 Box 195

347-2261

● **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. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

DALE JOHNSON, MGR
RR 3 BOX 23A1
VALE, SD 57788

4. Article Number

P464 617 533

Type of Service:

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

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Address

X *Dale Johnson*

6. Signature — Agent

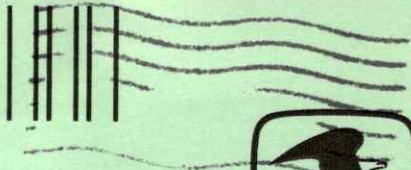
X

7. Date of Delivery

2-10-90

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

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS



PENALTY FOR PRIVATE
USE, \$300

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER & NATURAL RESOURCES
DIVISION OF WATER RIGHTS
JOE FOSS BUILDING
PIERRE, SOUTH DAKOTA 57501

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:

884B-1

DALE JOHNSON, MGR
RR 3 BOX 23AA
VALE, SD 57788

4a. Article Number

P 757 566 381

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

2-8-95

5. Signature (Addressee)

[Signature]

6. Signature (Agent)

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

UNITED STATES POSTAL SERVICE



Official Business

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Print your name, address and ZIP Code here

DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES
DIVISION OF WATER RIGHTS
523 E. CAPITOL JOE FOSS BLDG.
PIERRE, SOUTH DAKOTA 57501

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.

3. Article Addressed to:

4. Article Number

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee
or agent and DATE DELIVERED.

- ### 5. Signature — Addressee

6. Signature – Agent

7. Date of Delivery

3-16-90

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

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE
USE, \$300

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER & NATURAL RESOURCES
DIVISION OF WATER RIGHTS
JOE FOSS BUILDING
PIERRE, SOUTH DAKOTA 57501

● **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
(Extra charge) (Extra charge)

3. Article Addressed to:

ALBERT SHEELER, MGR
RR 1 BOX 195
VALE SD 57788

4. Article Number

P694057471

Type of Service:

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

Always obtain signature of addressee
or agent and DATE DELIVERED.

5. Signature — Addressee

X *A. Sheeler*

6. Signature — Agent

X

7. Date of Delivery

2/4/91

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

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

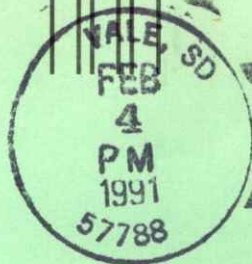
Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN
TO



DEPARTMENT OF WATER & NATURAL RESOURCES
WATER RIGHTS DIVISION
523 E CAPITOL JOE FOSS BLDG
PIERRE SD 57501-3181



PENALTY FOR PRIVATE
USE, \$300

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:

DALE JOHNSON, MGR
RR 3 BOX 23AA
VALE SD 57788

4a. Article Number

P 906 560 184

4b. Service Type

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

7. Date of Delivery

2-1-93

5. Signature (Addressee)

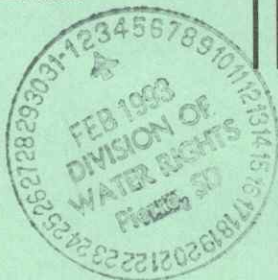
Dale Johnson

6. Signature (Agent)

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

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Print your name, address and ZIP Code here

DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES
DIVISION OF WATER RIGHTS
523 E. CAPITOL JOE FOSS BLDG.
PIERRE, SOUTH DAKOTA 57501

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

DALE JOHNSON
 RR 3 BOX 23AA
 VALE SD 57788

4a. Article Number

P 378 081 449

4b. Service Type

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

7. Date of Delivery

2-6-97

5. Received By: (Print Name)

Dale Johnson

6. Signature: (Addressee or Agent)

X

Dale Johnson

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

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES
WATER RIGHTS PROGRAM
523 E. CAPITOL JOE FOSS BLDG.
PIERRE, SOUTH DAKOTA 57501





884-1
655-1

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2026

NOTICE

TO: JAMES SHEELER, 13154 RIVER LOOP RD, VALE, SD 57788

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaires

Our records indicate your 2025 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 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) 884-1 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) 655-1 qualification:

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

The hearing will be held on **Wednesday, March 4, 2026 at 9:30 am (Central Time)** 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) 655-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 884-1 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 before the **March 4, 2026** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: NQQJLL**

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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 10, 2026

884-1

655-1

James Sheeler
13154 River Loop Rd
Vale, SD 57788

Dear Mr. Sheeler,

I am writing to acknowledge receipt of your 2025 irrigation questionnaire(s).

You may disregard the January 20, 2026, "Notice" concerning irrigation reporting requirements for your water permit/right(s). 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,

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 10, 2026

884-1

655-1

James Sheeler
13154 River Loop Rd
Vale, SD 57788

Dear Mr. Sheeler,

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If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us