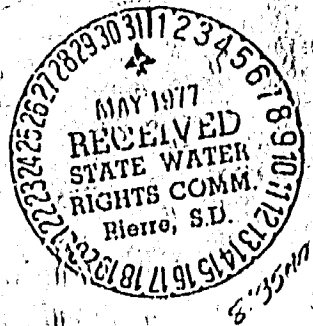


Water Right Number 1543-2

1. Considered 7-27 77
2. Name of Applicant MASON M. MILLER
3. Post Office Address EDGE MONT
4. Amount of water claimed 1.66
5. Source of water supply CHEYENNE RIVER
6. Water to be used for IRRIGATION
- Acres to be irrigated 116.2
7. Water to be diverted and used in FALL RIVER County
about 1N, 3E Miles 1 of EDGE MONT
8. Proof of Publication Received 1ST 7-25-77
Not received _____
9. Application Approved 1/31/79
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

No. 1593-2

Map No. L360-2 Water Division No. 2. SOUTH CHEYENNE RIVER District
 (Blanks to be Filled by the Engineer for the S. R. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

- Name of Applicant Mason M. Miller
- Postoffice address Deluxy Route, RR 100 Edgemont, State SD
- ~~If a corporation - how date and place of incorporation~~
- Method of accomplishing work (contract, employment of others, or by direct labor) employment of others
- Name of diversion work Miller #1 Diversion
- Amount of water claimed (cubic feet per second) 1.66 cfs
- Source of water supply Cheyenne River
- Location of point of diversion Approximately 2.5 miles downstream from Edgemont, SD
1862' E. of S 32° 01' W from NE corner of sec 32, T 25 R 3 E
 County Fall River
- Annual period or periods during which water is to be used April - Aug. when river runs
- Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
- For irrigation use:
 Total number of acres to be irrigated: 116.2 ac.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
T 25 R 3 E, sec 32 NW 1/4 NW 1/4	0.4	T 25 R 3 E, sec 33 NW 1/4 NW 1/4	3.5
SW 1/4 NW 1/4	11.8	SW 1/4 NW 1/4	26.6
SE 1/4 NW 1/4	13.6	SE 1/4 NW 1/4	11.0
SE 1/4 NW 1/4	16.0	NW 1/4 SW 1/4	7.8

Attach sheet if more space is needed

- Time required to complete construction of water supply system two years. Additional time required to complete application of water to the proposed beneficial use one years.
- Choice of newspaper for Notice of Application to Appropriate Water publication Edgemont Herald - Tribune
- Principal Features of the Proposed Water Supply System:

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

Centrifugal Pump

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

Earth Ditches

C. Works proposed to apply water to beneficial use:

Graded Border Irrigation System

Estimated Total Cost \$ 2000

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 Fall River

I, Mason M. Miller 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 construction.

Signed Mason M. Miller

Subscribed and sworn to before me this 25th day of May 1977

Gene V. Carter
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1593-2

MASON M. MILLER
(Applicant) 57735

STAR ROUTE, EDGE MOUNT
BPO 100 (Post Office Address)

SOUTH DAKOTA With the following modifications:

The U.S. Bureau of Reclamation holds water rights to certain flows in the Cheyenne River for storage in Angostura Reservoir. It is likely that water diversion restrictions, under this permit, to appropriate water may be necessary at times to assure water for domestic use, including stockwater, and water supplies for prior water rights, including the Angostura storage.

This permit also requires a by-passing of 50 cubic feet per second.

These restrictions mean that no diversions will take place during the spring until the Angostura reservoir has received the flows (excluding storage diversions) necessary to bring the reservoir to elevation 3,187.2 feet msl. Upon meeting this requirement then the low flow by-pass of 50 cfs would go into effect throughout the remainder of the irrigation season.

Date of first receipt of application MAY 31 1977
Date of return to applicant for correction, amendments or changes required _____ 19____
Date of receipt of corrected application _____ 19____
Approved JANUARY 31 1979 Recorded in book 20 Page 112

WATER RIGHT PERMIT NO. 1593-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1593-2 authorizing the construction of the 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 MAY 31 1977
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 31 1980
3. The whole of said work is to be completed on or before JANUARY 31 1984
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 31 1982
5. The water appropriated shall be used for the purpose of IRRIGATION extended 2-4-82
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 this appropriation herein granted shall not exceed 1.66 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 JANUARY 31 1982 said water to be used during the following described annual period: APRIL THRU AUGUST - WHEN AVAILABLE

Witness my hand this 5th day of FEBRUARY 1979

WATER RIGHTS COMMISSION

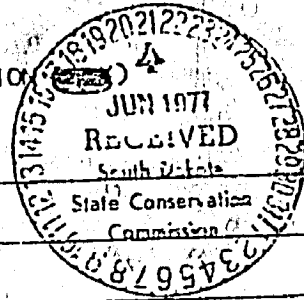
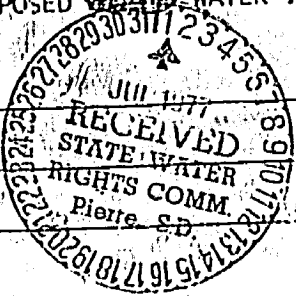
By: John K. [Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued _____ 19____

Water License Issued _____ 19____

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3, AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION)

NAME Mason Miller
ADDRESS Star Route
COUNTY Edgemont S.D.



LEGAL DESCRIPTION

- 1. Well Location 1817 ft S 32° 01' W from NE corner sec. 32 T8S R3E
- 2. LOCATION OF AREA TO BE IRRIGATED T8S R3E sec 32-NE 1/4 sec 35-NW 1/4 NW 1/4 S 1/2 NW 1/4, NW 1/4 SE 1/4

TYPE OF IRRIGATION

- 3. GRAVITY TOWLINE _____ CENTER PIVOT _____ GUN _____
- 4. CROPS TO BE IRRIGATED alfalfa hay

WATER QUALITY

- 5. SAMPLE NUMBER not needed - Cheyenne River
- 6. SALINITY (EC x 10⁶) _____
- 7. SODIUM (SAR) _____
- 8. RESIDUAL SODIUM CARBONATE (meq/l.) _____

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and; the soils information has been acquired from Fall River County Conservation District, County Extension office or Soil Conservation Service.
and:
that the legal description for the location of the well and land to be irrigated is true and correct.

Mason M. Miller
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
9th DAY OF June 1977.

Alfred J. [Signature]
(TITLE OR SEAL) Notary Public

Alfred J. [Signature]
APPROVED/DISAPPROVED
Conditional Approval

(SOILS INFORMATION ON REVERSE SIDE)

Item 9 cont.

T8S, R3E, sec 33	NE 1/4 SW 1/4	20.3 ac
	NW 1/4 SE 1/4	4.9 ac

Publish first publication, on or before July 14, 1977

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

July 7, 1977

Notice is hereby given that Mason M. Miller whose

post office address is Edgemont, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, ~~Future Use 46-5-38, Temporary Permit 46-5-39, 46-5-40, Ground Water 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14~~ and Commission Rules AKSD 52:01:01:01 thru 52:01:01:13, ~~Future Use 52:01:01:21~~

thru ~~52:01:01:24~~, for a permit to appropriate for beneficial use 1.65 cubic feet of water per second of time from the Choyenne River through the Miller # 1, the point of diversion of which is to be located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$

of Section 32, Twp. E5, Range 3E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE $\frac{1}{4}$, Section 32; W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, T8S, R3E.

This Application No. 1593-2 will be considered by the Water Rights Commission ~~at their office~~ at the Stavelite Inn, Brookings, SD upon the 27th day of July, 1977, at 10 a.m. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission, in writing prior to the hearing or orally at the hearing.

WATER RIGHTS COMMISSION

James Winterton
Water Rights Specialist

cc: Mason M. Miller, Star Route, Edgemont, SD 57735

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Fall River) ss.

I, Marlin R. McKown hereby certify that the annexed printed copy of Notice of Intent to Appropriate Water was taken from the Edgemont Herald-Tribune

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 Edgemont

County of Fall River and State of South Dakota; that the said notice was published in said newspaper on the following two dates:

July 14, 1977

July 21, 1977

Marlin R. McKown
(Signature)

Publisher
(Title)

7-22-77
(Date Signed)

#3669 - July 14 & 21
NOTICE OF HEARING ON APPLICATION TO APPROPRIATE WATER
Pierre, South Dakota 57501
July 7, 1977
Notice is hereby given that Mason & M. Miller, whose post office address is Edgemont, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-0 thru 46-2-11; 46-2-15; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22; 46-5-41; and Commission's Rules WARD 52: 01:01:01 thru 52:01:01:13 for a permit to appropriate for beneficial use 1.66 cubic feet of water per second of time from the Cheyenne River through the Miller #1 (the point of diversion of which is to be located in the SE1/4 NE1/4 of Section 32, Twp. 68S, Range 3E. Said water to be used for the purpose of providing irrigation on portions of the following described land: NE1/4, Section 32; W1/2 NW1/4, SE1/4 NW1/4, N1/2 SW1/4, NW1/4 SE 1/4, Section 33, T8S, R3E. This Application No. 1593-2 will be considered by the Water Rights Commission at the Staurollie Inn, Brookings, SD upon the 27th day of July, 1977, at 10 a.m. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses, according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.
WATER RIGHTS COMMISSION
/s/ James Winterton
James Winterton
Water Rights Specialist



1593-2

Meine Herren

Ich habe die für den
 Bau der neuen Kirche
 in der Stadt...
 ...
 ...

Ich habe die für den
 Bau der neuen Kirche
 in der Stadt...
 ...

1600

Ich habe die für den
 Bau der neuen Kirche
 in der Stadt...
 ...

Angela's 811 Bill

9-20-77

Walter H. ...
...
... applied of all ...

...
...
... 1975 ...
... 1961 to 67.

Gen Supp 1972

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...
...
...

... 1971 ...

... 90, ...

Supply

... 3000 A ...

Year 1977

Handwritten notes on the left margin, possibly including a date like 9-20-77.

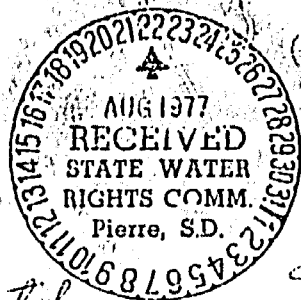
||

7-25-77

117 2112

Willard Hussey
President: Angstrom Irrigation
Project

The board of the
Irrigation District does
not endorse any
further irrigation
permits above the
Angstrom Dam. The
Dam has not provided
the 100% allotment
for the district, but more
like 85% of total
for the past four years.
These past four to five
years of runoff has not
filled the Angstrom Dam.



Aug. 19, 1977
Edgemont, S.D.

Mr. John Hatch

Dear Sir,

I received your letter of Aug. 9th stating that my application # 1593-2 had been deferred. Could you give me any information on why this action was taken? I understand that the Bureau of Reclamation has objected to this; what is their reason for objecting? Also I would like to know if there will be another hearing on this application and if I will be notified so I can be there? I am very anxious to get started on this project, so would appreciate any information you can give me.

Sincerely
Marion M. McLean

September 1, 1977

Mr. Mason H. Miller
Edgemont, SD 57135

Dear Mr. Miller:

In reply to your letter dated August 19, 1977, your irrigation permit was deferred because of a lack of water for the Angostura Irrigation Project. The Angostura Irrigation District was concerned because during the past four to five years, they have been unable to fill the dam. The District received approximately 85% of their allocation rather than the full 100%.

Therefore an investigation of your application must take place in order to determine if there is any unappropriated water available for irrigation out of the Cheyenne River. Your application will remain deferred until an investigation is conducted of the water supply in your area. You will be notified when the application is reconsidered by the Commission, at which time the application will be approved or denied depending on the results of the investigation.

I would suggest not investing in the development of your proposed irrigation project until you received an approval of the application.

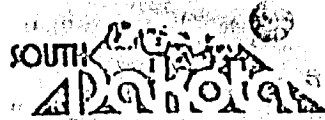
Please advise this office if there are any further questions.

Sincerely,

James Winterton
Water Rights Specialist

JW:PK

1593-2



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501
Phone 605/224-3151

March 21, 1978

TO: Persons concerned with deferred Application Nos. 1593-2 and 1614-2
FROM: John Hatch, Chief Engineer, Water Rights Commission
SUBJECT: Reconsideration of deferred Application Nos. 1593-2 and 1614-2 and water availability above Angostura Reservoir

The Water Rights Commission will reconsider Water Right Application Nos. 1593-2 and 1614-2 at 11:00am, March 29, 1978, at the Guest House, 101 North Broadway, Watertown, South Dakota.

This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-2-8; 46-2-9 thru 46-2-11, 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41; and Commission Rules ARSD 52:01:01:01 thru 52:01:01:03.

Application Nos. 1593-2 and 1614-2 were deferred by the Water Rights Commission during 1977, pending Staff investigation.

After reconsideration of Application Nos. 1593-2 and 1614-2, the Commission can approve, defer, or deny all or parts of the Applications. A copy of the "Investigation of Water Availability above the Angostura Reservoir on the Cheyenne River & Tributaries" is enclosed for your information.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH:plh

Enclosure

RE: 1593-2

File

1593-2

May 10, 1978

James Winterton
Water Resources Engineer

Dear Mr. Winterton,

This letter is to let you know that the flood gates to Angostura Reservoir was opened at approximately 8 A. M. on May 8th, 1978. The Cheyenne River has been raising every since because of heavy rains in Wyoming.

I applied for a permit a year ago and feel you should get some action on this right away. It is to late for me to get any use from it for this summer, but would like to plan for the next year. I also noticed in reading the copy of the "Investigation of Water Availability above the Angostura Reservoir on the Cheyenne River & Tributaries" that you have listed several permits that have not been used for many years.

Hope to hear from you very soon.

Sincerely
Mason Miller

*Told him we would try to reconsider
in the "Fall of 1978". JAV.*



ANGOSTURA IRRIGATION DISTRICT

P. O. BOX 145
ORAL, SOUTH DAKOTA 57766

March 24, 1978

Department of Natural Resource Development
Water Rights Commission
Joe Foss Building
Pierre, South Dakota

ATTENTION: John Hatch, Chief Engineer

RE: Reconsideration of deferred Application Nos. 1593-2 and 1614-2

Dear Mr. Hatch:

The Board of Directors of the Angostura Irrigation District concurs with the Commission's qualification of water permits, which states:
"The U. S. Bureau of Reclamation holds water rights to certain flows in the Cheyenne River for Storage in Angostura Reservoir. It is likely that water diversion restrictions under this permit to appropriate water may be necessary at times to assure water for domestic use, including stockwater, and water supplies for prior water rights, including the Angostura Storage."
Also the low flow by-pass of 50 cfs.

Therefore, the Board will not object to issuance of any water rights if these qualifications are clearly defined in the permit and are regulated.

Sincerely,

Donald K. DeBoer

Donald K. DeBoer
President



1614-2 Edward Anderson - signed a
copy of the same time as above
12-12-77 416 lbs. 8 oz pump at 3/8 gpm

Project cost: 12,476 Ac. x 3 = 37,413
Ac Ft. sold for project.

2nd floor at Edgewood being started
to be done

Jan 1978
Mar 1978

3187-2
2. ...
From to ...

193 2



Department of Natural Resource Development

WATER RIGHTS COMMISSION
Joe Foss Building, Pierre, South Dakota 57501
Phone 605/773-3151

January 16, 1979

TO: Persons Concerned with Deferred Application Nos. 1593-2 and 1614-2
FROM: John Hatch, Chief Engineer, Water Rights Commission
SUBJECT: Reconsideration of Deferred Application Nos. 1593-2 and 1614-2 and Water Availability above Angostura Reservoir

The Water Rights Commission will reconsider Water Right Applications No. 1593-2 and No. 1614-2 at 3:30 p.m. January 31, 1979 at the South Dakota Education Association Building, 411 E. Capitol, Pierre, South Dakota.

This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-2-8; 46-2-9 thru 46-2-11, 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41; and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13.

Application Nos. 1593-2 and 1614-2 were deferred by the Water Rights Commission during 1977, pending Staff investigation.

After reconsideration of Application Nos. 1593-2 and 1614-2, the Commission can approve, defer, or deny all or parts of the Applications.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Commission may be appealed to the courts as provided by law.

Very truly yours,
John Hatch

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/c

INVESTIGATION OF WATER AVAILABILITY
ABOVE THE ANGSTURA RESERVOIR ON THE
CHEYENNE RIVER AND TRIBUTARIES

January 17, 1979

INTRODUCTION

Two deferred applications to appropriate water exist above the Angostura Project on the Cheyenne River. Application No. 1593-2 is for Mason Miller of Edgemont, South Dakota requesting 1.66 cfs to irrigate 116.2 acres out of the Cheyenne River. The location of this diversion would be 2.5 miles downstream from Edgemont, SD. Application No. 1614-2 is for Edwin Anderson of Edgemont, SD requesting 0.46 cfs to irrigate 32.50 acres out of the Cheyenne River. The location of the diversion would be near the Wyoming State Line.

These applications were deferred because of questions concerning water availability in the Upper Cheyenne River Basin and whether it would continue meeting the needs of existing water rights on the Cheyenne River. A report on availability of water was issued to the Commission at the March, 1978 hearings of the Water Rights Commission. At this meeting, the Commission again deferred the permits for one year because of the existing low reservoir levels. This report is an update of the March, 1978 report.

The Upper Cheyenne River Basin is the source of runoff for the Angostura Reservoir and during 1975, 1976 and 1977 the reservoir levels had declined because of insufficient flows in the Cheyenne River and tributaries. Figure 1 (attached) shows the highest elevations attained by the reservoir from 1954 through 1978. Elevation 3107.2 msl is the full water level elevation of the reservoir. In 1975, 1976, and 1977, the water level in the reservoir had steadily declined because of the low annual runoff. However, 1978 runoff filled the reservoir by May 8 of that year.

A total of 3045 acres is authorized for private irrigation out of the Upper Cheyenne River, plus 12,342 acres for the Angostura Irrigation District. Annual diversions from storage to the canals average 45,000 acre feet. Evaporation losses are approximately 10,400 acre feet while precipitation will add approximately 4,000 acre feet. Total use by Angostura is 51,400 acre feet per year. Private irrigation above Angostura uses approximately 3,050 acre feet of the Cheyenne River flows.

Additional diversions occur on the tributaries to the Cheyenne River which would also reduce the available runoff above the reservoir. Water Rights with a priority Junior to that of the Irrigation District were not restricted in 1978 since the runoff was above normal.

U.S. Withdrawal Water License No. 579-2 for the Angostura Irrigation District holds a priority date of April 14, 1941 to store water annually in Angostura Reservoir on the Cheyenne River for the purposes of irrigation and recreation use plus incidental silt detention, water quality, fish and wildlife habitat, domestic, livestock watering and other beneficial uses, with recreation being a year round use and irrigation uses being in the April 1st through October 15th period.

The qualifications and allocations included on the U.S. Withdrawal 579-2 include the following:

- (1) Flows (not exceeding inflows) shall be released as needed for downstream water right use;
- (2) The initial reservoir filling (138,761 acre feet) having been accomplished, the authorized annual refill shall be equal to that volume of water needed to bring the reservoir water surface to the top of the active storage space elevation 3,187.2 feet msl.
- (3) Annual irrigation diversions shall not exceed the irrigated acreage multiplied by 3, the maximum allowable acre feet that can be applied to each irrigated acre, multiplied by 7/5, the water transportation factor.

Historical records of the U.S. Geological Survey at the gauging station near Hot Springs were analyzed to determine water availability. These flow records have a period of record from 1943-1972. The gauging station has since then been discontinued. Figure 2 is a monthly hydrograph of the flows. This shows that there are times during most years when water would be available for appropriation. All flows including flood flows are used to fill the reservoir, with filling generally occurring in the spring during the months of May or June.

The flows are quite variable throughout the year with the highest flows occurring in the spring of the year. In order to meet the needs of existing water rights on the Cheyenne River above Angostura flows of 3,050 acre feet per month must be maintained as shown by the dashed line on Figure 2. From this hydrograph it was determined in each 10 year period water would be available for at least one month in 8 to 9 years (87%); for 2 months in 6 years (57%); 3 months in 2 years (20%); and 4 months in one year (7%). On an average, there would be about 1 year (13%) out of each 10 when water would not be available for additional irrigation. These assumptions are based on the premise that Angostura Reservoir was filled every year during spring runoff.

A flow frequency analysis of the yearly runoff gives an average flow of 102,870 acre feet per year. There is a 70% chance of equalling or exceeding a flow of 57,200 acre feet annually. This volume of water would meet the needs of the Angostura Irrigation District and private irrigation.

The storage of Angostura on December 31, 1978 was 130,114 acre feet leaving 8,547 acre feet required to fill the reservoir to elevation 3,187.2 as specified on U.S. Water Right 579-2. Present conditions would indicate that the reservoir will be filled in the early spring of 1979.

CONCLUSIONS

As more water becomes appropriated out of rivers and streams, more restrictions must be placed on the permit as to periods of use and the low flows which must be by-passed.

There is a seventy per cent chance of equalling or exceeding the flows necessary for the Angostura Reservoir, however, during this time of adequate flows, a further restriction must be placed on the water right for a 50 cfs low flow by-pass to meet the needs of existing water rights. The dashed line on figure 2 represents the irrigation period within each year and the monthly volume which must be by-passed to meet the downstream requirements.

RECOMMENDATIONS TO THE COMMISSION

It is recommended that:

Application numbers 1593-2 and 1614-2 be approved with the "Above Angostura" qualification which states:

"The U.S. Bureau of Reclamation holds water rights to certain flows in the Cheyenne River for storage in Angostura Reservoir. It is likely that water diversion restrictions under this permit to appropriate water may be necessary at times to assure water for domestic use, including stockwater and water supplies for prior water rights, including the Angostura Storage."

In addition, a further restriction should be placed on the permit, that requires by-passing 50 cubic feet per second.

These restrictions mean that no diversions will take place during the spring until the Angostura reservoir has received the flows (excluding storage diversions) necessary to bring the reservoir to elevation 3,187.2 feet asl. Upon meeting this requirement then the low flow by-pass of 50 cfs would go into effect throughout the remainder of the irrigation season.

JAMES E. WINTERTON
Water Resources Engineer IV

ANGOSTURA RESERVOIR

Highest Yearly Elevation

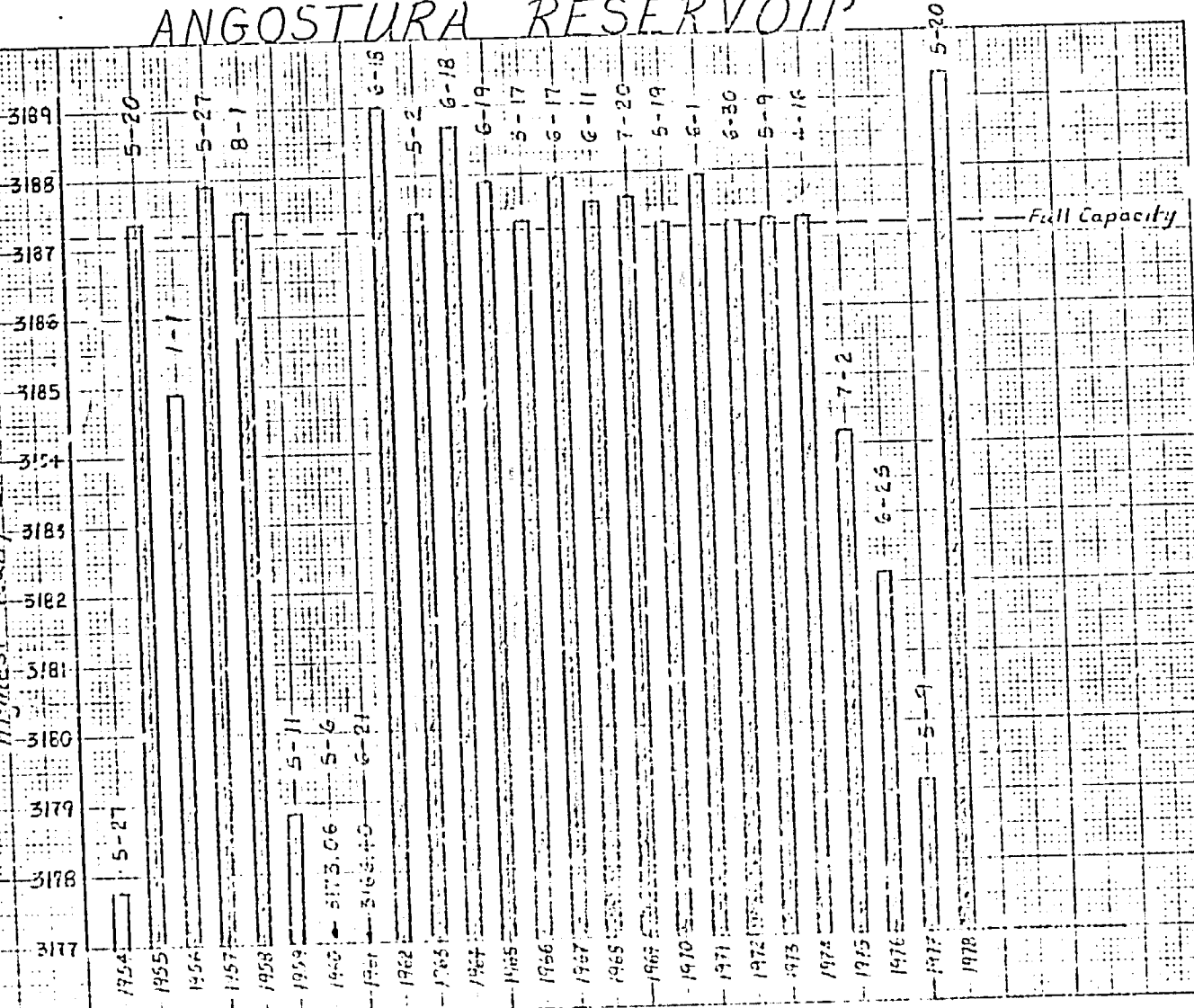


FIGURE 1

ACRE-FT/MO.

1980

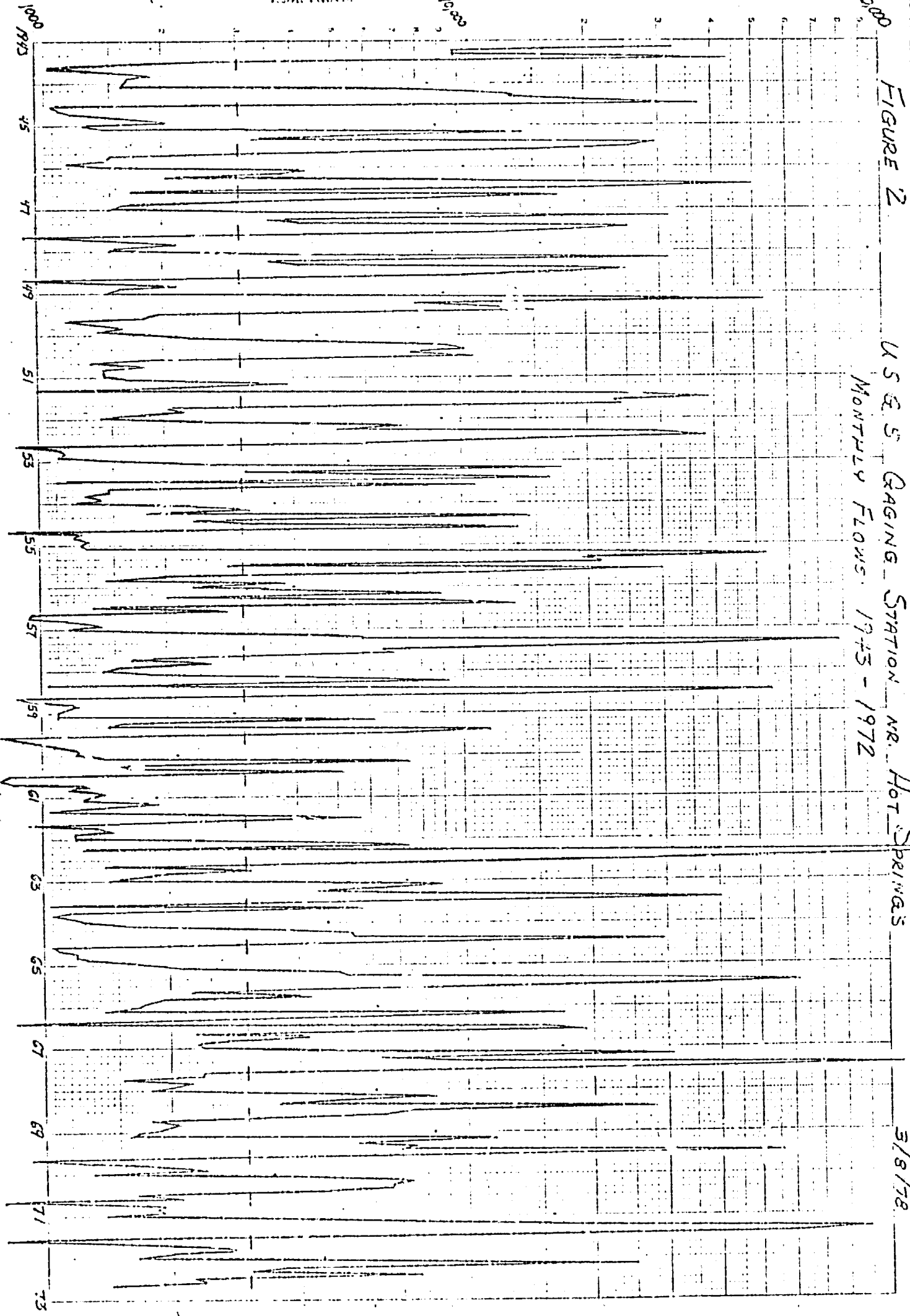
1970

FIGURE 2

U.S. G.S. GAGING STATION NR. HOT SPRINGS
MONTHLY FLOWS 1945-1972

DATE MICROFILMED

3/8/78





ANGOSTURA IRRIGATION DISTRICT

P. O. BOX 145
ORAL, SOUTH DAKOTA 57766

January 23, 1979



DEPT. OF
RESOURCE DEVELOPMENT

Department of Natural Resource Development
Water Rights Commission
Joe Foss Building
Pierre, South Dakota

ATTENTION: John Hatch, Chief Engineer

RE: Reconsideration of deferred Application Nos. 1593-2 and
1614-2.

Dear Mr. Hatch:

The Board of Directors of Angostura Irrigation District wish to register their objections to any Water Right Permits (not particularly Nos. 1593-2 or 1614-2) that may in any way jeopardize the right of the Angostura Irrigation District, through the Bureau of Reclamation for one (1) filling of Angostura Reservoir each year.

If any more Water Rights are granted by the Commission, we ask that these stipulations be very clearly defined in each permit and, in the event of insufficient inflows into the Reservoir, these stipulations are strictly enforced by the Commission.

The Board feels that they must register an objection to the issuance of more permits to protect the interests of all the Water User members of the Angostura Irrigation District.

Sincerely,

Raymond Schmidt
President
Board of Directors

cc: Mr. Lloyd R. Porter, Project Manager
P. O. Box 825
Huron, South Dakota 57350

1593-2

February 9, 1979

Raymond Schmidt
Pres. Board of Directors
Angostura Irr. District
Box 145
Oral SD 57766

Dear Mr. Schmidt:

The Water Rights Commission at its meeting January 31 and February 1, 1979 approved application No. 1593-2 for 1.66 cfs (Mason Miller) and No. 1614-2 for .46 cfs (Edwin Anderson) in Fall River County with the following qualification:

The U.S. Bureau of Reclamation holds water rights to certain flows in the Cheyenne River for storage in Angostura Reservoir. It is likely that water diversion restrictions under this permit to appropriate water may be necessary at times to assure water for domestic use, including stockwater, and water supplies for prior water rights, including the Angostura storage.

This permit also requires a by-passing of 50 cubic feet per second.

These restrictions mean that no diversions will take place during the spring until the Angostura reservoir has received the flows (excluding storage diversions) necessary to bring the reservoir to elevation 3,187.2 feet msl. Upon meeting this requirement then the low flow by-pass of 50 cfs would go into effect throughout the remainder of the irrigation season.

South Dakota Statutes provide that this decision by the Commission may be appealed to the courts.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH:kjw

I hereby certify that on February 9, 1979, I have personally deposited with the U.S. mail, a postage prepaid envelope containing the attached letter of approval of application Nos. 1593-2 and 1614-2 addressed to Raymond Schmidt.

Karen Wernsmann
Karen Wernsmann
Secretary III

STATE OF SOUTH DAKOTA) SS
COUNTY OF HUGHES)

Swore to, before me, this 9th day of Feb, 19 78.

Justin A. Zickrick
Justin A. Zickrick, Notary Public
My Commission Expires 3/27/83

RECEIPT

WATER RIGHTS COMMISSION

No 4 8589

State of South Dakota

PIERRE, December 16, 1981

RECEIVED OF Mason M. Miller, Dewey Rt., Box 100, Edgemont, SD 57735

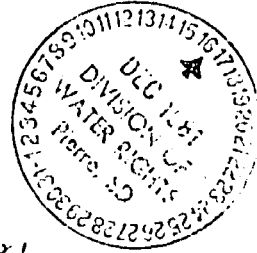
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing,		
Fee for inspecting Construction, and Issuing Cert. of Construction No.....		
Fee for inspecting Beneficial Use, and Issuing Water License No.....		
Fee for issuing Location Certificate-Dry Draw. No.....		
Fee for filing <u>extension of time on WR# 1593-2</u>	2	50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By: (M.M. Miller)
Chief Engineer, Executive Officer

APPLICATION FOR EXTENSION OF TIME



TO: Water Rights
Foss Building
Pierre, South Dakota 57501

Date Dec. 13, 1981

Dear Sirs:

In Water Right Permit No. 1593-2 it is specified that the water diversion system is to be completed by January 31, 1981 and that the water is to be put to the limit of beneficial use by January 31, 1982.

I hereby request that the date for completing the diversion system be extended to January 31, 1984 and that the date for putting the water to the limit of beneficial use be extended to January 31, 1986.

The extension of time for the completion of these works is requested for the following reasons: We are doing this project as we can finance it. Have two sections done and plan to do more as we can afford it.

Enclosed herewith is a fee of Two Dollars and Fifty Cents (\$2.50) to pay the cost of filing this request for extension of time.

Mason M. Miller
(Signed)

1593-2
Permit Number

APPROVED: 7/1/82

Board of Water Management

BY:



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

October 4, 1984

1593-2

Mason Miller
Edgemont SD 57735

Dear Mr. Miller:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Permit No. 1593 2 has been completed. Your final water right document, the water license can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the water license. Upon receipt of the \$50.00 fee from you, your water license will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid.

~~Enclosed is a partially completed transfer form. At present, the permit is listed in your name as owner with James A Miller listed as leasor. If you wish James to be listed as owner, the transfer form should be signed before a notary by the owner and returned to our office with a \$2.50 filing fee. If you are still the owner and want James to be listed only as operator or leasor, please disregard the transfer form.~~

If you have any questions, please contact us.

Sincerely,

Genny McMath

GENNY MCMATH
Natural Resources Analyst

GM:ks

enclosure

Enclosed is \$50 for water license fee -

L

Permit No. 1593-2

S. Cheyenne River Water District

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Mason
Miller of Edgermont, S. D. holder of
Permit No. 1593-2 bearing the priority of May 31 1977 authorizing
the diversion of 1.66 cu. ft. per second of the waters of Cheyenne River
for irrigation purposes, in Fall River County.

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

- A. Works used to divert the water: Gate w/ impeller 12" pump. Tractor PTO driven and is capable of diverting up to 2000 gpm Model # - SAI FISH Serial # - 0148
- B. Works used to transport water to place of use: Main canal runs thru the center of the field. The canal contains 8" PVC gated outlets.
- C. Works used to apply water to beneficial use: The 8" outlets release the water onto border areas. The field is divided into border areas with small dikes.

The system is in the following condition good

The point of diversion is located S 32° 01' W 1868 ft from the NE corner of section 32, T8S, R3E

The works are capable of diverting and conveying to the place of use 8

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: NW²NE² - 0.7 ac.; SW²NE² - 18 ac.; NE²NE² - 13.6 ac. & SE²NE² - 16.0 ac. all in Sec. 32, T8S, R3E.
NW²NW² - 3.5 ac.; SW²NW² - 26.6 ac.; SE²NW² - 11.0 ac.; NW²SW² - 7.8 ac.; NE²SW² - 30.3 ac. & NW²SE² - 2.9 ac. all in Sec. 33, T8S, R3E.

comprising a total of 116.2 acres of land and the license should be issued for 1.66 cfs

Applicable permit qualifications have been complied with Yes No

Exceptions to compliance are: _____ Date: Sept. 19, 1982

Delwin H. Boring, P.E.
Hydrologist

State of South Dakota
Water License No. 1593-2

(1) Mason Miller
of Dewey Route, Box 100, Edgemont, South Dakota
made Application No. 1593-2 May 31, 1977 for a water permit to appropriate
1.66 cubic feet per second of water from the Chayenne River
Fall River County, South Dakota for Irrigation purposes.
Permit No. 1593-2 with a priority date of May 31, 1977
was approved January 3, 1979 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before January 31, 1984 and for the application to beneficial use of said
water on or before January 31, 1988.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 1.66 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is 532°01'W 1868 feet from the NE Corner of
Section 32, T8S, R3E (AD)

L

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in T8S, R3E

Section 32	NW$\frac{1}{4}$NE$\frac{1}{4}$	0.7 acres	(AB)
	SW$\frac{1}{4}$NE$\frac{1}{4}$	1.8 acres	(AC)
	NE$\frac{1}{4}$NE$\frac{1}{4}$	13.6 acres	(AA)
	SE$\frac{1}{4}$NE$\frac{1}{4}$	16.0 acres	(AD)
Section 33	NW$\frac{1}{4}$NW$\frac{1}{4}$	3.5 acres	(BB)
	SW$\frac{1}{4}$NW$\frac{1}{4}$	26.6 acres	(BC)
	SE$\frac{1}{4}$NW$\frac{1}{4}$	11.0 acres	(BN)
	NW$\frac{1}{4}$SW$\frac{1}{4}$	7.8 acres	(CB)
	NE$\frac{1}{4}$SW$\frac{1}{4}$	30.3 acres	(CA)
	NW$\frac{1}{4}$SE$\frac{1}{4}$	4.9 acres	(DB)
TOTAL		116.2 ACRES	

(4) Pursuant to §16-5-30.1 Mason Miller
of Dewey Route, Box 100, Edgemont, South Dakota 57735
the holder(s) and/or owner(s) of Water Permit No. 1593-2 is issued a license to appropriate water, the right to use
1.66 cubic feet per second of water from the Cheyenne River with a priority date
of May 31, 1977 from the location specified in (2) of this license. The water to be
conducted to and upon lands specified in (3) of this license for the purpose of Irrigation

This license is subject to any limitations or qualifications listed in Water Permit No. 1593-2 and subject to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources **JOHN HATCH**
December 12, 1984

RECEIPT

Division of Water Rights

No 4 9839

South Dakota Department of Water and Natural Resources

Pierre, November 27, 1964

RECEIVED OF Mason & Helen Miller, Dewey Rt., Box 100, Edgewood SD 57735

the following amount in fees for services rendered as provided or 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. <u>1593-2</u>	50	00
Fee for Filing Transfer Form _____		
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	50 00

By John Hatch
Chief Engineer JOHN HATCH/ms

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

December 13, 1984

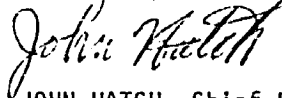
Mason Miller
Dewey Route, Box 100
Edgemont, South Dakota

Dear Mr. Miller:

Enclosed herewith is, Water License No. 1593-2. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

Enclosures

WNR-817 3/83
Transmittal of Water License

SOUTH DAKOTA Department of
Water & Natural Resources

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

March 19, 1990

1593-2

NOTICE

TO: James A. Miller
HCR 59, Box 102
Edgemont, SD 57735

FROM: JOHN HATCH, CHIEF ENGINEER
Water Rights Division
(605)773-3352



SUBJECT: Shut Off Order for Junior Water Rights Upstream of
Angostura Irrigation District

This is a follow-up notice to the May 10, 1990 notice that you received ordering you to cease diversion of water under Water Right No. 1593-2. You are reminded that the order is still in effect and will remain in effect until Angostura Reservoir has filled. The May 10, 1989 order stated that the order was effective until the reservoir had reached an elevation of 3183.7 feet above mean sea level (msl). This has been changed and the order will remain in effect until the reservoir has reached the full elevation of 3187.2 msl. On March 6, 1990 the reservoir elevation was 3171.1 msl.

All water rights above Angostura Reservoir will be monitored until the reservoir has filled. I am asking for your cooperation in complying with this order. The Water Management Board can suspend any water right that does not comply. The option also exists in that a water use control area can be established to enforce compliance.

If you have any questions, please contact Del Brosz (605 773-3352).

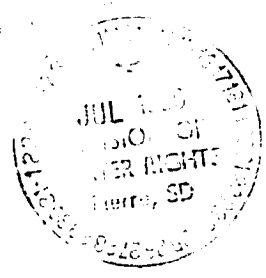
1593-2

FARRELL, FARRELL & SBAUGH

Mar. J. Farrell
Jane M. Farrell
L. M. Gumbach

1000 North 10th Street
Pierre, SD 57501

Beverly J. Irwin
Certified Legal Assistant



July 11, 1990

Genny McMath
Natural Resources Analyst
South Dakota Department
Water & Natural Resources
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181

RE: HU RANCH, INC. (MILLER)

Dear Ms. McMath:

Thank you for your letter dated June 4, 1990 and the enclosed Notice of Transfer of Ownership documents. We have had some confusion over the correct number for the water permit. The purpose for the transfer is to place it within a family farm corporation. In my original letter I requested copies of Water Rights Nos. 591-2 and 1593-2 and Vested Water Right Claim No. 460-2. In the documents mailed to me it appears that Water License No. 460-2 is held by a Willard Bloom of Pennington County and No. 591-2 is held by a company doing business as Estes Water Company. It appears that Water License No. 1593-2 is held by Mason Miller, one of the incorporators of HU Ranch, Inc. Thus, I have prepared a Notice of Transfer of Ownership using that number. I am concerned, however, by a letter received by Mr. Miller dated March 23, 1990, which refers to Water Location Notice Nos. 460-2 and 591-2. I am enclosing a copy of that letter for your reference. The Millers wish to transfer all of their water rights to the corporation as they have deeded all of their land into the corporation.

Any assistance you can give us in making sure we have all of the water rights transferred to the corporation would be appreciated. If we need additional forms signed, please let me know. I still have two blank forms which you mailed to me.

I am also enclosing a transfer fee in the amount of \$2.50 as required.

Thank you very much.

Sincerely,

Jane M. Farrell
JANE M. FARRELL

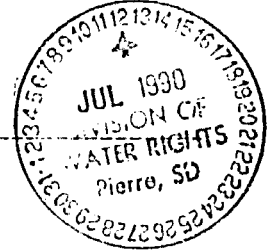
Jc

NOTICE OF TRANSFER OF OWNERSHIP

No. 1593-2

TO: Chief Engineer
Water Rights Division, DWNR
523 East Capitol
Pierre, SD 57501-3181

Date: June 7, 1990



I/~~WE~~^{XX} request that Water Permit/Right No. 1593-2

formerly owned by: Mason Miller

be transferred to: (name & address) HU Ranch, Inc., a South Dakota corporation,
HC 59, Box 100, Edgemont, SD 57735 (telephone No.) (605) 662-7197

Title to the following described land(s)/property has been transferred as described above:
S32°S1'W 1868 Feet from the NE Corner of Section 32, T8S, R3E (AD)

I/~~WE~~^{XX} understand that the validity of Water Permit/Right No. 1593-2 has not been determined by this transfer action. If I/~~WE~~^{XX} have any questions on validity, I/~~WE~~^{XX} 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 at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of Fall River)

I/~~WE~~^{XX} Mason Miller being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Mason M. Miller
(Signed)

Subscribed and sworn to before me this 7th day of June, 1990.

Jane M. Farrell
(Notary Public) Jane M. Farrell
Notary Public
My Commission Expires September 17, 1990

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 water 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.

REPRODUCTION: REDUCTION
ROLL NO. 2577
DATE MICROFILMED
CAMERA OPERATOR

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____, 19____

RECEIVED OF _____

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 _____

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

By: John W. McLean
Chief Engineer

 **Department of
Water & Natural Resources**

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

July 23, 1990

No. 1593-2

Jane M Farrell
Farrell, Farrell & Ginsbach
441 N River St
Hot Springs SD 57747

Dear Ms. Farrell:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 1593-2.

Our records now show HU Ranch, Inc. as the owner of this Water Right.

Sincerely,



KAREN SCHLAAK
Senior Secretary
Water Rights Division
605 773-3352

enclosure

cc: HU Ranch, Inc.

1593-2

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

October 18, 1990

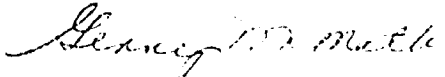
Jim Hollenbeck
Farm Credit Services
PO Box 3130
Rapid City, SD 57709

Dear Mr. Hollenbeck:

Enclosed, as you requested, are copies of Location Notice Nos. 460-2 and 591-2 and Water Right No 1593-2. They are currently listed in the name of HU Ranch Inc, Edgemont, SD.

If you have any questions, please contact me.

Sincerely,



Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures



Department of Water & Natural Resources

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

March 14, 1991

1593-2

NOTICE

TO: James A. Miller
HCR 59, Box 102
Edgemont, SD 57735

FROM: *for* JOHN HATCH, CHIEF ENGINEER
Water Rights Division
(605) 773-3352

A handwritten signature in dark ink, appearing to read "Del Brosz", is written over the typed name of the sender.

SUBJECT: Reminder of Shut Off Order for Junior Water
Rights Upstream of Angostura Reservoir

This is a reminder that the March 19, 1990 notice you received ordering you to cease diversion under your water right is still in effect and will remain in effect until Angostura Reservoir has filled. The elevation of Angostura Reservoir when full is 3187.2 feet above mean sea level (msl). On February 27, 1991 the reservoir elevation was 3170.25 msl.

All water rights above Angostura Reservoir will be monitored until the reservoir has filled. I am again asking for your cooperation in complying with this order.

If you have any questions, please contact Mark Rath or Del Brosz (605) 773-3352.

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 20, 1991

1593-2

RESCISSION OF SHUTOFF ORDER

TO: James A. Miller
HCR 59, Box 102
Edgemont, SD 57735

FROM: *for* JOHN HATCH, CHIEF ENGINEER
Water Rights Division
(605) 773-3352

Delvin W. Brosz

SUBJECT: Rescission of Shut Off Order for Junior Water
Rights Upstream of Angostura Reservoir for 1991
Irrigation Season.

The recent rains in the Upper Cheyenne River Basin have provided large inflows for Angostura Reservoir. Now that Angostura Reservoir has filled, the shutoff order for all junior water rights upstream of the reservoir is rescinded for the 1991 irrigation season.

If you have any questions, please contact Mark Rath or Del Brosz (605) 773-3352.



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

March 25, 1992

1593-2

NOTICE

TO: HU RANCH INC
SD CORPORATION
HCR 59 BOX 102
EDGEMONT, SD 57735

FROM: JOHN HATCH, CHIEF ENGINEER
Water Rights Division
(605) 773-3352

A handwritten signature in cursive script, appearing to read "John Hatch", is written over the typed name and title.

SUBJECT: Shut Off Order for Junior Water Right Holders Upstream
of the Angostura Irrigation District.

Please be advised that effective immediately no diversions of water will be allowed under your Water Right No. 1593-2 which is junior in priority to Water Right No. US579-2 held by the US Bureau of Reclamation for the Angostura Irrigation District.

On March 20, 1992 the water elevation in Angostura Reservoir was 4.4 feet and 19,164 acre feet below full. Reservoir storage levels will be closely monitored. If inflows increase such that the reservoir will fill, this shut off order will be rescinded at that time.

All water rights above Angostura Reservoir will be monitored until the reservoir has filled. I am asking for your cooperation in complying with this order.

If you have any questions, please contact Del Brosz or Mark Rath, Division of Water Rights, 523 E Capitol Ave, Pierre, SD 57501. Phone (605) 773-3352.

PHONE NO	FIRST NAME	LAST NAME	ADDRESS 1	ADDRESS 2	CITY	STATE	ZIPCODE	PHONE	PHONE
657-2		A & T CATTLE CO	TOM LANDERS	ST RT	HOT SPRINGS	SD	57247		
308-2	RICHARD	ANDERSON	A CHAR ANDERSON	HR. 59 BOX 19	FINDSMONT	SD	57235		
1616-2	IRSE E	ANDERSON		HR. 59 BOX 20	FINDSMONT	SD	57235		
321-2		B & R RANCH INC	R F CHILDERS	PO BOX 123	FINDSMONT	SD	57235		
531-2		PAUL SPOS		BOX 817	FINDSMONT	SD	57235		
1995-2	LESTER L	BARTLEY		BOX 710	FINDSMONT	SD	57235		
1993-2	NICK/MICHAEL	BONER	SNICK BONER JR	HC 48 BOX 21	OPERICHS	SD	57263	1731-2	
755-2		BRANKERD INDIAN SCHOOL			HOT SPRINGS	SD	57247		
658-2	WAYNE F	CHILDERS		HR. 59 BOX 14	FINDSMONT	SD	57235		
631-2	V L	CHILDERS		BOX 723	FINDSMONT	SD	57235		
651-2	OSCAR	COFF			OPERICHS	SD	57263		
1991-2	JOHN	DEGERING		SR 1 BOX 136	LUER	WY	82226		
562-2	HAROLD F	DODSON		HR. 59 BOX 54	FINDSMONT	SD	57235	1410-2	
2058-2	EFFY/ERTHA	DUNSON		HC 48 BOX 245	PROVO	SD	57274		
1985-2	DAVID W	DUNBAR		RR BOX 32	OPERICHS	SD	57263		
211-2		RAID BROTHERS, INC.	CAPE P HAID, PRES	HR. 45 BOX 5	OPERICHS	SD	57263	1635-2	
421-2	HEFMAN	HECK		BOX 441	FINDSMONT	SD	57235		
549-2	DARRELL F	HEFMAN		BOX 402	FINDSMONT	SD	57235		
1613-2	JOHN R	HENDERSON	APT 275	3141 INDIAN REVER	LAS VEGAS	NV	89103		
1791-2	JOHN W	HENRY		BOX 276	ARMORE	SD	57215		
579-2	HENRY C	HOLLENBACK		DENEY BOUTE	FINDSMONT	SD	57235		
1543-2		HU RANCH INC	SD CORPORATION	HR. 59 BOX 102	FINDSMONT	SD	57235		
750-2	DARRELL D	HUNTER		BOX D	ARMORE	SD	57215		
1641-2	JANIS/PATRICIA	JOHNSTON		HC 68 BOX 2	LAKESIDE	NE	69351		
1870-2	JIM	KANE		BOX 124	PROVO	SD	57274		
763-2	CARL	KANOLT	APT 207	FLANIE HOTEL	CHARLES	NE	69317		
1696-2	JOHN W	KOLTR		BOX 715	FINDSMONT	SD	57235		
856-2	A J	LANDERS	STAR CATTLE CO	BOX 1536 HR. 52	HOT SPRINGS	SD	57247		
1910-2	R L/ALLEN	LARENCE		BOX 153	SIOUX	ND	58852		
676-2	MELVIN	LUIE			HOT SPRINGS	SD	57247		
1725-2	JOHN D(JACK)	MANABE	(ESTATE)	RR 41 BOX 172	HOT SPRINGS	SD	57247		
11447-2	BENNETH	MARTINSON		BOX 361	FINDSMONT	SD	57235		
785-2	ARLITH W	MCLAIN		BOX 164	OPERICHS	SD	57263		
410-2	RAICH L	MEEFFED, JR		HR. 48 BOX 22	PROVO	SD	57274		
1971-2	A J	NELSON		FRANKS STAGE	MILES CITY	MT	59301		
2015-2		PETERSON & SON, INC		HR. 59 BOX 17	SIGSMONT	SD	57235		
1016-2	PAUL & JEAN	FETTY	B SUGREN FETTY	HR. 52 BOX 156	HOT SPRINGS	SD	57247903		
1717-2	MELVIN	PORTER		W10 RT BOX 17	FINDSMONT	SD	57235		
711-2	DONALD	REINMAN		BOX 188	OPERICHS	SD	57263	2043-2	
1676-2	GLEN	REASER		HR. 45 BOX 48	OPERICHS	SD	57263		
472-2	EDWARD/WANDA	REUTTER		HR. 59 BOX 90	FINDSMONT	SD	57235	1789-2	
221-2	CHANCE/NETERL	REYNOLDS		HR. 59 BOX 78	FINDSMONT	SD	57235	224-2	
662-2	OLIVER W	ROMBY		BOX 175	OPERICHS	SD	57263		
711-2	VERNON	SCHNOSE		ST RT BOX 155	HOT SPRINGS	SD	57247	1700-2	
1642-2		SEGER RANCH INC		BOX 95	OPERICHS	SD	57263	671-2	1937-2
927-2	BERNARD D	SIMONS		BOX 341	FINDSMONT	SD	57235		
1712-2	ROBERT/MARK	TUPES		BOX 563	FINDSMONT	SD	57235		
1019-2		WAR BOWNEY RANCH LTD	BOX 132	105 E 5TH ST	ARMORE	SD	57215	851-2	2115-2
392-2	VINCENT M	WASSERBURGER		BOX 87	ARMORE	SD	57215		

1593-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3781

March 12, 1993

1593-2

NOTICE

TO: HU RANCH INC
SD CORPORATION
HCR 59 BOX 102
EDGEMONT, SD 57735

FROM: *for* JOHN HATCH, CHIEF ENGINEER
Water Rights Division
(605) 773-3352

SUBJECT: Shutoff Order for Junior Water Right Holders Upstream
of the Angostura Irrigation District.

Effective immediately no diversions of water under your Water Right No. 1593-2 are authorized. Your water right is junior in priority to the US Bureau of Reclamation Water Right No. 579-2 (April 11, 1941 priority date). The Bureau of Reclamation water right for the Angostura Irrigation District allows one annual fill of the reservoir.

The amount of water required for one annual fill of Angostura Reservoir as of January 1, 1993 was 45,402 acre feet. On March 9, 1993 the water elevation in Angostura Reservoir was 10.2 feet and 41,305 acre feet below full. Reservoir storage levels will be closely monitored. If inflows increase and the reservoir will fill, this shutoff order will be rescinded. Any 1993 irrigation releases from the reservoir will be included in the inflow calculations.

All water rights above Angostura Reservoir will be monitored until the reservoir has filled. I am asking for your cooperation in complying with this order.

If you have any questions, please contact Del Brosz or Mark Rath, Division of Water Rights, 523 E Capitol Ave, Pierre, SD 57501. Phone (605) 773-3352.

cc: US Bureau of Reclamation
Angostura Irrigation District

1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 14, 1993

1593-2

RESCISSION OF SHUTOFF ORDER

TO: HU RANCH INC
SD CORPORATION
HCR 59 BOX 102
EDGEMONT, SD 57735

FROM: JOHN HATCH, CHIEF ENGINEER
Water Rights Division
(605) 773-3352

A handwritten signature in black ink, appearing to read "John Hatch", is written over the typed name and title.

SUBJECT: Rescission of the Shutoff Order for Junior Water Right
Holders Upstream of the Angostura Irrigation District
for the 1993 Irrigation Season.

Recent wet conditions in the Upper Cheyenne River Basin have provided large inflows and the Angostura Reservoir is expected to fill shortly. The shutoff order for all junior water rights upstream of the reservoir is rescinded for the 1993 irrigation season.

If you have any questions, please contact Del Brosz or Mark Rath, Division of Water Rights, 523 E Capitol Ave, Pierre, SD 57501. Phone (605) 773-3352.

cc: US Bureau of Reclamation
Angostura Irrigation District



1593-2

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

March 15, 1995

1593-2

NOTICE

TO: JIM MILLER
HU RANCH INC
HCR 59 BOX 102
EDGEMONT, SD 57735

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

A handwritten signature in cursive script, appearing to read "John Hatch", is written over the typed name in the "FROM:" field.

SUBJECT: Shutoff Order for Junior Water Right Holders
Upstream of the Angostura Irrigation District.

Effective immediately no diversions of water under your Water Right No. 1593-2 are authorized. Your water right is junior in priority to the US Bureau of Reclamation Water Right No. US579-2 (April 11, 1941 priority date). Water Right No. US579-2 allows one annual fill of the reservoir.

On March 14, 1995, the water elevation in Angostura Reservoir was 7 feet and 30,000 acre feet below full. The Division of Water Rights, in cooperation with the Bureau of Reclamation, will closely monitor the reservoir storage level. If inflows increase and the reservoir will fill, this shutoff order will be rescinded. Any 1994 irrigation releases from the reservoir will be included in the inflow calculations.

The Division of Water Rights will monitor all water rights above Angostura Reservoir until the reservoir has filled. I am asking for your cooperation in complying with this order.

If you have any questions, please contact Del Brosz or Rassool Ahadi, Division of Water Rights, 523 E. Capitol Ave, Pierre, SD 57501. Phone (605) 773-3352.

cc: US Bureau of Reclamation
Angostura Irrigation District

1593-2



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

May 26, 1995

1593-2

RESCISSION OF SHUTOFF ORDER

TO: JIM MILLER
HU RANCH INC
HCR 59 BOX 102
EDGEMONT, SD 57735

FROM: *for* John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352 *Delvin B. Brosz*

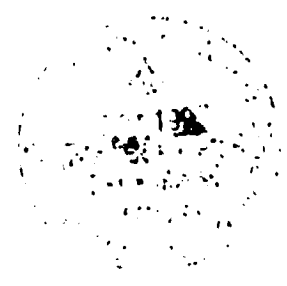
SUBJECT: Rescission of the Shutoff Order for Junior Water Right Holders Upstream of the Angostura Reservoir for 1995 Irrigation Season.

Recent wet conditions in the Upper Cheyenne River Basin have provided large inflows and the Angostura Reservoir is expected to fill shortly. The shutoff order for all junior water rights upstream of the reservoir is rescinded for the 1995 irrigation season.

If you have any questions, please contact Del Brosz or Rassool Ahadi, Division of Water Rights, 523 E. Capitol Ave., Pierre, SD 57501.

cc: US Bureau of Reclamation
Angostura Irrigation District

10-23-75



Mr. Hatch:

I understand the need to preserve water in August and Sept, but it seems to me that there must be some way to compromise. To cut us off of water during May & April effectively shuts us off the entire irrigation season.

First - when the river floods is the only time we can irrigate.

Second - my observation is that even when it does flood only a few people actually irrigate.

If you really stop and think about it, this is total insanity. When there is water, there is more than enough for everyone. When it's dry, no one has water. It just reminds me so much of a big kid and a little kid in a room with a toy bear. When the little kid takes a toy out the big kid takes it away and puts it in his corner. This whole thing seems so immature to me. We are all from South Dakota and we're all in the same business.

My suggestion for a compromise is if the farm is less than 5 Sect 1000, leave us alone. If it is more than

5 feet and less than 10 feet shall
us off on June 1st. If it is greater
than 10 feet low shall us off on May 1st.

Someone must have the authority
to make the decisions and judgments.
I've been told we can't
my estimations are that it can irrigate
one time in the spring it will provide
an additional 1 acre of valuable hay
we have over the summer. This
amount is very important to my operation.

Sincerely,

Jim Miller
#0 59 Baxter
Edgemont SD 57735



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 30, 1995

Jim Miller
HC 59, Box 102
Edgemont, SD 57735

Dear Mr. Miller:

Thank you for your recent letter about shutoff orders above Angostura Reservoir. South Dakota water law is based on the priority date system, that is water rights with older priority dates have the first right to use the water.

Since water rights are similar to property rights, and the value of a water right is based upon the priority date, it would be difficult to change the priority law without compensating affected senior priority water right owners. Unless Angostura Reservoir has filled, allowing junior priority water right owners to pump would have to be subject to some type of an agreement with the Bureau of Reclamation and the Angostura Irrigation District.

When Angostura Reservoir is 5 feet below full, the storage would be 22,000 acre feet of water below full. When the reservoir is 10 feet below full, the storage would be 41,000 acre feet below full. The 41,000 acre feet is a little more water than is required by the Angostura Irrigation Project for an average year of irrigation.

There are 80 senior water rights above Angostura Reservoir that irrigate 10,324 acres. These water rights have a right to take water before the Angostura water right. There are also 59 junior water rights, such as yours, that have a right to irrigate 10,741 acres. If all of the junior water rights were allowed to divert water before Angostura Reservoir would fill, it could have a major impact on the Angostura Irrigation Project.

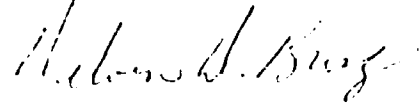
The Water Rights Program continuously monitors the storage, the inflow and outflow for Angostura Reservoir. At the beginning of the calendar year a determination is made of the required volume of water that would be needed to fill the reservoir. When sufficient water flows into the reservoir to meet this need, a notice rescinding any shutoff order is issued.

Jim Miller
October 30, 1995
Page 2

I am sorry that we cannot help you obtain a more steady irrigation water supply. I realize that shutoff of a junior water right can be costly to the owner. At the same time during a water short year, water becomes very beneficial and valuable to a senior water right owner.

Again, thank you for letting me know about your concerns. If you have other questions, feel free to contact Del Brosz or Rassool Ahadi with the Water Rights Program, phone (605) 773-3352.

Very truly yours,


John Hatch, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 30, 2004

NOTICE OF SHUTOFF ORDER

TO: HU RANCH INC
JIM MILLER
HCR 59 BOX 102
EDGEMONT SD 57735

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: Shutoff Order for Junior Priority Date Water Rights Upstream of
Angostura Dam

Shutoff Order for Water Right Nos. 1593-2

To protect the US Bureau of Reclamation's Water Right No. US579-2 for Angostura Reservoir with a senior priority date of April 11, 1941, the Bureau of Reclamation has asked that we issue shutoff orders for junior water right holders. Effective immediately no diversions of water from the Cheyenne River and tributaries by holders of junior water rights upstream of Angostura Dam will be allowed. On April 30, 2004, the water elevation in Angostura Reservoir was 3179.1 feet, a little over 8 feet below the full elevation of 3187.2 feet. Current storage is at 96,912 acre-feet, about 33,850 acre-feet below full and inflows are only about 38 acre-feet per day.

The Angostura Reservoir storage level will be closely monitored and if the Cheyenne River flows upstream of dam increase such that the reservoir will fill, this shutoff order will be rescinded at that time. If conditions do not improve, this order will remain in effect until December 31, 2004.

I am asking for your cooperation in complying with this shutoff order. If you have any questions, please contact Mark Rath or Don Stroup with the Water Rights Program at (605) 773-3352. Thank you.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 15, 2005

NOTICE OF SHUTOFF ORDER

TO: HU RANCH INC
JIM MILLER
HCR 59 BOX 102
EDGEMONT SD 57735

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: Shutoff Order for Junior Priority Date Water Rights Upstream of
Angostura Dam

Shutoff Order for Water Right Nos. 1593-2

To protect the US Bureau of Reclamation's Water Right No. US579-2 for Angostura Reservoir with a senior priority date of April 11, 1941, the Bureau of Reclamation has asked that we issue shutoff orders for junior water right holders. Effective immediately no diversions of water from the Cheyenne River and tributaries by holders of junior water rights upstream of Angostura Dam will be allowed. On March 8, 2005, the water elevation in Angostura Reservoir was 3169.5 feet, almost 18-feet below the full elevation of 3187.2 feet. Storage is at 65,521 acre-feet, about 73,240 acre-feet below full and inflows are 14.9 acre-feet per day.

The Angostura Reservoir storage level will be closely monitored and if the Cheyenne River flows upstream of the dam increase such that the reservoir will fill, this shutoff order will be rescinded at that time. If conditions do not improve, this order will remain in effect until the end of the calendar year.

I am asking for your cooperation in complying with this shutoff order. If you have any questions, please contact Mark Rath or Don Stroup with the Water Rights Program at (605) 773-3352. Thank you.

Map to accompany application by Mason Miller, Edgemont, S.D. for permit to divert 1.66 cfs of water from the Cheyenne River for purpose of irrigating 116.2 acres. Said Miller #1 Diversion to be located along the Cheyenne River in Fall River county, approximately 2.5 miles downstream from Edgemont, SD

SCALE
1" = 660'

N

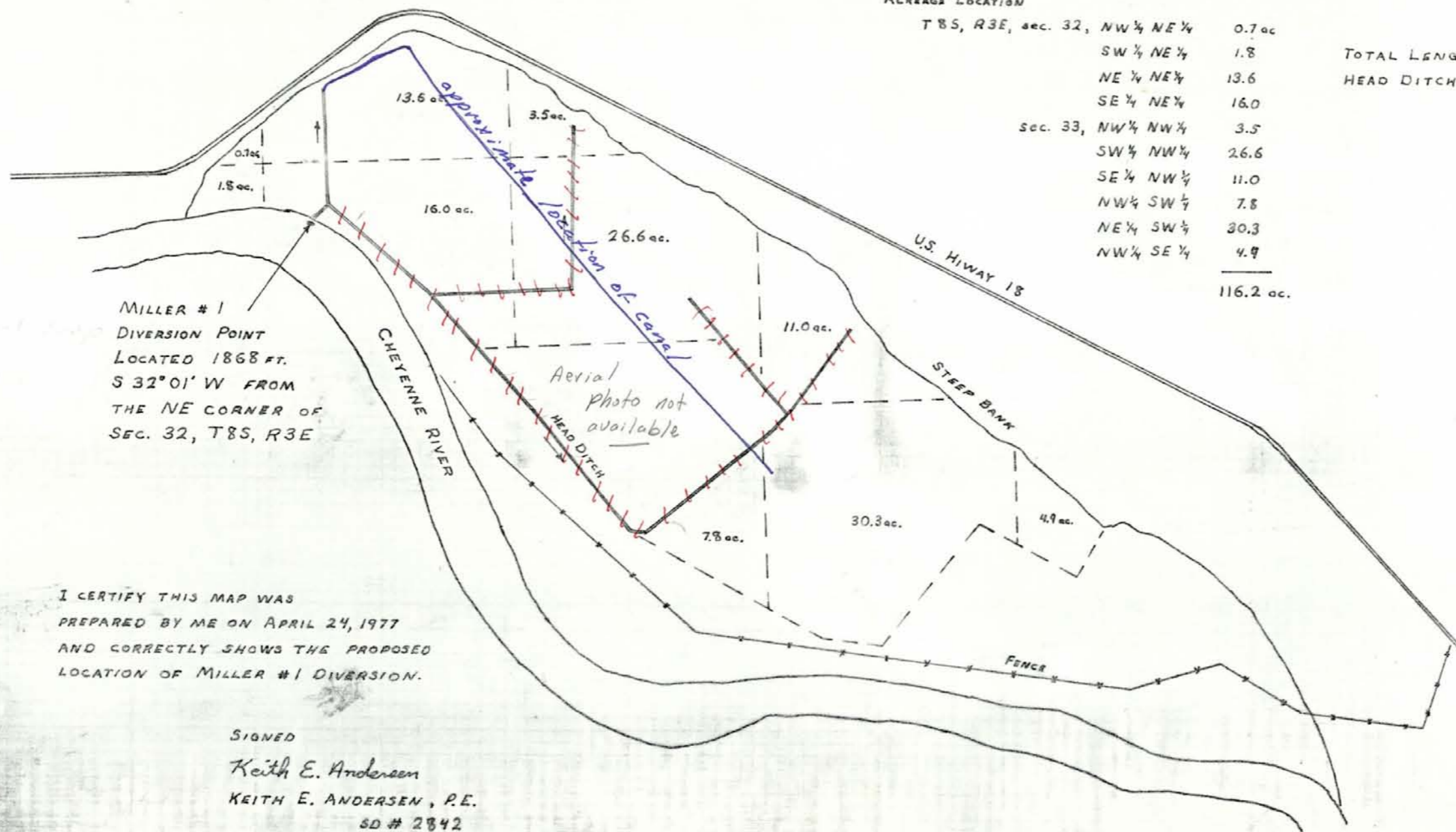
SECTION CORNER

29 | 28
32 | 33

ACREAGE LOCATION

T8S, R3E, sec. 32, NW 1/4 NE 1/4	0.7 ac
SW 1/4 NE 1/4	1.8
NE 1/4 NE 1/4	13.6
SE 1/4 NE 1/4	16.0
sec. 33, NW 1/4 NW 1/4	3.5
SW 1/4 NW 1/4	26.6
SE 1/4 NW 1/4	11.0
NW 1/4 SW 1/4	7.8
NE 1/4 SW 1/4	30.3
NW 1/4 SE 1/4	4.9
	<hr/> 116.2 ac.

TOTAL LENGTH OF
HEAD DITCH = 7080 FT.



MILLER #1
DIVERSION POINT
LOCATED 1868 FT.
S 32° 01' W FROM
THE NE CORNER OF
SEC. 32, T8S, R3E

I CERTIFY THIS MAP WAS
PREPARED BY ME ON APRIL 24, 1977
AND CORRECTLY SHOWS THE PROPOSED
LOCATION OF MILLER #1 DIVERSION.

SIGNED
Keith E. Andersen
KEITH E. ANDERSEN, P.E.
SD # 2842

32 | 33

MAP NO 1360.2 APPL NO 1593-2

1593-2



United States Department of the Interior



BUREAU OF RECLAMATION
Dakotas Area Office
Rapid City Field Office
515 9th St., Room 101
Rapid City, South Dakota 57701

IN REPLY REFER TO:

DK-700
PRJ 13.00

FEB 24 2006

RECEIVED
FEB 27 2006
WATER RIGHTS
PROGRAM

Mr. Garland Erbele
Chief Engineer
Water Rights Division
South Dakota Department of Environment and Natural Resources
523 E. Capitol
Pierre, South Dakota 57501-3181

Subject: Request for Junior Water Rights Shut Off Order - Angostura Reservoir, South Dakota

Dear Mr. Erbele:

We request that the State of South Dakota's Department of Environment and Natural Resources Water Rights Division issue shut off orders to junior water right holders on the Cheyenne River above Angostura Reservoir.

Angostura Reservoir is presently at elevation 3169.90, which is a little over 17 feet down from full (top of conservation or full is at elevation 3187.2). On February 24, 2005, the storage in Angostura Reservoir is about 60,000 acre-feet, which is 63,000 acre-feet from full. If the spring weather continues to be dry, the water right at Angostura will not be satisfied.

If you have questions, please contact Curt Anderson or me at 605-394-9757.

Sincerely,

For Jeffrey L. Nettleton
Rapid City Field Office Manager

cc: Ms. Sue Lowry
Administrator
Interstate Streams Division
Wyoming State Engineer's Office
Herschler Building 4E
Cheyenne, WY 82002

Mr. Mick Jenniges
Manager
Angostura Irrigation District
P.O. Box 346
Oral, SD 57766



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 10, 2006

NOTICE OF SHUTOFF ORDER

TO: HU RANCH INC
JIM MILLER
HCR 59 BOX 102
EDGEMONT SD 57735

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: Shutoff Order for Junior Priority Date Water Rights Upstream of
Angostura Dam

Shutoff Order for Water Right Nos. 1593-2

To protect the US Bureau of Reclamation's Water Right No. US579-2 for Angostura Reservoir with a senior priority date of April 11, 1941, the Bureau of Reclamation has asked that we issue shutoff orders for junior water right holders. Effective immediately no diversions of water from the Cheyenne River and tributaries by holders of junior water rights upstream of Angostura Dam will be allowed. On March 7, 2006, the water elevation in Angostura Reservoir was 3170.3-feet, almost 17-feet below the full elevation of 3187.2-feet. Storage is at 64,524 acre-feet, about 74,237 acre-feet below full. Angostura Reservoir is not expected to fill with the current low inflows.

The Angostura Reservoir storage level will be closely monitored and if the Cheyenne River flows upstream of the dam increase such that the reservoir will fill, this shutoff order will be rescinded at that time. If conditions do not improve, this order will remain in effect until the end of the calendar year.

I am asking for your cooperation in complying with this shutoff order. If you have any questions, please contact Mark Rath or Don Stroup with the Water Rights Program at (605) 773-3352. Thank you.




**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 9, 2007

NOTICE OF SHUTOFF ORDER

TO: HU RANCH INC
HCR 59 BOX 102
EDGEMONT, SD 57735

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program 

SUBJECT: Shutoff Order for Junior Priority Date Water Rights Upstream of
Angostura Dam

Shutoff Order for Water Right Nos. 1593-2

To protect the US Bureau of Reclamation's Water Right No. US579-2 for Angostura Reservoir with a senior priority date of April 11, 1941, the Bureau of Reclamation has asked that we issue shutoff orders for junior water right holders. Effective immediately no diversions of water from the Cheyenne River and tributaries by holders of junior water rights upstream of Angostura Dam will be allowed. On March 9, 2007, the water elevation in Angostura Reservoir was 3166.9-feet, 20.3-feet below the full elevation of 3187.2-feet. Storage is at 51652 acre-feet, about 87109 acre-feet below full. Angostura Reservoir is not expected to fill with the current low inflows.

The Angostura Reservoir storage level will be closely monitored and if the Cheyenne River flows upstream of the dam increase such that the reservoir will fill, this shutoff order will be rescinded at that time. If conditions do not improve, this order will remain in effect until the end of the calendar year.

I am asking for your cooperation in complying with this shutoff order. If you have any questions, please contact Mark Rath at (605) 773-3352 or Aaron Tieman at (605) 394-2229 with the Water Rights Program. Thank you.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 19, 2008

NOTICE OF SHUTOFF ORDER

TO: HU RANCH INC
HCR 59 BOX 102
EDGEMONT SD 57735

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: Shutoff Order for Junior Priority Date Water Rights Upstream of
Angostura Dam

Shutoff Order for Water Right Nos. 1593-2

The US Bureau of Reclamation holds Water Right No. US579-2 for Angostura Reservoir with a senior priority date of April 11, 1941. To protect this right, the Bureau of Reclamation has asked that we issue shutoff orders for junior water right holders. Effective immediately no diversions of water from the Cheyenne River and tributaries by holders of water rights junior to the priority date of April 11, 1941 upstream of Angostura Dam will be allowed. On March 17, 2008, the water elevation in Angostura Reservoir was 3168.8-feet, 18.4-feet below the full elevation of 3187.2-feet. Storage is at 56785 acre-feet, about 66263 acre-feet below full. Angostura Reservoir is not expected to fill with the current low inflows.

The Angostura Reservoir storage level will be closely monitored and if the Cheyenne River flows upstream of the dam increase such that the reservoir will fill, this shutoff order will be rescinded at that time. If conditions do not improve, this order will remain in effect until the end of the calendar year.

I am asking for your cooperation in complying with this shutoff order. If you have any questions, please contact Mark Rath at (605) 773-3352 or Aaron Tieman at (605) 394-2229 with the Water Rights Program. Thank you.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 19, 2009

NOTICE OF SHUTOFF ORDER

TO: JIM MILLER
HU RANCH INC
28469 OLD HWY18
EDGEMONT SD 57735

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: Shutoff Order for Junior Priority Date Water Rights Upstream of
Angostura Dam

Shutoff Order for Water Right Nos. 1593-2

The US Bureau of Reclamation holds Water Right No. US579-2 for Angostura Reservoir with a senior priority date of April 11, 1941. To protect this right, the Bureau of Reclamation has asked that we issue shutoff orders for junior water right holders. Effective immediately no diversions of water from the Cheyenne River and tributaries by holders of water rights junior to the priority date of April 11, 1941 upstream of Angostura Dam will be allowed. On March 18, 2009, the water elevation in Angostura Reservoir was 3176.7-feet, 10.5-feet below the full elevation of 3187.2-feet. Storage is at 80792 acre-feet, about 42256 acre-feet below full. Angostura Reservoir is not expected to fill with the current low inflows.

The Angostura Reservoir storage level will be closely monitored and if the Cheyenne River flows upstream of the dam increase such that the reservoir will fill, this shutoff order will be rescinded at that time. If conditions do not improve, this order will remain in effect until the end of the calendar year.

I am asking for your cooperation in complying with this shutoff order. If you have any questions, please contact Mark Rath at (605) 773-3352 or Aaron Tieman at (605) 394-2229 with the Water Rights Program. Thank you.



**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, 2010

Representative Lance Russell
PO Box 184
Hot Springs, SD 577477

Dear Representative Russell:


Thank you for you letter of November 24th letter concerning junior water right holders on the Cheyenne River.

As you're probably aware, the Bureau of Reclamation holds a 1941 water right to Angostura Reservoir. During years in which it appears the reservoir won't fill, the Bureau has asked DENR to issue shut off orders to those junior water right holders upstream of the reservoir. This occurred in 2008 and 2009. A copy of one of those letters in enclosed. Since Angostura Reservoir filled in 2010, the Bureau did not place a call on their water right.

The shut off letter clearly states that, "If conditions do not improve, this order will remain in effect until the end of the calendar year." It should have been clear, to anyone who read their letter that the shut off orders terminate at the end of the calendar year.

That being said, we will agree to discount the 2010 water year and not count it against those individuals who failed to irrigate during the 2010 year. A copy of this letter will be added to the files of those who indicated on their irrigation questionnaire that they did not irrigate.

Please let me know if there anything else I can assist you with.

Sincerely,

Garland Erbele, Chief Engineer

Encl.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

March 06, 2013

NOTICE OF SHUTOFF ORDER

TO: HU RANCH INC
JAMES MILLER
28469 OLD HWY18
EDGEMONT SD 57735

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

Garland Erbele

SUBJECT: Shutoff Order for Junior Priority Date Water Rights Upstream of
Angostura Dam

**Shutoff Order for
Water Right Nos. 1593-2**

The US Bureau of Reclamation holds Water Right No. US579-2 for Angostura Reservoir with a senior priority date of April 11, 1941. To protect this right, the Bureau of Reclamation has asked that we issue shutoff orders for junior water right holders. Effective immediately no diversions of water from the Cheyenne River and tributaries by holders of water rights junior to the priority date of April 11, 1941 upstream of Angostura Dam will be allowed. On March 05, 2013, the water elevation in Angostura Reservoir was 3176.8-feet, 10.4-feet below the full elevation of 3187.2-feet. Storage is at 81068 acre-feet, about 41980 acre-feet below full. Angostura Reservoir is not expected to fill with the current low inflows.

The Angostura Reservoir storage level will be closely monitored and if the Cheyenne River flows upstream of the dam increase such that the reservoir will fill, this shutoff order will be rescinded at that time. If conditions do not improve, this order will remain in effect until the end of the calendar year.

I am asking for your cooperation in complying with this shutoff order. If you have any questions, please contact Mark Rath at (605) 773-3352 or Aaron Tieman at (605) 394-2229 with the Water Rights Program. Thank you.

CERTIFICATION

I hereby certify that on March 6, 2013, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 6, 2013 regarding shut-off orders addressed as stated below:

LAST_NAME	FIRST_NAME	ADDRESS2	CITY	STATE	ZIP
INDIAN CREEK CATTLE LLP		32296 190TH ST	SLEEPY EYE	MN	56085
INDIAN CREEK LAND & CATTLE LLC		PO BOX 538	EDGEMONT	SD	57735
WEINREIS BROTHERS		230908 HIGHLAND RD	SCOTTSBLUFF	NE	69361
SEGER RANCH INC		RR 1 BOX 100A1	HOT SPRINGS	SD	57747
REUTTER	EDWARD/WANDA	HCR 59 BOX 90	EDGEMONT	SD	57735
WASSERBURGER	MARTIN W & E DALLAS	30131 CASCADE RD	ARDMORE	SD	57735
HALD BROTHERS INC		30195 HIGHWAY 385	OELRICHS	SD	57763
GCC DACOTA INC		PO DRAWER 360	RAPID CITY	SD	57709
FALKENBURG	JOE/NANCY	PO BOX 69	EDGEMONT	SD	57735
ANDERSEN	DONALD J/LYNDA J	10194 ARGENTINE RD	BURDOCK	SD	57735
ANDERSEN	KEITH	27360 S FLAT TOP RD	EDGEMONT	SD	57735
ANDERSON	DALE & JEANETTE	1401 TOMPKINS ST	RAPID CITY	SD	57701
B & H RANCH INC		900 W 7TH ST	CHADRON	NE	69337
BACHAND	DOUG & LORI	HC 48 BOX 248	PROVO	SD	57774
BALL BROS		BOX 527	EDGEMONT	SD	57735
BIRDSALL	JIM OR SHERYL	28086 ANGOSTURA RD	HOT SPRINGS	SD	57747
BOGNER	NICK/EUGENE	HC 46 BOX 24	OELRICHS	SD	57763
BOGNER	NICK/MICHAEL	29599 BLACK BANKS RD	OELRICHS	SD	57763
BRAINERD INDIAN SCHOOL		PO BOX 7038	RAPID CITY	SD	57709
CHILDERS	V L	900 W 7TH ST	CHADRON	NE	69337
COPE	OSCAR	PO BOX 147	OELRICHS	SD	57763
COPE RANCH		14160 SHIRK CREEK RD	OELRICHS	SD	57763
DUNBAR	DAVID M	HC 46 BOX 48A	OELRICHS	SD	57763
HENDERSON	DORA R	11507 HWY 471	EDGEMONT	SD	57735
HINESLEY	TED AND GAIL	103 W AVE A	BISMARCK	ND	58501
HOLLENBECK	HENRY C	665 OAK ST	EDGEMONT	SD	57735
HOLLENBECK	MARK J	27772 ELBOW CANYON RD	EDGEMONT	SD	57735
HOLLENBECK	PAT OR TAMMY	665 OAK ST	EDGEMONT	SD	57735
HU RANCH INC		28469 OLD HWY18	EDGEMONT	SD	57735
HUBER	GAYLE & LINDA	28797 LENNON SCHOOL RD	OELRICHS	SD	57763
HUNTER	ROSS J	30068 HAT CREEK RD	EDGEMONT	SD	57735
KOLLER	JOHN W	PO BOX 715	EDGEMONT	SD	57735
LANDERS	A J	BOX 159B HCR 52	HOT SPRINGS	SD	57747
LANDERS LIVESTOCK CO INC		29088 ASH CREEK RD	HOT SPRINGS	SD	57747
MANKE LAND & CATTLE CO LLC		PO BOX 599	EDGEMONT	SD	57735
MARTINSON	KENNETH	BOX 361	EDGEMONT	SD	57735
NELSON	A J	503 S CENTER AVE	MILES CITY	MT	59301
PETERSON & SON INC		27389 BURDOCK LOOP	BURDOCK	SD	57735
PORTER	EVERETT	10413 MOSS AGATE RD	EDGEMONT	SD	57735
PUTNAM	DONALD	BOX 188	OELRICHS	SD	57763
PUTNAM RANCH INC	DONALD	BOX 188	OELRICHS	SD	57763
QUINTO LTD		PO BOX 69	EDGEMONT	SD	57735
ROMEY	JOHN R OR TRACY	29773 HARD SCRABBLE RD	OELRICHS	SD	57763
SCHNOSE	ROBERT A & KIMBERLY L	29037 OLD HWY 79	OELRICHS	SD	57763



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

RAPID CITY ONE-STOP
221 MALL DRIVE, SUITE 201
RAPID CITY, SD 57701
danr.sd.gov

HU RANCH INC
28469 OLD HWY18
EDGEMONT, SD 57735

1593-2

April 09, 2026

Dear Cheyenne River Water Right Holder:

Due to the ongoing drought I am advising Cheyenne River water right holders of the possibility of shutoff orders in 2026 for the river reach from the Wyoming-South Dakota state line to Angostura Dam. This is not a shutoff order.

As a result of the continuing lack of precipitation, tributary flows throughout the Cheyenne River basin remain well below the historical average. Angostura Reservoir ended March 12 feet below full (top of active conservation pool) and the current forecast throughout the summer months is not favorable for improved conditions.

This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shut-off orders are issued, you will receive another letter from the Department. In the meantime, water right holders can help by closely monitoring water usage to minimize use and trying to avoid wasting water.

South Dakota water law gives the highest priority to domestic use, which includes livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critically low levels, other uses, including irrigation, will begin to interfere with domestic uses and senior water rights. If levels become critically low, the department must issue shut-off orders to protect domestic water uses and senior water rights. Once these orders are issued, the department will continue to monitor water availability and should conditions improve, the shutoff orders would be rescinded.

If you are interested, the US Geological Survey has an Internet site showing river flows at 150 stream gauging stations across the state. Go to <https://waterdata.usgs.gov/state/south-dakota/> and click on "View monitoring location page" for the USGS gages above Angostura Dam.

Thank you for your cooperation. If you have any questions, please contact Nakaila Steen or another member of the DANR-Water Rights Program at (605) 394-2229 (Rapid City Office) or (605) 773-3352 (Pierre Office).

Sincerely,

Adam Mathiowetz, PE
Acting Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

RAPID CITY ONE-STOP
221 MALL DRIVE, SUITE 201
RAPID CITY, SD 57701
danr.sd.gov

June 05, 2026

TO: HU RANCH INC
28469 OLD HWY 18
EDGEMONT, SD 57735

FROM: Adam Mathiowetz, PE
Acting Chief Engineer
Water Rights Program

SUBJECT: Shutoff Order for Junior Priority Date Water Rights Upstream of Angostura Dam

Shutoff Order for Water Permit No(s). 1593-2

The US Bureau of Reclamation holds Water Right No. US579-2 for Angostura Reservoir with a senior priority date of April 11, 1941. To protect this right, the Water Rights Program is issuing shutoff orders for junior water right holders. Effective immediately no diversions of water from the Cheyenne River or its tributaries, by holders of water rights junior to the priority date of April 11, 1941, upstream of Angostura Dam will be allowed. On June 03, 2026, the water elevation in Angostura Reservoir was 3173.87-feet, 13.3-feet below the fill elevation of 3187.2-feet (top of the conservation pool). Storage was at 71,519.0 acre-feet, which is approximately 51,529 acre-feet below full. At this time, Angostura Reservoir is not expected to fill with the current low inflows.

The Angostura Reservoir storage level will be closely monitored and if the flows in the Cheyenne River and its tributaries upstream of the dam increase such that the reservoir will fill, this shutoff order will be rescinded at that time. If conditions do not improve, this order will remain in effect until the end of the calendar year.

I am asking for your cooperation in complying with this shutoff order. If you have any questions, please contact Nakaila Steen at (605) 394-2229, or myself at (605) 773-3352 with the Water Rights Program. Thank you.

We would appreciate it if you would call Nakaila in our Rapid City office and provide an up-to-date phone number and email for faster communication on this matter. Thank you.