

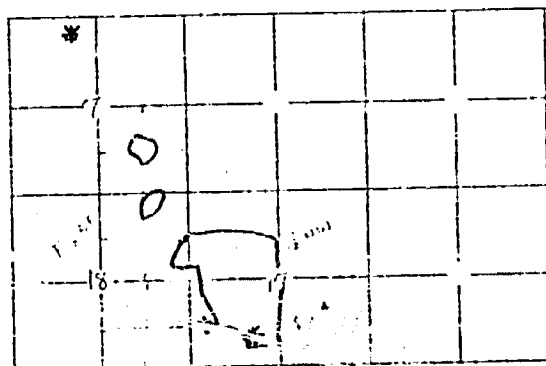
1. Considered: 10-7, 1981 Water Right No. 1789-2
114 1543-2
2. Name of Applicant EDWIN BENTON
3. Post Office Address EDGEMONT 57735
4. Amount of Water Claimed 2.6 maximum acre feet
5. Source of Water Supply DRY DRAWS
6. Water to be used for IRR acres to be irrigated 182
7. County FALL RIVER about 4E 4N miles of EDGEMONT
8. PROOF OF PUBLICATION: Received 10-7-81 Not Received
APPLICATION: Approved 10-7-81 Subject to OK LWS
Not Approved Action Deferred

Dated Received 8-20-81 Application complete-yes no FEE 275.00
Remarks

Corrected Application received Period of Annual Use 3/1 - 11/30
MAR - NOV.

Received yes 9/1/81 no APPROVED CONDITIONAL (Circle one)
WI-1 Description same as application yes no Remarks

Disapproved Returned



Diversion Points NE⁴ NW⁴ SEC. 7 &
NW⁴ SW⁴ & SE⁴ SW⁴ SEC. 17 ALL
IN T8S - R2E

Land to be irrigated
SE⁴ SEC. 7; E^{1/2} NE⁴ SEC. 18;
S^{1/2} NW⁴ & SW⁴ SEC. 1 ALL IN
T8S - R2E.

WELL LOG Driller W. J. ... licensed - yes no
Depth ...
Remarks

MAP Map No. 1543-3 Map located in Water Right X Map file _____
Type of Map DRAWN Prepared by MERDAUGH

+++++

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

Sept. 14, 1981

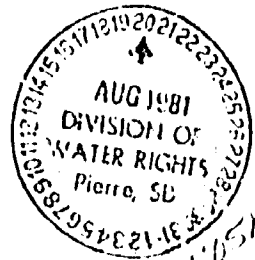
[Signature]
(Signed)

+++++

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

REMARKS Date _____
F.F. & C. Final Decision, including F.F. & C. of Law were adopted _____
OF LAW, Date _____
FINAL Final Decision mailed to parties and/or parties notified that Final Decision was
DECISIONS adopted _____
ETC. Remarks _____

Original by record June 10, 1981



No. 1789-2
Map No. 1543-2 Water Division No. 2 Upper Cheyenne District
Above for Office Use 10120106

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 Edwin Benton Phone 622-7370

Post Office Address Edgemont State SD 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) completed

3. Name of diversion work Benton Irrigation Project

4. Amount of water claimed (cubic feet per second) 2.6

5. Source of water supply dry draws

6. Location of point of diversion on Tubbs Ditch between a point 350'S and 400'W of the NE corner of Section 7 and a point 650'N and 1750'E of the SW corner of Section 17, T8S, R2E County Fall River

7. Annual period or periods during which water is to be used March thru 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 1.82

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.
see attached sheet	

Land Description	No. Acres Irr.

Attach sheet if more space is needed

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

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water HOT SPRINGS STAR

12. Principal Features of the Proposed Water Supply System.

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

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

DITCHES - RUN-OF-
(TUBBS DITCH)

C. Works proposed to apply water to beneficial use.

Now Completed
Estimated Total Cost \$ 2500.00

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 Hughes) ss.

I, Edwin Benton 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 Edwin Benton

Subscribed and sworn to before me this 20th day of August, 1981

Karen Wernsmann
Notary Public (or other qualified officer).
KAREN WERNSMANN
Administrative Sec., Water Rights

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1789-2

EDWIN BENTON EDGEMONT
(Applicant) (Post Office Address)
SOUTH DAKOTA 57735 With the following qualifications
(State)

Date of first receipt of application AUGUST 20, 1981
Date of return to applicant for correction, amendments or changes required _____, 19____
Date of receipt of corrected application _____, 19____
Approved OCTOBER 7, 1981, Recorded in Book 22 Page 284

WATER RIGHT PERMIT NO. 1789-2

The Water Management Board hereby grants and issues this Water Right Permit No. 1789-2 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 AUGUST 20, 1981
2. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed ~~on or before~~ _____, 19____
3. The whole of said work is ~~to be~~ completed ~~on or before~~ _____, 19____
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED, 19____
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 2.6 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 THIS DATE, 19____; said water to be used during the following described annual period: MARCH 1ST to NOVEMBER 30TH

Witness my hand this 14th day of OCTOBER, 1981

THE WATER MANAGEMENT BOARD

By John Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

Edwin Benton

Land Description

	acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 7, T8S, R2E	2
NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 7	5
SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 7	3
NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 18	5
SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 18	3
SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 17	40
SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 17	35
NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 17	28
NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 17	40
SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 17	16
TOTAL	182 acres

NOTE

This Form is supplemental to Form 2, and is to be used when an affidavit pertaining to construction and water use, already completed, is needed.

AFFIDAVIT OF CONSTRUCTION OF WATER USE SYSTEM AND APPLICATION OF WATER TO BENEFICIAL USE

Name of Applicant (Same as Form 2) Edwin Benton
 Post Office Address Edgemont, State South Dakota 57735
 If a Corporation show date and place of incorporation _____

13. Notice of Appropriation (If available)

Date of Posting _____ Date of Recording February 29, 1908
 Recording Data Recorded in Book 4, Miscellaneous Record, Page 264, Register of Deeds,
Fall River County, SD (see O.R. Heldman Permit No. 0634-2)

14. Date of start of construction of water supply system _____

15. Date that water was first applied to beneficial use _____

16. Name of owner of original water supply system J. C. Virdsall and Geo. T. Paine17. Amount of water originally applied to beneficial use 10,000 inches = 200 c.f.s.

18. Present Use of Water _____

Amount of water now being used 2.6 c.f.s.Date that this amount of water was first used April 3, 1967

19. Chronological History of Water Use

I have reconstructed parts of old Tibbo ditch shown on map and made beneficial use of same since April 1967, & have lived on this land since 1940 and know to my knowledge that the Tibbo ditch in this area has been washed out, filled with silt, and abandoned for more than 50 years. My water supply is runoff from the hill sides and road ditches above this ditch, when there are rains with runoff this system works very well for me.

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

STATE OF SOUTH DAKOTA)

County of Fall River) ss.

I, Edwin Benton, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed Edwin BentonSubscribed and sworn to before me this 9th day of June, 1980

Keith E. Willard
 (Notary Public or other qualified Officer)

I, the undersigned, do hereby certify that I know about the water use system described above that I have read the foregoing and that the matters therein stated are true.

REC. MGMT/FORM
4/81

CONDITIONAL

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT EDWIN TON

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

THE SOIL(S) LISTED BELOW CAN BE IRRIGATED WITH THE FOLLOWING RESTRICTIONS:

RECOMMENDED MANAGEMENT

WATER SPREADING SYSTEM.

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM
STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

Office Use Only

2937-FK

OWNERS NAME: E. Edwin Benton OWNERS ADDRESS: E. Adams
S.D. 57735

COUNTY (AND LOCATED IN): Fall River PHONE: 662-7370

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: NE 1/4 NW 1/4 - 17 T8S, R2E

2. SURFACE WATER SOURCE: dry draw

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
NE 1/4 SE 4 - 7 T8S, R2E	2	SW 1/4 NW 1/4 - 17 T8S, R2E	40
NE 1/4 SE 4 - 7 " " "	5	SE 1/4 NW 1/4 - 17 " " "	35
SE 1/4 SE 4 - 7 " " "	3	NW 1/4 SW 1/4 - 17 " " "	28
NE 1/4 NE 4 - 18 " " "	5	NE 1/4 SW 1/4 - 17 " " "	40

4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: _____ OTHER: 16
(Specify) 18200

5. CROPS TO BE IRRIGATED: grain

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: _____

8. SALINITY (EC X 10⁶): _____

9. SODIUM (SAR): _____

10. ADJUSTED (SAR): _____

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 _____ a.m./p.m., on _____, 19____, at the following location: _____ 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

20 DAY OF Aug, 1981.

Martin L. LMS
(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 APPROVED

AUG 21 1981

South Dakota
Division of Conservation

No. 1789-2

Publish first publication, on or before September 23, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

September 15, 1981

Notice is hereby given Edwin Benton 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 2.6 cubic feet of

water per second of time from ~~XXX~~ dry draws through the

Benton Irrigation Project; the point ~~(XX)~~ of diversion of which is ~~(XXX)~~ to be located in the NE 1/4 NW 1/4, Section 7; NW 1/4 SW 1/4 & SE 1/4 SW 1/4, Section 17 all in

~~of Section 17~~, Twp. 8S, Range 2E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SE 1/4, Section 7; E 1/2 NE 1/4, Section 28; S 1/2 NW 1/4 & SW 1/4, Section 17,

all in T8S-R2E

This Application No. 1789-2 will be considered by the Water Management Board at

Sturolite Inn, Brookings, South Dakota upon the 7th day of October, 1981

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

cc: Edwin Benton
Edgemont SD 57735

BETTY WESTLUND
Water Rights Specialist

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

No. 1789-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Fall River) ss.

I, Charles Najacht hereby
certify that the annexed printed copy of Notice of intent to Appropriate
Water was taken from the Hot Springs Star

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

September 23, 1981

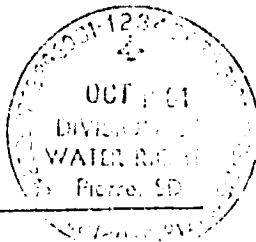
September 30, 1981

Charles Najacht
(Signature)

Publisher
(Title)

September 30, 1981
(Date Signed)

Cost of Printing: \$19.22



353
NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501
September 15, 1981
Notice is hereby given Edwin
Benton whose post office address
is Edgemont, South Dakota, has
made an application in accor-
dance with the provisions of
SDCL 46-1-1 thru 46-1-9, 46-1-14;
46-2-9 thru 46-2-13, 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 2.6
cubic feet of water per second of
time from dry draws through the
Benton Irrigation Project, the
point of diversion of which is to
be located in the NE 1/4 NW 1/4,
Section 7; NW 1/4 SW 1/4 and SE 1/4
SW 1/4, Section 17 all in Twp. 8S,
Range 2E. Said water to be used
for the purpose of providing
irrigation on portions of the
following described land:
SE 1/4, Section 7; E 1/2 NE 1/4,
Section 18; S 1/2 NW 1/4 and SW 1/4,
Section 17, all in T8S-R2E.
This Application No. 1789-2 will
be considered by the Water
Management Board at Staurolita
Inn, Brookings, South Dakota
upon the 7th day of October,
1981 at 11 A.M. The Board is
authorized to make a determina-
tion 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-exam-
ine 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. Deci-
sions of the Board may be
appealed to the Courts as pro-
vided by law.

Any handicapped person wish-
ing to attend this hearing can
contact the Water Rights
Division, DWR, Joe Foss Build-
ing, Pierre SD, prior to the
hearing date for assistance to
assure access to the hearing.
WATER MANAGEMENT BOARD
BETTY WESTLUND
Water Rights Specialist

Sept 23, 30

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8434

PIERRE, August 24, 1931

RECEIVED OF Edwin Denton, RR, Box 13, Edgemont SD 57735

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

Fee for Application for Permit to Appropriate Water No. 21288-2 (examination, processing, recording and filing)	275	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	275	00

WATER RIGHTS COMMISSION

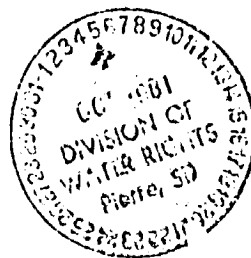
By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH (kw)

ANGOSTURA IRRIGATION DISTRICT

P. O. BOX 145
ORAL, SOUTH DAKOTA 57766

October 1, 1981

Betty Westlund
Water Rights Specialist
Water Management Board
Joe Foss Building
Pierre, South Dakota



Dear Madam:

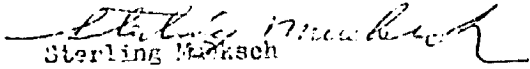
The Board of Directors of Angostura Irrigation District, along with the member Water Users of the District, hereby make known their objections to an application to appropriate water by Edwin Penton, Edgemont, South Dakota (Application No. 1789-2) for 2.6 cfs from dry draws.

The Board and the Water Users on the project feel that this or any further water rights on the Cheyenne River and its tributaries above Angostura Dam and Reservoir should be denied because there are so many rights now in force, and the inflow at Angostura Reservoir seems to indicate that little, if any water is available.

The Angostura Irrigation District, through the Bureau of Reclamation, has a right to one (1) filling of the Reservoir each year, which fell considerably short in the 1981 season and feel that any more rights issued further jeopardizes the water supply to the Water Users on the project.

The present elevation of the Angostura Reservoir is extremely low, and without substantial inflows in the spring, only approximately fifty per cent (50%) of the allotments on the project are available for the 1982 season.

Sincerely,


Sterling Madsen
President
Board of Directors

cc: Mr. Gerald Brunskill, Chief
O & M Branch
Pierre, South Dakota

(605) 773-3352
Water Rights Division

No. 1789-2

October 20, 1981

Edwin Benton
Edgemont, SD 57735

Dear Mr. Benton:

Enclosed herewith is your Water Right Permit No. 1789-2 as approved by the Water Management Board authorizing you to construct your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 1789-2.

The Board will schedule an inspection so that your Certificate of Construction and/or Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH/bt
Enclosure

STATE OF SOUTH DAKOTA

DIRECT VOUCHER

Do not use this space.

AGENCY VOUCHER No.	DATE
6656	7/20/86

PAYEE • Edwin Denton
Edgemont, SD 57735DEPT. • WATER & NATURAL RESOURCES
Water Rights
• Foss Bldg.
Pierre, SD 57501STAPLE
HERE

AGENCY •

ADDRESS •

Agency	Fund	Sub Fund	Prog. Act.	Obj. Sub. Obj.	Agency Coding	Amount	Contract No.
							1
							2
							3
							4
							5
							6
							7
							8
							9
							10
TOTAL						22	

Auditor Cont. # 003186
Warrant # 81008310

NOTE: Vendors invoice must be attached.

Invoice No.(s)	Date Delivered	QUAN.	DESCRIPTION OF SERVICE OR COMMODITY	UNIT PRICE	AMOUNT	MEMO
			Return fee for Water Rights Application. He applied for a Vested Right, but it should have been a regular application. Receipt #4 7532		13.00	
TOTAL					13.00	

I declare and affirm under the penalties of perjury that this claim has been examined by me, and to the best of my knowledge and belief is, in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to non-discrimination in Federally assisted programs.

Claimant Signature Jim Winterton

Date

AGENCY VERIFICATION

I hereby certify that the within account is just and true, and that no part of the same has been paid, and the same is hereby approved.

DIVISION APPROVAL JIM WINTERTON, Director in Charge

APPROVAL SIGNATURE

DATE

AUTHORIZED AGENT

DATE

Water Rights Division - DWR
Telephone Reference Sheet

NAME OF PERSON (Called/Calling): Edwin Benton
ADDRESS: Edgemont, SD COUNTY: Fall River
DATE: May 20, 1982 TELEPHONE: _____
RE: Inspection of system for Permit No. 1789-2

COMMENTS:

Mr. Benton stated his system was completed and ready for inspection.

I indicated to him the inspection would be made as soon as the engineer
doing inspections could get into the area. Burt indicated he thought
LeRoy/^{or Jim}would probably be in Fall River county sometime late this summer.

I indicated this to Mr. Benton and told him he would be contacted at
that time.

File in Permit file when necessary. Use to make a record of conversations and what the other party was told.

NAME: Shirley Young



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 1789-2

June 29, 1984

Edwin Benton
Edgermont, RR-Box 19
South Dakota 57735

Dear Mr. Benton:

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. 1789-2, 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,

Karen Schlaak

KAREN SCHLAACK
Administrative Aide

NOTE: On form of payment, please include the number of the water permit.
This insures proper handling of the fee.

July 5-84
Please find enclosed my check in the amount of \$50.00 as required. Sincerely Edwin Benton

DWNR-814 8/83

RECEIPT

Division of Water Rights

No 4 9702

South Dakota Department of Water and Natural Resources

Pierre, July 9, 1914

RECEIVED OF Edwin Benton, RR, Box 19, 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 works 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. 1789-2		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____	50	00
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer JOHN HATCH (ms)

State of South Dakota
Water License No. 1789-2

(1) Edwin Einton
of RR, Box 19, Edgemont, South Dakota 57735
made Application No. 1789-2 August 20, 1981 for a water permit to appropriate
2.60 cubic feet per second of water from dry draws
Fall River County, South Dakota for Irrigation purposes.
Permit No. 1789-2, with a priority date of August 20, 1981
was approved October 7, 1981 and issued to applicant(s) for diversion of water with construction of the described
water supply system ~~to be~~ completed ~~on or before~~ and for the application to beneficial use of said
water ~~on or before~~

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 2.60 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is on Tubbs Ditch between a point 350'S
and 400'W of the NE Corner of the NW $\frac{1}{4}$ Section 7, T8S, R2E and a point 650'N and
1750'E of the SW Corner of Section 17, T8S, R2E

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in T8S, R2E

Section 7 NW1SE1 2 Acres (DB)

NE1SE1 5 Acres (DA)

SE1SE1 3 Acres (DD)

Section 18 NE1NE1 5 Acres (AA)

SE1NE1 8 Acres (AD)

Section 17 SW1NW1 40 Acres (BC)

SE1NW1 35 Acres (BD)

NW1SW1 28 Acres (CB)

NE1SW1 40 Acres (CA)

SE1SW1 16 Acres (CD)

TOTAL 132 ACRES

(4) Pursuant to §46-5-30.1 Edwin Benton
of RR, Box 19, Edgemont, South Dakota 57735
the holder(s) and/or owner(s) of Water Permit No. 1789-2 is issued a license to appropriate water, the right to use
2.60 cubic feet per second of water from dry draws with a priority date
of August 20, 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. 1789-2 and subject
to South Dakota State Law.

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

JOHN HATCH

July 10, 1984

Permit No. 1789-2Upper Cheyenne Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Edwin
Benton of Edgemont, S.D. holder of
 Permit No. 1789-2, bearing the priority of August 20 1981 authorizing
 the diversion of 2.6 cu. ft. per second of the waters of Dry draws
 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: Tubbs ditch collects the water from the dry draws. this ditch runs along the base of the hill for a distance of approximately 2 miles
- B. Works used to transport water to place of use:
The Tubbs ditch
- C. Works used to apply water to beneficial use: 10", 12" & 15" diameter pipes placed in the Tubbs ditch allow the water to flow from the ditch onto the flat lands

The system is in the following condition: good

The point of diversion is located on Tubbs ditch between a point 350' S and 400' N of the NE corner of the NW¹ section 7, T8, R2 and a point 650' N and 1750' E of the SW corner of section 11, T8, R2

The works are capable of diverting and conveying to the place of use 2.6cu. 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: NW¹SE¹ - 2 ac., NE¹SE¹ - 5 ac., ESE¹SE¹ - 3 ac. all in sec. 7, T8, R2; NE¹NE¹ - 5 ac. & SE¹NE¹ - 8 ac. all in sec. 18, T8, R2; SW¹NW¹ - 10 ac., SE¹NW¹ - 35 ac., NW¹SW¹ - 28 ac., NE¹SW¹ - 40 ac., and SE¹SW¹ - 15 ac. all in sec. 17, T8, R2E.

comprising a total of 182 acres of land and the license should be issued for 2.6 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date June 20, 1984

Edwin D. Brog PE
 (signature)
Hydrologist

No. 1789-2

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

July 10, 1984

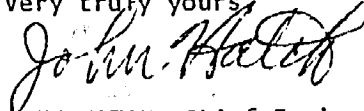
Edwin Benton
RR, Box 19
Edgemont, South Dakota 57735

Dear Mr. Benton:

Enclosed herewith is, Water License No. 1789-2. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

Enclosures

WNR-817 3/83
Transmittal of Water License

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

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

Water Rights Division
605 773-3352

October 17, 1984

NOTICE TO SUBMIT IRRIGATION QUESTIONNAIRE

422-2

FR/UC

EDWIN BENTON
RR BOX 18-19
EDGEMONT
SD 57735

S

The 1984 Irrigation Water Use Questionnaire(s) and a postage paid return envelope are enclosed. Water Management Board Rules require the Irrigation Questionnaire(s) to be submitted each year. Please complete the enclosed questionnaire(s) as accurately as possible and return by November 26, 1984.

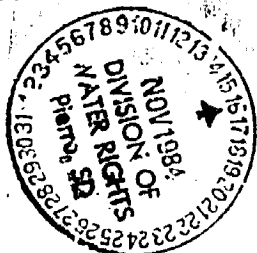
If you have multiple permits, you may receive more than one questionnaire. Complete the questionnaire for each water permit or water right. If you are unable to do so, complete one and return all questionnaires. Make any necessary corrections to your mailing address. If you no longer own the land that a water permit or water right pertains to, indicate this on the bottom of the questionnaire(s) and return the questionnaire(s) to this office. Be sure to include the new owner's name and mailing address.

Irrigation water use data is very valuable. Actual water use from an aquifer or stream helps the Board determine if additional water permits can be approved. Returning the questionnaire also establishes a record of water use. And provides excellent documentation of South Dakota's rights and claims to water when dealing with downstream States.

If you have any questions, or need assistance in completing the form, please contact us.

For the Water Management Board,

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division



JH:ks

enclosures

*Dear Sirs I also own a water permit 1789-2
for which I have not received a questionnaire
This permit was approved in Oct 7, 1981
a short time ago received great water time, but
have mislaid it I would appreciate it if I could
have a copy of same. Edwin Benton*

Water Rights Division
605 773-3352

November 19, 1984

1789-2

Edwin Benton
RR, Box 19
Edgemont SD 57735

Dear Mr. Benton:

This letter will acknowledge receipt of your 1984 Irrigation Questionnaire and your request for information pertaining to Water Right No. 1789-2. You indicated you had misplaced your copy of Water License No. 1789-2, enclosed is an additional copy.

In regard to your inquiry concerning the Irrigation questionnaire for Water Right No. 1789-2, a questionnaire was not sent for this particular water right. The water use system authorized under Water Right No. 1789-2 is classified as a water spreading system. Measuring water use by water spreading systems usually can not be done and submission of a questionnaire is not required for these types of systems.

If you have any questions, please contact us.

Sincerely,

GENNY MCNATH
Natural Resources Analyst

GM:ks

enclosures

662-7370

1789-2

Dakota Department of Water & Natural Resources

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

October 8, 1987

NOTICE TO SUBMIT IRRIGATION QUESTIONNAIRE

422-2
EDWIN BENTON
RR BOX 19
EDGEMONT
SD 57735

FR/UC

The 1987 Irrigation Water Use Questionnaire(s) and a postage paid return envelope are enclosed. Water Management Board Rules or water permit qualifications require the Irrigation Questionnaire(s) to be submitted each year. Please complete the enclosed questionnaire(s) as accurately as possible and return by November 30, 1987.

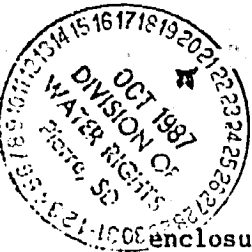
If you have multiple permits, you may receive more than one questionnaire. If you are unable to complete the questionnaire for each water permit or water right, complete one and return all questionnaires. Make any necessary corrections to your mailing address. If you no longer own the land irrigated under a water permit or water right include the new owner's name and mailing address on the bottom of the questionnaire(s).

Actual irrigation water use from an aquifer or stream helps the Board determine if additional water permits can be approved. Returning the questionnaire also establishes a record of water use, and provides excellent documentation of South Dakota's rights and claims to water when dealing with downstream States.

If you have any questions, or need assistance in completing the form, please contact us.

For the Water Management Board,

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



enclosure

I have not received questionnaires and other water permits I have please forward me questionnaires following as perich to report

1789-2
1717-2

Edwin Benton
R.R. Box 19, Edgemont, SD
57735

L

Water Rights Division - DWR
Conversation or File Documentation

File No. 1717-2

1789-2

NAME OF PERSON OR FILE: Edwin Benton
ADDRESS: RR Box 19, Edgemont, SD 57735 COUNTY Fall River
DATE: October 21, 1987 TELEPHONE 662-7370
RE: Irrigation Questionnaires for Water Right Nos. 1717-2 & 1789-2

COMMENTS:

Mr. Benton inquired when returning an irrigation questionnaire for 422-2 why he had not received questionnaires for 1717-2 and 1789-2. I called him to explain why. The two systems under these water rights are classified as waterspreading systems. Waterspreading systems have no way to measure the water they use and therefore, we do not require questionnaires to be filed on these.

He wanted to make sure that if he did not file questionnaires on these that he would not lose them. I indicated to him that not submitting questionnaires for these would in no way affect his water rights. I told him he would still receive a questionnaire each year for 422-2.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

4/82

NAME: Lenny McMath

FARRELL, FARRELL & GINSBACH

LAWYERS

441 NORTH RIVER STREET
HOT SPRINGS, SOUTH DAKOTA 57747

Martin P. Farrell
Jane M. Farrell
Patrick M. Ginsbach

(605) 745-5161

November 17, 1987

South Dakota Dept. of Water and
Natural Resources
ATTN: John Hatch
Water Rights Division
Joe Foss Building
Pierre SD 57501



RE: Water Licenses and Permits #422-2 and #1789-2

Dear Mr. Hatch:

Ed Benton, Edgement, South Dakota, recently sold most of his ranch to Edward C. Reutter and Wanda L. Reutter.

Mr. Benton would like to transfer the above two numbered water rights to Edwrd and Wanda Reutter.

I am enclosing quite a number of instruments relating to these two permits.

Please return any of the enclosed documents that you do not need. However, I am including the Contract Agreement and Revocation of Instruments so that if you so desire, you can check the description of the real property and certain information contained in paragraph one of the Contract Agreement and Revocation of Instruments.

Please send me such instruments as may be necessary for either the Owner or the Buyers to sign.

Please let me know the amount of the fee for doing this.

Sincerely,

Martin P. Farrell

MARTIN P. FARRELL

MPF/re

Enclosure

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

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

605 773-3352

422-2

1789-2

December 2, 1987

Martin P Farrell
Farrell, Farrell & Ginsbach
441 North River Street
Hot Springs, SD 57747

RE: Water Right Nos. 422-2 & 1789-2, Edwin Benton

Dear Mr. Farrell:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 422-2 and 1789-2. I understand from your letter of November 17, 1987, that the land covered under these water rights are now owned by Edward and Wanda Reutter.

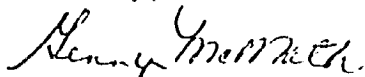
The enclosed forms should be signed by the new owners in the presence of a notary public. Upon completion of the forms, please forward them to our office with a required filing fee of \$2.50 each (total of \$5.00).

South Dakota Water Law 46-54-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

I am returning the documents you forwarded to us. These copies are not required for filing a transfer of ownership.

If you have any questions, please contact me.

Sincerely,

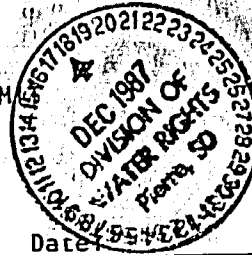


GENNY MCMATH
Natural Resources Analyst
605 773-3352

encl

NO. 1789-2

NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

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

182 acres - N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7; E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 18; S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and
SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, T8S, R2E

formerly owned by Edwin & Ethel Benton, Edgemont, SD 57735

has been transferred to EDWARD C. REUTER & WANDA L. REUTER ^{AS JOINT TENANTS} Box 59 Edgemont, S.D. 57735
(please include complete mailing address)

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

Water Right Permit No. 1789-2 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
County of FALL RIVER) ss.

EDWARD C. REUTER and WANDA L. REUTER being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Edward C. Reuter
Wanda L. Reuter
(Signed)

Subscribed and sworn to before me this 11th Day of DECEMBER, 1977.

W. P. Farrell
(Notary Public)
W. P. FARRELL, NOTARY PUBLIC
MY COMMISSION EXPIRES
April 1, 1990

WNR-820-9/83

Notice of Transfer of Water Permit

RECEIPT

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

411108

Pierre, December 18, 1987, 19

RECEIVED OF Edward/Wanda Reutter, HCR 59 Box 90, 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 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 1789-2 _____	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH MS

1789-2

**Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 501-3181

WATER RIGHTS DIVISION
(605) 773-3352

December 22, 1987

Edward & Wanda Reutter
HCR 59, Box 90
Edgemont, South Dakota 57735

Dear Mr. & Mrs. Reutter:

Enclosed are receipt Nos. 411108 and 411109 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 1789-2 and 422-2.

Our records now show you as the owner of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

South Dakota Department of
Water & Natural Resources

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

May 11, 1989

NOTICE

422-2, 1789-2

TO: Edward Reutter
HCR 59, Box 90
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 Nos. 422-2 and 1789-2. The priority date for your water rights 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 3,182.7 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).



South Dakota Department of Water & Natural Resources

Boe Foss Building
333 East Capitol
Pierre, South Dakota 57501-3181

March 19, 1990

1789-2
422-2

NOTICE

TO: Edward/Wanda Reutter
HCR 59, Box 90
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 Nos. 422-2 and 1789-2. 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

422-2
1789-2

NOTICE

TO: Edward Reutter
HCR 59, Box 90
Edgemont, SD 57735

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

Delvin W. Brosz

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

422-2
(1785-2)

RESCISSION OF SHUTOFF ORDER

TO: Edward Reutter
HCR 59, Box 90
Edgemont, SD 57735

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

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

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

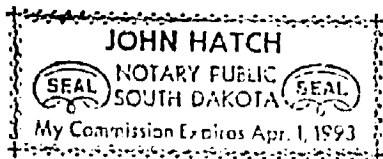
If you have any questions, please contact Mark Rath or Del Brosz (605) 773-3352.

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Cheryl F. Frost
Secretary

Sworn to, before me, this 26th day of March, 1992.

John Hatch
Notary Public





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

March 25, 1992

422-2
1789-2

NOTICE

TO: EDWARD/WANDA REUTTER
HCR 59 BOX 90
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 Nos. 422-2, 1789-2 which are junior in priority to Water Right No. USE79-2 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	PERMIT	STATUS
657-1		A & T CATTLE CO	TOM LANDERS	ST RT	HOT SPRINGS	SD	57740		
108-2	RICHARD	ANDERSON	A CHAD ANDERSON	BOX 52 BOX 18	FICKMONT	SD	57735		
1616-2	IRENE R	ANDERSON		BOX 52 BOX 20	FICKMONT	SD	57735		
196-2		B & M RANCH INC	B F CHILDERS	PO BOX 123	FICKMONT	SD	57735		
536-2		BALL BROS		BOX 417	FICKMONT	SD	57735		
1995-2	LESTER J	BARTLEY		BOX 740	FICKMONT	SD	57735		
1993-2	NICK/MICHAEL	BOGNER	ANTON BOGNER JR	HC 45 BOX 24	OFFERTCHS	SD	57763	1734-2	
755-2		BRAINERD INDIAN SCHOOL			BOX SPRINGS	SD	57747		
658-2	WAYNE F	CHILDERS		BOX 59 BOX 1A	FICKMONT	SD	57735		
616-2	V L	CHILDERS		BOX 123	FICKMONT	SD	57735		
654-2	OSCAR	COPF			OFFERTCHS	SD	57763		
1226-2	JOHN	DECFRING		SR 1 BOX 136	LUSK	WY	82225		
561-2	HAROLD F	DODSON		BOX 59 BOX 5A	FICKMONT	SD	57735	1410-2	
2058-2	EDROY/BERTRA	DODSON		HC 48 BOX 248	PRIMO	SD	57774		
1985-2	DAVID M	DUNBAR		RR BOX 32	OFFERTCHS	SD	57763		
284-2		HAID BROTHERS, INC.	CARL P HAID, PRES	BOX 40 BOX 5	OFFERTCHS	SD	57763	1635-2	
621-2	HEFMAN	HECK		BOX 441	FICKMONT	SD	57735		
560-2	DARRELL E	HEFMAN		BOX 402	FICKMONT	SD	57735		
1979-2	JOHN R	HENDERSON	ATT 265	5141 INDIAN RIVER	LAS VEGAS	NV	89103		
1769-2	JOHN W	HENRY		BOX 276	ARMORE	SD	57715		
179-2	HENRY C	HOLLINGBECK		HEWLEY ROUTE	FICKMONT	SD	57735		
1593-2		HU RANCH INC	SD CORPORATION	BOX 59 BOX 102	FICKMONT	SD	57735		
250-2	DARREL D	HUNTER		BOX 11	ARMORE	SD	57715		
1641-2	JAMES/PATRICIA	JOHNSTON		HC 68 BOX 7	LAKEVIEW	NE	68351		
18770-2	JIM	KANE		BOX 124	PRIMO	SD	57774		
763-2	CARL	KASLOTT	ATT 207	PLANT HOTEL	CHARLON	NE	68937		
2626-2	JOHN W	KOLTER		BOX 115	FICKMONT	SD	57735		
666-2	A J	LANDERS	STAR CATTLE CO	BOX 1598 BOX 52	HOT SPRINGS	SD	57747		
1540-2	R L/ALLEN	LAWRENCE		BOX 159	TIoga	ND	58552		
676-2	MELVIN	LUE			HOT SPRINGS	SD	57747		
1775-2	JOHN (DEJACK)	MANAF	(ESTATE)	RR 71 BOX 1750	HOT SPRINGS	SD	57747		
11447-2	FRANKIE	MARTINSON		BOX 261	FICKMONT	SD	57735		
285-2	ARLITH M	MULAIN		BOX 164	OFFERTCHS	SD	57763		
610-2	PAUL L	NEFFERD, JR		BOX 45 BOX 22	PRIMO	SD	57774		
1973-2	A J	NELSON		BROAD'S STAGE	MILLS CITY	MT	59301		
2015-2		PETERSON & SON, INC		BOX 59 BOX 16	FICKMONT	SD	57735		
1946-2	PAUL A JEAN	PETTY	A NOREEN PETTY	BOX 52 BOX 136	HOT SPRINGS	SD	57747/9003		
1716-2	MELVIN	PORTER		W40 RT BOX 17	FICKMONT	SD	57735		
715-2	DONALD	PUTNAM		BOX 182	OFFERTCHS	SD	57763	2043-2	
1646-2	GLENN	REASER		HC 45 BOX 48	OFFERTCHS	SD	57763		
622-2	EDWARD/MANDA	REUTTER		BOX 59 BOX 90	FICKMONT	SD	57735	1763-2	
222-2	CHANCE/MAUREL	REYNOLDS		BOX 59 BOX 28	FICKMONT	SD	57735	234-2	
602-2	OLIVER W	ROMF		BOX 175	OFFERTCHS	SD	57763		
718-2	VERNON	SCHNOSE		ST RT BOX 155	HOT SPRINGS	SD	57747	1700-2	
1642-2		SEYER RANCH INC		BOX 95	OFFERTCHS	SD	57763	611-2	1947-2
927-2	BERNARD D	SIMONS		BOX 361	FICKMONT	SD	57735		
1732-2	ROBERT/MARK	TURBS		BOX 563	FICKMONT	SD	57735		
1019-2		WAR BONNET RANCH LTD	BOX 132	105 E 5TH ST	MURDO	SD	57559		
122-2	VINCENT M	WASSERBURGER		BOX 83	ARMORE	SD	57715	853-2	2115-2



1789-2

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

March 12, 1993

422-2
1789-2

NOTICE

TO: EDWARD/WANDA REUTTER
HCR 59 BOX 90
EDGEMONT, SD 57735

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

Delvin H. 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 Nos. 422-2 and 1789-2 are authorized. Your water rights are junior in priority to the US Bureau of Reclamation Water Right No. 579-2 (April 11, 1941 priority date). The Bureau of Reclamation water right for the Angostura Irrigation District allows one annual fill of the reservoir.

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

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

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

cc: US Bureau of Reclamation
Angostura Irrigation District

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

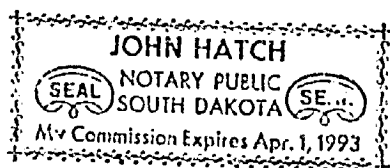
Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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

John Hatch

Notary Public





1789-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 14, 1993

422-2
1789-2

RESCISSION OF SHUTOFF ORDER

TO: EDWARD/WANDA REUTTER
HCR 59 BOX 90
EDGEMONT, SD 57735

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

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

1789-2

FROM: Stukel, James

TO: Best, Diane
Gronlund, Eric
Hatch, John

DATE: 05-06-93
TIME: 06:48

CC:
SUBJECT: Fall River Matter
PRIORITY: R
ATTACHMENTS:

The problem with soil sampling was cleared up yesterday afternoon, per
response to our letter. FYI

JS

=====



April 30, 1993

Edward & Wanda Reutter
HRC 59 Box 90
Edgemont, SD 57735

Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, 445 East Capitol
Pierre, South Dakota 57501-3185
Phone 605/773-3258



John Hatch
1789-2

Dear Mr and Mrs Reutter,

Per your discussions with Dale Anderson, a member of the Irrigation Program staff, on the evening of Tuesday, April 27th. Please find enclosed a copy of the Soil and Water Compatibility Permit in question, 2937-FR, issued to Edwin Benton in 1981. Related dates and information are the Water Permit #1789-2 was issued in 1981, inspected and licensed in 1984, and transferred to Ed and Wanda Reutter in 1987. Irrigation suspension has occurred on several years due to low water levels at Angostura.

In the authority of issuing a Soil and Water Compatibility Permit, the Department of Agriculture is given the responsibility of protecting the soils of the State from long term or permanent damage through irrigation. Under SDCL 46-5-6.4, the department of Agriculture may gather at any time technical information necessary to protect the land.

In view of the letter dated March 22, 1993, and the previously scheduled sampling cancelled due to snow, we question your sudden denial allowing us access to take the soil samples. We also believe by denying us access to secure these soil samples you have violated your soil and water compatibility permit, and there are various actions which we may pursue relative to a violation. We may pursue the suspension of permit, the cancellation of permit, a civil penalty of \$500 dollars a day or class 2 misdemeanor in a violation.

Because of the gravity of this situation we request that you reconsider your decision of the evening April 27, 1993 and notify this office immediately to prevent our pursuing these corrective actions.

Sincerely

James L. Stukel

James L. Stukel
Irrigation Program Administrator

CC: D. Best
R. Stone
J. Hatch
D. Anderson

STATE CONSERVATION COMMISSION
401 E. 10TH
S.D.

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM
STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

1789-2
Office Use Only
2937FR

OWNER NAME: Edwin Banton OWNERS ADDRESS: Edgecombe
S.D. 57235
LAND LOCATED IN: Mill River PHONE: 662-7370
OWNER'S NAME AND ADDRESS (If Other Than Owner): _____

When dealing with State Soil Water Lab, 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 the permit within 6 months of receipt of such water permit.

Legal Description of Land (To Nearest 10 Acres)
NE 1/4 Sec. 24 SW 1/4 Sec. 17, T.8, R.2
ESTIMATE WATER QUANTITY: dry draw water irrigation
TOTAL AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST accompany THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
NE 1/4 Sec. 24 SW 1/4 Sec. 17, T.8, R.2	2	SW 1/4 NW 1/4 - 17, T.8, R.2	40
NE 1/4 Sec. 24 SW 1/4 Sec. 17, T.8, R.2	5	SE 1/4 NW 1/4 - 17, T.8, R.2	35
SE 1/4 Sec. 24 SW 1/4 Sec. 17, T.8, R.2	3	NW 1/4 SW 1/4 - 17, T.8, R.2	28
NE 1/4 Sec. 24 SW 1/4 Sec. 17, T.8, R.2	5	NE 1/4 SW 1/4 - 17, T.8, R.2	40
SE 1/4 Sec. 24 SW 1/4 Sec. 17, T.8, R.2	8	SE 1/4 SW 1/4 - 17, T.8, R.2	16
TOTAL IRRIGATION: _____ GRAVITY: _____ TOW LINE: _____ CENTER PIVOT: _____ GUN: _____ OTHER: _____ (Specify) _____			182 ac.

LAND TO BE IRRIGATED: grass
DOES ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
LEGAL DESCRIPTION: _____
PREVIOUS NAME: _____

WATER QUALITY (TO BE COMPLETED BY SOIL WATER QUALITY LABORATORY)

1. WATER SAMPLE NUMBER: _____
2. SALINITY (EC 1:25): _____
3. SULFIDE (PPM): _____
4. AMMONIA (PPM): _____

dry draw

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 _____ a.m./p.m., on _____, 19____, at the following location: _____
(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

20 DAY OF August, 1981
Walter Peterson
(Notary Public) 215

Edwin Banton
APPLICANT'S SIGNATURE

L. M. J. J.
Director, Division of Conservation

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.

APPROVED _____
DISAPPROVED _____
X CONDITIONALLY APPROVED
AUG 21 1981
South Dakota
Division of Conservation

1789-2

REC. MONT/FORM
4/81

OPTIONAL

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT EDWIN BENTON

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

THE SOIL(S) LISTED BELOW CAN BE IRRIGATED WITH THE FOLLOWING RESTRICTIONS:

WATER SPREADING SYSTEM

WATER SPREADING SYSTEM.

LA 1-2/4. IT IS FURTHER CERTIFIED THAT THE ABOVE-
STATED INFORMATION IS TRUE AND CORRECT TO THE BEST OF THE APPLICANT'S KNOWLEDGE AND BELIEF.
AND ON MICROFILM WHICH WILL BE FURNISHED BY THE DIVISION OF CONSERVATION.
PRODUCTS, REDUCTION OF THE SOILS LISTED BELOW CAN BE IRRIGATED WITH THE FOLLOWING RESTRICTIONS:
THE SOIL(S) LISTED BELOW CAN BE IRRIGATED WITH THE FOLLOWING RESTRICTIONS:

1789-2

NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

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

132 acres: N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7; E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 18; S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and
SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, T2S, R2E

formerly owned by Edwin & Ethel Benton, Edgemont, SD 57735

is now transferred to Edwin & Ethel Benton, Edgemont, SD 57735
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1789-2 as provided for in SDCL 46-5-32 and 46-5-33.

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

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees
as required under SDCL 46-7-13.

STATE OF SOUTH DAKOTA)

County of Butte) ss.

I, Edwin & Ethel Benton, being first duly sworn on my oath depose and say:
that the relation to the above described undertaking is that of Owner, that I have read
the above foregoing statement, and I know of my own personal knowledge that the infor-
mation herein stated is true.

(Signed)

Subscribed and sworn to before me this 17th Day of December, 1957.

Notary Public
(Notary Public)
BY COMMISSION EXPIRES
April, 1958

WMS-1789-2-53

Notice of Transfer of Water Permit

STATE OF SOUTH DAKOTA

MICROFILM CERTIFICATE OF AUTHENTICITY

THIS MICROFILM COPY OF THE ABOVE DOCUMENT IS A TRUE AND CORRECT COPY OF THE ORIGINAL DOCUMENT AS IT APPEARS IN THE ORIGINAL RECORD OF THE OFFICE OF THE STATE ARCHIVIST, SOUTH DAKOTA, AND IS A TRUE AND CORRECT COPY OF THE ORIGINAL DOCUMENT AS IT APPEARS IN THE ORIGINAL RECORD OF THE OFFICE OF THE STATE ARCHIVIST, SOUTH DAKOTA.

25

16

11/90

Edwin & Ethel Benton



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 15, 1995

422-2

1789-2

NOTICE

TO: EDWARD/WANDA REUTTER
HCR 59 BOX 90
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 Nos. 422-2 and 1789-2 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



1789-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 26, 1995

422-2

1789-2

RESCISSION OF SHUTOFF ORDER

TO: EDWARD/WANDA REUTTER
HCR 59 BOX 90
EDGEMONT, SD 57735 9710

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

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: EDWARD C/WANDA L REUTTER
HCR 59 BOX 90
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. 540-2, 422-2, 1789-2

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.



1789-2

**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: EDWARD C/WANDA L REUTTER
HCR 59 BOX 90
EDGEMONT SD 57735

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

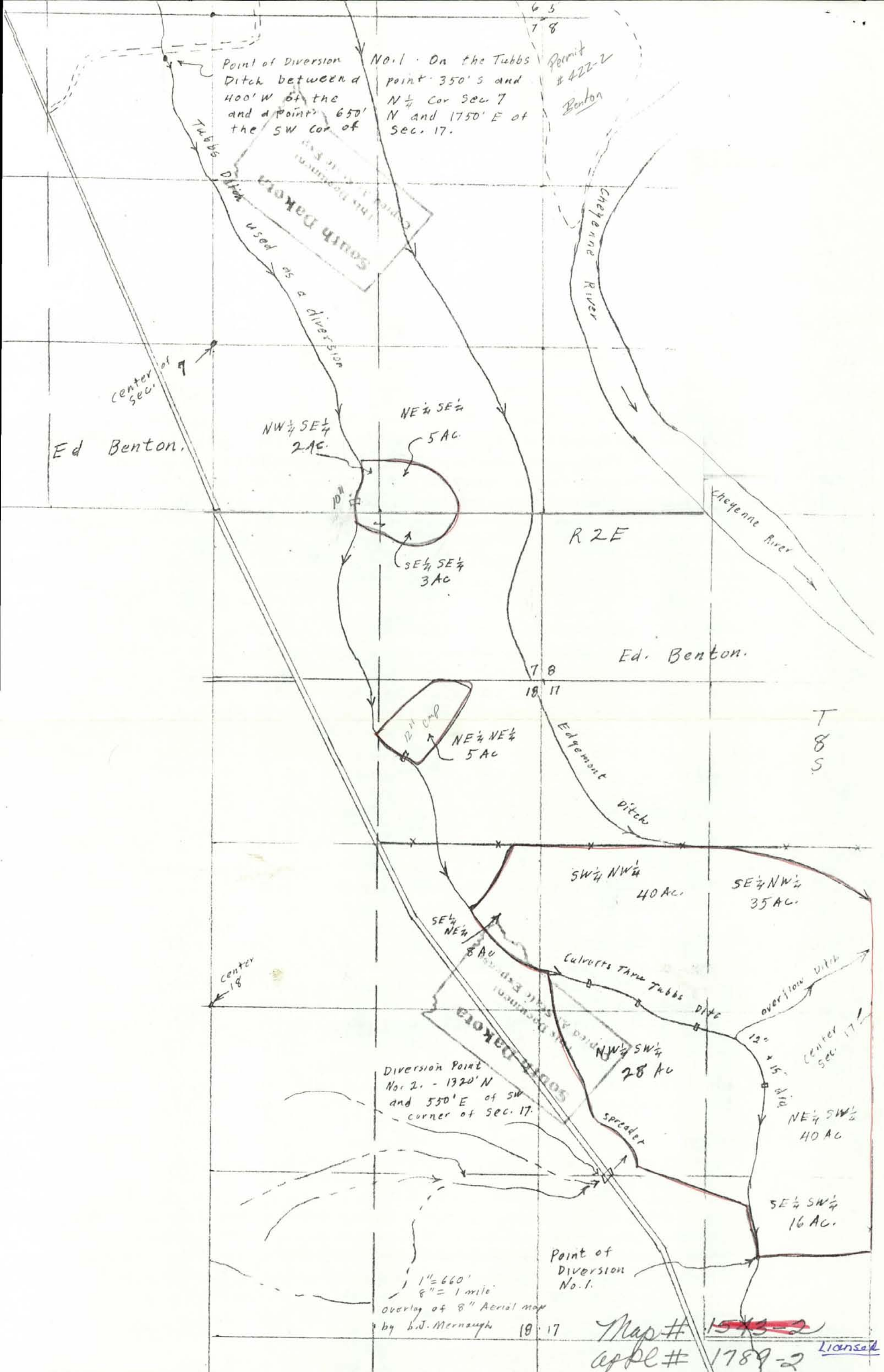
SUBJECT: Shutoff Order for Junior Priority Date Water Rights Upstream of
Angostura Dam

Shutoff Order for Water Right Nos. 540-2, 422-2, 1789-2

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.





IN REPLY REFER TO:

DK-700
PRJ 13.00

1789-2
United States Department of the Interior

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

FEB 24 2006



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

RECEIVED
FEB 27 2006
WATER RIGHTS
PROGRAM

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: EDWARD C/WANDA L REUTTER
HCR 59 BOX 90
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. 540-2, 422-2, 1789-2

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: EDWARD C & WANDA L REUTTER
HCR 59 BOX 90
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. 540-2 422-2 1789-2

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: EDWARD C/WANDA L REUTTER
HCR 59 BOX 90
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. 540-2, 422-2, 1789-2

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:

EDWARD/WANDA REUTTER
HCR 59 BOX 90
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. 1789-2, 422-2, 540-2

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

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 06, 2013

NOTICE OF SHUTOFF ORDER

TO: EDWARD/WANDA REUTTER
HCR 59 BOX 90
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. 1789-2 540-2 422-2**

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:

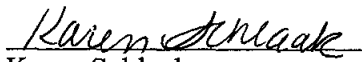
LAST_NAME	FIRST_NAME	ADDRESS2	CITY	STATE	ZIP
INDIAN CREEK CATTLE LLP		32296 190TH ST	SLEEPY EYE	MN	56085
INDIAN CREEK LAND & CATTLE LLC		PO BOX 538	EDGEMONT	SD	57735
WEINREIS BROTHERS		230908 HIGHLAND RD	SCOTTSBLUFF	NE	69361
SEGER RANCH INC		RR 1 BOX 100A1	HOT SPRINGS	SD	57747
REUTTER	EDWARD/WANDA	HCR 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

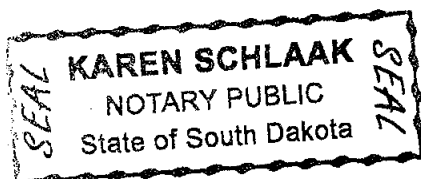
SCHNOSE	VERNON	12685 MAITLAND RD	HOT SPRINGS	SD	57747
SEABECK	DORIS SEABECK & THOMAS	2533 PARK AVE	LARAMIE	WY	82070
SIMONS	BERNARD D	BOX 381	EDGEMONT	SD	57735
TUBBS LAND & CATTLE LLC		10891 RIVER RD	EDGEMONT	SD	57735
WALKER	FRED S & CYNTHIA K	30301 CASCADE RD	ARDMORE	SD	57735
WYOMING DAKOTA RAILROAD PROPERTIES INC	WAYNE F	120 S 6TH ST - 9TH FLOOR	MINNEAPOLIS	MN	55402


 Gail Jacobson
 Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
 COUNTY OF HUGHES)

Sworn to, before me, this 6th day of March, 2013.


 Karen Schlaak
 Notary Public
 My Commission expires April 1, 2013





**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: EDWARD/WANDA REUTTER
HCR 59 BOX 90
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). 1789-2

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.