



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 02 2006

1806A-2

Glendon Shearer
Cow Creek Ranch
22025 Trask Ranch Rd
Wall SD 57790

Dear Mr. Shearer:

Enclosed is your Water License No. 1806A-2. Based on an ownership change filed with Water Right No. 1806-2, by Grant Shearer, the water license was divided and reissued to reflect separate ownership.

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

In a couple weeks, you will be receiving the 2006 irrigation questionnaire. If you have any questions concerning completion of the questionnaire, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

enclosure

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1806A-2
DIVISION OF NO. 1806-2 INTO 1806A-2 AND 1806B-2

(1) Glendon Shearer, Cow Creek Ranch, 22025 Trask Rd, Wall SD 57790 was issued Water License No. 1806-2, December 20, 1982 for a water right to divert 15.67 cubic feet of water per second (cfs) from the Cheyenne River and watershed above project (storage dam), Pennington County, South Dakota for irrigation purposes. Water License No. 1806-2, with priority dates of 1934, December 11, 1972 and January 10, 1975 was issued to the permit holder for diversion of water with construction of the described water supply system completed and the application to beneficial use of water completed.

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 (includes 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.

(2) It is certified that the water right holder 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 5.26 cubic feet of water per second for beneficial use. The location of the diversion points (on land owned by Glendon Shearer) are on the Cheyenne River between points in the NW ¼ Section 7, T3N, R15E and the NW ¼ Section 6, T3N, R15E.

(3) The water right holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 31, T4N, R15E		Section 6, T3N, R15E		Section 5, T3N, R15E	
NW ¼ SE ¼	8.0 acres	NW ¼ NE ¼	23.0 acres	NW ¼ NW ¼	13.0 acres
NE ¼ SE ¼	3.0 acres	NE ¼ NE ¼	32.0 acres	SW ¼ NW ¼	14.0 acres
SW ¼ SE ¼	23.0 acres	SE ¼ NE ¼	25.0 acres	NW ¼ SW ¼	9.0 acres
SE ¼ SE ¼	21.0 acres	NW ¼ SE ¼	11.0 acres	Section 7, T3N, R15E	
Section 32, T4N, R15E		NE ¼ SE ¼	35.0 acres	NE ¼ NW ¼	8.0 acres
SW ¼ SW ¼	4.0 acres	SW ¼ SE ¼	38.0 acres	SE ¼ NW ¼	5.0 acres
		SE ¼ SE ¼	16.0 acres	NW ¼ NE ¼	40.0 acres
		SE ¼ SW ¼	3.0 acres	NE ¼ NE ¼	5.0 acres
				SW ¼ NE ¼	32.0 acres
Total: 368 acres					

continued

Water License No. 1806A-2

(4) Pursuant to South Dakota Water Law 46-5-30.1 Glendon Shearer, Cow Creek Ranch, 22025 Trask Rd, Wall SD 57790 the holder and/or owner of Water Right No. 1806A-2 is issued a license to appropriate water, the right to use 5.26 cubic feet of water per second from the Cheyenne River with a priority date of December 11, 1972 from the locations specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1806-2 and subject to the following qualifications:

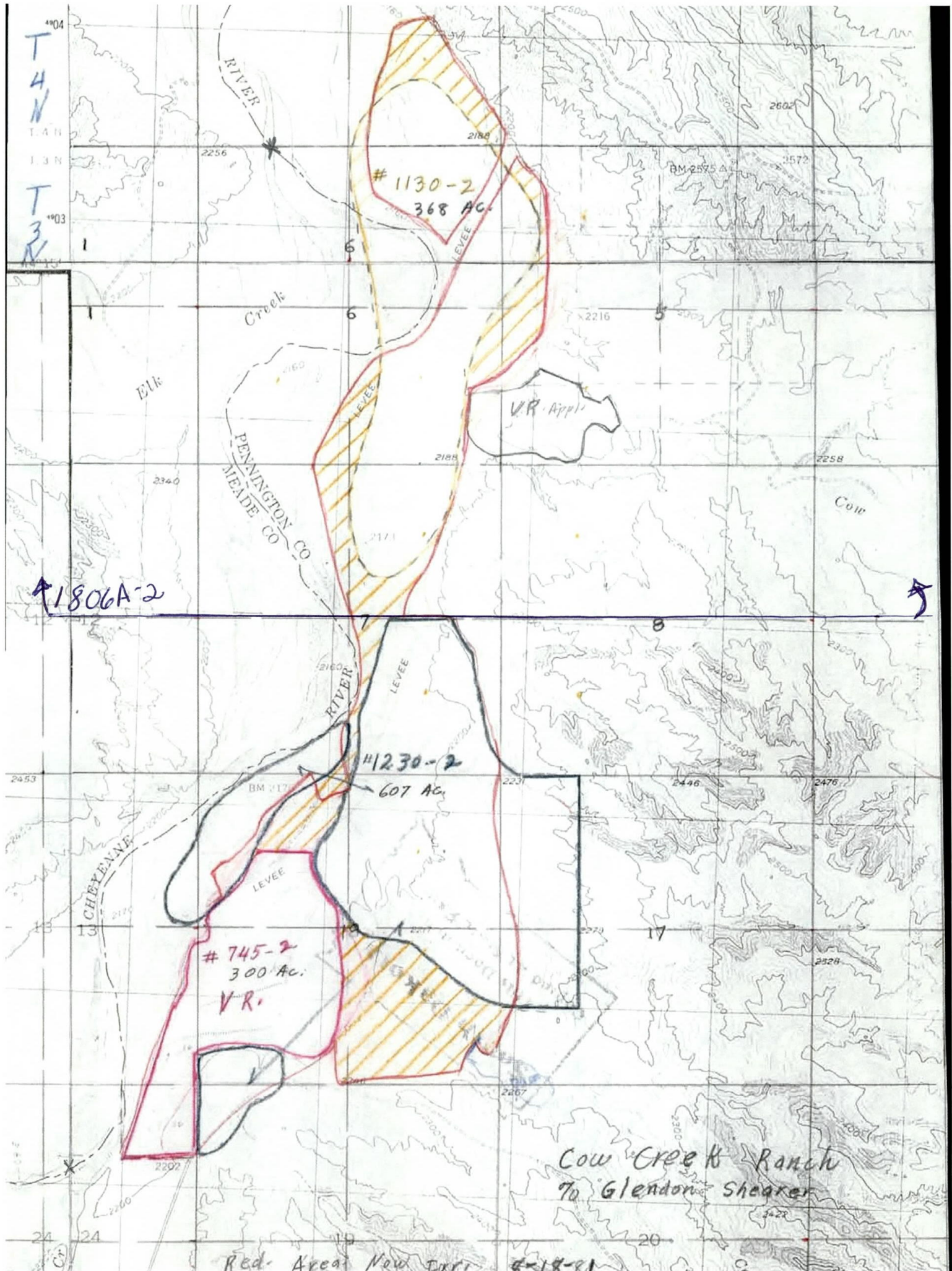
- Diversion of water under this Water Right is contingent upon water supplies being first available to prior water rights on the Cheyenne River. Flow records show that there are occasional years when the flows of the Cheyenne River are definitely and recognizably lower than usual during the months of July, August and September. Diversions of water are not to be made under this water right during such low flow periods.
- This water right is approved subject to the irrigation water use questionnaire being submitted each year.

Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 02 2008
date







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March 5, 2007

Dear Water Right Holder;

Due to the ongoing drought I am advising Cheyenne River water right holders of the possibility of shutoff orders in 2007 for the river reach from Angostura Dam to the Belle Fourche River confluence. This is **not a shutoff order**.

As a result of the continuing lack of precipitation, tributary flows throughout the Cheyenne River basin remain well below the historical average. Angostura Reservoir ended February almost 21-feet below full and the forecast for improved conditions throughout the summer months is not favorable.

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

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

If you are interested, the US Geological Survey has an Internet site showing river flows at 150 stream gauging stations across the state. Go to sd.water.usgs.gov and click on "Realtime streamflow data via satellite".

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



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NOTICE OF SHUTOFF ORDER

June 27, 2007

TO: COW CREEK RANCH
GLENDON SHEARER
22025 TRASK RD
WALL SD 57790

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

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

Shutoff Order for Water Right Nos. 1806A-2

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

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

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

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

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

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



1806A-2

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January 24, 2014

NOTICE

TO: COW CREEK RANCH, GLENDON SHEARER, 22025 TRASK RD, WALL, SD 57790 6110

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1806A-2. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 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) 1806A-2 qualification:

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

The hearing will be held at **9:00 am, March 6, 2014** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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) 1806A-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 **March 3, 2014**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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.



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February 19, 2014

1806A-2

Glendon Shearer
Cow Creek Ranch
22025 Trask Rd
Wall SD 57790 6110

Dear Mr. Trask:

I am writing to acknowledge receipt of your 2013 irrigation questionnaire.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Right No. 1806A-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,

A handwritten signature in cursive script that reads "Genny McMath".

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