

## TRANSFER OF LANDS ON EXISTING PERMITS

1. Considered: April 7 JUNE 9, 19 82 Water Right No. 1806-2
2. Name of Applicant Cow Creek Ranch % Glendon E. Shearer
3. Post Office Address Wall, 57790 INCLUDES 745-3
4. Amount of Water Claimed No Add'l (15.67) maximum acre feet 1130-2 & 1230-2
5. Source of Water Supply Cheyenne River and watersheds (dam)
6. Water to be used for IRR acres to be irrigated 1097.00
7. County Pennington about SE, 11 N miles of WASTA
8. PROOF OF PUBLICATION: Received 5/28/82 Not Received \_\_\_\_\_
- APPLICATION: Approved 6/9/82 Subject to CR-IQ
- Not Approved \_\_\_\_\_ Action Deferred \_\_\_\_\_
- 4-7-82 NO EVIDENCE OF PUBLICATION - NO ACTION - READVERTISED

PRIORITY Dated Received 1/21/82 Application complete-yes \_\_\_\_\_ no \_\_\_\_\_ FEE \_\_\_\_\_

Remarks to delete lands under previous permits and replace with portions of the following

Old Priorities SE $\frac{1}{4}$  SW $\frac{1}{4}$ : W $\frac{1}{2}$  SE $\frac{1}{4}$ : E $\frac{1}{2}$  SE $\frac{1}{4}$ : NE $\frac{1}{4}$ , Sec 6; W $\frac{1}{2}$ W $\frac{1}{2}$  Sec 5-T3N-15E and SE $\frac{1}{4}$  Sec 3-4N-15E

Corrected Application received \_\_\_\_\_ Period of Annual Use March/October

WATER  
QUALITY

Received yes 3/5/82 no \_\_\_\_\_ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application yes no \_\_\_\_\_ Remarks \_\_\_\_\_

Disapproved \_\_\_\_\_ Returned \_\_\_\_\_

|  |  |  |  |  |  |
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|  |  |  |  |  |  |

Diversion Point  
Cheyenne River  
on Bella Fourche River between points in  
SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec 24-3N-14E and NE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec 6-3N-15E  
and a dam in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 18-3N-15E

Land to be irrigated \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

WELL LOG Driller \_\_\_\_\_ Licensed - yes \_\_\_\_\_ no \_\_\_\_\_

Depth \_\_\_\_\_

Remarks \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MAP Map No. 1550-2 Map located in Water Right \_\_\_\_\_ Map file \_\_\_\_\_  
 Type of Map drawn Prepared by Mernaugh

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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:

3/3/82

Deely Westlund (S)  
 (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 \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



No. 1806-2

Map No. 1550-2 Water Division No. 2 East Cheyenne District  
Above for Office Use 1012011

**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 X Additional Acreage         

1. Name of Applicant Cow Creek Ranch, %Glendon E Shearer Phone No.           
Post Office Address          Wall          State South Dakota 57790  
(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         

4. Amount of water claimed (cubic feet per second) 4.28 cfs from 1934, 5.25 cfs from Dec 11, 1972  
8.7 cfs from Jan 10, 1975 (max of 15.67 cfs)

5. Source of water supply Cheyenne River and watersheds above project

6. Location of point of diversion on right bank of Cheyenne River between points "A" 1320 ft S  
of N Sec line of Sec 24, T3N, R14E and Point "B" where Cheyenne crosses N Sec line of  
Sec 6, T3N, R15E. Point "C" 750 ft N and 650 ft W of County Pennington  
SE corner Sec 18, T3N, R15E

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

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 1097

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. |
|--------------------|----------------|------------------|----------------|
| see attached sheet |                |                  |                |
|                    |                |                  |                |
|                    |                |                  |                |
|                    |                |                  |                |

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 PENNINGTON COUNTY  
COURANT

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.  
PUMPS & motors, dams

NOTE: Applicable portions of Permits No. 745-2, 1130-2 and 1230-2 will be incorporated into this Water Permit.

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

C. Works proposed to apply water to beneficial use.  
gravity, flood & furrows

Estimated Total Cost \$         

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

STATE OF SOUTH DAKOTA )  
County of Pennington ) ss.

I, Glendon Shearer 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 Glendon E Shearer

Subscribed and sworn to before me this 21<sup>st</sup> day of October, 1981

Larry L Graham  
Notary Public (or other qualified officer)

Commission Expires 4-22-85

246-1  
279-17



# WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1806-2

COW CREEK RANCH

(Applicant)

% GLENDON E. SHEARER - WALL

(Post Office Address)

SOUTH DAKOTA 57790

(State)

With the following qualifications.

"PARTIAL VESTED RIGHT" Claimed

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.

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

The applicable portions of Permit Nos. 745-2, 1130-2 and 1230-2 have been incorporated into this Water Permit No. 1806-2

Date of first receipt of application January 21, 1982

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

Date of receipt of corrected application -, 19-

Approved June 9, 1982, Recorded in Book - Page -

WATER RIGHT PERMIT NO. 1806-2

The Water Management Board hereby grants and issues this Water Right Permit No. 1806-2 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 4.28 cfs from 1934; 5.25 cfs from December 11, 1972 and 8.70 cfs from January 10, 1975 (Max. 15.67 cfs), 19-
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before 10, 19-
3. The whole of said work is to be completed on or before 10, 19-
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is completed 10, 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 15.67 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 thru October

Witness my hand this 12th day of July, 1982

THE WATER MANAGEMENT BOARD

By:

John Hatch  
Chief Engineer, Water Rights  
JOHN HATCH

Certificate of Construction Issued -

Water License Issued -

December 20, 1982  
December 20, 1982

## COW CREEK RANCH

% Glendon Shearer

acres

|                                                     |    |
|-----------------------------------------------------|----|
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 31, T4N, R15E | 8  |
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ "                 | 3  |
| SW $\frac{1}{4}$ SE $\frac{1}{4}$ "                 | 23 |
| SE $\frac{1}{4}$ SE $\frac{1}{4}$ "                 | 21 |

|                                                     |   |
|-----------------------------------------------------|---|
| SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 32, T4N, R15E | 4 |
|-----------------------------------------------------|---|

|                                                    |    |
|----------------------------------------------------|----|
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 6, T3N, R15E | 23 |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ "                | 32 |
| SE $\frac{1}{4}$ NE $\frac{1}{4}$ "                | 25 |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ "                | 11 |
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ "                | 35 |
| SE $\frac{1}{4}$ SW $\frac{1}{4}$ "                | 3  |
| SW $\frac{1}{4}$ SE $\frac{1}{4}$ "                | 38 |
| SE $\frac{1}{4}$ SE $\frac{1}{4}$ "                | 16 |

|                                                    |    |
|----------------------------------------------------|----|
| NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 5, T3N, R15E | 13 |
| SW $\frac{1}{4}$ NW $\frac{1}{4}$ "                | 14 |
| NW $\frac{1}{4}$ SW $\frac{1}{4}$ "                | 9  |

|                                                    |    |
|----------------------------------------------------|----|
| NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 7, T3N, R15E | 8  |
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ "                | 40 |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ "                | 5  |
| SE $\frac{1}{4}$ NW $\frac{1}{4}$ "                | 5  |
| SW $\frac{1}{4}$ NE $\frac{1}{4}$ "                | 32 |

|                                                    |    |
|----------------------------------------------------|----|
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 7, T3N, R15E | 32 |
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ "                | 16 |
| SE $\frac{1}{4}$ SW $\frac{1}{4}$ "                | 9  |
| SW $\frac{1}{4}$ SE $\frac{1}{4}$ "                | 39 |
| SE $\frac{1}{4}$ SE $\frac{1}{4}$ "                | 23 |

|                                                     |    |
|-----------------------------------------------------|----|
| NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 18, T3N, R15E | 3  |
| NE $\frac{1}{4}$ NW $\frac{1}{4}$ "                 | 33 |
| SW $\frac{1}{4}$ NW $\frac{1}{4}$ "                 | 30 |
| SE $\frac{1}{4}$ NW $\frac{1}{4}$ "                 | 40 |
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ "                 | 40 |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ "                 | 36 |
| SW $\frac{1}{4}$ NE $\frac{1}{4}$ "                 | 40 |
| SE $\frac{1}{4}$ NE $\frac{1}{4}$ "                 | 40 |
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ "                 | 40 |
| SW $\frac{1}{4}$ SW $\frac{1}{4}$ "                 | 38 |
| SE $\frac{1}{4}$ SW $\frac{1}{4}$ "                 | 27 |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ "                 | 40 |
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ "                 | 40 |
| SW $\frac{1}{4}$ SE $\frac{1}{4}$ "                 | 33 |
| SE $\frac{1}{4}$ SE $\frac{1}{4}$ "                 | 18 |
| NW $\frac{1}{4}$ SW $\frac{1}{4}$ "                 | 39 |

acres

|                                                     |   |
|-----------------------------------------------------|---|
| SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 17, T3N, R15E | 3 |
| NW $\frac{1}{4}$ SW $\frac{1}{4}$ "                 | 9 |

|                                                     |    |
|-----------------------------------------------------|----|
| NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 19, T3N, R15E | 10 |
|-----------------------------------------------------|----|

|                                                     |    |
|-----------------------------------------------------|----|
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 13, T3N, R14E | 6  |
| SE $\frac{1}{4}$ SE $\frac{1}{4}$ "                 | 20 |

|                                                     |    |
|-----------------------------------------------------|----|
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 24, T3N, R14E | 25 |
|-----------------------------------------------------|----|

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TOTAL 1,097 acres

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Permit No. 1806-2Water Division 2 East Cheyenne Water District

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

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Cow Creek Ranch.

of Glendon E. Shearer of Wall, S. Dak. 57790 holder 4.28 cfs From 1934; 5.25 cfs From Dec. 11, 1972  
of Permit No. 1806-2, bearing date of priority of 8.7 cfs. From Jan 10, 1975 (max. 15.67 cfs)

authorizing the diversion of 15.67 cu. ft. per second of the waters of Cheyenne River + Watersheds Above Project  
for Irrigation purposes, in Pennington County.

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

The Water Use System consists of,

A. Works used to divert the water: Motor = GE 60 HP, 1775 RPM.Pump = Cornell Model 6NW60-40 pumps. 3000 gpmMotor = GE - 40 HP - 1755 RPM. Pump = Cornell 6NW40-4 - pumps 2000 gpmPump = Cristofalli. 16" Outlet Ser# 5357. Pumps. Est. 5,000 gpm

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

Irrigation Supply Ditches600' - 10" Alum Mains2 1/2 Miles 10" Gated Pipe

C. Works used to apply water to beneficial use.

Gated Pipe, Borders, Furrows, + FloodThe system is in the following condition: Good

The point of diversion is located On Rt Bank of Cheyenne River Between Points "A" 1320'S  
of N Sec Line of Sec. 24, T3N R14E and Point "B" where Cheyenne Crosse N. Sec.  
line of Sec. 6, T3N R15E, Point "C" 750' N and 650' W of Sec. 18, T3N R15E

The works are capable of diverting and conveying to the place of use 30.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: \_\_\_\_\_

See Attached Sheet.comprising a total of 1097 acres of land.License for 15.67 cfs.

Pt. C. Diversion point. (Dam)

Freeboard 4.4 ftTop width 8 ftHeight 30 ft.Slopes 3:1 & 2.5:1Length 300'Spillway 390'Water depth 8.0 ft.Surface Ac. 13.3Storage 53. Ac ft.10" Siphon.2415 Ac. WatershedRiver water pumped  
into dam at timesDate June 22, 1981LeRoy L. Mernaugh  
(Signature)

D. Well Information

- (1) Drill Hole, Diameter \_\_\_\_\_, Depth \_\_\_\_\_
- (2) Casing, Type \_\_\_\_\_, Diameter \_\_\_\_\_, Thickness \_\_\_\_\_  
(wood, concrete, steel, etc.)
- (3) Screen, Type \_\_\_\_\_, Diameter \_\_\_\_\_, Length \_\_\_\_\_
- (4) Gravel Pack, Thickness \_\_\_\_\_, Length of gravel pack \_\_\_\_\_

E. Dugout Information or Estimates

- (1) Surface dimensions, \_\_\_\_\_, Depth \_\_\_\_\_

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

- (1) Water Bearing Materials. (Attach a copy of test well log)

Depth to top of water bearing material \_\_\_\_\_

Depth to bottom of water bearing material \_\_\_\_\_

Depth to water (ground surface to water level) \_\_\_\_\_

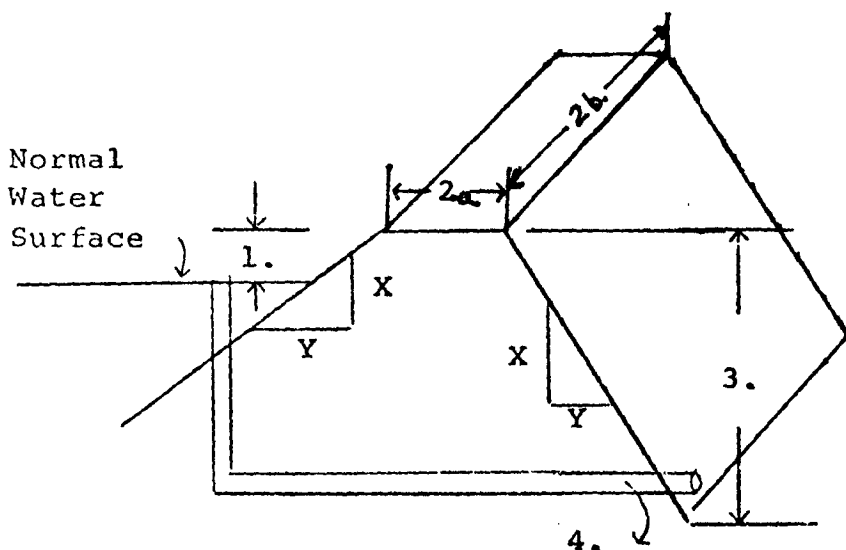
- (2) Distance to nearest existing household or livestock watering well.

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, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



1. Freeboard 4.4'
- 2a Crest width 8' b. length 300'
3. Height of Dam 30'
4. Outlet dimensions:  
Pipe diameter 10" siphon  
Spillway width 390'
- X & Y slope:  
Upstream 3:1  
Downstream 2.5:1  
Surface area of impoundment 13.3 Ac  
Drainage area above dam 2415 Ac

*The dam has silted in a lot and will hold water about 8' deep*

WATER LICENSE NO. 1806-2

(1) WHEREAS, On the 21st day of January A. D. 1982  
Cow Creek Ranch

made Water Right Application No. 1806-2 for a permit to use 15.67 cubic feet per second of the waters of the Cheyenne River and watershed's above project  
County of Pennington, State of South Dakota, for Irrigation  
purposes; and

(2) WHEREAS, On the 9th day of June A. D. 1982  
Permit No. 1806-2, with a date of priority of 1934, December 11, 1972 and January 10, 1975  
was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the day of A. D. 1982 and for the application to beneficial use of said water on or before the day of A. D. 1982

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 15.67 cubic feet per second of water for beneficial use and,

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

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Cow Creek Ranch, c/o Glendon Shearer

\_\_\_\_\_ of Wall, South Dakota 57790  
\_\_\_\_\_ of 1806-2 a water right, dating from 4.28 cfs from 1934; 5.25 cfs  
~~from December 11, 1972 and 8.70 cfs~~  
from January 10, 1975 \_\_\_\_\_ to use of 15.67 cubic feet per second of the waters  
of the Cheyenne River and Watershed's above project

in the County of \_\_\_\_\_ and State of South Dakota, or so much thereof as may be necessary for the  
purposes hereinbelow mentioned, to be diverted on Right Bank of Cheyenne River between points "A" 1320's  
of N Section line of Section 24, T3N, R14E (BD); and point "B" where Cheyenne crosses N  
Section line of Section 6, T3N, R15E (BA); point "C" 750' N and 650'W of SE Corner,  
Section 18, T3N, R15E (DD)

and conducted to and upon portions of Section 31 & 32, T4N, R15E; Sections 5, 6, 7, 17,  
18 and 19, T3N, R15E and Sections 13 and 24, T3N, R14E more fully described in the  
attachment to this License.

\_\_\_\_\_ Irrigation  
for the purpose of \_\_\_\_\_

Subject to any limitations listed in Water Right Permit No. 1806-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota  
this 20th day of December A. D.  
Eighty-Two  
Nineteen Hundred and \_\_\_\_\_

WATER MANAGEMENT BOARD

By:

John Hatch  
Chief Engineer, Executive Officer JOHN HATCH

Permit No. 1806-2

Water Diversion No. 2 Upper Cheyenne Water District

10120111

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Cow Creek Ranch

the holder of

Permit No. 1806-2, issued upon Application No. 1806-2, bearing date of priority of 4.28 cfs from 1934;  
5.25 cfs from Dec. 11, 1972 (max 15.67cfs)  
8.70 cfs from Jan. 10, 1975 authorizing the diversion of 15.67 cu. ft. per second of the waters of  
Cheyenne River Watershed's /above project Pennington, State of South Dakota at X on  
Right Bank of Cheyenne River between points "A" 1320'S of N Section line of  
Section 24, T3N, R14E (8D); and point "B" where Cheyenne crosses N Section line  
of Section 6, T3N, R15E (8A); point "C" 750'N and 650'W of SE Corner, Section 18,  
T3N, R15E (DD) for Irrigation

purposes, has S complied with the provisions of the laws of the State of South Dakota relating to proof of  
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory  
condition for diverting and conveying to the place of intended use 30.00 cu. ft. per second of water.

Date December 20, 1982

  
JOHN HATCH, Chief Engineer  
Water Rights Division

December 12, 1980

Glendon E Shearer  
Wall, SD 57790

Dear Mr. Shearer:

On April 28, 1980, I checked your Permit No. 1130-2 as well as the Jim Bloom and Lavon Shearer Permit No. 1230-2, for final inspection in order that the permits could be licensed. You showed me all that was being irrigated and it also included the Jim Bloom and Lavon Shearer Vested Right Permit No. 745-2. When I plot the area being irrigated against that which the permits covered, I find that there are areas being irrigated that are not covered under a Permit. In order to comply with the South Dakota Water Laws, it will be necessary to submit an application to cover that area not on the present permits. Enclosed is a map which shows the area in red that you are irrigating, as was shown to me on the inspection. The areas under the permits are shown on the map. The cross hatched area is that which needs to be covered under a permit.

In order to accomplish the problem, all three permits can be combined into one new permit and all old priority dates will be retained for each of the permits. Or maybe you would like to have two permits with one being from the center of Section 7 north on one and south of this line on the other. Your name is on Permit 1130-2 and Jim Bloom and Lavon Shearer are on the other two.

If you will let this office know how you want to make the new application, I will fill out the forms for you and then send them to you for corrections or changes and fees before we process the application. In order to obtain a little more accuracy, if you could get a copy of the aerial map of each section involved from the ASCS Office and outline the irrigated area and send it to me, it will be beneficial to you and our office also.

If you have any questions regarding the matter, please feel free to contact this office.

Sincerely,

LeROY J MERNAUGH  
Water Resources Engineer

LJM/gy

encl

# RECEIPT

## WATER RIGHTS COMMISSION

State of South Dakota

No 4 8666

PIERRE, January 22, 1982

RECEIVED OF Cow Creek Ranch, a Glendon S. Smeader, Wall, South Dakota 57796

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

|                                                                                                                |      |    |
|----------------------------------------------------------------------------------------------------------------|------|----|
| Fee for Application for Permit to Appropriate Water No. 1806-2 (examination, processing, recording and filing) | 1.00 | 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                                                                                                          | 1.00 | 00 |

WATER RIGHTS COMMISSION

By John Hatch  
Chief Engineer, Executive Officer  
JOHN HATCH, ms

CONDITIONAL

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE  
DIVISION OF CONSERVATION

NAME OF APPLICANT Glendon E. Heurer - Cow Creek Ranch  
See Attachment For Legal Description 1,097 acres

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

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

RECOMMENDED MANAGEMENT

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SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION  
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

Office Use Only

OWNERS NAME: Clendon E. Shearer OWNERS ADDRESS: Wall, South Dakota 577  
Dow Creek Ranch

COUNTY LAND LOCATED IN: Pennington PHONE: \_\_\_\_\_

TENANT'S NAME AND ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

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: Additional acreage not covered under previous permit

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: Chayenne River Dry Run

| Legal Description | Acres | Legal Description | Acres |
|-------------------|-------|-------------------|-------|
| <u>meadow</u>     |       |                   |       |
|                   |       |                   |       |
|                   |       |                   |       |

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED \_\_\_\_\_

LEGAL DESCRIPTION: \_\_\_\_\_

IN WHAT NAME: \_\_\_\_\_

4. LOCATION OF AREA TO BE IRRIGATED NOTE: **SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)**

5. TYPE OF IRRIGATION: GRAVITY: ☒ TOWLINE: \_\_\_\_\_ CENTER PIVOT: \_\_\_\_\_ GUN: \_\_\_\_\_ OTHER: \_\_\_\_\_ (Specify) \_\_\_\_\_

6. CROPS TO BE IRRIGATED: \_\_\_\_\_

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

7. WATER SAMPLE NUMBER: Chayenne River

8. SALINITY (EC X 10<sup>6</sup>): 1750

9. SODIUM (SAR): 2.0

10. ADJUSTED (SAR): 5.5



I hereby certify that I personally obtained or that I personally observed that 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

5 DAY OF May, 1982

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

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 RIGHT must be obtained from the Board of Water Management, Foss Building, Pierre.

\_\_\_\_ APPROVED

\_\_\_\_ DISAPPROVED

\_\_\_\_ CONDITIONALLY APPROVED





# 1806-2

# Department of Water & Natural Resources

Joe Foss Building  
Pierre, South Dakota 57501

WATER RIGHTS DIVISION

(605) 773-3352

April 14, 1982

Glendon Shearer  
Cow Creek Ranch  
Wall, South Dakota 57790

Dear Mr. Shearer:

This will notify you that the Water Management Board took no action on your Application No. 1806-2, as no evidence of publication had been received from the paper.

If the paper published the notice, have them send in an affidavit of publication. If the notice was not published, it will have to be re-scheduled for the June meeting.

If you have any questions, feel free to contact this office.

Sincerely,

JOHN HATCH, Chief Engineer  
Water Rights Division

JH:BJ:ms

4-14-82

Mr. Shearer called and said it was his error in not calling the paper so it has to be re-advertised for June meeting. Mr. Shearer has been notified over the phone.

*Swenson*

This notice must be advertised for four weeks  
Publish first publication, on or before May 6, 1982

NOTICE OF HEARING ON  
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 20, 1982

Notice is hereby given Cow Creek Ranch whose post office

address is c/o Glendon Shearer, Wall, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 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, 46-5-25, 46-5-41 (ground) ~~46-6-9 thru 46-6-13, 46-6-6-1, 46-6-10, 46-6-13, 46-6-14, (future use) 46-5-38, (transfer lands)~~ 46-5-33 thru 46-5-35 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, (future use) ~~74:02:01:25 thru 74:02:01:28 (10,000 AFR) 74:02:01:01 thru 74:02:01:03~~, for a permit to appropriate for beneficial use

no additional cubic feet of water per second of time from the Cheyenne River and a dam through the Cow Creek Ranch Irrigation Project, the point (s) of diversion which ~~xx~~ (are) to be located <sup>on</sup> ~~xx~~ the Cheyenne River between points "A"-SE 1/4 NW 1/4, Section 24 T-3N, R-14E and "B"-NE 1/4 NW 1/4, Section 6, T-3N, R-15E and from a dam in the SE 1/4 SE 1/4

of Section 18, Twp. 3N, Range 15E. Said water to be used for purpose of providing irrigation ~~on portions of the following described land:~~

This application is to delete lands under previous permits and replace with portions of the following lands: NW 1/4 SW 1/4, SW 1/4 NW 1/4, Section 17; SE 1/4, E 1/2 SW 1/4,

NE 1/4 NW 1/4, Section 18; W 1/2 SE 1/4, E 1/2 NW 1/4, N 1/2 NE 1/4 Section 7; SE 1/4 SW 1/4 W 1/2 SE 1/4, E 1/2, SE 1/4 NE 1/4, Section 6; W 1/2 W 1/2, Section 5; T-3N, R-15E and SE 1/4, Section 31, T-4N, R-15E

This Application No. 1806-2 will be considered by the Water Management Board at

Meeting Room #1, Kneip Bldg. Church & Illinois, Pierre SD upon the 9th day of June, 1982.

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 Circuit Court and the State Supreme Court as provided by law.

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

For the Water Management Board

cc: applicant

BETTY WESTLUND, Water Rights Specialist

WNR-806-2/82

PUBLISHER'S AFFIDAVIT OF PUBLICATION

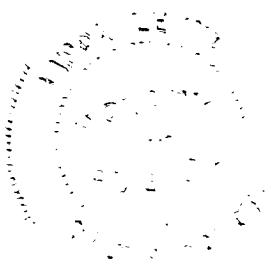
STATE OF SOUTH DAKOTA )  
 ) ss  
COUNTY OF PENNINGTON )

..... Les Ravellette ....., of said County and State, being  
duly sworn, on oath says: THE PENNINGTON COUNTY COURANT is a weekly newspaper  
of general circulation, printed and published in WALL, in said County and State and has  
been such newspaper during the times hereinafter mentioned; that the said PENNINGTON  
COUNTY COURANT is a legal newspaper and has been in existence for more than one year  
immediately preceding the first publication herein mentioned; and has more than 200 bona  
fide subscribers; that I, the undersigned, am .. Publisher..... of said  
newspaper, and in charge of the advertising department thereof, and have personal knowl-  
edge of all facts stated in this affidavit; and that the advertisement headed .....

..... Application to Appropriate Water ....., a printed copy of  
which is hereto attached, was printed, and published in said newspaper for .....<sup>4</sup>.....  
successive issues, the first publication being on the .. 28th .. day of ... April .....,  
82  
19..... and the last publication on the ... 20th .. day of ... May .....,  
82  
19.....; that \$ ..... 44.09 ..... being the full amount of the fee for publication of  
the annexed notice insures solely to the benefit of the publishers of the said newspaper; that  
no arrangement or understanding for a division thereof has been made with any person, and  
that no part thereof has been agreed to be paid to any other person whomsoever.

..... *Les Ravellette* .....

Subscribed and sworn to before me this. 21st... day of .... May .....,  
82  
19.....



..... *Sandra Sandy* .....  
Notary Public, Pennington County

No. 1806-2  
**NOTICE OF HEARING ON  
APPLICATION TO APPROPRIATE WATER**  
Pierre, South Dakota 57501  
April 20, 1982

Notice is hereby given Cow Creek Ranch  
whose post office address is c/o Glendon  
Shearer, Wall, South Dakota, has made an appli-  
cation in accordance with the provisions of SDCL  
46-1-1 thru 46-1-9; 46-1-12 thru 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, 46-5-25, 46-5-41, 46-5-33 thru 46-5-  
35 and Board Rules ARSD 74:02:01:01 thru  
74:02:01:15, for a permit to appropriate for  
beneficial use no additional cubic feet of water  
per second of time from the Cheyenne River and  
a dam through the Cow Creek Ranch Irrigation  
Project, the point (s) of diversion which are to be  
located on the Cheyenne River between points  
"A"-SE¼ NW¼, Section 24 T-3N, R-14E and

"B"-NE¼ NW¼, Section 6, T-3N, R-15E and  
from a dam in the SE¼ SE¼ of Section 18, Twp.  
3N, Range 15E. Said water to be used for  
purpose of providing irrigation. This application  
is to delete lands under previous permits and  
replace with portions of the following lands:  
NW¼ SW¼, SW¼ NW¼, Section 17; SE¼,  
E¼ SW¼, NE¼ NW¼, Section 18; W¼ SE¼,  
E¼ NW¼, N¼ NE¼ Section 7; SE¼ SW¼  
W¼ SE¼, E¼, SE¼ NE¼, Section 6; W¼  
W¼, Section 5; T-3N, R-15E and SE¼, Section  
31, T-4N, R-15E.

This Application No. 1806-2 will be considered  
by the Water Management Board at Meeting  
Room #1, Kneip Bldg., Church & Illinois, Pierre,  
SD upon the 9th day of June, 1982 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 rep-  
resented 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 Circuit Court and the State  
Supreme Court as provided by law.

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

For the Water Management Board  
BETTY WESTLUND,  
Water Rights Specialist  
Pub.: April 29, May 6, 13 and 20.



1806-2

Water Rights Division  
605 773-3352

December 20, 1982

Cow Creek Ranch  
% Glenison E Shearer  
Wall SD 57790

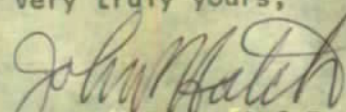
Dear Mr. Shearer:

Enclosed herewith are Water Permit and Water License No. 1806-2 and Certificate of Construction.

Water License No. 1806-2 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:ks

enclosures

# RECEIPT

## WATER RIGHTS COMMISSION

State of South Dakota

No 4 9103

PIERRE, January 12, 1906, 19

RECEIVED OF Glendon F. Shearer, Wall, SD 57790

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

|                                                                                                                     |    |    |
|---------------------------------------------------------------------------------------------------------------------|----|----|
| Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____ |    |    |
| Fee for inspecting Construction, and issuing Cert. of Construction No. <u>1906-2</u>                                | 50 | 00 |
| Fee for inspecting Beneficial Use, and issuing Water License No. <u>1906-2</u>                                      |    |    |
| 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 _____<br>(any other work as provided by law)                                                                |    |    |
| TOTAL                                                                                                               | 50 | 00 |

WATER RIGHTS COMMISSION

By John Hatch  
Chief Engineer, Executive Officer



# Department of Water & Natural Resources

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

Water Rights Division  
605 773-3352

March 7, 1984

## NOTICE

Dear Sir:

The Water Management Board has directed that all owners of Water Permits, not in compliance with the Permit qualification:

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

be notified of this requirement.

Our records show we have not received the 1983 Irrigation Questionnaire for your Permit. The Questionnaire was requested:

- 1) November, 1983 initial request
- 2) December, 1983 followup request

Owners of water permits not in compliance with the Irrigation Questionnaire qualification are being given until April 2, 1984 to submit the 1983 questionnaire. The Board will consider disciplinary action including possible suspension of the permit on April 25, 1984 at 10:30 am in Room 216, Joe Foss Building, 523 E Capitol, Pierre, SD for all permits without questionnaires returned by April 2.

Another questionnaire is enclosed. Please advise if there are any questions or if you believe our records are not correct.

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch".

JOHN HATCH, Chief Engineer  
Water Rights Division



# Department of Water & Natural Resources

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

March 19, 1984

1806-2

Cow Creek Ranch  
% Glendon Shearer  
Wall, South Dakota 57790

Dear Mr. Shearer:

This will acknowledge receipt of and thank you for the return of your 1983 Irrigation Questionnaire. A notice was sent to you March 7, 1984 regarding the Irrigation Questionnaire submittal violation of Water Right No. 1806-2 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 7, 1984. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions please contact us.

Very truly yours,

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

d31612ks.wr

*Equal Opportunity Employer*



# Department of Water & Natural Resources

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

March 26, 1986

NOTICE

Cow Creek Ranch  
Wall, SD 57790

Re: Violation of Water Permit No(s). 1806-2

Our records indicate that the 1985 Irrigation Questionnaire has not been received for Water Permit No(s). 1806-2. The request for the Questionnaire was dated November 13, 1985. The Water Management Board has directed that owners of water permits who have not submitted 1985 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1806-2 qualification:

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

The hearing(s) will be at 2:00 p.m., May 14, 1986, Joe Foss Building, Room 216, Pierre, South Dakota. The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 1806-2 until either the 1985 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Sincerely,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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

Note: If the questionnaire(s) is received in this office before the May 14 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



# Water & Natural Resources

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

May 20, 1986

## NOTICE OF AMENDMENT TO WATER PERMIT(s)

To: Cow Creek Ranch  
Wall,  
South Dakota 57790

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

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

SUBJECT: Amendment to Water Permit No(s). 1806-2

Pursuant to the provisions of the notice dated March 31, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No(s). 1806-2 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.



# Department of Water & Natural Resources

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

Attachment to Water Permit No. 1806-2

Pursuant to the provisions of the notice dated May 20, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No. 1806-2 to add the following qualification:

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

*Equal Opportunity Employer*

Water Rights Division - DWNR  
~~Conversation~~ or File Documentation

File No. 1806-2

NAME OF ~~PERSON~~ FILE: Cow Creek Ranch

ADDRESS: Wall COUNTY

DATE: August 22, 1986 TELEPHONE

RE: 1985 irrigation questionnaire

COMMENTS:

An irrigation questionnaire was not received from Cow Creek Ranch

in 1985-subsequently they were sent notice they were in violation

of their permit qualification. The notice dated March 26, 1986 to

Cow Creek Ranch was correct, the notice dated May 20, 1986 which

was the follow-up notice of the action the Board took, was in error.

They should have received a notice that they were suspended and

not a notice that the water right was amended.

Due to improper notification of the Board action to suspend, Water

Right No. 1806-2 was not suspended for the 1986 irrigation season.

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.

NAME: John H. Hatcher

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

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

September 2, 1987

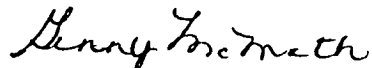
Jim Hollenbeck  
Farm Credit Services  
PO Box 3130  
Rapid City SD 57709

Dear Mr. Hollenbeck:

Enclosed are copies of the Water Licenses and maps for Water Right Nos. 769-2 (Gilbert Shearer) and 1806-2 (Cow Creek Ranch). I was unable to find much information on Vested Right No. 769-2. I hope the enclosed copies have the information you need.

If you need additional information or have any questions on the enclosed data, please contact us.

Sincerely,



GENNY MCMATH  
Natural Resources Analyst  
605 773-3352

enclosures



1806-2

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

MAR 19 1993

Cow Creek Ranch  
c/o Glendon E. Shearer  
HCR 3, Box 12  
Wall SD 57790

Dear Mr. Shearer:

The Water Management Board has validated the enclosed Vested Water Right Nos. 1805-2 and 745-2. These validations give legal status to the claim and are the final documents for your vested rights.

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

Very truly yours,

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

enclosure

1806-2

SOUTH DAKOTA

VESTED WATER RIGHT NO. 745-2 FOR IRRIGATION

Date of Receipt of Claim January 21, 1982.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 745-2 for irrigation purposes for Cow Creek Ranch, c/o Glendon E. Shearer, HCR 3, Box 12, Wall, South Dakota, 57790 with the following limitations, conditions and qualifications:

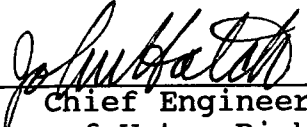
1. Vested Water Right No. 745-2 appropriates 4.28 cubic feet per second of water from the Cheyenne River to irrigate 300 acres. The points of diversion are located in the NE1/4, Section 24, T3N, R14E. The irrigated lands are located in the NW1/4, SW1/4 Section 18, T3N, R15E; SE1/4 Section 13, NE1/4 Section 24 all in T3N, R14E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: March 1 to October 31.
3. The priority date of the Vested Water Right is: January 1, 1934
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

This vested right is subject to the irrigation water use questionnaire being submitted each year.

The applicable portions of Permit Nos. 745-2, 1130-2 and 1230-2 have been incorporated into Water Right No. 1806-2.

WATER MANAGEMENT BOARD

By:  MAR 19 1993  
Chief Engineer date  
Division of Water Rights  
Dept. of Environment and Natural Resources

NOTE: Vested Water Right No. 745-2 is also included as part of Water License No. 1806-2 for a total of 15.67 cfs to irrigate 1,097 acres.

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

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

January 29, 1988

COW CREEK RANCH -Glendon Shearer  
HCR 3 BOX 12  
WALL, SD 57790

**NOTICE**

Re: Violation of Water Permit No(s). 1806-2

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 1806-2. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1806-2 qualification:

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

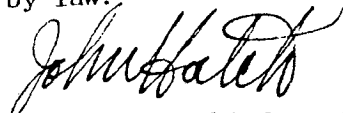
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 1806-2 until either the 1987 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.



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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



# Department of Water & Natural Resources

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

February 9, 1988

1806-2

Cow Creek Ranch  
HCR 3, Box 12  
Wall SD 57790

Dear Sir:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 1806-2 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style with some loops and flourishes.

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



1806-2

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 9, 1998

**NOTICE**

TO: COW CREEK RANCH, %GLENDON SHEARER, HCR 3 BOX 12, WALL, SD 57790

FROM: Ron Duvall, Natural Resources Engineer  
for John Hatch, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1806-2. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1806-2 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1806-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

**NOTE:** Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

on the reverse side?

**SENDER:**

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

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

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

Consult postmaster for fee.

**3. Article Addressed to:**

COW CREEK RANCH  
%GLENDON SHEARER  
HCR 3 BOX 12  
WALL SD 57790

**4a. Article Number**

119 141 201

**4b. Service Type**

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

**7. Date of Delivery**

1-20-98

**5. Received By: (Print Name)**

**6. Signature: (Addressee or Agent)**

X Glendon E Shearer

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

Is your RETURN A

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 26, 1998

1806-2

Glendon Shearer  
Cow Creek Ranch  
HCR 3 Box 12  
Wall, SD 57790

Dear Mr. Shearer:

I am writing to acknowledge receipt of your 1997 irrigation questionnaire. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit No. 1806-2.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath  
Environmental Scientist  
Water Rights Program  
(605) 773-3352

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

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

February 9, 1990

COW CREEK RANCH  
HCR 3 BOX 12  
WALL, SD 57790

**NOTICE**

RE: Violation of Water Permit No(s). 1806-2

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 1806-2. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1806-2 qualification:

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

The hearing will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Roosevelt-Jefferson Room, I-90 at LaCrosse, Rapid City SD.

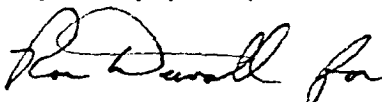
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 1806-2 until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire is received in this office before the March 7th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,



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



# Department of Water & Natural Resources

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

February 28, 1990

1806-2

Cow Creek Ranch  
HCR 3, Box 12  
Wall SD 57790

Dear Sir:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit No. 1806-2. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

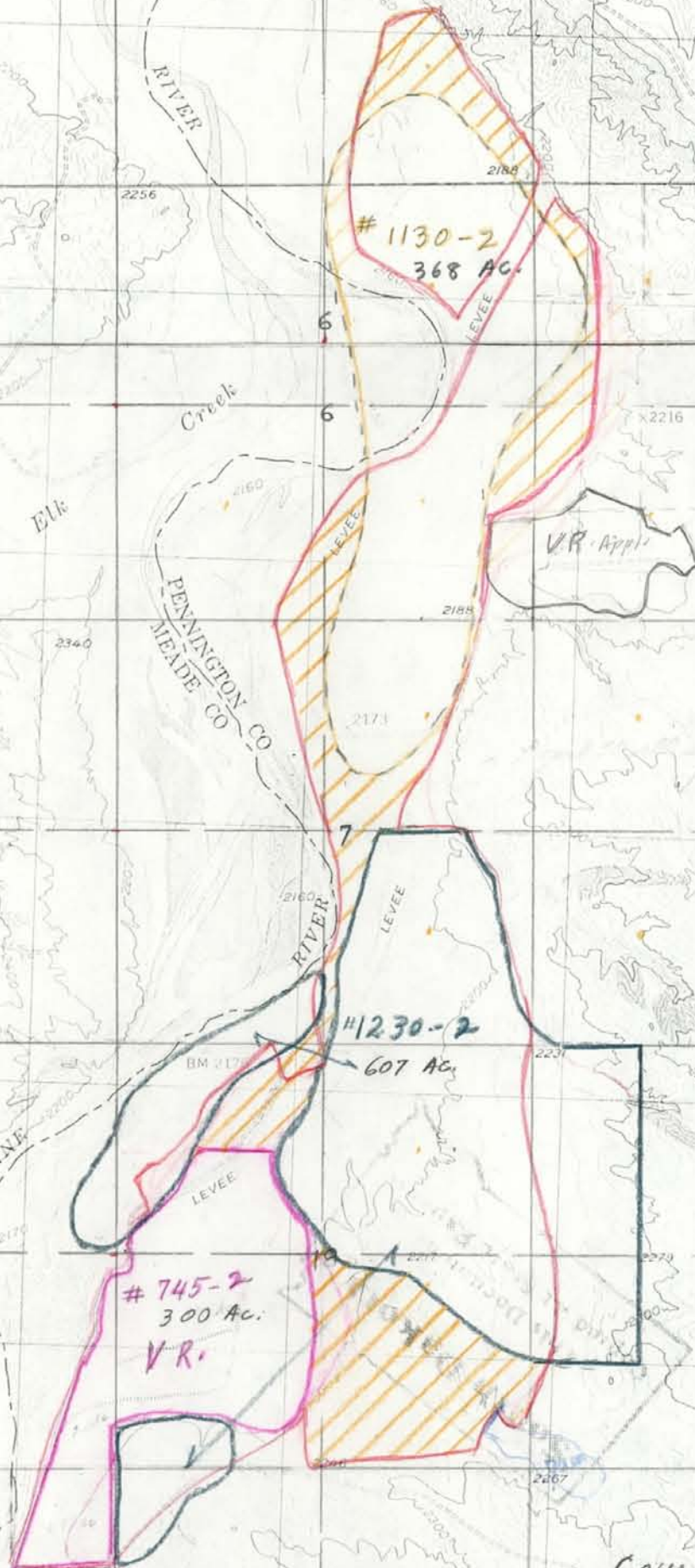
Sincerely,

*Ron Duvall /ks*

RON DUVALL  
Natural Resources Engineer  
Water Rights Division

R14E R15E

T4N  
T3N



Cow Creek Ranch  
To Glendon Shearer

Red Area Now Irr  
Purple = # 745-2  
Yellow = # 1130-2  
Green = # 1230-2

8-18-81

LeRoy Menough  
Water Resources Eng.

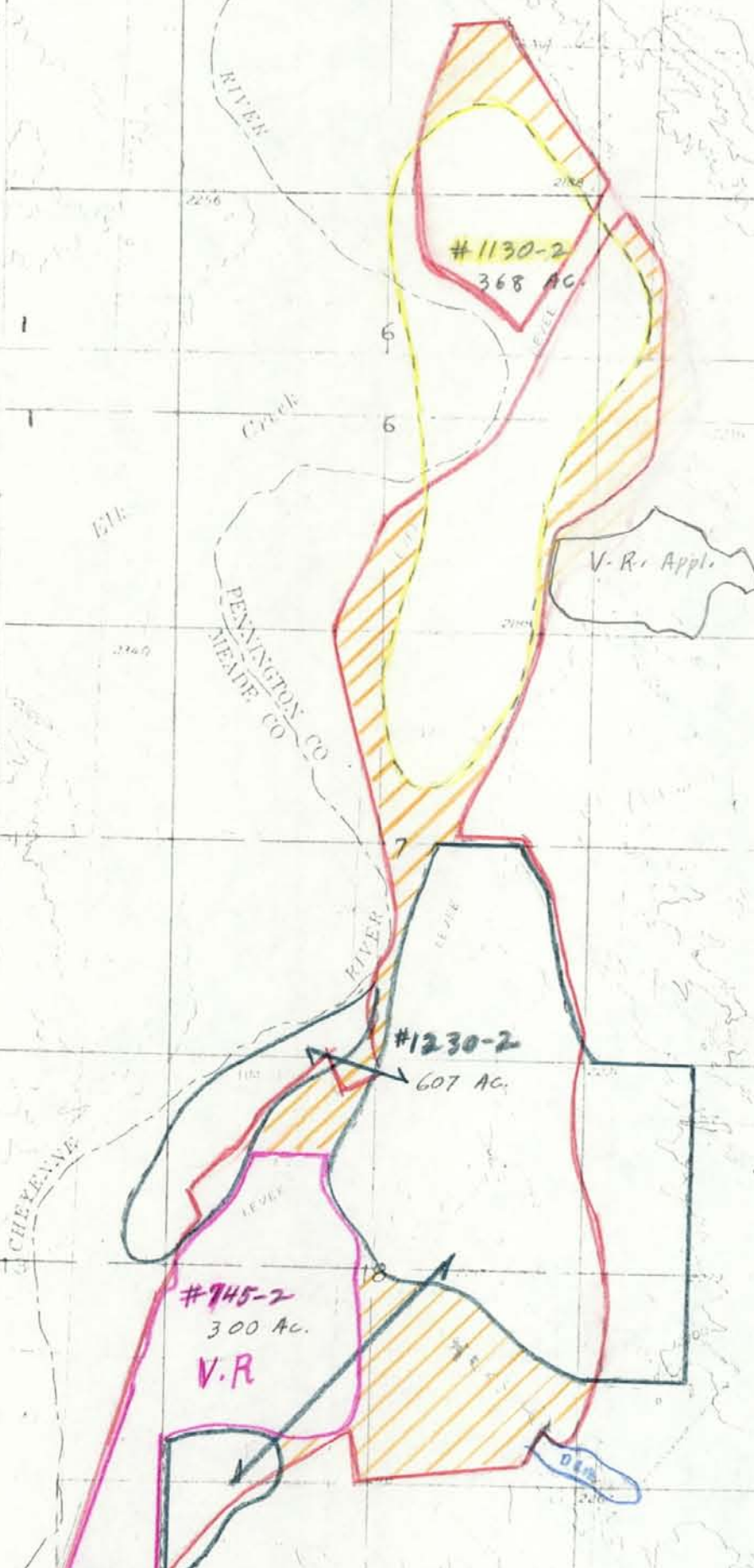
~~Map # 1550-2~~  
Appl # 1806-2

R14E R15E

400 FEET  
(SOUTH)

T  
4  
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T  
3  
S



Cow Creek Ranch  
To Glendon Shearer

Red Area Now Irr. 8-18-81  
Purple = # 745-2  
Yellow = # 1130-2  
Green = # 1230-2

DeRoy J. McManis  
Water Resources Eng.

Map # 1550-2  
Appl. # 1806-2

**WATER RIGHTS PROGRAM -- FILE DOCUMENTATION**

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**NAME & ADDRESS:** Glendon Shearer, 22025 Trask Rd, Wall SD 57790

**DATE:** December 19, 2005

**TELEPHONE:**

**RE:** Partial Vested Right No. 1806-2

**COMMENTS:**

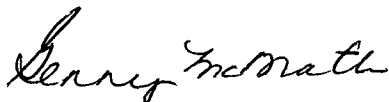
Partial Vested Water Right No. 1806-2 covers 1097 acres. Based on a previous conversation with Mark Rath concerning ownership of the land, I called and spoke with Mr. Shearer about irrigation of the land.

He indicated that he did not realize all the land was still listed in the name of Cow Creek Ranch until he was reviewing the legal descriptions on the 2005 irrigation questionnaire. He has been reporting irrigation each year on the portion he owns. He said the remainder of the land is owned by his brother and his dad and they have irrigated but did not have a form to complete.

We discussed dividing the water right to reflect separate ownership. He said it only needed to be divided two ways because his brother and dad operate their land jointly.

**RECOMMENDED ACTION:**

Send Mr. Shearer a "Notice of Transfer of Ownership" form and a copy of the water right. Between he and his brother & dad, they will file a transfer for the portion they own and then the water right will be divided into 1806A-2 and 1806B-2.



Genny McMath  
Environmental Scientist



December 20, 2005

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

1806-2

Glendon Shearer  
22025 Trask Rd  
Wall SD 57790

Dear Mr. Shearer:

Thank you for contacting us about the ownership change needed for portions of the water right listed in the name of Cow Creek Ranch.

Enclosed is a copy of Partial Vested Water Right No. 1806-2. If you would, please circle the lands and the diversion points that will be transferred to your brother and your dad. This will help when we divide the water right. It is my understanding that No. 1806-2 will only need to be divided two ways. No. 1806A-2 will describe the land you still own and No. 1806B-2 will describe the land your brother and your dad own.

Also enclosed is a partially completed "Notice of Transfer of Ownership" form. They should complete the form and then sign and return it to our office with a required filing fee of \$2.50. 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 contact me.

Sincerely,

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

enclosures

**WATER RIGHTS PROGRAM -- FILE DOCUMENTATION**

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**NAME & ADDRESS:** Glendon Shearer, 22025 Trask Rd, Wall SD 57790

**DATE:** December 19, 2005

**TELEPHONE:**

**RE:** Partial Vested Right No. 1806-2

**COMMENTS:**

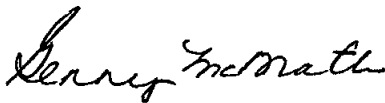
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We discussed dividing the water right to reflect separate ownership. He said it only needed to be divided two ways because his brother and dad operate their land jointly.

**RECOMMENDED ACTION:**

Send Mr. Shearer a "Notice of Transfer of Ownership" form and a copy of the water right. Between he and his brother & dad, they will file a transfer for the portion they own and then the water right will be divided into 1806A-2 and 1806B-2.



Genny McMath  
Environmental Scientist

On March 30, 2006, an ownership change was filed with Partial Vested Water Right No. 1806-2. The license is being divided and reissued based on that ownership change as follows:

- **No. 1806A-2, Glendon Shearer, Cow Creek Ranch, 22025 Trask Rd, Wall SD 57790,** authorizing withdrawal of 5.26 cfs from the Cheyenne River to irrigate 368 acres. The acreage and diversion rate were established under Water Permit No. 1130-2 and retains a December 11, 1972 priority date.
- **No. 1806B-2, Grant Shearer, 22023 Trask Ranch Rd, Wall SD 57790,** authorizing withdrawal of 10.41 cfs from the Cheyenne River and local watershed (storage dam) to irrigate 729 acres. The acreage and diversion rate were established by Vested Water Right No. 745-2 and Water Permit No. 1230-2 and retain priority dates of January 1, 1934 and January 10, 1975 respectively.