

②
UPPER
10/20/80

Water Right No. 1732-2

1. Considered Nov. 19 1980
 2. Name of Applicant ROBERT TUBBS
 3. Post Office Address EDGEMONT, S.D.
 4. Amount of Water Claimed 2.38
 5. Source of Water Supply BEAVER CREEK & CHEYENNE RIVER
 6. Water to be used for IRR
 7. Acres to be irrigated 166.7 maximum acre feet
 8. Water to be diverted and used in FALL RIVER County about 2 miles SOUTH of BURDOCK
- PROOF OF PUBLICATION Received 10-31-80
Not Received
- APPLICATION Approved 11/19/80
Subject to above Aug 21st 1980
Not Approved FR
Action deferred

Priority
10/13/80
When w/c
approval received

Date Received 7-14-80 Application Complete yes no FEE 250.00

Remarks

Date information and/or fee or corrected Application received

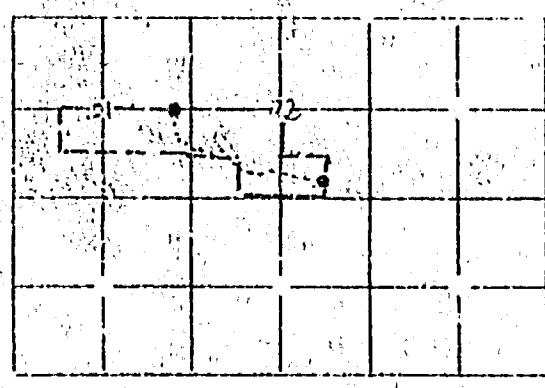
Period of Annual use MARCH 1st TO NOVEMBER 1st

Received ye 10/13/80 no APPROVED CONDITIONAL (Circle one)

W-1 Description same as application yes no Remarks

Disapproved

Returned



Diversion Point BETWEEN POINTS
ON BEAVER CREEK IN THE
N¹SE¹ SEC. 21 & SW¹SE¹
SEC. 22 BOTH IN T7S-R1E
Lands to be irrigated
N¹SE¹SW¹; N¹SE¹ SEC. 21 &
N¹SW¹; SE¹SW¹; SW¹SE¹
SEC. 22-T7S-R1E

Remarks Line to be drawn in Sec. 21

Driller Licensed yes no

Depth

WELL
LOG

MAP

Map No. 995-2 Map located in Water Right X Map file _____

Type of Map Aerial Prepared by ASCS - Fall River Co.

+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 11-19-80

[Signature]
(Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS

F.F. & C

OF LAW,

FINAL

DECISIONS

ETC.

Date _____
Final Decision, including F.F. & C of Law were adopted _____
Date _____
Final Decision mailed to parties and/or parties notified that Final Decision was adopted _____

Remarks: _____

Form 2 - Application for Permit to Appropriate Water-Original (Includes Approval and Permit)

No. 1732-2

Map No. 995-2 Water Division No. 2 UPPER CHEYENNE District

Above for Office Use 10/20/06



APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New ☒ Vested Right ☐ Future Use ☐

Change in Diversion ☐ Additional Diversion ☐

Change in Acreage ☐ Additional Acreage ☐

1. Name of Applicant Robert & Mark Tubbs Phone No. 662-7386
Post Office Address Box 563, Edgemont State South Dakota 57735
(Street, RR, or Box) (Town) (Zip Code)

If a corporation show date and place of incorporation

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract

3. Name of diversion work Beaver Creek Tubbs #1

4. Amount of water claimed (cubic feet per second) 3.25 cfs. 2.38 MAX. ALLOWABLE

5. Source of water supply Wyoming Beaver Creek and Cheyenne River

6. Location of point of diversion T25 R1E Sec. 21 as Beaver Creek enters and leaves
the property N ENE 21 -

County Fall River

7. Annual period or periods during which water is to be used 1 March - 1 November

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation

9. For irrigation use, Total number of acres to be irrigated 166.7

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.
NE 1/4 Sec 21-7-1	4.6	NE 1/4 Sec 22-7-1	35.3
NW 1/4 Sec 21-7-1	28.4	SE 1/4 Sec 22-7-1	8.6
PR 1/4 Sec 21-7-1	35.8	SW 1/4 Sec 22-7-1	18.2
NW 1/4 Sec 22-7-1	35.8		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Fall River

12. Principal Features of the Proposed Water Supply System.

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

15" Electric Berkley Turbine Pump

B. Works proposed to transport water to place of use

Open ditch

C. Works proposed to apply water to beneficial use.

Flood irrigation

Estimated Total Cost \$ 70,000.00

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 ss.

I, Robert Tubbs and Mark Tubbs 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 am, and are, able to complete the necessary construction.

Signed Robert & Mark Tubbs

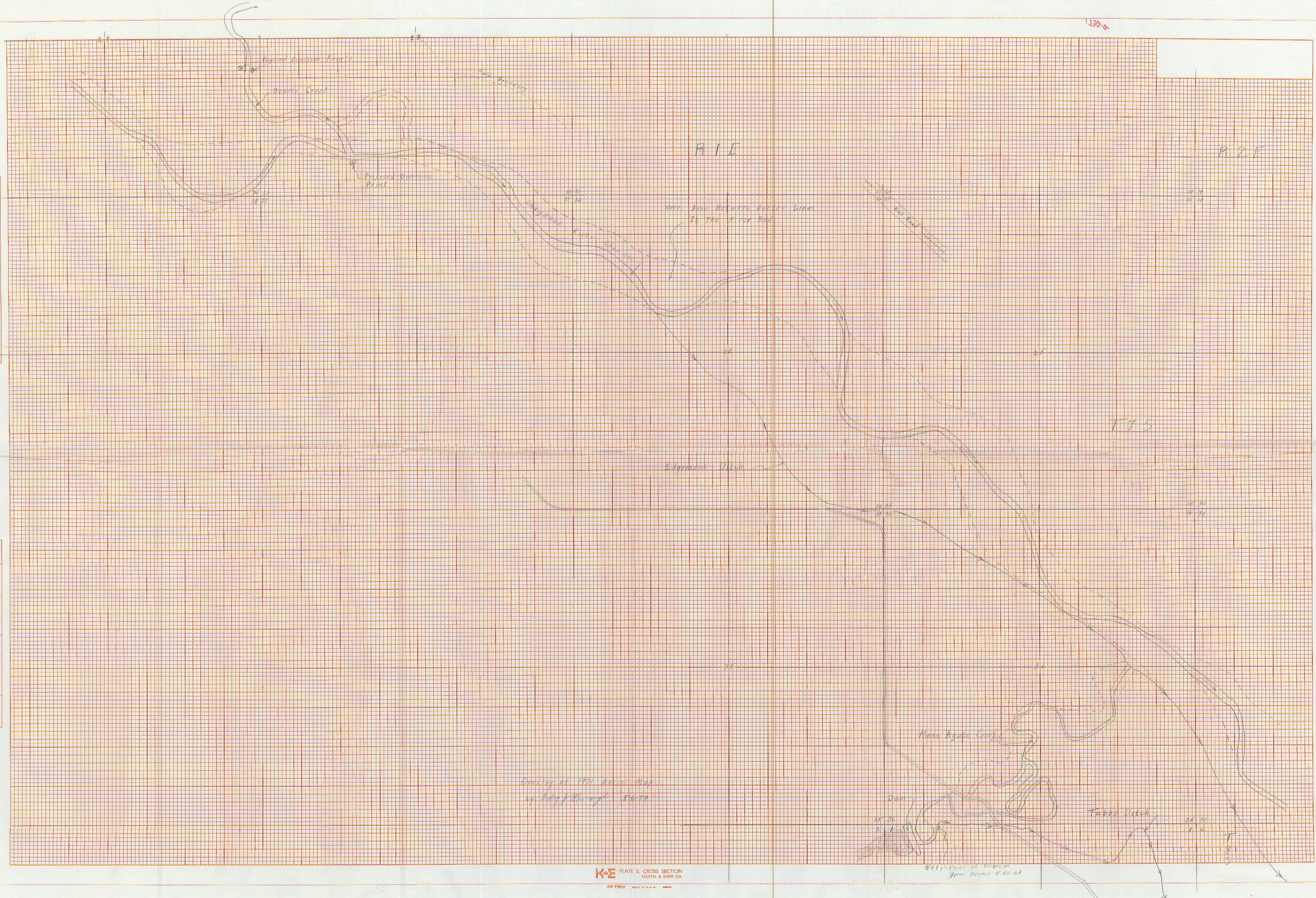
Subscribed and sworn to before me this 16 day of July, 1980

Therese Anderson

Notary Public (or other qualified officer)

FINAL SURVEY	SURVEYED	DATE
	PLOTTED	BY
	NOTE BOOK	
	AREAS CHECKED	

ORIGINAL SURVEY	SURVEYED	DATE
	PLOTTED	BY
	NOTE BOOK	
	AREAS CHECKED	



WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1732-2

Robert Tubbs

(Applicant)

Box 503, Edgemont

(Post Office Address)

South Dakota-57735

(State)

With the following qualifications

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 5,187.2 feet msl. Upon meeting this requirement then the low flow by-pass of 50 c.f.s. would go into effect throughout the remainder of the irrigation season.

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application July 14 19 80
 Date of return to applicant for correction, amendments or changes required 19
 Date of receipt of corrected application October 13 19 80
 Approved November 19 19 80 Recorded in Book 21 Page 292

WATER RIGHT PERMIT NO. 1732-2

The Water Management Board hereby grants and issues this Water Right Permit No. 1732-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is October 13 19 80
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before May 19 19 83
3. The whole of said work is to be completed on or before November 19 19 85
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is November 19 19 89
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 2.38 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 irrigation purposes said appropriation must be limited to not more than 2 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 November 19 19 89; said water to be used during the following described annual period: March 1st to November 1st

Witness my hand this 1st day of December 19 80

THE WATER MANAGEMENT BOARD

By:

John Hatch
 Chief Engineer, Water Rights

JOHN HATCH

Certificate of Construction Issued 19

Water License Issued 19

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS' NAME: Robert Mark Tull OWNERS ADDRESS: EdgemontCOUNTY LAND LOCATED IN: Fall River PHONE: 602-7586 602-7502

TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

In accordance with State Law SDCL 46-5-6.5, If a water permit is granted with a conditional Soil/Water Compatibility permit, a copy of such conditional soil/water compatibility permit must be filed with the County Register of Deeds. This action must be taken by the holder of a water permit within 6 months of receipt of such water permit.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION OR DIVERSION POINT: NEW NEW SEW Sec 21
2. SURFACE WATER SOURCE: Beaver Creek 73 75, R1E
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST Fall River ACCOMPANY THE APPLICATION. (See instruction County sheet)

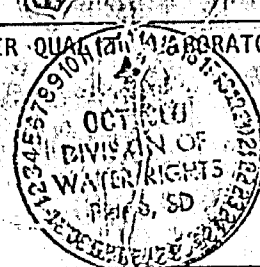
See Note

Legal Description	Acres	Legal Description	Acres
NE 1/4 - SEC 21-7-1	4.6	NE 1/4 - SEC 22-7-1	35.3
SW 1/4 - SEC 21-7-1	8.1	SW 1/4 - SEC 22-7-1	8.6
SE 1/4 - SEC 21-7-1	12.2	SE 1/4 - SEC 22-7-1	12.2
SW 1/4 - SEC 22-7-1	13.2	SW 1/4 - SEC 22-7-1	66.2

4. TYPE OF IRRIGATION: GRAVITY: 1 TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ OTHER: _____ (Specify)
5. CROPS TO BE IRRIGATED: Alfalfa
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
- LEGAL DESCRIPTION: Beaver Creek
- IN WHAT NAME: _____

WATER QUALITY: (TO BE COMPLETED BY SDSN WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 80-671
8. SALINITY (EC X 10³): 82.6
9. SODIUM (SAR): 2.60
10. ADJUSTED (SAR): 5.65



RECEIVED

OCT 01 1980

South Dakota
Division of Conservation

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at 5 a.m./p.m., on August 18 1980, at the following location: Beaver Creek by Mark K. Tull (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

17 DAY OF August, 1980

Karl E. (M. Pland)
(NOTARY PUBLIC)

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER PERMIT must be obtained from the Board of Water Management.

Mark K. Tull
APPLICANT'S SIGNATURE

Karl E. Harner
Director, Division of Conservation

APPROVED

DISAPPROVED

X CONDITIONALLY APPROVED

FALL RIVER

Conservation District

Plan No.

Date 7/80

Operator SAME

Scale 2.6 = 1 MILE

Acids

Appendix

FALL RIVER

So. Dak.

Photo No. 61NY-1MM-272

Coupling

State

Location (Community, watershed, road & distance, etc.)

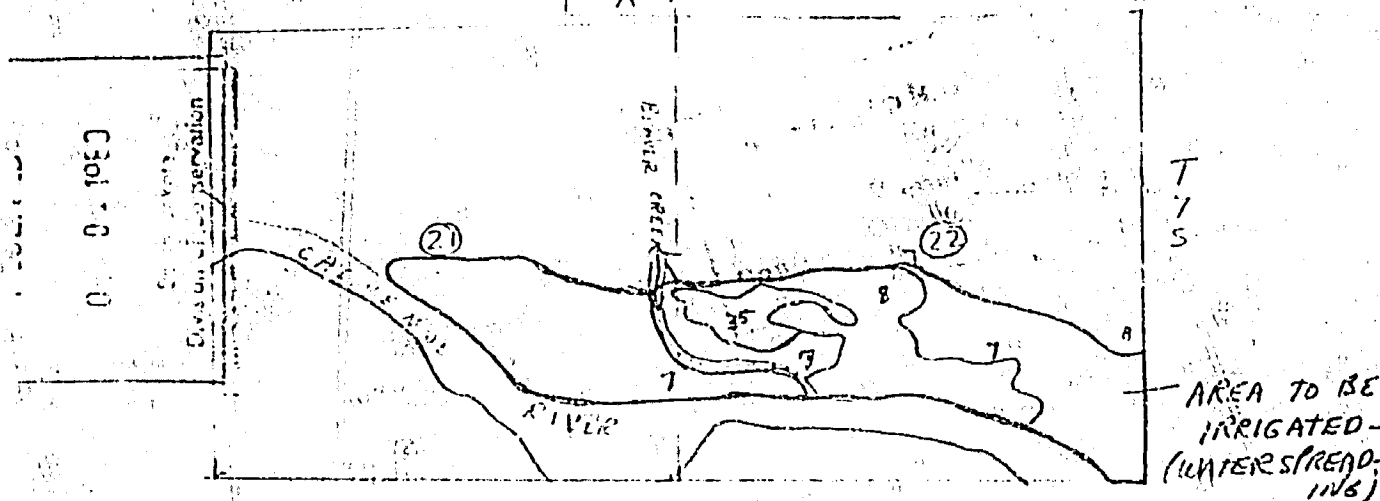
ADVANCE FIELD SHEET
SUBJECT TO CHANGE

APPROX 1/2 MILE

REPLY:

S. D. Krause
District Com.
Hot Springs, SD

P.R. Information



- 7 = Bankard Fine Sandy loam, 0-2%
Rapid Permeability, Slow Runoff. Surface water Tends
to Seal this soil and slow permeability rate. Low
Available water capacity
- 8 = GLENBORG FINE SANDY LOAM, 0-2%
Moderately Rapid Permeability, Slow Runoff, Low Available
Water capacity.
- 25 = BARNUM SILT LOAM, 0-2%
Moderate Permeability, Slow Runoff. High available
water capacity



Signed

South Dakota State University
Brookings, South Dakota 57007

Submitted by: Robert & Mark Tibbs
Address: Edgemont, SD 57735

Date Rec'd: August 21, 1980
Sample No. 80-671
Identification Well-
SE1, Sec. 21, T 7S, R 1E

WATER ANALYSIS

Calcium (Ca)	64	ppm	3.20	me/l**
Magnesium (Mg)	22	ppm	1.77	me/l
Sodium (Na)	95	ppm	4.13	me/l
Potassium (K)	15	ppm	0.36	me/l
Sulfate (SO ₄)	327	ppm	6.80	me/l
Nitrate (as-N)		ppm		me/l
Chloride (Cl)	12	ppm	0.35	me/l
Bicarbonate (HCO ₃)	151	ppm	2.48	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		g.p.g.***
Hardness (EDTA as CaCO ₃)		ppm		
Alkalinity (Methyl Orange)	124	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	826	microhm/cm at 25° C.		
Sodium Adsorption Ratio	2.60	Adjusted SAR	5.65	
Sodium	43.65	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.65			
Others:				

*ppm=parts per million

**me/l=milliequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations 9.46 me/l
Total anions 9.63 me/l

RECEIVED

21 9 1 1980

South Dakota
Division of Conservation

By: Shirley Estan

Service Performed

Amount Due

Irrigation analysis

1.00

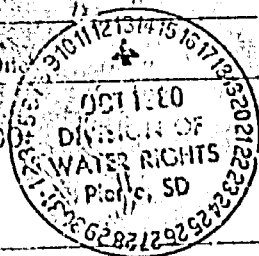
Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 80-671

Amount Enclosed \$

Signed



South Dakota State University
Brookings, South Dakota 57007

Submitted by: **Robert & Mark Tubbs**
Address: **Edgemont, SD 57735**

Date Rec'd **August 21, 1980**

Sample No. **80-671**

Identification **Well-**

Sec. 21, T 7S, R 1E

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Potassium (K)	15	ppm	0.36	me/l
Sulfate (SO ₄)	327	ppm	6.80	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	12	ppm	0.35	me/l
Bicarbonate (HCO ₃)	151	ppm	2.48	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	124	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	826	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	2.60	Adjusted SAR	5.65	
Sodium	43.65	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.25			
Others:				

*ppm=parts per million

**me/l=millequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations 9.46 me/l
Total anions 9.63 me/l

RECEIVED

OCT 01 1980

South Dakota
Division of Conservation

By: Shirley Witten

Service Performed

Amount Due

Irrigation analysis

15.00

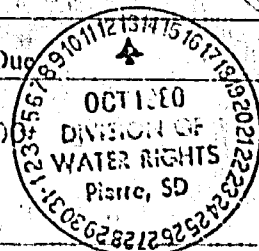
Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 80-671

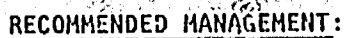
Amount Enclosed \$

Signed



NAME OF APPLICANT Robert and Mark Tubbs

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED



Deep tillage (for the purpose of aiding movement of water through stratified loam layers..

This would pertain to the Parham silt loam soil areas.

Water sample #80-671 is rather low in total salt content, as compared to long term flows.

No. 1732-2

Publish first publication, on or before October 29, 1980

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 15, 1980

Notice is hereby given Robert and Mark Tubbs whose post office

address is Edgemont, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 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, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 2.38 cubic feet of

water per second of time from the Beaver Creek through the

Beaver Creek Tubbs #4, the point(s) of diversion of which ~~is~~ (are) to be located

~~XXXXXX~~ between points on Beaver Creek in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21 and SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22

both in

~~XXXXXXXXXXXX~~, Twp. 7 S, Range 1 E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE $\frac{1}{4}$ SW $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 21 and N $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, both in T7S - R1E

This Application No. 1732-2 will be considered by the Water Management Board at the Carl Mundt Library, Dakota State College, Madison, South Dakota, on the 19th day of November 1980

at 10 A.M. The Board 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 Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

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 Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building, Pierre, SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

BETTY WESTLUND
Water Rights Specialist

cc: Robert and Mark Tubbs
Box 563
Edgemont, SD 57735

WNR-806B-7/79 Notice of Intent to Appropriate Water
SURFACE WATER

No. 1732-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Fall River) ss.

I, Kathy A. Worrell 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

Edgemont Herald-Tribune 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:

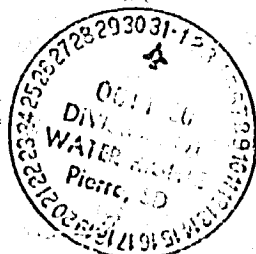
October 22, 1980

October 29, 1980

Kathy A. Worrell
(Signature)

Notary Public
(Title)

10-29-80
(Date Signed)



NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER

Notice is hereby given Robert and Mark Tubbs whose post office address is Edgemont, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14, 46-2-9 thru 46-2-11, 46-2-13, 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-12, 46-5-13 and Board Rules ARSD 52:01:01 thru 52:01:03 for a permit to appropriate for beneficial use 2.38 cubic feet of water per second of time from Beaver Creek through the Beaver Creek Tubbs #4 (the point of diversion of which are to be located between points on Beaver Creek in the NE 1/4 SE 1/4 Section 21 and SW 1/4 SE 1/4 Section 22 both in Twp. 7 S Range 1 E. Said water to be used for the purpose of providing irrigation on portions of the following described land: NE 1/4 SW 1/4 N 1/4 SE 1/4 Section 21 and N 1/4 SW 1/4 SE 1/4 SW 1/4 and SW 1/4 SE 1/4 Section 22 both in T7S R1E.

This Application No. 1732-2 will be considered by the Water Management Board at the Carl Mundt Library, Dakota State College, Madison, South Dakota upon the 19th day of November 1980 at 10 a.m. The Board 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 Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-28 may notify the Board in writing prior to the hearing or orally at the hearing.

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 Board may be appealed to the Courts as provided by law. Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD
/s/ Betty Westlund
BETTY WESTLUND
Water Rights Specialist
(#4442-59-44,45)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7610

PIERRE, July 24, 1983

Robert Tubbs, Box 563, Edgemont, SD 57755

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

Fee for Application for Permit to appropriate Water No. 1732-2 (examination, processing, recording and filing)	250 00
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	
Fee for certified copy of	
Fee for Print copy of map	
Fee for Certifying	
Fee for (any other work as provided by law)	
TOTAL	250 00

WATER RIGHTS COMMISSION

By: John Hatch
Chief Engineer, Executive Officer

INVESTIGATION OF WATER AVAILABILITY
ABOVE THE ANGOSTURA 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 3187.2 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 8,647 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:

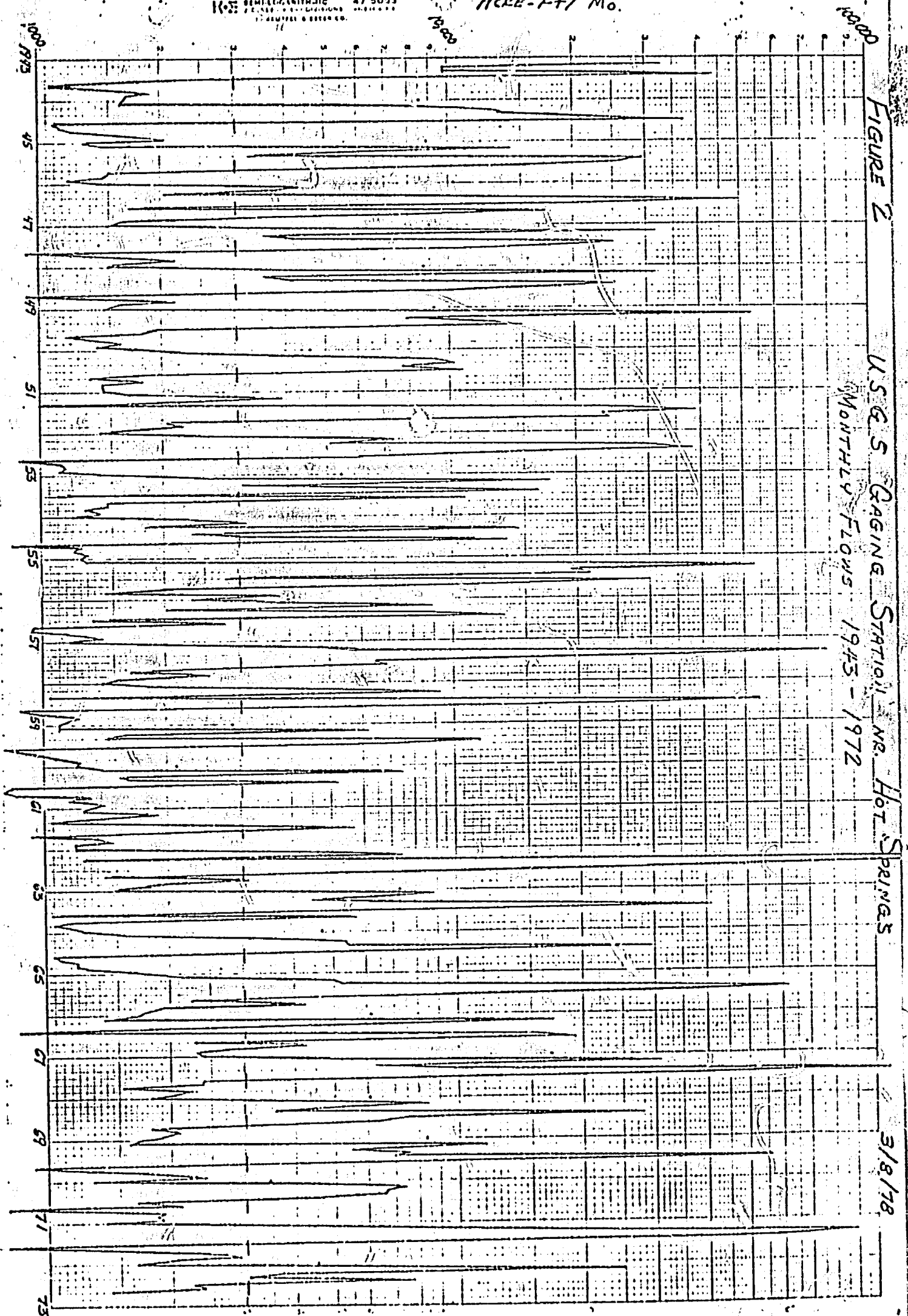
"The U.S. Bureau of Reclamation holds water rights to certain flows in the Cheyenne River for storage in Angostura Reservoir. It is likely that water diversion restrictions under this permit to appropriate water may be necessary at times to assure water for domestic use, including stockwater and water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

JAMES E. WINTERTON
Water Resources Engineer IV

ACEE-Ft/Mo.



SOUTH DAKOTA

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 1732-2

September 10, 1987

Mark Tubbs
Box 563
Edgemont, South Dakota 57735

Dear Mr. Tubbs:

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 Right No. 1732-2 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 issuing 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 this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Maxine Stirling
Secretary

ms/

NOTE: On check or money order, please indicate the number of the water permit. This insures proper handling of the fee.

DWHP-814 8/83

Box 562

Edgemont, S. D.

Dec. 28, 1987

S. D. Dept. of Water & Natural Resources
Division of Water Rights
523 East Capitol
Pierre, S. D. 57501

Gentlemen:

Enclosed please find check
for fifty dollars (\$50.-) in payment
of License Fee for Water Right No.
1732-2.

Sincerely yours,

Mark Subba
art



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411116

Pierre, December 24, 1987

RECEIVED OF Tubbs Land and Cattle, Mark Tubbs, Box 563, Edgemont SD 57735
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

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. ~~1723X2X~~ 1732-2	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 (KS)

REPRODUCTION: REDUCED COPY: KILLING: 11/11/87: EAST AFRICA: OPERATOR

Upper Cheyenne Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWRNR, Forest Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Robert and Mark Tubbs of Box 563 Edgemont, SD 57735 holder of Permit No. 1732-2, bearing the priority of October 13 19 80 authorizing the diversion of 2.38 cu. ft. per second of the waters of Beaver Creek 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: 10" Berkley Turbine Pump, model M10, with a 30HP electric motor. The pump has a capacity of 3000 gpm and is installed in a 3' diameter comp wet well that leads to Beaver Creek.
- B. Works used to transport water to place of use: open ditch with outlets to border areas.
- C. Works used to apply water to beneficial use: Flood irrigation with borders.

The system is in the following condition goodThe point of diversion is located 100 ft South and 200 ft West of the E 1/4 corner of Section 21, T7S, R1E.The works are capable of diverting and conveying to the place of use 6.7 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:

<u>NE 1/4 SW 1/4, Sec 21, T7S, R1E - 9.6 acres</u>	<u>NW 1/4 SW 1/4, Sec 22, T7S, R1E - 35.8 acres</u>
<u>NW 1/4 SE 1/4, " " " - 28.8 "</u>	<u>NE 1/4 SW 1/4, " " " - 35.3 "</u>
<u>NE 1/4 SE 1/4, " " " - 35.8 "</u>	<u>SE 1/4 SW 1/4, " " " - 8.6 "</u>
	<u>SW 1/4 SE 1/4, " " " - 18.2 "</u>

comprising a total of 166.7 acres of land and the license should be issued for 2.4 cfs ^{2.38} pmApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date August 26, 1987

Alvin D. Berg, P.E.
 (signature) Hydrologist

State of South Dakota
Water License No. 1732-2

(1) Robert and Mark Tubbs
of Box 563, Edgemont, South Dakota 57735
made Application No. 1732-2, July 17, 1980 for a water permit to appropriate
2.38 cubic feet per second of water from Beaver Creek
Fall River County, South Dakota for irrigation purposes.
Permit No. 1732-2, with a priority date of October 13, 1980
was approved November 19, 1980 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before November 19, 1985 and for the application to beneficial use of said
water on or before November 19, 1989.

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 2.38 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is 100 feet South and 200 feet West of the
Elk Corner of Section 21, T7S, R1E. (NE1/4SE1/4)

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 T7S, R1E

Section 21	NE1/4SW1/4	4.6 Acres
	NW1/4SE1/4	28.4 Acres
	NE1/4SE1/4	35.8 Acres
Section 22	NW1/4SW1/4	35.8 Acres
	NE1/4SW1/4	35.3 Acres
	SE1/4SW1/4	8.6 Acres
	SW1/4SE1/4	18.2 Acres
TOTAL		166.7 ACRES

(4) Pursuant to §46-5-30.1 Robert and Mark Tubbs
of Box 563, Edgemont, South Dakota 57735
the holder(s) and/or owner(s) of Water Permit No. 1732-2 is issued a license to appropriate water, the right to use
2.38 cubic feet per second of water from Beaver Creek with a priority date
of October 13, 1980 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. 1732-2 and subject
to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JOHN HATCH

DEC 19 1988

No. 1732-2

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

DEC 19 1988

Robert & Mark Tubbs
Box 563
Edgemont, South Dakota 57735

Dear Mr. Tubbs:

Enclosed herewith is, Water License No. 1732-2. 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
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

May 11, 1989

1732-2

NOTICE

TO: Robert & Mark Tubbs
Box 563
Edgemont, SD 57735

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

John Hatch

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

Effective May 19, 1989, you are ordered to cease diversions of water under Water Right No. 1732-2. The priority date for your water right is junior to the April 11, 1941 priority date for Angostura Irrigation District Water Right No. 579-2.

The Angostura Irrigation District's water supply is as follows:

May 2, 1989

24,673 acre feet available for
irrigation at elevation 3173.4 ft. msl

The Irrigation District needs 45,000 acre feet per year for irrigation.

One fill of Angostura reservoir is authorized per year. The District has agreed to allow junior priority irrigation upstream, if the reservoir fills to elevation 3,183.7 ft. msl, 3.5 feet below full elevation (3187.2 ft msl). If the reservoir fills to 3,183.7 ft. msl, the shutoff order will be rescinded. Any releases by the District for irrigation will be included in the 3183.7 ft. msl. calculation.

If you have any questions, please contact Jim Winterton (605 773-3352).





Department of Water & Natural Resources

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

March 19, 1990

1732-2

NOTICE

TO: Robert & Mark Tubbs
Box 563
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. 1732-2. 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).



Department of Water & Natural Resources

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

March 14, 1991

1732-2

NOTICE

TO: Robert & Mark Tubbs
Box 563
Edgemont, SD 57735

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

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

1732-2

RESCISSION OF SHUTOFF ORDER

TO:

Robert & Mark Tubbs
Box 563
Edgemont, SD 57735

FROM:

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

Delvin W. Bratz

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
Bratz (605) 773-3352.

DATE MICROFILMED

CHIEF ENGINEER
CAMERA OPERATOR

ENVIRONMENTAL PHOTOGRAPHIC



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

March 25, 1992

1732-2

NOTICE

TO: ROBERT/MARK TUBBS
BOX 563
EDGEMONT, SD 57735

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

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. 1732-2 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.

PERMIT NO	FIRST NAME	LAST NAME	ADDRESS 1	ADDRESS 2	CITY	STATE	ZIP CODE	PERM1	PERM2
657-2		A A T CATTLE CO	TM LANDERS	ST RT	HOT SPRINGS	SD	57747		
376-2	RICHARD	ANDERSON	A CHAR ANDERSON	HCR 59 BOX 18	EDGEWATER	SD	57735		
1611-2	IRENE R	ANDERSON		HCR 59 BOX 20	EDGEWATER	SD	57735		
321-2		B & H RANCH INC	B Y CHILDERS	PO BOX 723	EDGEWATER	SD	57735		
531-2		RAIL PROS		BOX 617	EDGEWATER	SD	57735		
1935-2	LESTER I	BARLEY		BOX 740	EDGEWATER	SD	57735		
1493-2	NICK/MICHAEL	BOONER	ANTH BOONER JR	HC 46 BOX 24	DELRICH	SD	57763	1731-2	
755-2		BRAINERD INDIAN SCHOOL			HOT SPRINGS	SD	57747		
838-2	WAYNE F	CHILDERS		HCR 59 BOX 1A	EDGEWATER	SD	57735		
616-2	Y L	CHILDERS		BOX 723	EDGEWATER	SD	57735		
654-2	OSCAR	COPE			DELRICH	SD	57763		
1991-2	JOHN	DENKING		SR 1 BOX 136	LUSK	WY	82225		
561-2	HAROLD E	DODSON		HCR 59 BOX 5A	EDGEWATER	SD	57735	1410-2	
2058-2	LEROY/BERTHA	EDERSON		HC 48 BOX 248	PROVO	SD	57774		
1985-2	DAVID M	ENBAR		RR BOX 32	DELRICH	SD	57763		
784-2		HALD BROTHERS, INC.	CARL P HALD, TRS	HCR 46 BOX 5	DELRICH	SD	57763	1695-2	
421-2	HERMAN	HECK		BOX 441	EDGEWATER	SD	57735		
540-2	DARRELL E	HELMAN		BOX 402	EDGEWATER	SD	57735		
1879-2	DORA R	HENDERSON	ATT 265	5141 INDIAN RIVER	LAS VEGAS	NV	89103		
1980-2	DOE W	HENRY		BOX 276	ARMORE	SD	57715		
779-2	HENRY C	HOLLENBECK		DEWEY ROUTE	EDGEWATER	SD	57735		
1593-2		HU RANCH INC	SH CORPORATION	HCR 59 BOX 102	EDGEWATER	SD	57735		
350-2	DARREL D	HUNTER		BOX D	ARMORE	SD	57715		
1641-2	JAMES/PATRICIA	JOHNSTON		HC 68 BOX 7	LAKESIDE	NE	69351		
18770-2	JIM	KANE		BOX 19A	PROVO	SD	57774		
763-2	CARL	KANSKY	ATT 207	PLANTIE HOTEL	CHADRON	NE	69317		
1696-2	JOHN W	KOLFER		BOX 715	EDGEWATER	SD	57735		
866-2	A J	LANDERS	STAR CATTLE CO	BOX 159B HCR 52	HOT SPRINGS	SD	57747		
1810-2	B L/ALLEN	LAWRENCE		BOX 759	TIOGA	ND	58852		
676-2	MELVIN	LAUF			HOT SPRINGS	SD	57747		
17295-2	JOHN D(JACK)	MANKE	(ESTATE)	PR 71 BOX 179C	HOT SPRINGS	SD	57747		
11447-2	FERNETH	MARTINSON		BOX 361	EDGEWATER	SD	57735		
785-2	ARLETH W	MULAIN		BOX 164	DELRICH	SD	57763		
410-2	KATH L	NEFFERD, JR		HCR 48 BOX 22	PROVO	SD	57774		
1971-2	A J	NELSON		BROADUS STAGE	MILES CITY	MT	59301		
2015-2		PETERSON & SON, INC		HCR 59 BOX 16	EDGEWATER	SD	57735		
1015-2	PAUL A JEAN	PETTY	& NORREN PETTY	HCR 52 BOX 136	HOT SPRINGS	SD	57747/5603		
1716-2	MELVIN	PORTER		WYO RT BOX 17	EDGEWATER	SD	57735		
711-2	DONALD	POTMAN		BOX 188	DELRICH	SD	57763	2013-2	
1816-2	GLENN	REASER		HC 46 BOX 48	DELRICH	SD	57763		
192-2	STWARD/WANDA	REUTTER		HCR 59 BOX 99	EDGEWATER	SD	57735	1789-2	
233-2	CHANCE/NETER	REYNOLDS		HCR 59 BOX 24	EDGEWATER	SD	57735	294-2	
669-2	OLIVER M	ROWEY		BOX 175	DELRICH	SD	57763		
718-2	VERNON	SCHNOSE		ST RT BOX 155	HOT SPRINGS	SD	57747	1700-2	
1649-2		SEGER RANCH INC		BOX 95	DELRICH	SD	57763	671-2	1837-2
927-2	BERNARD D	SIMONS		BOX 381	EDGEWATER	SD	57735		
1737-2	ROBERT/MARK	TURBS		BOX 563	EDGEWATER	SD	57735		
1019-2		WAR BONNET RANCH LTD	BOX 132	105 E 5TH ST	MURDO	SD	57659		
192-2	VINCENT M	WASSERBURGER		BOX 93	ARMORE	SD	57715	853-2	2115-2



1732-2

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

March 12, 1993

1732-2

NOTICE

TO: ROBERT/MARK TUBBS
BOX 563
EDGEMONT, SD 57735

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

Delvin D. Brosz

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. 1732-2 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.

Water rights above Angostura Reservoir will be monitored if 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

1732-2

CERTIFICATION

I hereby certify that on March 12, 1993, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 12, 1993, regarding Shutoff Order for Junior Water Right Holders Upstream of the Angostura Irrigation District addressed as stated below, and on the attached:

Copy Sent To:

Bruce Laymon, U.S. Bureau of Reclamation, Belle Fourche Projects Office, P.O. Box 226, Newell, SD 57760.

Joseph Kramer, Manager, Angostura Irrigation District, P.O. Box 346, Oral, SD 57766.

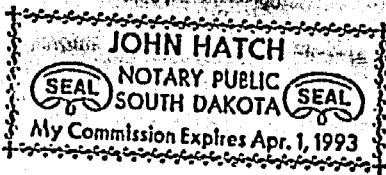
Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 15th day of March, 1993.

John Hatch
Notary Public





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 14, 1993

1732-2

RESCISSION OF SHUTOFF ORDER

TO: ROBERT/ MARK TUBBS
BOX 563
EDGEMONT, SD 57735

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

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



1732-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 15, 1995

1732-2

NOTICE

TO: ROBERT/MARK TUBBS
BOX 563
EDGEMONT, SD 57735

FROM: 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. 1732-2 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



1732-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 26, 1995

1732-2

RESCISSION OF SHUTOFF ORDER

TO: ROBERT/MARK TUBBS
BOX 563
EDGEMONT, SD 57735

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

Delvin D. 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



**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: ROBERT TUBBS
HC 68 BOX 21
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. 1732-2

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.



1732-2

**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: ROBERT TUBBS
HC 68 BOX 21
EDGEMONT SD 57735

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

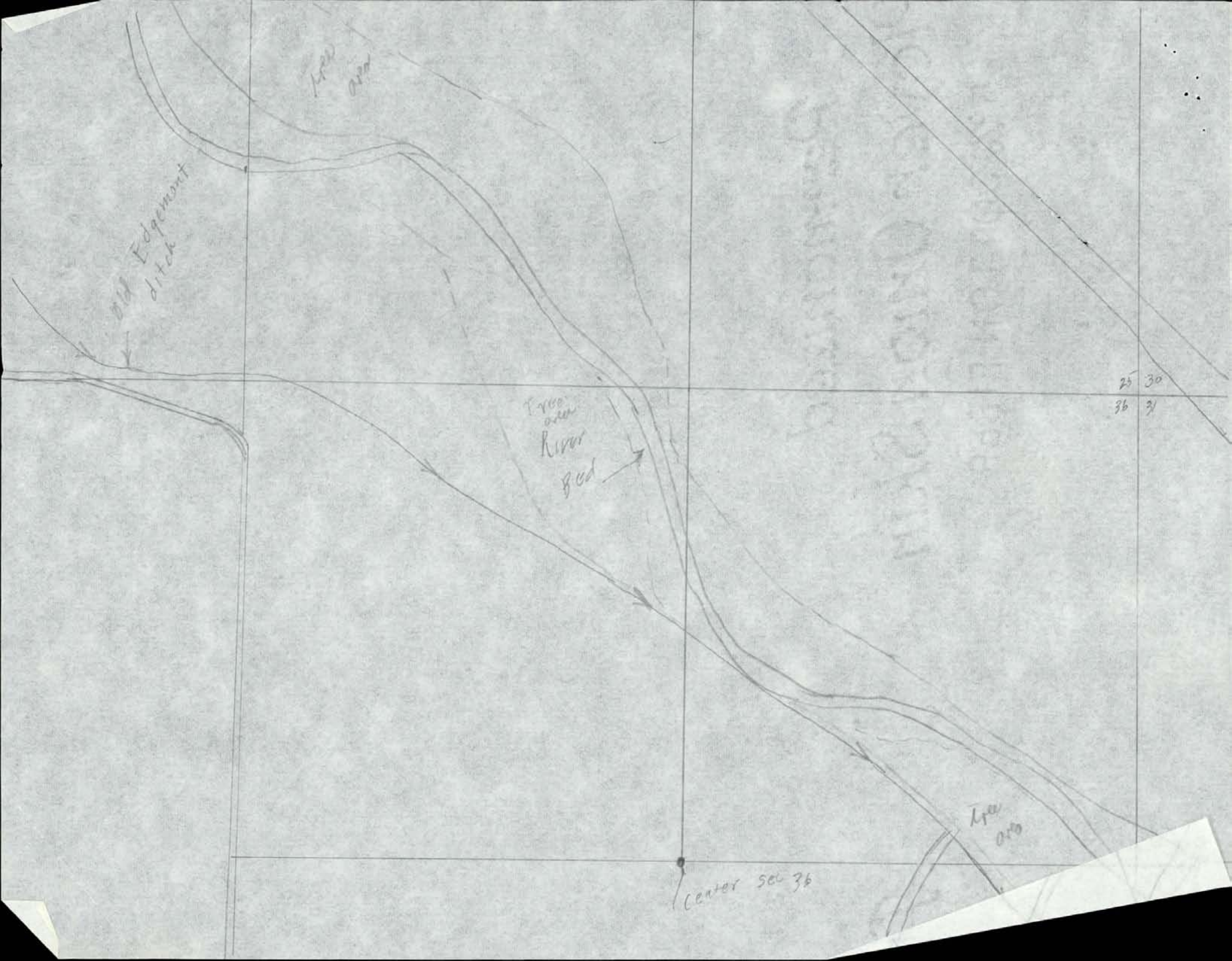
SUBJECT: Shutoff Order for Junior Priority Date Water Rights Upstream of
Angostura Dam

Shutoff Order for Water Right Nos. 1732-2

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.

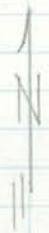
I am asking for your cooperation in complying with this shutoff order. If you have any questions, please contact Mark Rath or Don Stroup with the Water Rights Program at (605) 773-3352. Thank you.



R 2 E

23

16 35
21 22



NW 1/4 NW 1/4

38 Ac.

NE 1/4 NW 1/4

6.0 Ac.

SW 1/4 NW 1/4

30 Ac.

SE 1/4 NW 1/4

34 Ac.

Rail Road

T 8 S

SW 1/4 NE 1/4

3.0 Ac.

22

NW 1/4 SW 1/4

25 Ac.

NE 1/4 SW 1/4

40 Ac.

NW 1/4 SE 1/4

29 Ac.

SE 1/4 SW 1/4

30 Ac.

SW 1/4 SE 1/4

40 Ac.

SW 1/4 SW 1/4

33 Ac.

SE 1/4 SE 1/4

13. Ac.

High Ground

21 22
28 27

22
27

Section 22.
T 8 S R 2 E.

Scale. 1" = 660' 8" = 1 mile

by J. J. McManis 5-11-79

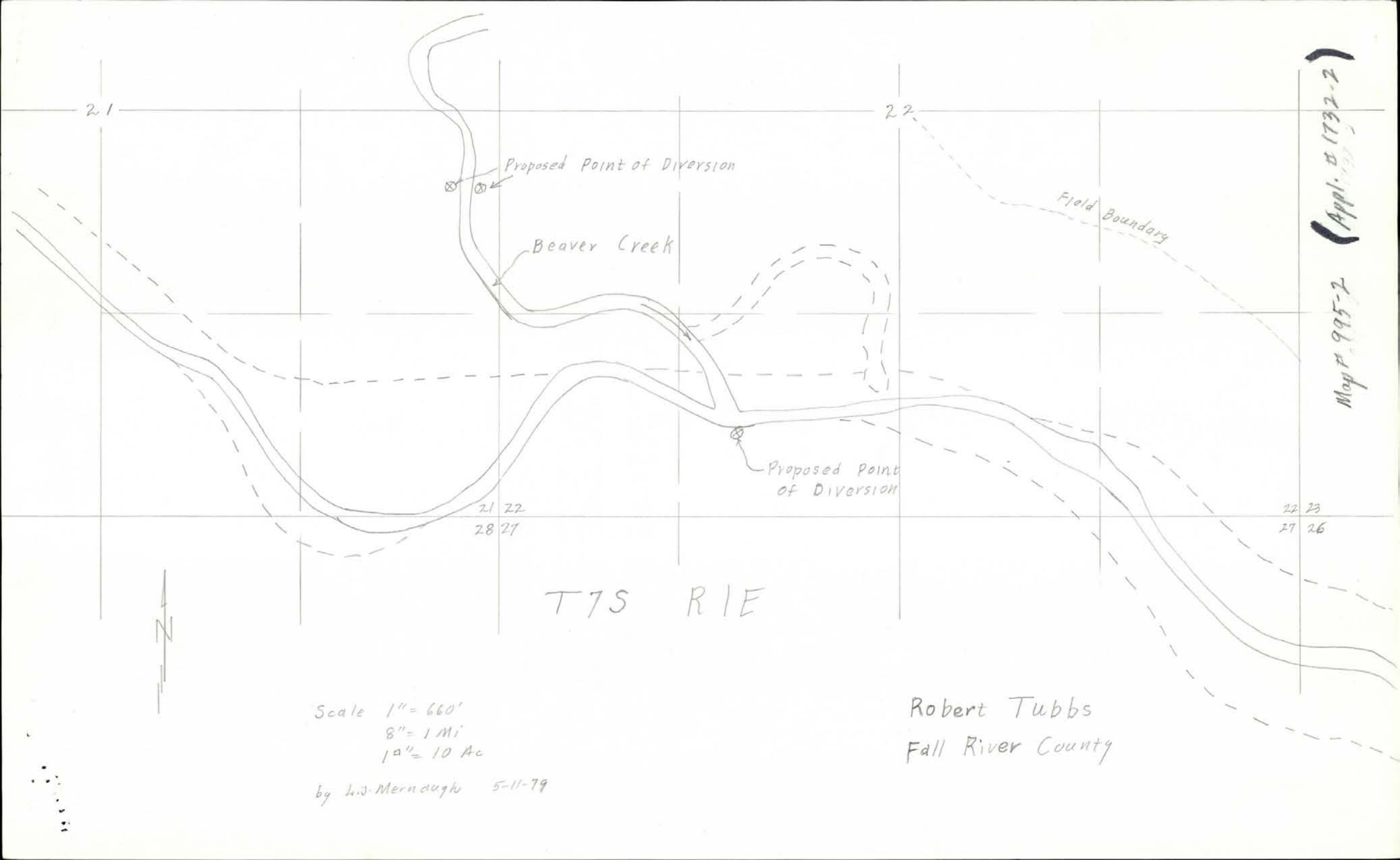
Robert Tubbs

Fall River County

Map # 995-2

Receipt # 40-2
App. # 1732-2





21

22

Proposed Point of Diversion

Beaver Creek

Field Boundary

Proposed Point of Diversion

21 22
28 27

22 23
27 26

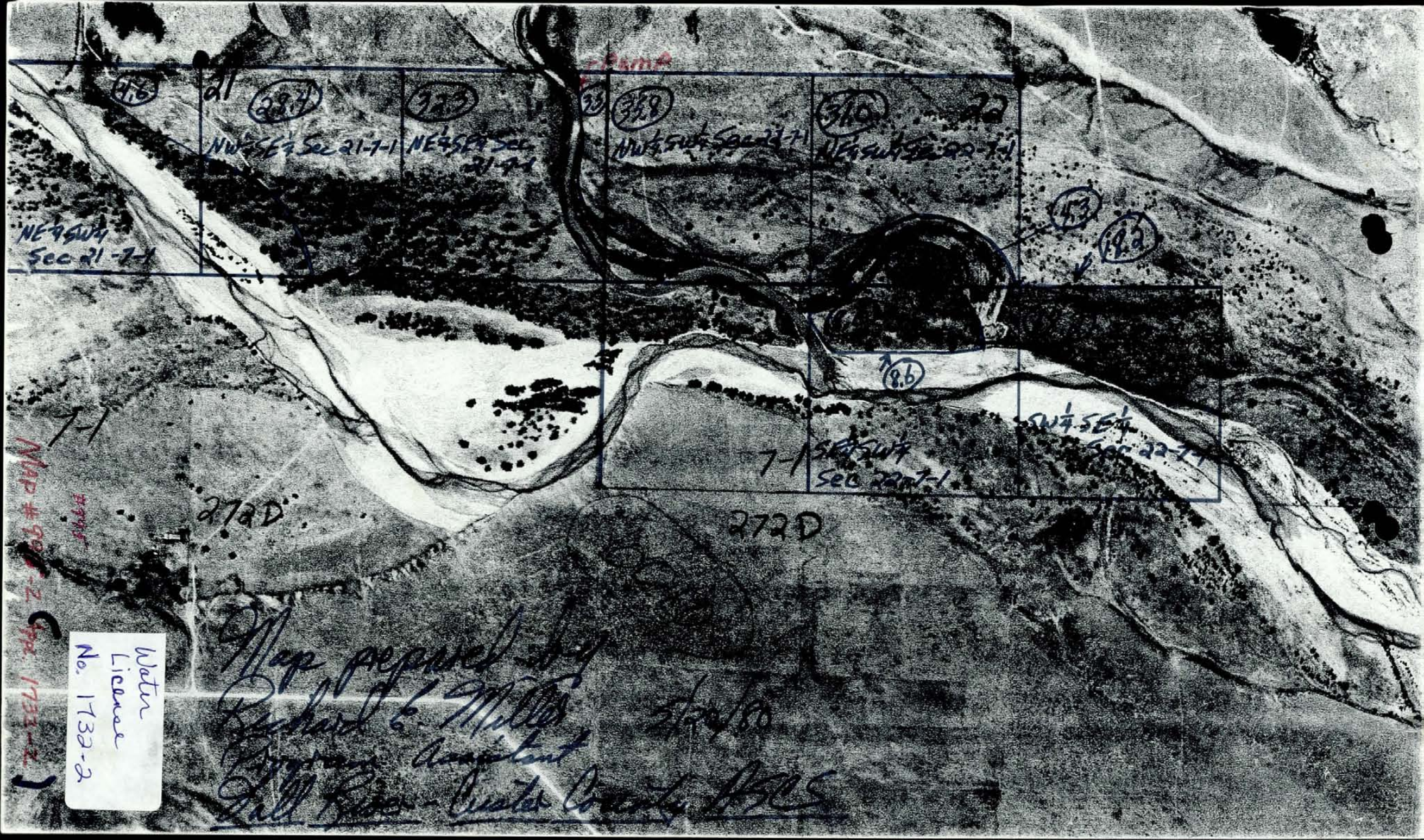
T7S R1E

Scale 1" = 660'
8" = 1 Mi
10" = 10 Ac

by L.V. Merdagh 5-11-79

Robert Tubbs
Fall River County

Map # 995-2 (Appl. # 1732-2)



NE 1/4 SW 1/4
Sec 21-7-1

NW 1/4 SE 1/4 Sec 21-7-1

NE 1/4 SE 1/4 Sec 21-7-1

NW 1/4 SW 1/4 Sec 22-7-1

NE 1/4 SW 1/4 Sec 22-7-1

SW 1/4 SE 1/4
Sec 22-7-1

SE 1/4 SW 1/4
Sec 22-7-1

27aD

272D

Map prepared by
Richard E. Miller
Program Assistant
Gall River - Custer County, BSES
5/24/80

Water
License
No. 1732-2

Map # 992-2 App. 1732-2

N
9
11

to be
frr

Center 22

to be
frr

to be
frr

River Road

High
Ground

Chryseum

Quail

River Bed

Sec. 22

T85 R 2 E

Tubbs

over lay 8" aerial
1-9-79 to 10

Center
21

Beaver
Creek

Center
22

Runy Site

old River channel

River Bed

River Bed
Cheyenne channel

possible
Runy site

Center
22

T. to R. E.

Tabbs

8-9-79

Tabbs

Back of Creek

Contour 202

N
↑

Proposed
Pump
Sites

Trail boundary

River Bed
Channel

21 22

22

Channel

T75 R1E

Tabbs

5-9-79
Overlay of 1971
Aerial Map

T-75 R1E

RR

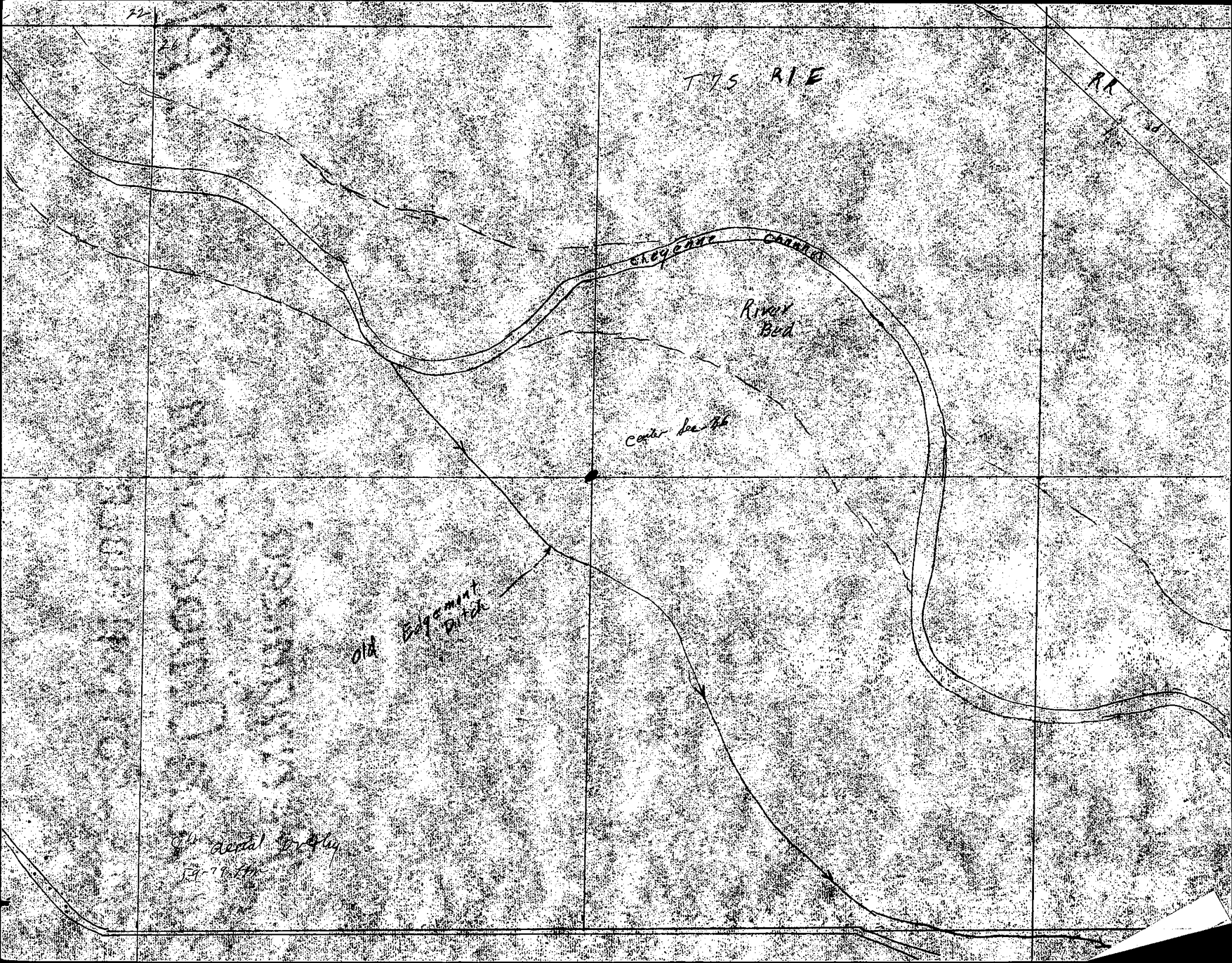
Grey Creek Channel

River Bed

Center Sec. 36

old Edgemont Ditch

Glacial drift
19-20 ft



1732-2



United States Department of the Interior



IN REPLY REFER TO:

DK-700
PRJ 13.00

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

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: ROBERT TUBBS
HC 68 BOX 21
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. 1732-2

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: ROBERT TUBBS
HC 68 BOX 21
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. 1732-2

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: ROBERT TUBBS
PO BOX 563
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. 1732-2

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:

ROBERT/MARK TUBBS
PO BOX 563
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. 1732-2

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**

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

November 1, 2012

1732-2

Mark Tubbs
10891 River Rd
Edgemont SD 57735

Dear Mr. Tubbs:

Thank you for taking the time to visit with me about Water Right No. 1732-2. Water Right No. 1732-2 is currently listed under "Robert & Mark Tubbs".

In order to change the name on the water right to solely your name, or your corporation name, a transfer of ownership form needs to be filed with our program. Enclosed is a partially completed Notice of Transfer of Ownership form. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosure

RECEIVED

NOV 19 2012

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1732-2

Date: NOV 5/2012

I/We request that Water Right No. 1732-2

formerly owned by: Robert and Mark Tubbs

be transferred to: (name & address) Tubbs Land & Cattle LLC
10891 River Rd Edgemont, SD. 57735

Telephone No. 605 662 7302

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

166.7 acres – NE ¼ SW ¼, N ½ SE ¼ Section 21; N ½ SW ¼, SE ¼ SW ¼ and SW ¼ SE ¼ Section 22,

All in T7S, R1E

I/We understand that the validity of Water Right No. 1732-2 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 Mark Tubbs, the new owner, certify that the above information is true and correct.

Tubbs Land & Cattle LLC by Mark Tubbs
(Signed by new owner) member

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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 21, 2012

1732-2

Mark Tubbs
10891 River Rd
Edgemont SD 57735

Dear Mr. Tubbs:

I am writing to acknowledge receipt of the transfer form you submitted for changing the name on Water Right No. 1732-2.

The form is completed however cannot be filed for record without the \$50.00 fee as required by SDCL 46-2-13. The check or money order for the fee can be made payable to the Water Rights Program.

Once we receive the fee from you, the water right will be transferred from Robert and Mark Tubbs to Tubbs Land and Cattle LLC. If you have any questions, please contact me.

Sincerely,

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

enclosure

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/29, 20 12

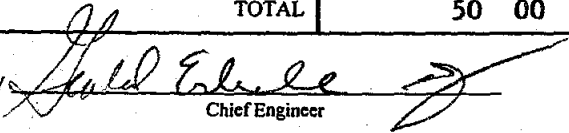
RECEIVED OF Tubbs Land Cattle Co PO Box 563 Edgemont SD 57735

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1732-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **05720**

By


Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 13, 2012

1732-2

Mark Tubbs
Tubbs Land & Cattle LLC
10891 River Rd
Edgemont SD 57735

Dear Mr. Tubbs:

Thank you for sending in the filing fee for the transfer of ownership of Water Right No. 1732-2.

The ownership change for Water Right No. 1732-2 has been completed. The water right formerly held by Robert and Mark Tubbs is now listed in the name of Tubbs Land and Cattle LLC.

Enclosed for your records is Receipt No. 05720 in the amount of \$50.00. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosure



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: TUBBS LAND & CATTLE LLC
MARK TUBBS
10891 RIVER RD
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. (1732-2)**

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.

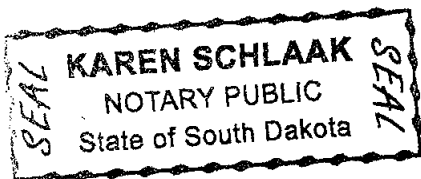
The Angostura Reservoir storage level will be closely monitored and if the Cheyenne River flows upstream of the dam increase such that the reservoir will fill, this shutoff order will be rescinded at that time. If conditions do not improve, this order will remain in effect until the end of the calendar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

June 05, 2026

TO: TUBBS LAND & CATTLE LLC
PO BOX 563
EDGEMONT, SD 57735

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

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

Shutoff Order for Water Permit No(s). 1732-2

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.