

Water Right No. 1754-2

1. Considered 3/25 1981
2. Name of Applicant EARL STOMBAUGH
3. Post Office Address BUFFALO GAP 57722
4. Amount of Water Claimed 2.2
5. Source of Water Supply CHEYENNE RIVER & 4 DAMS (43 A.F.)
6. Water to be used for IRR
7. Acres to be irrigated 153 maximum acre feet
8. Water to be diverted and used in CUSTER County about 1 1/2 miles EAST of BUFFALO GAP
9. PROOF OF PUBLICATION Received 3-23-81

APPLICATION

Not Received

Approved

Subject to

Not Approved

Action deferred

Priority

Date

Received JAN 27, 1981 Application Complete yes no FEE 250.00

Remarks

Date information and/or fee or corrected Application received

Period of Annual use APRIL 15 TO OCT. 15

WATER QUALITY

Received yes no APPROVED/CONDITIONAL (Circle one)

Will Description same as application yes no Remarks

Disapproved

Returned

Diversion Point

Cheyenne SW⁴ SE⁴ & 4 dams
NW⁴ SW⁴, SE⁴ NW⁴, SW⁴ NW⁴,
& NW⁴ NW⁴ 30-65-9E
Lands to be irrigated
NW⁴ NW⁴, S^{1/2} NW⁴, SW⁴
& E^{1/2} SE⁴ 30-65-9E

WELL LOG

Remarks

four storage dams - 35', 20', 30' & 30'
#1 - 16, 3 ac. ft.; #2 - 4 ac. ft.; #3 - 14.8 ac. ft. & #4 - 8 ac. ft.

Driller

Licensed yes no

Depth

Feb 2 1981
Mar 2 1981

MAP Map No. 1510-2 Map located in Water Right _____ Map file ✓

Type of Map Aerial (Ugong) Prepared by SCS

+++++

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 3/25/81

[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 May 27, 1981
Date _____
Final Decision mailed to parties and/or parties notified that Final Decision was adopted _____

Remarks _____

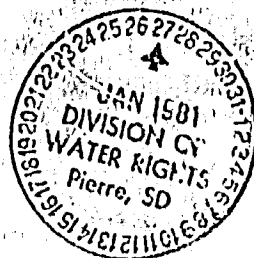
Form 2 - Application for Permit to appropriate Water (Original (Includes Approval and Permit))

No. 1754-2

Map No. 1510-2 Water Division No. 2 UPPER CHEYENNE District

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

10120109



APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

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

1. Name of Applicant Earl Stombaugh
Postoffice address Buffaly Gap State SD
If a corporation show date and place of incorporation NA

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

3. Name of diversion work

4. Amount of water claimed (cubic feet per second) 2.2

5. Source of water supply Irr. runoff for the dams and the Cheyenne River

6. Location of point of diversion Cheyenne River SW 1/4 SW 1/4 Sec. 30 T6S R9E

Dam #1 SW 1/4 NW 1/4 SW 1/4 T6S R9E Dam #2 NW 1/4 SW 1/4 NW 1/4 T6S R9E

Dam #3 SE 1/4 SW 1/4 NW 1/4 T6S R9E Dam #4 NW 1/4 NW 1/4 NW 1/4 T6 R9 County Custer

7. Annual period or periods during which water is to be used April 15 Oct. 15

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 153

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.
NW 1/4 NW 1/4 Sec. 30 T6S R9E	4	NW 1/4 SE 1/4 Sec. 30 T6S R9E	31
SE 1/4 NW 1/4 Sec. 30 T6S R9E	33	SE 1/4 SW 1/4 Sec. 30 T6S R9E	14
NW 1/4 SW 1/4 Sec. 30 T6S R9E	13	SW 1/4 SE 1/4 Sec. 30 T6 R9	18
NE 1/4 SW 1/4 Sec. 30 T6S R9E	40		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system one years. Additional time required to complete application of water to the proposed beneficial use 0 years.

11. Choice of newspaper for Notice of Intent to appropriate Water publication Custer Chronicle

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source
pump and pipeline from Cheyenne
dams and ditch at dam sites

B. Works proposed to transport water to place of use.
ditches and pipelines

C. Works proposed to apply water to beneficial use.
borders and some leveling

Estimated Total Cost \$ 5,000

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 Hutchinson

I, Earl Stombaugh 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 Earl Stombaugh

Subscribed and sworn to before me this 27th day of January 1901

Wm. H. Thompson
Notary Public (or other qualified officer)

74554

BNW-1 JJ-8

6-21-68

↑
north

Map prepared by
Soil Conservation Service
Custer, S.D.
in letter 30.
Oakley Low
District Conservationist
2-9-91

SOIL CONSERVATION SERVICE
CUSTER, SD 57730

map you asked
pertaining to
permit.

Earl Stambaugh

Dam #4

4 ACRES

33 acres

300 30

To be
integrated
40 Acres

43
ACRES

51 A

18 A

14 A

Map No. 1510-2 (Appl. 1754-2)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1754-2

EARL STOMBAUGH
(Applicant)

BUFFALO GAP
(Post Office Address)

SOUTH DAKOTA 57722 With the following modifications:
(State)

Diversions of water under this permit is contingent upon water supplies being first available to prior water rights downstream on the Cheyenne River. Flow records show that there are occasional years when the flows of the Cheyenne River are definitely and recognizably lower than usual during the months of July, August and September. Diversions of water are not to be made under this permit during such low flow periods.

The Irrigation water use questionnaire must be submitted each year.

Date of first receipt of application January 27 19 81
Date of return to applicant for correction, amendments or changes required February 2 19 81
Date of receipt of corrected application March 5 19 81
Approved May 27 19 81 Recorded in Book 22 Page 234

WATER RIGHT PERMIT NO. 1754-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1754-2 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 January 27 19 81
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before November 27 19 81
3. The whole of said work is to be completed on or before May 27 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is May 27 19 82
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 2.2 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 May 27 19 82 said water to be used during the following described annual period: April 15th to October 15th

Witness my hand this 13th day of July 19 81

WATER RIGHTS COMMISSION

John Hatch
Chief Engineer, Executive Officer JOHN HATCH

Certificate of Construction Issued _____ 19 _____

Water License Issued _____ 19 _____

1:54/2

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED

Your water is marginally suitable as a source of irrigation water. You should apply heavy but infrequent applications of water. This will help to leach the salts that are in your water through your soil profile.

CONSERVATION COMMISSION
WI/1 FORM
3/80

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

Office Use Only

☐

OWNERS NAME: STOMBEUGH OWNER'S ADDRESS: Rt 1 Box 11

Buffalo Gap SD

COUNTY LAND LOCATED IN: CLUSTER PHONE: 833-2435

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) 4 pts - see map - Dams
2. SURFACE WATER SOURCE: Chewenne River
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See Instruction sheet)

Legal Description	Acres	Legal Description	Acres
<u>Sec 30 T6S-R4E</u>	<u>153</u>		
<u>(see map)</u>			

4. TYPE OF IRRIGATION: GRAVITY: ☒ FLOWLINE: _____ CENTER PIVOT: _____ GUN: _____ OTHER: _____
5. CROPS TO BE IRRIGATED: Alfalfa & Pasture
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
LEGAL DESCRIPTION: _____
IN WHAT NAME: _____

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

7. WATER SAMPLE NUMBER: 81-117 81-120; 81-121
8. SALINITY (EC X 10⁶): 1742; 2425; 2011
9. SODIUM (SAR): 3.05; 3.75; 2.75
10. ADJUSTED (SAR): 2.55; 10.20; 7.44

RECEIVED

MAR 02 1981

South Dakota
Division of Conservation

I hereby certify that I personally obtained or that I personally observed the taking of a water 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 _____ a.m./p.m., on _____, 1981 at the following location: N/A by _____ (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

27 DAY OF January, 1981.

Wynn S. Sullivan

(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.

APPLICANT'S SIGNATURE

Director, Division of Conservation

APPROVED

DISAPPROVED

☒ CONDITIONALLY



Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

(Not Applicable) (1) Drill Hole, Diameter _____, Depth _____
 (2) Casing, Type _____ Diameter _____ Thickness _____
 (wood, concrete, steel, etc)
 (3) Perforated Screen.
 Type _____, Diameter _____, Length _____
 (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates.

(Not Applicable) (1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

(Not Applicable) (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

(2) Distance to nearest existing household or livestock watering wells.

On same owner's property _____ rds. On property owned by others _____ rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Storage Dam No. 1
 Height 35'
 Max. depth 32'
 Surface Area 4.3 acres
 Storage capacity 16.3 Ac feet

Storage Dam #3
 Height 20'
 Max. depth 17'
 Surface area 1.5 acres
 Storage capacity 4 ac feet

Storage Dam No. 2
 Height 30'
 Max. depth 27'
 Surface area 4.1 acres
 Storage capacity 14.8 ac feet

Storage Dam #4
 Height 30'
 Max. depth 27'
 Surface area 1.5 acres
 Storage capacity 8 ac. feet

Carl Stambaugh
 Signature of Applicant

No. 1754-2

Publish first publication, on or before March 12, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 6, 1981

Notice is hereby given Earl Stonbaugh whose post office address is Buffalo Gap, 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 2.2 cubic feet of water per second of time from the Cheyenne River and dams through the Stonbaugh Project, the point(s) of diversion of which ~~is~~(are) to be located ~~xxxxxx~~ on the Cheyenne River in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and dams located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$

of Section 30, Twp. 6S, Range 9E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NW $\frac{1}{4}$ NW $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 30, T6S, R9E

This Application No. 1754-2 will be considered by the Water Management Board at the Holiday Inn, Sandy Shore Room Watertown, SD upon the 25th day of March, 1981

at 1:00 PM. 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, DMNR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Earl Stonbaugh
Buffalo Gap, SD 57722

BETTY WESTLUND
Water Rights Specialist

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

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

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Custer) ss.

I, Jessie Y. Sundstrom hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the CUSTER COUNTY CHRONICLE

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 Custer

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

March 12 and 19, 1981

Jessie Y. Sundstrom
(Signature)
Mrs. Carl H. Sundstrom
Publisher

(Title)

March 20, 1981

(Date Signed)

Notice of hearing

APPLICATION TO APPROPRIATE

WATER

Pierre, South Dakota 57501

March 6, 1981

Notice is hereby given, Earl Stom-
baugh whose post office address is Buf-
falo Gap, South Dakota, has made an
application in accordance with the pro-
visions of SDCL 46-1-1 through 46-1-14,
46-2-1 through 46-2-11, 46-2-13,
46-5-1 through 46-5-8, 46-5-10, through 46-5-22,
46-5-41, and Board Rules ARSD 6201.0101
through 6201.0113, for a permit to appro-
priate for beneficial use 2.2 cubic feet
of water per second of time from the
Cheyenne River and dams through the
Stombaugh Project, the points of di-
version of which are to be located
on the Cheyenne River in the SW 1/4
SE 1/4 and dams located in the NW 1/4
SW 1/4 SE 1/4 NW 1/4 SW 1/4 NW 1/4 and
NW 1/4 NW 1/4 of Section 30, Twp. 6S,
Range 9E. Said water to be used for
the purpose of providing irrigation on
portions of the following described land:
NW 1/4 NW 1/4 S 1/4 NW 1/4 SW 1/4 and
E 1/4 SE 1/4 Section 30, T6S, R9E.

This Application No. 17542 will be
considered by the Water Management
Board at the Holiday Inn, Sandy Shore
Room, Watertown, SD upon the 25th
day of March, 1981 at 1:00 P.M. The
Board is authorized to make a deter-
mination on this application at the hear-
ing. All interested persons may appear
and be heard. Any person who may be
affected by a Board decision who de-
sires 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 pro-
ceeding. Any person has the right to
be present or to be represented by
a lawyer. These and other due pro-
cess 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, DWRN, Joe Foss
Building, Pierre SD, prior to the hear-
ing date for assistance to assure ac-
cess to the hearing.

WATER MANAGEMENT BOARD

/s/ Betty Westlund

Water Right Specialist

69 3/9/81



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7951

January 27, 1981

PIERRE,

Earl Stombaugh, Buffalo Gap, SD

RECEIVED OF

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

Fee for Application for Permit to appropriate Water No. 754-2 (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

Chief Engineer, Executive Officer

JOHN HATCH / 64

Buffalo Gap, S. D.

March 17, 1931

Department of Natural Resource Development

Water Rights Commission

Joe Foss Building

Pierre, South Dakota 57501

Dear Sir:

I am writing in regards to the water rights application Earl Stombaugh of Buffalo Gap has applied for.

I feel that this water rights should not be granted. Mr. Stombaugh has at least 5 irrigated units that he has on the Angostura Irrigation Project. He sells all the hay off these units outside of the county. Myself and other neighbors try to raise our own hay for our own cows and try to irrigate it. Last summer there was definitely not enough water coming down the Cheyenne River to irrigate from. Many times I had to shut off because of the lack of water in the river.

For these reasons I feel this water rights should not be granted.

Sincerely yours,

Robert D. Trew
Robert D. Trew



Mar 17, 1951

Rittberger, Bob & Daisy

Hermosa, S.D. 57244



Water Rights Division

Law Firm Bldg.

Pierce S.D. 57501

Gentlemen:

We oppose the issuance of a water right to Earl Stambaugh for the following reasons:

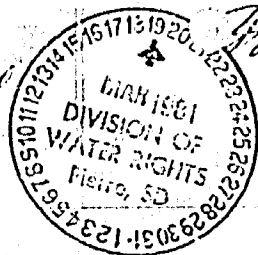
- 1) Last summer we barely received enough water at our pumping station during the month of June.
- 2) Roland Kimney, who is also upstream, is planning on exercising his right to use water from the Cheyenne River this spring. He was issued, I believe, a water right several years ago and is just starting to develop it.
- 3) Ranchers downstream were out of water last summer, especially in the Westa area, and the issuance of further permits will aggravate the situation further.

We oppose the issuance of any further permits on the Cheyenne River in our locality because reduced water flow will cause serious economic hardships for downstream users. A farmer has over a \$100/acre of expenses into a crop of corn before it sprouts and if water is not available ~~early~~ — for days the crop is gone in this sandy soil.

Yours truly,

Bob Rittberger

Water Management Board
Joe Ross Building
Pierre, S. Dak.



Parkton, S. Dak.
March 18, 1931

Attn:

In regards to application for water out of the Cheyenne River for 2.2 cu. ft. by Earl Stombaugh, Buffalo Gap, S. Dak., it seems a grave mistake to allow anymore water permits in this upper Cheyenne River area, at least until we again get into a wet cycle.

In my pumping operation on the Cheyenne for 1.3 cu. ft. permit #730-2, the River for about a two weeks ^{this past summer,} period became so low I could not satisfactorily pump, also I was running the danger of serious damage to the pump.

I raise no grain crops on my permit on my ranch, only alfalfa and wheat grass hay to be able to maintain my cattle through the winter; the cattle ranching being my only means of support.

A permit that was allowed, over-protects, for about 7 cu. ft. a couple of years ago, in this very same area in question, has not yet had a pump in operation—think what that will do to the River level some ten miles downstream, let alone allowing more permits in this area.

Most of these people already on Argusville Irrigation Units in this area applying for permits out of the River, already have a great excess of feed for their cattle

selling even, they not needed, and, you will check,
have extensive holdings some with several units.

The prices charged for ear corn and hay on most of
these Angustora units are not the same as the going
prices in cutting areas and eastern S. Dak. This
is the price other areas are charging plus what it
would cost the ranchers to have it transported - in
other words charged all that traffic will bear.

In my opinion with the Cheyenne River level so
low in this area in the summer months and the
dry cycle, I don't feel permits should be granted,
especially should not be allowed which are for benefit
over and above maintaining the normal basic cattle
herd.

John (Jack) B. Markitan

Box 85

Sioux Falls, S. Dak.

57738

Water Rights Division
605 773-3352

May 29, 1981

Earl Stombaugh
Buffalo Gap
South Dakota 57722

Dear Mr. Stombaugh:

This is to notify you that final Decisions including Findings of Fact and Conclusions of Law were adopted as amended by the Water Management Board for Application No. 1754-2 which was considered at the May 27 & 28, 1981 meeting.

The Final Decision, Findings and Conclusions are on file in this office and signed copies will be furnished upon request. South Dakota Statutes provide that the decisions of the Board may be appealed to the Courts.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

kw

cc: Bob Zittberger
John D Makitan
Robert D Treu

STATE OF SOUTH DAKOTA
WATER MANAGEMENT BOARD

APPLICATION OF EARL STOMBAUGH)
FOR PERMIT NO. 1754-2)
)

FINDINGS OF FACT
CONCLUSIONS OF LAW
FINAL DECISION

Having heard and considered all the evidence in the above-entitled matter at the March 25 and 26, 1981 Water Management Board meeting at the Watertown Holiday Inn, Watertown, South Dakota, the Board hereby makes the following:

FINDINGS OF FACT

1. That on January 27, 1981 an application for Water Permit No. 1754-2 was received by the Board from Earl Stombaugh.
2. That the application was duly advertised on March 12 and 19, 1981 in the Custer County Chronicle.
3. That the applicant intends to use Cheyenne River water and stored run-off waters for irrigation purposes.
4. That a soil/water compatibility permit has been issued for the lands to be irrigated under this permit.
5. That three letters were received by the Board expressing opposition to the issuance of Water Permit No. 1754-2.
6. That there is unappropriated water available.
7. That there are several water rights held on the Cheyenne River with a senior priority to this application.
8. That the staff of the Division of Water Rights issues shut-off orders to irrigators on the Cheyenne River when necessary to protect prior rights and domestic water users.
9. That approving the application is in the public

interest and the plan of the project is feasible.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction to consider the granting or denying of this application.
2. That in periods of water shortages, junior water right holders must be shut off to protect those with senior water rights and domestic water users.
3. That it is in the best interest of the people of this state to maximize to the fullest extent the beneficial use of the waters of this state.
4. That all legal requirements for a water permit have been met and Application No. 1754-2 should be approved.

FINAL DECISION

Water Permit Application No. 1754-2 is hereby approved subject to the following qualifications:

1. Diversion of water under this permit is contingent upon water supplies being first available to prior water rights downstream on the Cheyenne River. Flow records show that there are occasional years when the flows of the Cheyenne River are definitely and recognizably lower than usual during the months of July, August and September. Diversions of water are not to be made under this permit during such low flow periods.

2. That the irrigation water use questionnaire be submitted each year.

Dated this _____ day of May, 1981.

CHAIRMAN

SECRETARY

NO. 1754-2

APPLICATION FOR EXTENSION OF TIME

TO: Water Rights
Foss Building
Pierre, South Dakota 57501

Date 8-10-1987

Dear Sirs:

In Water Right Permit No. 1754-2 it is specified that the water diversion system is to be completed by May 27, 1982 and that the water is to be put to the limit of beneficial use by May 27, 1982.

I hereby request that the date for the completing the diversion system be extended to May 27, 1986 and that the date for putting the water to the limit of beneficial use be extended to May 27, 1990.

PLEASE COMPLETE THE FOLLOWING:

1. Have you completed any construction on this project? yes

2. Please describe the extent of construction

Construction is complete

3. Please list reasons for requesting an extension of time for this permit.

To lengthen the time period to put water to beneficial use to the maximum length allowed by law

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.

Earl Stambaugh
(Signed)

APPROVED:

Water Management Board

1754-2

(Permit Number)

RECEIPT

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

410962

Pierre, August 10, 1987

RECEIVED OF Earl Stombaugh, Route 1, Box 11, Buffalo Gap, SD 57722
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 <u>1754-2</u>	2	50
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)		
Total	2	50

By John Hatch
Chief Engineer JOHN HATCH (15)

WATER RIGHTS DIVISION
(605) 773-3352

August 11, 1987

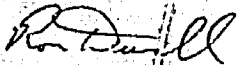
Earl Stombaugh
Route 1, Box 11
Buffalo Gap, South Dakota 57722

Dear Mr. Stombaugh:

This letter is to inform you that the extension of time for Permit No. 1754-2 will be considered by the Water Management Board at 9:00 a.m. in Room 216, Joe Foss Building, Pierre, South Dakota.

Please contact us if you have any questions.

Sincerely,



Ron Duvall
Natural Resources Engineer

RD:ms

**Department of
Water & Natural Resources**

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

September 17, 1987

NOTICE

TO: Earl Stombaugh
Route 1, Box 11
Buffalo Gap SD 57722

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



SUBJECT: Extension of Time Request for Water Permit No. 1754-2

On September 9, 1987, the Water Management Board approved your extension of time request to put water to beneficial use for Water Permit No. 1754-2. For your records, enclosed is a copy of the extension of time request which was approved.

enclosure

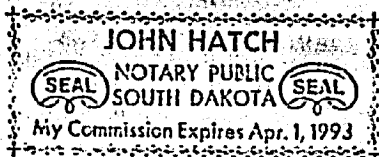
CERTIFICATION

I hereby certify that on September 17, 1987 I have personally deposited with the U.S. Mail, a postage prepaid envelope containing Notice of Extension of Time for Permit No. 1754-2 addressed as stated on the Notice.

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 18th day of September, 1987.



John Hatch
Notary Public

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

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

July 12, 1989

NOTICE

TO: Cheyenne River Irrigators

FROM: *for* John Hatch, Chief Engineer
Division of Water Rights *James Winterton*

SUBJECT: Shutoff Order for water rights in the Cheyenne River
reach from the Angostura Dam to Rapid Creek with
priority dates after 1965.

Due to the present low flow conditions in the Cheyenne River, the following water rights must cease withdrawals of water from the Cheyenne River for the remainder of this irrigation season. This order is effective July 14, 1989. Additional shutoffs may be necessary if conditions show the need.

PERMIT NAME
NO.

PRIORITY
DATE

1241-2	Donald R. Thorson, Scenic	02/06/75
1923-2	Rittburger Beef & Dairy, Buffalo Gap	03/15/85
1613-2	Rittberger Beef & Dairy, Buffalo Gap	10/28/77
1408-2	RIBOB-ELJIM-KADEN, Sioux Falls	06/06/77
1754-2	Earl Stombaugh, Buffalo Gap	01/27/81
1109-2	Lloyd Neugebauer, Oral	04/21/72
1882-2	Roland/Donna March, Hot Springs	05/29/84
1024-2	Clarence Werner, Hermosa	05/22/70

If you have any questions, please contact Jim Winterton,
Division of Water Rights, Joe Foss Building, Pierre, SD 57501.
Phone (605) 773-3352.

cc: Water Right Holders on the Cheyenne River in the Reach from
Angostura Dam to the Rapid Creek Confluence



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

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

July 19, 1989

NOTICE

TO: Cheyenne River Irrigators
FROM: *for* John Hatch, Chief Engineer *James E. Winterton*
Division of Water Rights
SUBJECT: Rescission of Shutoff Order for the following water rights in the Cheyenne River reach from the Angostura Dam to Rapid Creek with priority dates after 1965.

PERMIT NAME
NO.

1241-2	Donald R. Thorson, Scenic
1923-2	Rittburger Beef & Dairy, Buffalo Gap
1613-2	Rittburger Beef & Dairy, Buffalo Gap
1408-2	RIBOB-ELJIM-KADEN, Rapid City
1754-2	Earl Stombaugh, Buffalo Gap
1109-2	Lloyd Neugebauer, Oral
1882-2	Roland/Donna March, Hot Springs
1024-2	Clarence Werner, Hermosa

PRIORITY
DATE

02/06/75
03/15/85
10/28/77
06/06/77
01/27/81
04/21/72
05/29/84
05/22/70

In followup to my telephone discussion with many of you on July 19, 1989, the shutoff order is rescinded. The present flow conditions in the Cheyenne River appears to be of a sufficient quantity to allow continued irrigation at least for the time being. This notice is effective July 19, 1989. Controls may still be necessary if the downstream flows again are reduced to a point where adverse impacts are caused prior water rights and domestic uses. If this occurs, I am open to any suggestions on how we could manage and regulate the use to assure continued flows.

If you have any questions, please contact Jim Winterton, Division of Water Rights, Joe Foss Building, Pierre, SD 57501. Phone (605)773-3352.

cc: Water Right Holders on the Cheyenne River in the Reach from Angostura Dam to the Rapid Creek Confluence



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

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

1754-2

July 19, 1990

NOTICE

TO: Cheyenne River Irrigators
FROM: John Hatch, Chief Engineer
Division of Water Rights *[Signature]*
SUBJECT: Shutoff Order for water rights in the Cheyenne River
reach from the Angostura Dam to Rapid Creek with
priority dates after 1965.

Due to the present low flow conditions in the Cheyenne River, the following water rights must cease withdrawals of water from the Cheyenne River for the remainder of this irrigation season. This order is effective July 21, 1990. Additional shutoffs may be necessary if conditions show the need.

PERMIT NO.	NAME	PRIORITY DATE
1241A-2	Chauncey D. Taylor, Hermosa	02/06/75
1241B-2	Donald R. Thorson, Scenic	02/06/75
2061-2	Rittberger Beef & Dairy, Buffalo Gap	08/22/88
1923-2	Rittberger Beef & Dairy, Buffalo Gap	03/15/85
1613-2	Rittberger Beef & Dairy, Buffalo Gap	10/28/77
2059-2	Fred Weibert, Hermosa	06/27/88
1408-2	RIBOB-ELJIM-KADEN, Rapid City	06/06/77
1754-2	Earl Stombaugh, Buffalo Gap	01/27/81
1109-2	Lloyd Neugebauer, Oral	04/21/72
1882-2	Roland/Donna March, Hot Springs	05/29/84
1024-2	Clarence Werner, Hermosa	05/22/70

If you have any questions, please contact Del Brosz, Division of Water Rights, Joe Foss Building, Pierre, SD 57501.
Phone (605) 773-3352.

cc: Water Right Holders on the Cheyenne River in the Reach from Angostura Dam to Rapid Creek Confluence

FILE MICROFILMED

1. Die R. O. Miller
SOUTH DAKOTA DEPARTMENT OF WATER & NATURAL RESOURCES
PIERRE, S.D. 57501-3181



Department of Water & Natural Resources

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

March 14, 1991

1754-2

Earl Stombaugh
RR-1, Box 11
Buffalo Gap, SD 57722

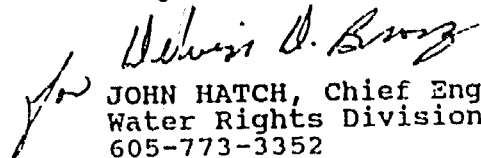
Dear Mr. Stombaugh:

I am contacting irrigators and water users below Angostura Reservoir to advise of the low water level conditions in Angostura Reservoir and of potential water use restrictions from the Cheyenne River. Due to the continuing drought, Angostura Reservoir is receiving below normal inflows. As of February 27, 1991 the water level in the reservoir was at elevation 3170.25 feet above mean sea level (msl). Full elevation of the reservoir is 3187.2 msl.

Flow conditions in the Cheyenne River will be monitored during the coming irrigation season. Low flows may require that shut off orders be issued to junior water right holders to protect senior water rights. Low water levels in Angostura and the potential for low flows in the Cheyenne should be considered when planning for the coming water use and irrigation season.

Junior Water Rights above Angostura were shut off during 1989 and will remain shut off until Angostura fills again. If you have any questions, please contact Mark Rath or Del Brosz (605-773-3352).

Very truly yours,


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

175.4-2

WATER PERMIT NO. 1754-2

Phone: 605 833-2935

Name of Applicant: Earl Stombaugh

Post Office Address: HC 56, Box 11, Buffalo Gap SD 57722

Amount of Water Claimed: no add'l (2.0) Total Acres: no add'l (140 ac)

Source of Water Supply: Cheyenne River

Water to be used for: irrigation County: Custer

Location: 11 east of Buffalo Gap

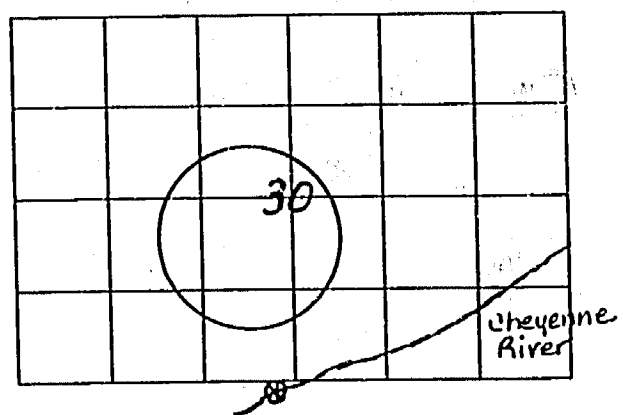
PRIORITY Date Received: 12-19-94 Fee: \$50.00

Corrected Application Received: 12-23-94 Period of Annual Use: April 15-Oct 15

Remarks: change location of irrigated acres authorized by Permit No. 1754-2

Diversion Point: NE 1/4 NW 1/4 Sec 31-T6S-R9E

Land to be Irrigated: S 1/2 NW 1/4, SW 1/4 NE 1/4
W 1/2 SE 1/4, SW 1/4; all in Sec 30-T6S-R9E



Well Log: Driller: _____ Licensed: YES _____ NO _____

Depth of Well: _____ REMARKS: _____

Type of Map: aerial Prepared By: Mark Rath Reviewed and the Number

Assigned on: 12-29-94 By: Karen Schlaak

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1754-2

(1) Earl Stombaugh, HC 56 Box 11, Buffalo Gap, SD 57722-9714 made Application No. 1754-2, January 27, 1981 for a water permit to divert 2.20 cubic feet of water per second from the Cheyenne River, Custer County, South Dakota for irrigation purposes. Permit No. 1754-2, with a priority date of January 27, 1981 was approved May 27, 1981 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 27, 1982 and the application to beneficial use of said water on or before May 27, 1982.

A December 20, 1994, investigation of the water use system found the legal description of the diversion point and a portion of the irrigated acreage were constructed outside of the permitted area. Pursuant to SDCL 46-5-13.1 and SDCL 46-5-30.5, the Chief Engineer made a finding that the change in diversion point and irrigated acreage does not increase the potential for interference with or impair existing diversions. The overall project, as developed, is consistent with the original application.

(2) It is certified that the applicant 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 2.00 cubic feet of water per second for beneficial use. The location of the diversion point is approximately 30'S and 200'W of the N¼ corner of Section 31, T6S, R9E (NE¼ NW¼).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate 140 acres - described below:

Section 30, T6S, R9E					
SW¼ NW¼	3 acres	SW¼ NE¼	7 acres	SE¼ SW¼	21 acres
SE¼ NW¼	19 acres			SW¼ SW¼	3 acres
		NW¼ SE¼	26 acres	NW¼ SW¼	14 acres
		SW¼ SE¼	7 acres	NE¼ SW¼	40 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Earl Stombaugh, HC 56 Box 11, Buffalo Gap, SD 57722-9714 the holder and/or owner of Water Permit No. 1754-2 is issued a license to appropriate water, the right to use 2.00 cubic feet of water per second from the Cheyenne River with a priority date of January 27, 1981 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. 1754-2 and subject to South Dakota State Law.

John Hatch
 JOHN HATCH, Chief Engineer
 Water Rights Program
 Department of Environment and Natural Resources

OCT 17 1996

date



Permit No. 1754-2
Upper Cheyenne - Water District

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

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

I have this day, December 13, 1994, made a thorough examination of the water use system constructed by Earl Stombaugh of HC56, Box 11, Buffalo Gap SD holder of Permit No. 1754-2, bearing the priority of January 27, 1981 authorizing the diversion of 2.2 cu. ft. per second of the waters of the Cheyenne River for irrigation purposes, in Custer County.

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

A. Works used to divert the water:
A 250' long 45' wide channel initially diverts water from the Cheyenne River to a 24 CMP culvert with a gate at the inlet. It is then piped approximately 60' to a 24' deep 48" riser well. The water is pumped at a maximum rate of 900 gpm with a Western Land Roller pump.

B. Works used to transport water to place of use:
2000' of 10" PVC to a center pivot system.

C. Works used to apply water to beneficial use:

A 1339' center pivot with end gun

The system is in good working condition. The point of diversion is located in the NE1/4 NW1/4 SEC. 31-T68-R9R. The works are capable of diverting and conveying to the place of use 2.01 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All land located in Section 31-T68-R9R:

SW1/4 NW1/4 - 3 ac
SE1/4 NW1/4 - 19 ac
SW1/4 NE1/4 - 7 ac
NW1/4 SE1/4 - 26 ac

SW1/4 SE1/4 - 7 ac
SE1/4 SW1/4 - 21 ac
SW1/4 SW1/4 - 3 ac
NW1/4 SW1/4 - 14 ac
NE1/4 SW1/4 - 40 ac

comprising a total of 140 acres of land and the license should be issued for 2.0 cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: none

Date Report Completed: 12/20/94


 DelRon Peters
 Natural Resources Engineer
 DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 1754-2

DATE: December 13, 1994

Other permit(s) associated with the project: none

DIVERSION POINT LEGAL LOCATION: NENW SEC. 31 T6S-R9E

DISTRIBUTION LINES OR CANALS:

250' diversion channel from river to pipe inlet (24 CMP) with gate at inlet. Piped approx 60' to 24' deep 48" riser wall. Piped through 10" pvc to center pivot. approx. 2000'

1) Type: PVC 2) Size inches: 10" 3) Length feet: 2000'

Pump:

1) Make Western Land Roller

2) Model 8M

3) Size 12", 3 bowls

4) Capacity 900 gpm

Motor:

1) Make: Isuzu - 6-cyl diesel eng.

2) Model No. QP 145

3) Horse power rating 145 hp

SYSTEM TYPE: Center Pivot

Center pivot:

1) Make: Olson - Hydraulic drive - There is an OT23 isuzu 3cyl diesel used to drive hydraulics.
- McCrometer in line meter

2) Overall length: 1274'+60' (to end gun)+50' (overshoot) = 1384'

3) Number of towers 13

4) Distance between towers 98'

5) End gun Y

6) High or low pressure: 90 psi at pump (High)

7) Capacity 900 GPM

Gun:

- 1) Make: Rainbird- Nelson endgun

CHEMIGATION EQUIPMENT:

- 1) Does chemigate N

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit NA
- 2) Special qualifications to permit being abided by NA
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N



June 25, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Earl Stombaugh
HIC, Box 11
Buffalo Gap, SD 57722

Dear Mr. Stombaugh:

I am writing regarding Water Permit No. 1754-2 for your irrigation system from the Cheyenne River. A 1994 investigation of the water permit found that the diversion point from the Cheyenne River and location of some of the irrigated acres need correction.

You filed an application to amend Water Permit No. 1754-2 to correct the acreage and diversion point for the irrigation system. The application was processed and prepared for public notice. You felt that errors still existed and did not authorize publication of the notice of hearing. I am enclosing a copy of the application, map, report and notice of hearing for the application. You wanted to come to our office to discuss your concerns with Del Brosz and myself.

It is my desire to resolve discrepancies prior to issuing a water license. Please identify where you feel the previous investigation is in error. I am willing to have the engineer from our Rapid City office visit with you at the irrigation system. You are welcome to come to the Pierre office to discuss concerns. However, it may still be necessary for a staff person to view the system.

Finally, I want to make you aware that beginning July 1, 1996, new legislation is in place that may allow acreage and diversion point corrections without publication of the notice of hearing. These types of corrections can be made if the Chief Engineer makes a finding that existing water rights will not be impaired and the overall project, as developed, is consistent with the original application.

Please identify errors in the application. I want to assure your water permits correctly reflect the irrigation system in the field. Contact me at your convenience.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
WATER RIGHTS PROGRAM

August 16, 1996

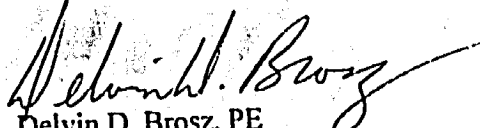
RE: Change of Diversion Point and change of acreage for Water Permit No. 1754-2, Earl Stompaugh

An inspection of Permit No. 1754-2 found that the legal description for the diversion point and a portion of the irrigated acreage was incorrect.

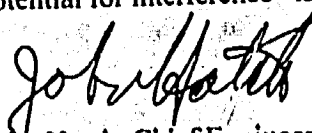
SDCL 46-5-13.1 provides that a point of diversion may be changed or additional points of diversion may be approved without application or publication of a notice of hearing if the additional point of diversion is from the same source of water, no additional water is appropriated and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

SDCL 46-5-30.5 provides that acreage developed for irrigation outside of the acreage described on the permit may be licensed pursuant to SDCL 46-5-30.1, if no increase occurs in either permitted acreage or water appropriated and the unpermitted acreage is contiguous to the permitted acreage, owned by the same property owner, and developed as part of the original irrigation project within the time period designated for completion of works. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4, if the Chief Engineer makes a finding that existing water rights will not be impaired and the overall project, as developed, is consistent with the original application.

Water Permit No. 1754-2 authorized 2.2 cubic feet of water per second (cfs) from the Cheyenne River to irrigate 153 acres. The project was constructed to divert water from the Cheyenne River to irrigate 140 acres as described in the examination report. The diversion point was described as being in the SW 1/4 SE 1/4 of Section 30-T6S-R9E. The correct diversion point is located in the NE 1/4 NW 1/4 of Section 31-T6S-R9E. The irrigated acreage extends into the SW 1/4 NE 1/4 and the W 1/2 SE 1/4 of Section 30-T6S-R9E. The legal correction of the diversion point and the acreage will not affect downstream water users. No additional appropriation of water or irrigation of additional acres is taking place beyond that originally approved by Water Permit No. 1754-2.


Delvin D. Brosz, PE
Natural Resources Engineer

The Chief Engineer makes a finding that the change in diversion point and irrigated acreage does not increase the potential for interference with or impair other existing diversions. The overall project, as developed, is consistent with the original application. In making the finding, "does not increase the potential for interference" is interpreted to mean potential for adverse interference.


John Hatch, Chief Engineer 9-27-96
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 17 1996

1754-2

Earl Stombaugh
HC 56 Box 11
Buffalo Gap, SD 57722-9714

Dear Mr. Stombaugh:

Enclosed is your Water License No. 1754-2. The license was issued based on a December 13, 1994 investigation of your water use system.

As you are aware, the 1994 investigation prompted a new application involving a change in the diversion point location and a portion of the irrigated acreage. Legislation was passed last session regarding these types of changes. Pursuant to SDCL 46-5-13.1 and SDCL 46-5-30.5, the Chief Engineer made a finding that the change in diversion point and irrigated acreage did not increase the potential for interference with or impair existing diversions.

With the new laws that took affect July 1, 1996, your water license was issued and the pending application you submitted is no longer needed. The \$50.00 fee you submitted as part of the application has been applied towards the licensing fee, and no further fees are required.

As long as you use the water beneficially, as stated in the water license, South Dakota Water Laws provide that you have a continuing right to the use of the water. If you have any questions, please contact our office.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

1754-2
414361

Pierre, December 23, 19 94

RECEIVED OF Earl Stombaugh, HC 56 Box 11, Buffalo Gap, SD 57722-9714

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

Fee for Application for Permit No. 1754-2 to Appropriate Water, to construct and to put water to beneficial use

Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

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

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

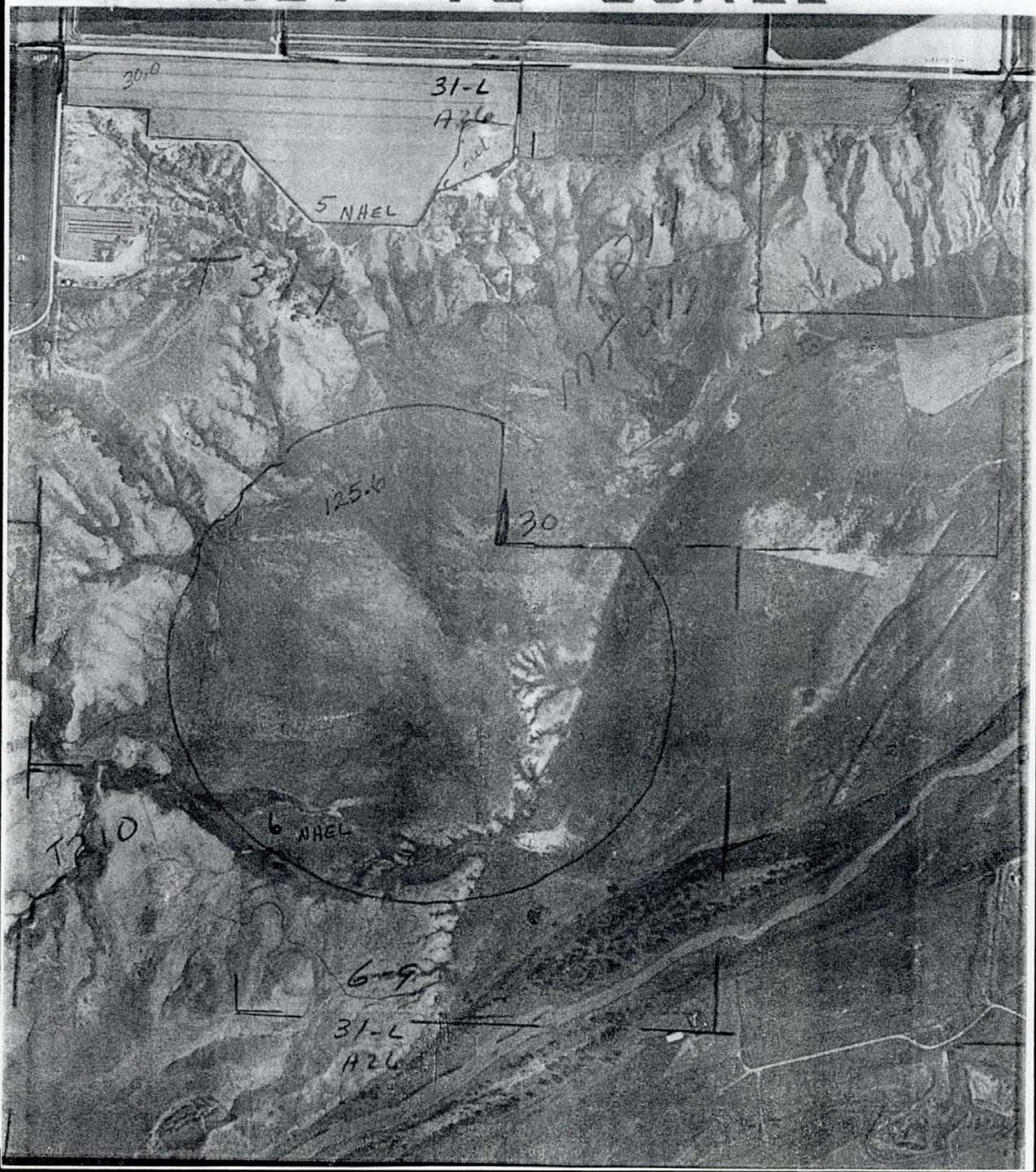
50 00

By

John Hatch
Chief Engineer

1754-2

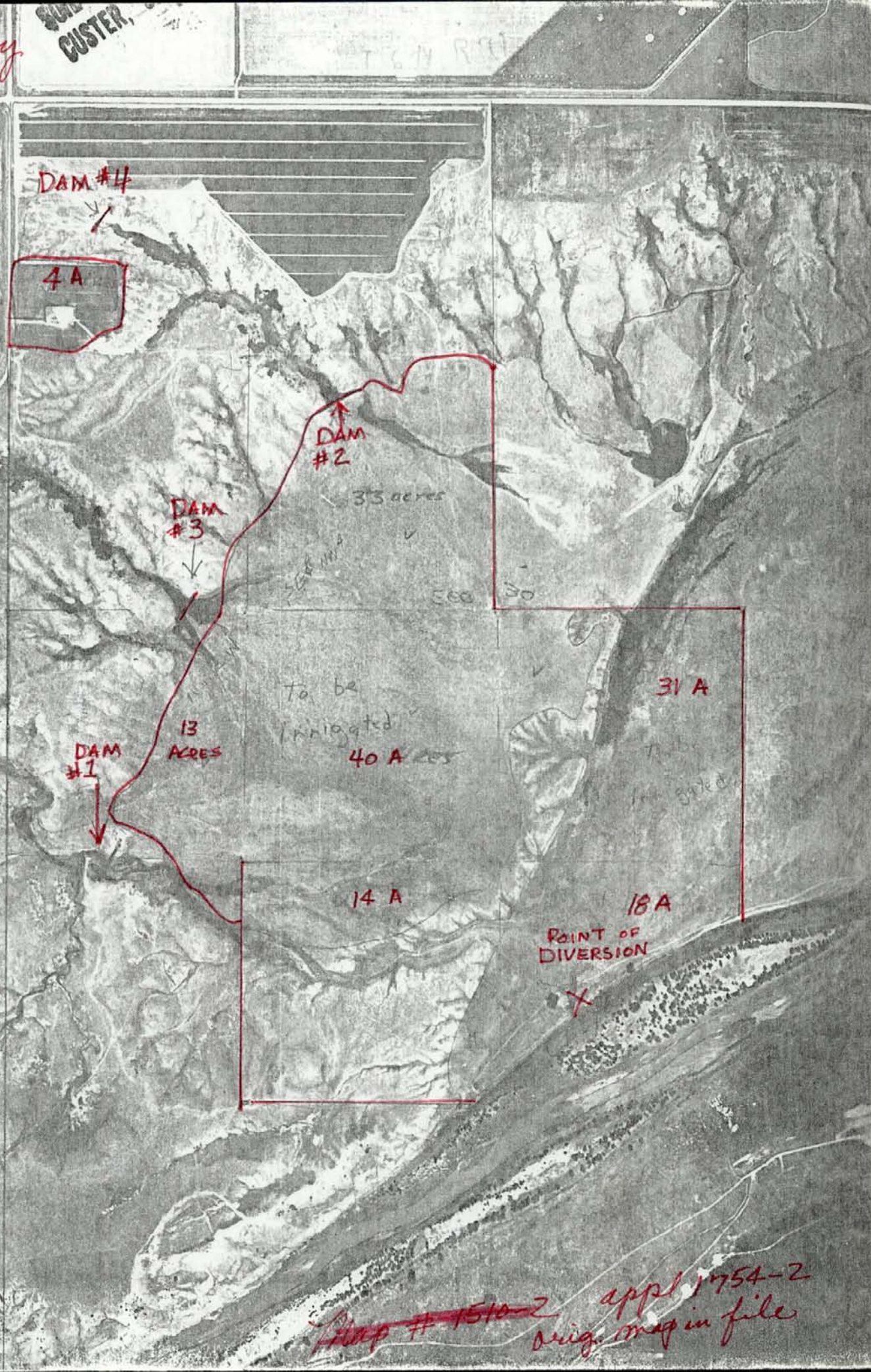
NOT TO SCALE



Original
Signed By
SCS

SUN
CLUSTER

Earl Strombaugh



~~Map # 1510-2~~ appl 1754-2
orig. map in file

31-L

TWNGS-RING 9E

T245
T245

T319

T244
T245

SE NW
19 AC.

SW NE
7 AC.

SW NW
3 AC.

NE SW
40 ACRES

NW SE
26 AC.

NW SW
14 AC.

Center
Pivot

SE SW
21 AC.

SW SE
7 AC.

SW SW
3 AC.

10.4

HEL

3b

3a

HEL

117.4
HEL

OUT

OUT

40" pipeline

6-9
Pump

Point of Diversion

NE NW Sec 31

T65R9E

Mark D Rath
Natural Resources Engineer
Division of Water Rights
Date

1754A-2

12/20/94

193' West
200

South of sec. line

Permit_no	Priordate	County_1	Aquifer	Status	Last_name	Diversion	Use Type	Cfs	Acres
956-1	02/15/1972	PK		IL	ARCHIBALD First Name: CLARENCE	Div-1 N FORK GRAND RIVER Div-2 INC INTO 956A-1 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 10.000 Lic_cfs: 0.000	Per-Acre: 703.90 Lic-Acre: 0.00
SEC-TWN-RNG: SEC15- TWN 022N - RNG 12E									
980-1	04/16/1973	PK		LC	FOSS BROTHERS First Name:	Div-1 N FORK GRAND RIVER Div-2 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 4.300 Lic_cfs: 2.000	Per-Acre: 301.00 Lic-Acre: 260.00
SEC-TWN-RNG: SEC09- TWN 021N - RNG 14E									
981-1	04/16/1973	PK		LC	KRISLE First Name: KENNETH	Div-1 N FORK GRAND RIVER Div-2 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 9.600 Lic_cfs: 3.220	Per-Acre: 670.00 Lic-Acre: 309.10
SEC-TWN-RNG: SEC34- TWN 022N - RNG 13E									
983-1	05/04/1973	PK		LC	MEINK First Name: DUANE G	Div-1 N FORK GRAND RIVER Div-2 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 2.200 Lic_cfs: 2.200	Per-Acre: 154.00 Lic-Acre: 160.00
SEC-TWN-RNG: SEC01- TWN 021N - RNG 13E									
1169-1	01/14/1974	PK		LC	EVRIIDGE First Name: G W	Div-1 N FORK GRAND RIVER Div-2 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 7.000 Lic_cfs: 5.110	Per-Acre: 494.30 Lic-Acre: 519.20
SEC-TWN-RNG: SEC06- TWN 021N - RNG 14E									
1055-1	04/03/1975	PK		LC	BERG First Name: BERTRAM R	Div-1 N FORK GRAND RIVER Div-2 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 7.700 Lic_cfs: 1.650	Per-Acre: 544.00 Lic-Acre: 115.90
SEC-TWN-RNG: SEC26- TWN 023N - RNG 10E									
1079-1	02/24/1976	PK		LC	SONN First Name: SHERRIE OR ROGER	Div-1 N FORK GRAND RIVER Div-2 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 4.000 Lic_cfs: 1.340	Per-Acre: 278.50 Lic-Acre: 252.00
SEC-TWN-RNG: SEC29- TWN 022N - RNG 13E									
1171-1	06/08/1977	PK		CA	STIPPICH INC First Name:	Div-1 N FORK GRAND RIVER Div-2 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 1.610 Lic_cfs: 0.000	Per-Acre: 113.00 Lic-Acre: 0.00
SEC-TWN-RNG: SEC09- TWN 022N - RNG 12E									
90-1	06/17/1911	PK		LC	THYBRO First Name: CHRIS	Div-1 PEGGY CREEK Div-2 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 5.000 Lic_cfs: 5.000	Per-Acre: 145.00 Lic-Acre: 145.00
SEC-TWN-RNG: SEC05- TWN 016N - RNG 11E									
703-1	07/02/1963	PK		LC	VEAL First Name: BERYL R	Div-1 PICKEL CREEK Div-2 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 0.000 Lic_cfs: 0.000	Per-Acre: 67.90 Lic-Acre: 67.90
SEC-TWN-RNG: SEC16- TWN 016N - RNG 14E									
49-1	04/14/1909	PK		LC	WILSON First Name: LOUIS	Div-1 RABBIT CREEK Div-2 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 4.000 Lic_cfs: 4.000	Per-Acre: 106.00 Lic-Acre: 106.00
SEC-TWN-RNG: SEC02- TWN 015N - RNG 14E									
608-1	01/01/1934	PK		LC	GAME FISH & PARKS First Name: DEPT OF	Div-1 RABBIT CREEK Div-2 Div-3	Use 1: REC Use 2: Use 3:	Per_cfs: 0.000 Lic_cfs: 0.000	Per-Acre: 0.00 Lic-Acre: 0.00
SEC-TWN-RNG: SEC16- TWN 017N - RNG 10E									
181-1A	07/15/1949	PK		LC	PATTERSON First Name: CORA	Div-1 RABBIT CREEK Div-2 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 2.000 Lic_cfs: 2.000	Per-Acre: 165.00 Lic-Acre: 165.00
SEC-TWN-RNG: SEC33- TWN 016N - RNG 14E									
230-1	06/02/1951	PK		LC	BROCKEL First Name: TED	Div-1 RABBIT CREEK Div-2 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 2.000 Lic_cfs: 2.000	Per-Acre: 355.00 Lic-Acre: 355.00
SEC-TWN-RNG: SEC02- TWN 015N - RNG 14E									
776-1	09/06/1957	PK		LC	MEYER First Name: RAYMOND W	Div-1 RABBIT CREEK Div-2 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 3.890 Lic_cfs: 1.520	Per-Acre: 272.40 Lic-Acre: 116.80
SEC-TWN-RNG: SEC12- TWN 017N - RNG 09E									

Permit_no	Priordate	County_1	Aquifer	Status	Last_name	Diversion	Use Type	Cfs	Acres
710-1	09/30/1963	PK		LC	PATTERSON First Name: CORA	Div-1 RABBIT CREEK Div-2 PICKEL CREEK Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 0.900 Lic_cfs: 0.900	Per-Acre: 62.00 Lic-Acre: 62.00
SEC-TWN-RNG: SEC34- TWN 016N - RNG 14E									
782-1	12/30/1966	PK		LC	BURDINE & SONS INC First Name:	Div-1 RABBIT CREEK Div-2 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 6.000 Lic_cfs: 2.250	Per-Acre: 445.70 Lic-Acre: 445.70
SEC-TWN-RNG: SEC04- TWN 016N - RNG 13E									
976-1	12/27/1972	PK		LC	MEYER First Name: RAYMOND W	Div-1 RABBIT CREEK Div-2 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 1.700 Lic_cfs: 1.330	Per-Acre: 120.00 Lic-Acre: 93.60
SEC-TWN-RNG: SEC16- TWN 017N - RNG 10E									
1031-1	05/13/1974	PK		LC	BROCKEL First Name: TED	Div-1 RABBIT CREEK Div-2 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 7.270 Lic_cfs: 1.550	Per-Acre: 509.00 Lic-Acre: 419.20
SEC-TWN-RNG: SEC12- TWN 015N - RNG 14E									
779-1	06/01/1955	PK		LC	MILLETT First Name: HOWARD	Div-1 RABBIT CREEK TRIB. Div-2 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 5.390 Lic_cfs: 5.390	Per-Acre: 377.40 Lic-Acre: 377.40
SEC-TWN-RNG: SEC10- TWN 017N - RNG 09E									
342-1	08/27/1958	PK		LC	SEVERSON First Name: ORVEN	Div-1 RUNOFF Div-2 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 1.400 Lic_cfs: 0.960	Per-Acre: 101.60 Lic-Acre: 67.00
SEC-TWN-RNG: SEC20- TWN 023N - RNG 12E									
354-1	09/29/1958	PK		LC	OLSON First Name: RALPH	Div-1 RUNOFF Div-2 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 0.680 Lic_cfs: 0.680	Per-Acre: 48.00 Lic-Acre: 48.00
SEC-TWN-RNG: SEC29- TWN 020N - RNG 10E									
612-1	08/11/1961	PK		LC	KELLY First Name: PATTY ANN	Div-1 RUNOFF Div-2 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 7.900 Lic_cfs: 3.250	Per-Acre: 553.00 Lic-Acre: 238.00
SEC-TWN-RNG: SEC16- TWN 015N - RNG 15E									
1480-1	10/17/1989	PK		LC	SMITH First Name: TIM	Div-1 RUNOFF Div-2 Div-3	Use 1: FWP Use 2: DOM Use 3:	Per_cfs: 0.000 Lic_cfs: 0.000	Per-Acre: 0.00 Lic-Acre: 0.00
SEC-TWN-RNG: SEC28- TWN 022N - RNG 12E									
2337-2	05/04/1995	PK		PE	GRAND RIVER COOP. GRAZING First Name: *	Div-1 RUNOFF Div-2 Div-3	Use 1: FWP Use 2: DOM Use 3:	Per_cfs: 0.000 Lic_cfs: 0.000	Per-Acre: 0.00 Lic-Acre: 0.00
SEC-TWN-RNG: SEC04- TWN 020N - RNG 16E									
1639-1	04/17/1996	PK		PE	ESCOTT First Name: KELLY	Div-1 RUNOFF Div-2 Div-3	Use 1: LIV Use 2: Use 3:	Per_cfs: 0.000 Lic_cfs: 0.000	Per-Acre: 0.00 Lic-Acre: 0.00
SEC-TWN-RNG: SEC18- TWN 014N - RNG 17E									
100-1	01/04/1912	PK		LC	LEWTON First Name: H WOODROW	Div-1 S FORK GRAND RIVER Div-2 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 10.000 Lic_cfs: 9.000	Per-Acre: 413.00 Lic-Acre: 413.00
SEC-TWN-RNG: SEC19- TWN 020N - RNG 11E									
1042-1	12/11/1974	PK		LC	JOHNSON First Name: MARLO D	Div-1 S FORK GRAND RIVER Div-2 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 4.000 Lic_cfs: 0.920	Per-Acre: 280.00 Lic-Acre: 64.30
SEC-TWN-RNG: SEC09- TWN 019N - RNG 14E									
1196-1	04/17/1980	PK		PE	STARKEY First Name: MARGARET	Div-1 S FORK GRAND RIVER Div-2 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 1.140 Lic_cfs: 0.000	Per-Acre: 80.00 Lic-Acre: 0.00
SEC-TWN-RNG: SEC09- TWN 019N - RNG 14E									
548-1	02/02/1961	PK		CA	HAM First Name: MAURICE L	Div-1 SHADEHILL RESERVOIR Div-2 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 1.380 Lic_cfs: 1.140	Per-Acre: 96.50 Lic-Acre: 80.00
SEC-TWN-RNG: SEC22- TWN 021N - RNG 15E									

Permit_no	Priordate	County_1	Aquifer	Status	Last_name	Diversion	Use Type	Cfs	Acres
1300-1	01/01/1903	HR		LC	PAINTER INC First Name:	Div-1 OLEY CREEK Div-2 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 1.390 Lic_cfs: 1.390	Per-Acre: 97.00 Lic-Acre: 97.00
SEC-TWN-RNG: SEC29- TWN 020N - RNG 02E									
1292-1	01/01/1948	HR		LC	TURBIVILLE First Name: EUGENE	Div-1 PLUM CREEK Div-2 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 1.530 Lic_cfs: 1.530	Per-Acre: 107.00 Lic-Acre: 107.00
SEC-TWN-RNG: SEC02- TWN 019N - RNG 01E									
788-1	01/01/1941	HR		LC	WAMMEN RANCH First Name:	Div-1 POINT CREEK Div-2 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 0.500 Lic_cfs: 0.500	Per-Acre: 36.00 Lic-Acre: 36.00
SEC-TWN-RNG: SEC08- TWN 017N - RNG 09E									
787-1	11/23/1953	HR		LC	WAMMEN RANCH First Name:	Div-1 POINT CREEK Div-2 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 1.470 Lic_cfs: 1.470	Per-Acre: 103.00 Lic-Acre: 103.00
SEC-TWN-RNG: SEC04- TWN 017N - RNG 08E									
786-1	12/31/1953	HR		LC	WAMMEN RANCH First Name:	Div-1 RABBIT CREEK Div-2 DRY DRAWS Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 4.800 Lic_cfs: 4.800	Per-Acre: 336.00 Lic-Acre: 336.00
SEC-TWN-RNG: SEC10- TWN 017N - RNG 09E									
830-1	01/05/1968	HR		LC	GAME FISH & PARKS First Name: DEPT OF	Div-1 RABBIT CREEK Div-2 Div-3	Use 1: REC Use 2: Use 3:	Per_cfs: 0.000 Lic_cfs: 0.000	Per-Acre: 0.00 Lic-Acre: 0.00
SEC-TWN-RNG: SEC08- TWN 017N - RNG 08E									
1355-1	04/07/1986	HR		LC	USDA FOREST SERVICE First Name:	Div-1 ROAD DRAW Div-2 Div-3	Use 1: FWP Use 2: Use 3:	Per_cfs: 0.000 Lic_cfs: 0.000	Per-Acre: 0.00 Lic-Acre: 0.00
SEC-TWN-RNG: SEC30- TWN 017N - RNG 08E									
666-1	10/08/1962	HR		LC	JOHNSON First Name: WARREN E	Div-1 S BEAVER CREEK Div-2 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 0.600 Lic_cfs: 0.600	Per-Acre: 42.00 Lic-Acre: 42.00
SEC-TWN-RNG: SEC32- TWN 015N - RNG 01E									
242-1	02/08/1952	HR		LC	NORRIS First Name: BRUCE	Div-1 S FORK GRAND RIVER Div-2 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 1.460 Lic_cfs: 1.460	Per-Acre: 1147.00 Lic-Acre: 119.00
SEC-TWN-RNG: SEC19- TWN 019N - RNG 06E									
1275-1	01/01/1899	HR		LC	OLESON First Name: GEORGE/GERALD	Div-1 SAGE BRUSH DRAW Div-2 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 1.100 Lic_cfs: 1.100	Per-Acre: 75.00 Lic-Acre: 75.00
SEC-TWN-RNG: SEC08- TWN 017N - RNG 01E									
1354-1	04/07/1986	HR		LC	USDA FOREST SERVICE First Name:	Div-1 SCHLEICHART DRAW Div-2 Div-3	Use 1: FWP Use 2: Use 3:	Per_cfs: 0.000 Lic_cfs: 0.000	Per-Acre: 0.00 Lic-Acre: 0.00
SEC-TWN-RNG: SEC34- TWN 022N - RNG 05E									
35-1	06/13/1908	HR		LC	DAVIS First Name: ALFRED	Div-1 SHEEP CREEK Div-2 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 2.200 Lic_cfs: 1.770	Per-Acre: 151.77 Lic-Acre: 124.00
SEC-TWN-RNG: SEC01- TWN 016N - RNG 01E									
35-1A	06/13/1908	HR		LC	DAVIS First Name: ALFRED	Div-1 SHEEP CREEK Div-2 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 2.200 Lic_cfs: 1.770	Per-Acre: 151.77 Lic-Acre: 124.00
SEC-TWN-RNG: SEC01- TWN 016N - RNG 01E									
1020-1	06/27/1974	HR		LC	BRENGLE First Name: WILLIAM	Div-1 SMITH CREEK Div-2 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 3.960 Lic_cfs: 1.280	Per-Acre: 277.00 Lic-Acre: 277.00
SEC-TWN-RNG: SEC26- TWN 022N - RNG 03E									
1279-1	11/04/1901	HR		LC	CLANTON INC. First Name:	Div-1 SOFT WATER DRAW Div-2 INC 0104-1 0105-1 Div-3	Use 1: IRR Use 2: Use 3:	Per_cfs: 1.210 Lic_cfs: 1.210	Per-Acre: 85.00 Lic-Acre: 85.00
SEC-TWN-RNG: SEC25- TWN 016N - RNG 05E									



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 30, 2006

NOTICE OF SHUTOFF ORDER

TO: EARL STOMBAUGH
26920 148TH AVE
BUFFALO GAP SD 57722

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: Cheyenne River Shutoff Order for Junior Priority Date Water Rights

Shutoff Order for Water Right Nos. 1754-2

To protect the senior priority water rights, the department is issuing shutoff orders to junior water right holders with priority dates after January 1, 1970 from Angostura Dam to Belle Fourche River confluence. Effective immediately, no diversions of water from the Cheyenne River and tributaries will be allowed for those permits with a priority date after January 1, 1970.

Flow in the Cheyenne River has dropped to the point where domestic use of water, which includes livestock watering from the river, has become a concern. This order will be rescinded as soon as conditions improve. 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. The ongoing drought is creating hardship for all the water right holders along the river. If you have any questions, please contact Mark Rath or Lynn Beck 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

September 5, 2006

1754-2

EARL STOMBAUGH
26920 148TH AVE
BUFFALO GAP SD 57722

Dear Sir:

This letter is to inform you that until further notice pumping **will be allowed** to continue under your junior priority water right(s) from the Cheyenne River. Due to recent rains and cooler temperatures, flow in the Cheyenne River has improved and appears to holding steady.

We will continue to monitor the daily stream flows. If flow conditions worsen and domestic use flow is again being impacted, DENR may be forced to again limit pumping.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the Cheyenne River and it's tributaries at the following web address:

<http://waterdata.usgs.gov/sd/nwis/rt>

If you have any questions, please contact Mark Rath or Lynn Beck with the Water Rights Program at (605) 773-3352. Thank you.

GARLAND ERBELE, 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

March 5, 2007

Dear Water Right Holder;

Due to the ongoing drought I am advising Cheyenne River water right holders of the possibility of shutoff orders in 2007 for the river reach from Angostura Dam to the Belle Fourche River confluence. 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 February almost 21-feet below full and the forecast for improved conditions throughout the summer months is not favorable.

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 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 critical low levels, other uses, including irrigation, will begin to interfere with domestic use. If levels become critically low, the department must issue shut-off orders to protect domestic water uses. 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 sd.water.usgs.gov and click on "[Realtime streamflow data via satellite](#)".

Thank you for your cooperation. If you have any questions, please contact Mark Rath or Mike DeFea at (605) 773-3352.

Sincerely,

Garland Erbele, 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

NOTICE OF SHUTOFF ORDER

June 27, 2007

TO: EARL STOMBAUGH
26920 148TH AVE
BUFFALO GAP SD 57722

FROM: GARLAND ERBELE, Chief Engineer
SD DENR Water Rights Program

SUBJECT: Cheyenne River Shutoff Order for Junior Priority Date Water Rights

Shutoff Order for Water Right Nos. 1754-2

To protect the senior priority water rights, the department is issuing shutoff orders to junior water right holders with priority dates between January 1, 1970 and present for the river reach between the Angostura Dam to Belle Fourche River confluence. Effective immediately, diversions of water from the Cheyenne River and tributaries will not be allowed for those permits with a priority date after January 1, 1970.

Flow in the Cheyenne River continues to decline to the point where domestic use of water, which includes livestock watering from the river, has become a concern. This order will be rescinded as soon as conditions improve. If conditions do not improve, this order will remain in effect until the end of the calendar year.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

<http://waterdata.usgs.gov/sd/nwis/rt>

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river.

If you have any questions concerning this order, please contact either Mark Rath at (605) 773-3352 or Aaron Tieman at (605) 394-2229. Thank you.

RECEIVED

NOV - 4 2016

WATER RIGHTS
PROGRAM

ESTES CAMPBELL LAW FIRM LLC
ATTORNEYS AT LAW

DOYLE ESTES
ERIKA KROETCH CAMPBELL

1754-2

125 Colorado Boulevard, Suite 2G, Spearfish, South Dakota 57783 • 605-722- WILL (9455)
Rapid City location at 706 Saint Joseph Street • Facsimile 605-717-0029

November 1, 2016

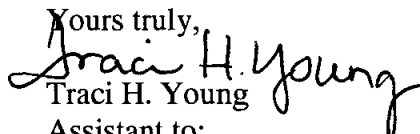
PMB 2020
DENR – Water Rights Program
523 E. Capitol Ave.
Pierre, SD 57501-3182

To whom it may concern;

Please find enclosed the *Notice of Transfer of Ownership* and a check for \$50.00 representing the filing fee. Please process this request at your earliest possible convenience and return the requisite paperwork to the Spearfish office in the enclosed envelope.

If you have any questions, or need further information, please do not hesitate to contact me at the above address in Spearfish or at 605-722-9455.

Thank you.

Yours truly,

Traci H. Young
Assistant to:
Erika Kroetch Campbell

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/4, 20 16

RECEIVED OF Estes Campbell Law Firm LLC 125 E Colorado Blvd #2G Spearfish SD 57783

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>1754-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **07943**

By Jean Goodman
Chief Engineer

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 1754-2Date: 10/04/2016

I/We request that Water Right/Permit No. 1754-2 formerly owned by:
Earl Stombaugh be transferred to:

New Owner Name: The Earl Stombaugh TrustAddress: RR1 Box 17-ACity, State, Zip Buffalo Gap ☒ SD ☒ 57722 Telephone No. _____

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

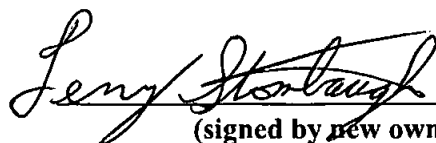
See Attached Exhibit "A"

☒ I understand that the validity of Water Right/Permit No. 1754-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 included to cover the filing fee as required by SDCL 46-2-13.

I, Terry Stombaugh, trustee, the new owner, certify that the above information is true and correct.


(signed by new owner)

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

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

EXHIBIT "A"

Section 30, T6S, R9E					
SW $\frac{1}{4}$ NW $\frac{1}{4}$	3 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$	7 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$	21 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	19 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$	26 acres	SW $\frac{1}{4}$ SW $\frac{1}{4}$	3 acres
		SW $\frac{1}{4}$ SE $\frac{1}{4}$	7 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$	14 acres
				NE $\frac{1}{4}$ SW $\frac{1}{4}$	40 acres



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

November 16, 2016

1754-2

Terry Stombaugh
for The Earl Stombaugh Trust
14877 268th St
Buffalo Gap SD 57722

Dear Mr. Stombaugh:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership on Water Right No. 1754-2.

The ownership change has been completed. Water Right No. 1754-2, formerly held by Earl Stombaugh is now listed in the name of "The Earl Stombaugh Trust".

The receipt for the filing fee is being directed by copy of this letter to the Estes Campbell Law Firm in Spearfish SD.

If you have any questions, please contact me.

Sincerely,

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

c: Estes Campbell Law Firm w/Receipt No. 07943

1754-2



DENR
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

October 27, 2020

1754-2

Terry Stombaugh
26926 148th Ave 
Buffalo Gap SD 57722-3011

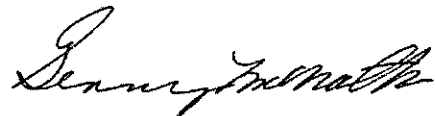
Dear Mr. Stombaugh:

Enclosed is a "Notice" dated October 23, 2020 concerning the 2020 irrigation questionnaire.

The notice was originally mailed to 14877 268th St, Buffalo Gap, SD. The post office notified us that your address has changed, and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath".

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

enclosures



DENR
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

November 9, 2020

1754-2

Terry Stombaugh
26920 148th Ave
Buffalo Gap SD 57722

Dear Mr. Stombaugh:

Thank you for calling concerning your correct address and the need for an ownership change on Water Right No. 1754-2.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosure

PAID

NOV 16 2020

NOTICE OF TRANSFER OF OWNERSHIP

Ck# 3982

RECEIVED

NOV 16 2020

PETROLEUM RELEASE FUND

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

No. 1754-2

Date: 11-12-2020

I/We request that Water Right No. 1754-2

formerly owned by: The Earl Stombaugh Trust

be transferred to: (name & address)

Terry Stombaugh
26920 148th Ave.
Buffalo Gap, S.D. 57722 Telephone No. 605-890-2092

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

140 acres - S 1/2 NW 1/4, SW1/4 NE 1/4, W 1/2 SE 1/4 and SW 1/4 Section 30, T6S, R9E

I/We understand that the validity of Water Right No. 1754-2 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 Terry Stombaugh, the new owner, certify that the above information is true and correct.

Terry Stombaugh
(Signed by new owner)

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

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

1754-2

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date November 16, 2020RECEIVED OF Terry Stombaugh 26920 148th Ave Buffalo Gap SD 57722

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. _____ after period of seven years.	\$
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$
Fee for Filing Transfer Form <u>1754-2</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$50.00

By *Eric Gronlund*
Chief Engineer
VM



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

November 17, 2020

1754-2

Terry Stombaugh
26920 148th Ave
Buffalo Gap SD 57722

Dear Mr. Stombaugh:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for Water Right No. 1754-2.

The ownership change has been completed. No. 1754-2 formerly listed in "The Earl Stombaugh Trust" is now listed under your name.

Enclosed for your records is a receipt for the filing fee you paid. If I can answer any questions for you, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosure



1754-2

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 23, 2023

Terry Stombaugh
26920 148th Ave
Buffalo Gap SD 57722

1754-2

Dear Mr. Stombaugh:

I am writing in regard to your Water Right No. 1754-2. The water permit authorizes diversion of water from the Cheyenne River, Custer County, for the irrigation of 140.0 acres within Section 30, T06S, R09E.

In reviewing your 2022 irrigation questionnaire, we have found discrepancies in the amount of water used and have some concerns. Enclosed is a copy of your questionnaire for reference purposes.

Water Right No. 1754-2 allows you to use up to two acre-feet (ac-ft) (24 inches) of water, per acre, per year. On the questionnaire you reported substantially more water use. The following information is what was reported and what is authorized:

- 140.0 acres irrigated
- Reported water use – 419.1 ac-ft of water (approximately 36 inches)
- Authorized water use – 280 acre-feet (140 acres x 2 ac-ft per year)

We realize that water use depends greatly on climactic conditions and may vary year to year. However, it is very rare that irrigators come close to the 24 inches per acre that is authorized. Typical water use is between 8 and 12 inches per acre. Often, irrigators do not keep track of their days or hours actually pumped and estimate numbers for the questionnaires in an effort to get them completed and back in on time. While we appreciate returning the forms in a timely manner each year, we need the forms to reflect accurate information to ensure everyone is limiting their use to the amount of water appropriated to them.

The information we receive each year from irrigators across the state is very valuable. The water use data supplied by irrigators is one of the tools we use to help determine whether an aquifer or stream is nearing full appropriation.

If you do in fact apply as much water as claimed on your questionnaire, you are exceeding the limits of your water license and will have to reduce your discharge to stay within the authorized limit. If you simply estimated your water use, we ask that you please ensure the information reported is as accurate as possible. As stated before, the information you provide to us is very valuable. If you have any questions, please contact me.

Sincerely,

Amanda Dewell

Water Rights Program

605 773-3352

Amanda.Dewell@state.sd.us