

Considered: _____

Vested Right
WATER PERMIT NO. 1973-2

MAP No. same

Name of Applicant A. J. Nelson

Post Office Address Broadus Stage, Miles City, Montana 59301

Amount of Water Claimed 2.3 Total Acres 16.3

Source of Water Supply Duck Creek

Water to be used for irrigation County Fall River

About 3 miles NW of Ardmore SD.

PROOF OF PUBLICATION: Received 8/18/86 Not Received _____

APPLICATION: Approved Sept. 3, 1986 Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received July 25, 1985 Fee 10.50 Remarks _____

12/12/49

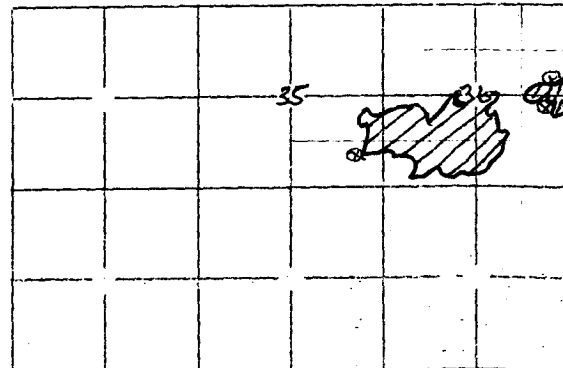
Corrected Application Received _____ Period of Annual Use Jan. 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED not needed APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES NO REMARKS _____

Diversion Point points between and including
SE $\frac{1}{4}$ SE $\frac{1}{4}$, sec 35 and SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, sec
36; all in T11S - R3E

Land to be Irrigated E $\frac{1}{2}$ SE $\frac{1}{4}$, sec 35; SW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$,
N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, sec 36; all in T11S - R3E



Well Log: Driller NA Licensed YES NO

Depth of Well _____ REMARKS _____

Type of Map sketch PREPARED BY Del Brosz Reviewed and the Number

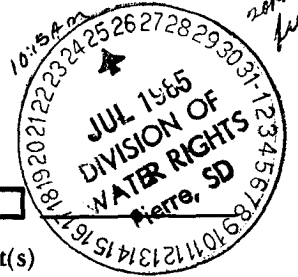
assigned on June 20, 1986 By Ron Duwall

No. 1973-2 Hydrologic Unit 10120108
 Map No. same Basin Upper Cheyenne
 Newspaper Hot Springs Star

Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application: Check one or more of the following:

- New ☐ Vested Right ☒ Future Use ☐ Location Notices 1410-2 and 5151-2
- ☐ Application to amend Permit No. _____ with old priority date retained
- ☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐
- ☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)
- ☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____
- ☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____



1. Name of Applicant A. J. Nelson Phone No. _____
- Post Office Address Broadus Stage, Miles City, Montana State 59301
 (Street, RR or Box) Zip Code
2. Amount of water claimed (c.f.s) 2.3 Total acres irrigated 163
3. Source of Water supply Duck Creek and dry draws
4. Location of point of diversion Between the following points: #1-N23°W 1030 ft from the SW
Corner of Section 36, T11S, R3E and #2 - N12°W 2480 ft from the SE Corner of
Section 36, T11S, R3E. County Fall River
5. Counties where water will be used Fall River
6. Annual period during which water is to be used All year Jan 1 - Dec 31
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
NE 1/4 Sec. 35 T11S R3E	5
SE 1/4 Sec. 35 T11S R3E	3
NW 1/4 Sec. 36 T11S R3E	22
SW 1/4 Sec. 36 T11S R3E	23

Land Description	No. Acres Irr.
SW 1/4 Sec. 36 T11S R3E	1
SE 1/4 Sec. 36 T11S R3E	11
NW 1/4 Sec. 36 T11S R3E	22
NE 1/4 Sec. 36 T11S R3E	7

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

This is a water spreading system with diversion dikes in the creek channel. Spreader ditches assist the flow of water across the low lands alongside the creek.

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

STATE OF ~~SOUTH DAKOTA~~ MONTANA
 County of CUSTER

I, A. J. Nelson, the applicant, certify that I have read the foregoing application, 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.

Residing at Miles City, Montana

My Commission Expires 6-15-87

Signed

Subscribed and sworn to before me this 22nd day of July 1985

Jennie E. Bohla
 Notary Public (or other qualified officer)

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. _____

(Applicant)

(Post Office Address)

With the following qualifications.

(State)

(Zip Code)

SEE FORM VR-1

The applicable portions of Location Notice Nos. 1410-2 and 5151-2 have been incorporated into this Vested Right No. 1973-2 and the abandoned portions of the location notices have been cancelled.

Date of first receipt of application _____, 19____.

Date of return to applicant for correction, amendments or changes required _____, 19____.

Date of receipt of corrected application _____, 19____. Approved _____, 19____.

The Water Management Board hereby approves this Water Permit No. _____ authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is _____, 19____.
2. One-fifth of the work is to be completed on or before _____, 19____.
3. The whole of said work is to be completed on or before _____, 19____.
4. The time limit for proof of beneficial use of water is _____, 19____.
5. The water appropriated shall be used for the purpose of _____.
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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed _____ 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. 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 _____, 19____; said water to be used during the following described annual period: _____.

WATER MANAGEMENT BOARD

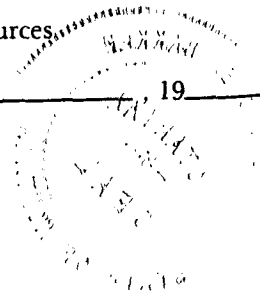
By: _____

-- Chief Engineer

Division of Water Rights

Dept. of Water and Natural Resources

_____, 19____



VESTED WATER RIGHT

The Water Management Board hereby validates Vested Water Right ^{Claim} No. 1973-2

A. J. Nelson

(applicant)

Broadus Stage, Miles City

(post office address)

South Dakota

(state)

59301

(zip code)

Date of receipt of Application July 25, 1985.

Validated September 3, 1986.

The Water Management Board hereby validates the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Vested Water Right, subject, however, to the following limitations and conditions:

1. The date from which the applicant may claim right is July 13, 1951
Dec 12, 1949.
2. The whole of said work has been completed and water has been applied to beneficial use as described on Form 2B of this application.
3. The water appropriated is used for the purpose of irrigation.
4. The prior rights 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 unlawfully impaired by this appropriation.
5. The amount of the appropriation hereby validated shall not exceed

*2.30 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. 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 has been actually and beneficially applied for irrigation. The water is to be used during the following described annual period Jan 1 - Dec 31.

* 0.3 cfs from December 12, 1949

2.0 cfs from August 16, 1951

WATER MANAGEMENT BOARD

By: John Hatch

(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

NOV 25 1986, 19 .

Permit No. 1973-2Upper Cheyenne Water District
10120108**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 A. J. Nelson of Broadus Stage, Miles City, MT 59301 holder of Permit No. 1973-2, bearing the priority of Dec 12, 1949 & July 13, 1951 authorizing the diversion of 2.3 cu. ft. per second of the waters of Duck Creek & 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: Dikes constructed across the channel of the creek divert the water onto the lowlands or into small ditches.
- B. Works used to transport water to place of use: Small ditches as shown on the map
- C. Works used to apply water to beneficial use: Water spreading with some spreader
dikes

The system is in the following condition Fair

The point of diversion is located Between the following points: #1 - N23°W 1030 ft from the SW corner of Section 36, T11S, R3E and #2 - N12°W 2980 ft from the SE corner of Section 36, T11S, R3E

The works are capable of diverting and conveying to the place of use _____

cu. ft. per second of water which is to be used for irrigation purposesWater has been put to beneficial use to the maximum extent as follows: SE¹SW² Sec 36, T11S, R3E - 30 acres

<u>NE¹SE² Sec 35, T11S, R3E - 5 acres</u>	<u>SW²NE² " " " - 1 "</u>
<u>SE¹SE² " " " - 3 "</u>	<u>SE²NE² " " " - 11 "</u>
<u>NW²SW² Sec 36 " " - 22 "</u>	<u>NW²SE² " " " - 22 "</u>
<u>SW²SW² " " " - 23 "</u>	<u>NE²SE² " " " - 7 "</u>
<u>NE²SW² " " " - 28 "</u>	<u>SW²SE² " " " - 11 "</u>

comprising a total of 163 acres of land and the license should be issued for 2.3 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date June 20, 1985

Delwin A. Brong, P.E.
(signature) Hydrologist

18 acres - 0.3 cfs - 1949
145 acres - 20 cfs - 1951

Affidavit of Water Use

No. _____

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.

**Affidavit Of Construction Of Water Use System
And Application Of Water To Beneficial Use**

Name of Applicant (Same as Form 2) A. J. NelsonPost Office Address Broadus Stage, Miles City, Montana 59301
(Street, RR or Box) (State) (Zip Code)A. Notice of Appropriation Dec. 12, 1949 & July 13, 1951 Date of Posting _____Date of recording Dec. 12, 1949 & Aug. 16, 1951 Recording date _____
Where Book PageB. Date of start of construction of water supply system 1950 & 1951C. Date that water was first applied to beneficial use 1950 & 1951D. Name of owner of original water supply system Elizabeth Konrath

E. Amount of water originally applied to beneficial use _____

F. Present Use of Water - Amount of water now being used 2.3 cfsDate that this water was first used 1950 & 1951

G. Chronological History of Water Use

All diversion dikes and spreader dikes were in place when I purchased property in December, 1948

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 MONTANA)
~~South Dakota~~County of CUSTER)
SS

I, A. J. NELSON the applicant, certify that I have read the foregoing
(print or type)
and that the matters therein stated are true.

Signed A. J. NelsonSubscribed and sworn to before me July 22, 1985

Notary Public for the State of Montana

Residing at Miles City, Montana

My Commission Expires 6-15-87Notary Public or other qualified officer James E. Baker

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.

A. J. Nelson
(Print name)1985A. J. Nelson
(Print name)1985

State of South Dakota

VESTED RIGHT

Water License No. 1973-2

(1) A. J. Nelson

of Broadus Stage, Miles City MT 59301

made Application No. 1973-2, July 25, 1985 for validation of a vested right claim for a water permit to appropriate

2.3 cubic feet per second of water from Duck Creek and dry draws

Fall River County, South Dakota for irrigation purposes.

Permit No. 1973-2, with a priority date of December 12, 1949 & August 16, 1951

validated September 3, 1986

was approved 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 completed

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 2.3 cubic feet per second of water for beneficial use. The location of the diversion point(s) is are between the following points:

#1 - N23°W 1030 feet from the SW corner of Section 36, T11S, R3E and #2 -

N12°W 2480 feet from the SE corner Section 36, T11S, R3E

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to
to irrigate the following land all in T11S, R3E
beneficial use to the following extent, _____

Section 35 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 5 acres

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 3 "

* the acreage in the NE $\frac{1}{4}$ SE $\frac{1}{4}$
and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36 carry

Section 36 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 22 "

a priority date of December 12,

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 23 "

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 28 "

1949. The remaining 145 acres

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 30 "

carry a priority date of August

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 1 "

16, 1951.

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 11 "

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 22 "

* NE $\frac{1}{4}$ SE $\frac{1}{4}$ 7 "

* SW $\frac{1}{4}$ SE $\frac{1}{4}$ 11 "

TOTAL 163 acres

(4) Pursuant to §46-5-30.1 _____ A. J. Nelson

of _____ Broadus Stage, Miles City MT 59301

the holder(s) and/or owner(s) of _____ Vested Water Right
Water Permit No. 1973-2 is issued a license to appropriate water, the right to use

2.30 cubic feet per second of water from _____ Duck Creek & dry draws _____ with a priority date

0.3 cfs from December 12, 1949 and
of 2.0 cfs from August 16, 1951 _____ 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 _____ Vested Water Right
Water Permit No. 1973-2 _____ and subject
to South Dakota State Law.

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

NOV 25 1986

June 28, 1985

A. J. Nelson
Broadus Stage
Miles City, Montana 59301

Dear Mr. Nelson:

Enclosed are the completed forms for a Vested Right Application on your water spreading system in Section 36, T11S, R3E. Please sign these forms in the presence of a Notary. Then return all of the forms to this office with a filing fee of \$10.50. Also enclosed is a map of the project. You may keep this for your files.

The vested right is based on two Location Notices that were filed by Elizabeth Konrath. I did not know when you purchased the property. For this reason I did not complete Section G on the Affidavit of Water Use form. Please complete this section before signing the form.

In regard to your project in Section 25, T11S, R3E. The only record I could find on this was a filing made by Herbert Wasserburger in 1949. Mr. Wasserburger filed on the ditch crossing your land to irrigate land in Section 30 and 31, T11S, R4E. I did not find anything in our records for irrigating your land from this ditch.

You will be receiving cancellation notices for the two Location Notices in Section 35, T11S, R3E and Section 1, T12S, R3E.

If I can answer any questions, please contact me.

Sincerely,

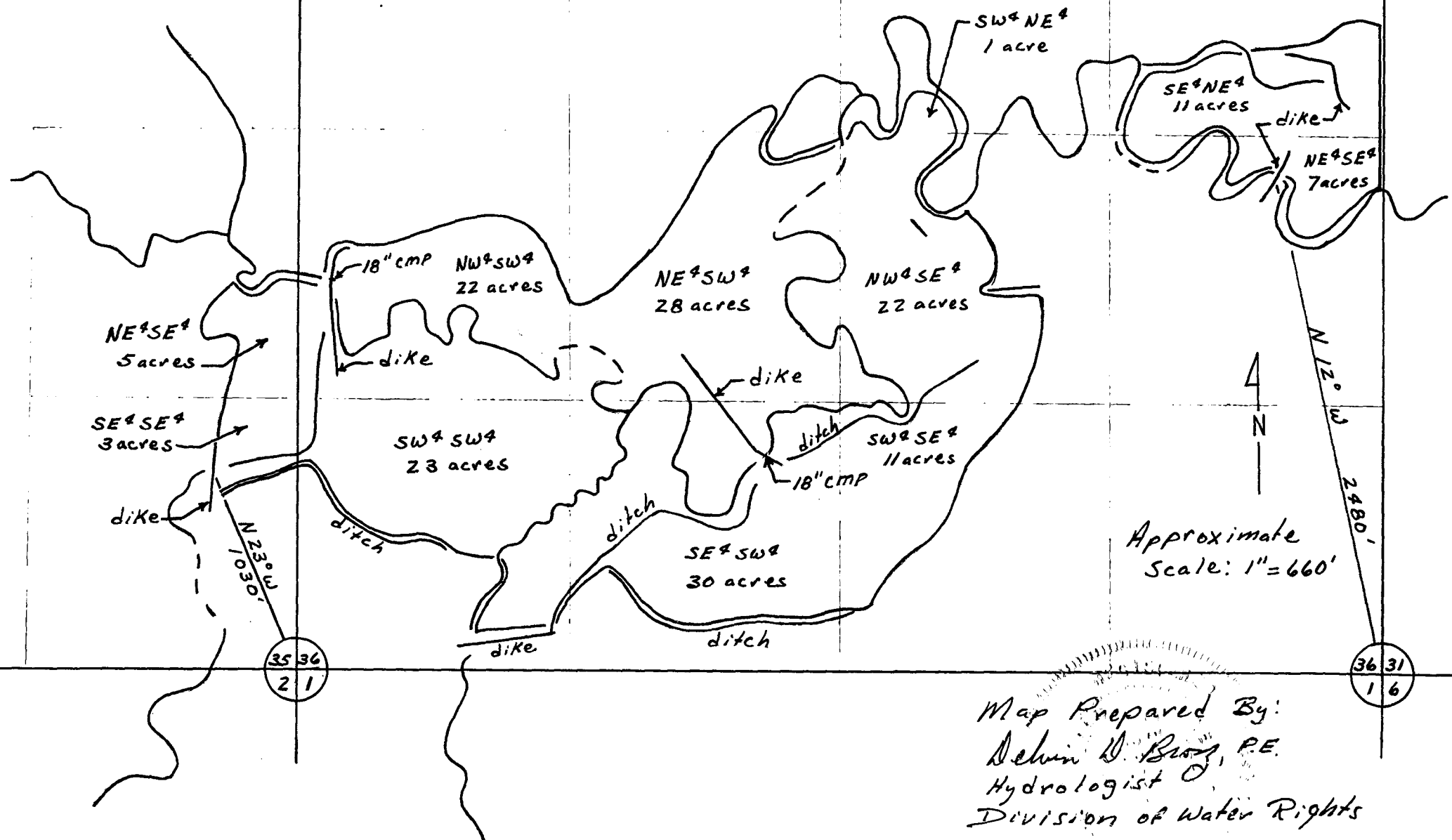
Delvin D. Brosz, P.E.
Hydrologist

DDB:ms
Enc.

26 25
35 36

T 11 S, R 3 E

25 30
36 31



Map Prepared By:
Delwin D. Bragg, P.E.
Hydrologist
Division of Water Rights

Fall River
County

LOCATION NOTICE

1940
Program Year

State Eng
L. Cheyenne River
1940-20
Dr. New Budget

1-1-40 7-8-47
ACP Form Serial No.

KNOW ALL MEN BY THESE PRESENTS:

That Elizabeth Konrath
whose post office is Artesia, South Dakota, a citizen of the
United States, above the age of 21 years, being in possession of the land covered
by the above ACP form serial number, of which the land upon which the works
described below are to be constructed is a part, in Fall River County,
South Dakota, availing her self of the right granted her under the
provisions of Section 41.0133 South Dakota Code of 1939, has located and claims
the right to construct a certain dam across a dry draw situated in the NE 1/4
of the SE 1/4 of Section 20 Township 11 Range 9 3, and has located
and claims the right to construct ditches and flumes for the purpose of directing
flood waters from said dam for irrigation of the land first above described
and for Live Stock Purposes, and claims the right of way across any land for
the purpose of conveying water for said purposes.

Said locator claims for the above purpose 9.0 acre feet of water
annually.

The location of the point of diversion of the reservoir is as follows:

From the NE 1/4 Corner of Sec 20 T 11 R 9 3 165 South 25 West
100 rods south and 50 rods west

The ditch will run in a _____ direction to and
on said land for a distance of _____ feet.

Said location was made on the 12 th day of December 1940
Witness my hand and seal this 12 th day of December 1940

Elizabeth Konrath
Locator

Herewith is enclosed one dollar for filing in the State Engineer's Office as
required under Section 35.1806 of the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA,)
County of Fall River) ss.

On the 12th day of December 1940, before me
Glenn M. Gray, a Notary Public in and for the County and State
aforesaid, personally appeared Elizabeth Konrath to me personally
known to be the person who executed the foregoing instrument and acknowledged
that he executed the same for the use and purposes therein set forth.

Witness my hand and official seal, the day and date above written.

My commission expires 1-1-53 Notary Public

Full Name _____
County _____

LOCATION NOTICE

192 _____
Locality _____

South Cheyenne R.
5151-2

RECEIVED
AUG 30 1951

KNOW ALL MEN BY THESE PRESENTS:

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

That Elizabeth Konrath _____ South Dakota, a citizen of the United States, above the age of 21 years, being in possession of the land covered by the above SDP form serial number _____ of which the land upon which the works described below are to be constructed is a part, in _____ Full Name _____ for the South Dakota, availing herself of the right granted _____ under the provisions of Section 17013, South Dakota Code of 1905, has located and claims the right to construct a certain dam across a dry draw situated in the SE 1/4 of the SE 1/4 of Section _____ Township _____ Range _____ and has located and claims the right to construct ditches and flumes for the purpose of directing flood waters from said dam for irrigation of the land first above described and for live stock purposes, and claims the right of way across any land for the purpose of conveying water for said purposes.

Said locator claims for the above purpose _____ 2.3 _____ acre feet of water annually.

The location of the point of diversion of the reservoir is as follows:

From the SE corner of Sec. 35-21-34 10 rods W and 60 rods N

The ditch _____ will run in a _____ direction to and on said land for a distance of _____ feet.

Said location was made on the 13 day of July 1951
Witness my hand and seal this 13 day of July 1951

Elizabeth Konrath
Locator

Herewith is enclosed one dollar for filing in the State Engineer's Office as required under Section 17,1006 of the South Dakota Code of 1905.

STATE OF SOUTH DAKOTA.)
County of Full River)

On the 13 day of August 1951, before me _____, a Notary Public in and for the County of _____ and State of _____, _____ personally appeared _____ known to be the person who executed the foregoing instrument and being duly sworn that he executed the same for the use and purposes therein set forth.

Witness my hand and official seal the day and date above written.

Anna Thacker
Notary Public

My commission expires 7/24/54

Fall River

County

1954

Project Year

RECEIVED

RECEIPT NO. 16-447

8768 - 2

SEP 11 1954

RECEIVED

SEP 11 1954

KNOW ALL MEN BY THESE PRESENTS:

OFFICE OF STATE ENGINEER

I, That Elizabeth Kowrath, South Dakota, a Female South Dakota citizen, being the wife of John Kowrath, being in possession of the land covered by the above AD form serial number, of which the land upon which the works described below are to be constructed is a part, in Fall River County, South Dakota, executing her self of the right created her under the provisions of Section 61.0133 South Dakota Code of 1939, has located and claims the right to construct a certain dry across a dry farm situated on the NE 1/4 of the SW 1/4 of Section 10 Township 11 Range 1, and has located and claims the right to construct ditches and flumes for the purpose of directing flood waters from said dry for irrigation of the land first above described and for Live Stock purposes, and claims the right of way across any land for the purpose of conveying water for said purposes.

Said locator claims for the above purpose 1.4 acre feet of water annually. Estimated surface area of storage basin 3 acres.

Estimated drainage area 10,000 acres.

The location of the point of diversion of the reservoir is as follows:

From the NE corner of Sec 10-11-1 110 rods South and 40 rods East

The ditch will run in a direction to and on said land for a distance of feet.

Said location was made on the 26th day of August 1954.
Witness my hand and seal this 26th day of August 1954.

Elizabeth Kowrath
Locator

Herewith is enclosed one dollar for filing in the State Engineer's Office as required under Section 65.1806 of the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA,

County of Fall River

On the 26th day of August 1954, before me Clara M. Clay, a Notary Public in and for the County of St. Lawrence, personally appeared Elizabeth Kowrath to me personally known to be the person who executed the foregoing instrument and acknowledged that he executed the same for the use and purposes therein set forth.
Witness my hand and official seal the day and date above written.

(Seal)
My Commission Expires 8-19-57

Clara M. Clay
Notary Public

RECEIPT

Division of Water Rights

No 4 10131

South Dakota Department of Water and Natural Resources

Pierre, July 25, 1985

RECEIVED OF A. J. Nelson, Broadus Stage, Miles City, MT 59301

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 _____	8	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. _____	2	50
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	10 50

By

Chief Engineer

JOHN HATCH/TTS



Department of Water & Natural Resources

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

July 24, 1986

A. J. Nelson
Broadus Stage
Miles City MT 59301

Dear Sir:

Your Application No. 1973-2 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publisher of the Hot Springs Star printed at Hot Springs SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid for by the Water Rights Division.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ron Duvall". The signature is written in a cursive, flowing style with a large, prominent "R" and "D".

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 1973-2

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Validation of Vested Water Right Application No. 1973-2, A. J. Nelson, Broadus Stage, Miles City Montana.

The Chief Engineer is recommending VALIDATION of Application No. 1973-2 because 1) water has been appropriated as described, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

See the attached report for additional information.

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

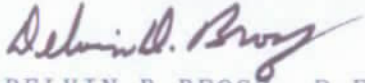
JOHN HATCH, Chief Engineer
July 24, 1986

REPORT ON VESTED RIGHT APPLICATION NO. 1973-2
A.J. NELSON
July 24, 1986

Application No. 1973-2 requests validation of a vested right claim to appropriate 2.3 cfs from Duck Creek. The water has been used following construction of the system after December 12, 1949 to irrigate 163 acres. The points of diversion and irrigated acreage are located in Sections 35 and 36, T11S, R3E.

Conclusions

1. The project is a water spreading system. It was inspected by Delvin D. Brosz and found to exist as described.
2. The system was constructed after December 12, 1949 and water has been put to beneficial use since that time.
3. It is recommended that the vested right claim be validated.



DELVIN D BROSZ, P.E.
Hydrologist



Department of
Water & Natural Resources

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

July 24, 1986

HOT SPRINGS STAR
Box 1000
Hot Springs SD 57747

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1972-2, 1973-2, 1974-2, 1975-2, 1977-2, 1978-2, 1979-2 and 1980-2. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before July 29, 1986.

Please bill the Water Right Division for the cost of the publication.

Please receipt for the notice IMMEDIATELY after first publication attaching a copy of the first publication so that it may be compared with the records. For your convenience, you may use the printed form below for this purpose.

After final publication please complete and mail to this office, the enclosed Form to furnish Proof of Publication. The application can not be considered by the Water Management until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
Date _____ TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

We are in receipt of your letter of _____ enclosing
Notice of Hearing to Validate Vested Right Applications which was
first published in our issue of _____.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name Newspaper

Instruction to Newspaper - Publish first publication of the following Notice on or before July 29, 1986 with 2nd publication 1 week later.

NOTICE OF HEARING To Validate

Vested Right Application Nos. 1972-2, 1973-2, 1974-2, 1975-2, 1977-2, 1978-2, 1979-2 & 1980-2 to Appropriate Water

Notice is given that Charles W. Eng whose mailing address is Buffalo Gap, South Dakota has filed Application No. 1972-2 to validate a vested right claim to appropriate 1.2 cubic feet of water per second from dry draws to irrigate 85 acres with a priority date of October 12, 1903. The point of diversion is located in the SW 1/4 SE 1/4 of Section 14, T7S, R7E and the irrigated acreage is in the SE 1/4 SE 1/4 Section 14; NE 1/4 SW 1/4, S 1/2 SW 1/4 Section 13; NE 1/4 NE 1/4 Section 23; N 1/2 NW 1/4 Section 24; all in T7S, R7E.

Notice is given that A. J. Nelson whose mailing address is Broadus Stage, Miles City, Montana has filed Application No. 1973-2 to validate a vested right claim to appropriate 2.3 cubic feet of water per second from Duck Creek to irrigate 163 acres with a priority date of December 12, 1949. The points of diversion are located at points between and including the SE 1/4 SE 1/4 of Section 35 and the SE 1/4 NE 1/4, NE 1/4 SE 1/4 of Section 36 all in T11S, R3E. The irrigated acreage is located in the E 1/2 SE 1/4 Section 35; SW 1/4, S 1/2 NE 1/4, N 1/2 SE 1/4, SW 1/4 SE 1/4 Section 36; all in T11S, R3E.

Notice is given that George LeBar whose mailing address is Box Q, Douglas, Wyoming has filed Application No. 1974-2 to validate a vested right claim to appropriate 1.9 cubic feet of water per second from Duck Creek and dry draws to irrigate 134 acres with a priority date of June 12, 1912. The points of diversion are located at points between and including the NE 1/4 NW 1/4 Section 33 and the NE 1/4 SW 1/4 Section 34 all in T11S, R3E. The irrigated acreage is located in the NE 1/4 NW 1/4, N 1/2 NE 1/4, SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 33; S 1/2 NW 1/4, N 1/2 SW 1/4 Section 34; all in T11S, R3E.

Notice is given that the USDA Forest Service whose mailing address is Star Route, Box 200, Hot Springs, South Dakota has filed Application No. 1975-2 to validate a vested right claim to appropriate 0.91 cubic feet of water per second from dry draws to irrigate 64 acres with a priority date of June 9, 1938. The points of diversion are located in the SW 1/4 SE 1/4 Section 19; SW 1/4 NW 1/4 Section 29; and the irrigated acreage is located in the S 1/2 NW 1/4, N 1/2 SW 1/4, SW 1/4 NE 1/4 Section 29; all in T9S, R1E.

Notice is given that Claude Plumb whose mailing address is Box 466, Provo, South Dakota has filed Application No. 1977-2 to validate a vested right claim to appropriate 0.3 cubic feet of water per second from a dry draw to irrigate 22 acres with a priority date of March 31, 1911. The points of diversion are located at points between and including the NW 1/4 NW 1/4 and the SE 1/4 NE 1/4 of Section 32, T11S, R3E. The irrigated acreage is located in the N 1/2 NW 1/4, S 1/2 NE

1/4, N 1/2 SE 1/4 Section 32; SW 1/4 NW 1/4 Section 33; all in T11S, R3E.

Notice is given that Claude Plumb whose mailing address is Box 466, Provo, South Dakota has filed Application No. 1978-2 to validate a vested right claim to appropriate 0.4 cubic feet of water per second from a dry draw to irrigate 27 acres with a priority date of April 2, 1908. The points of diversion are located at points between and including the NW 1/4 SW 1/4 Section 32 and the SW 1/4 SW 1/4 Section 33 all in T11S, R3E. The irrigated acreage is located in the NW 1/4 SW 1/4, S 1/2 S 1/2 Section 32; SW 1/4 SW 1/4 Section 33; all in T11S, R3E.

Notice is given that Pfister Ranch whose mailing address is Box 1208, Lusk, Wyoming has filed application No. 1979-2 to validate a vested right claim to appropriate 4.3 cubic feet of water per second from Cottonwood Creek and dry draws to irrigate 304 acres with a priority date of January 1, 1907. The points of diversion are located at points between and including the SW 1/4 NW 1/4 Section 28 and the E 1/2 NE 1/4 Section 22 all in T10S, R1E. The irrigated acreage is located in the S 1/2 SW 1/4, SW 1/4 SE 1/4 Section 21; SE 1/4 NW 1/4, NE 1/4, NW 1/4 SE 1/4, S 1/2 SE 1/4 Section 22; N 1/2 NE 1/4, NW 1/4 Section 27; N 1/2 NE 1/4, SE 1/4 NE 1/4, N 1/2 NW 1/4, SW 1/4 NW 1/4 Section 28; NE 1/4 NE 1/4 Section 29; all in T10S, R1E.

Notice is given that Don W Henry whose mailing address is Box 276, Ardmore, South Dakota has filed Application No. 1980-2 to validate a vested right claim to appropriate 2.3 cubic feet of water per second and store 16 acre feet of water annually from Short Branch Creek and a dry draw dam to irrigate 158 acres with a priority date of November 21, 1944. The dry draw dam is located in the SE 1/4 SE 1/4 Section 12 and other points of diversion are at points between and including NE 1/4 SE 1/4 Section 13 and the NE 1/4 NE 1/4 Section 14 all in T12S, R4E. The irrigated acreage is located in the SW 1/4 SE 1/4 Section 12; E 1/2 NE 1/4, NE 1/4 SE 1/4 Section 14; NW 1/4, N 1/2 SW 1/4, NW 1/4 NE 1/4, S 1/2 NE 1/4, NW 1/4 SE 1/4 Section 13; all in T12S, R4E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application Nos. 1972-2, 1973-2, 1974-2, 1975-2, 1977-2, 1978-2, 1979-2 and 1980-2 because 1) water has been appropriated as described for irrigation with the priority dates listed above, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of these applications will be considered by the Water Management Board in Room 216, Joe Foss Building, Pierre SD on September 3, 1986 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve validation, 2) approve a validation with qualifications, 3) defer, or 4) deny validation of an application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be

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NOTICE OF HEARING
To Validate Vested Right Application
Nos. 1972-2, 1973-2, 1974-2, 1975-2,
1977-2, 1978-2, 1979-2 & 1980-2 to
Appropriate Water

Notice is given that Charles W. Eng whose mailing address is Buffalo Gap, South Dakota, has filed Application No. 1972-2 to validate a vested right claim to appropriate 1.2 cubic feet of water per second from dry draws to irrigate 85 acres with a priority date of October 12, 1903. The point of diversion is located in the SW 1/4 SE 1/4 of Section 14, T7S, R7E and the irrigated acreage is in the SE 1/4 SE 1/4 Section 14; NE 1/4 SW 1/4, S 1/4 SW 1/4 Section 13; NE 1/4 NE 1/4 Section 23; N 1/4 NW 1/4 Section 24; all in T7S, R7E.

Notice is given that A.J. Nelson whose mailing address is Broadus Stage, Miles City, Montana, has filed Application No. 1973-2 to validate a vested right claim to appropriate 2.3 cubic feet of water per second from Duck Creek to irrigate 163 acres with a priority date of December 12, 1949. The points of diversion are located at points between and including the SE 1/4 SE 1/4 of Section 35 and the SE 1/4 NE 1/4, NE 1/4 SE 1/4 of Section 36 all in T11S, R3E. The irrigated acreage is located in the E 1/4 SE 1/4 Section 35; SW 1/4, S 1/4 NE 1/4, N 1/4 SE 1/4, SW 1/4 SE 1/4 Section 36, all in T11S, R3E.

Notice is given that George LeBar whose mailing address is Box Q, Douglas Wyoming, has filed Application No. 1974-2 to validate a vested right claim to appropriate 1.9 cubic feet of water per second from Duck Creek and dry draws to irrigate 134 acres with a priority date of June 12, 1912. The points of diversion are located at points between and including the NE 1/4 NW 1/4 Section 33 and the NE 1/4 SW 1/4 Section 34 all in T11S, R3E. The irrigated acreage is located in the NE 1/4 NW 1/4, N 1/4 NE 1/4, SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 33; S 1/4 NW 1/4, N 1/4 SW 1/4 Section 34; all in T11S, R3E.

Notice is given that the USDA Forest Service whose mailing address is Star Route, Box 200, Hot Springs, South Dakota, has filed Application No. 1975-2 to validate a vested right claim to appropriate 0.91 cubic feet of water per second from dry draws to irrigate 64 acres with a priority date of June 9, 1938. The points of diversion are located in the SW 1/4 SE 1/4 Section 19; SW 1/4 NW 1/4 Section 29; and the irrigated acreage is located in the S 1/4 NW 1/4, N 1/4 SW 1/4, SW 1/4 NE 1/4 Section 29; all in T9S, R1E.

Notice is given that Claude Plumb whose mailing address is Box 466, Provo, South Dakota, has filed Application No. 1977-2 to validate a vested right claim to appropriate 0.3 cubic feet of water per second from a dry draw to irrigate 22 acres with a priority date of March 31, 1911. The points of diversion are located at points between and including the NW 1/4 NW 1/4 and the SE 1/4 NE 1/4 of Section 32, T11S, R3E. The irrigated acreage is located in N 1/4 NW 1/4, S 1/4 NE 1/4, N 1/4 SE 1/4 Section 32; SW 1/4 NW 1/4 Section 33; all in T11S, R3E.

Notice is given that Claude Plumb whose mailing address is Box 466, Provo, South Dakota, has filed Application No. 1978-2 to validate a vested right claim to appropriate 0.4 cubic feet of water per second from a dry draw to irrigate 27 acres with a priority date of April 2, 1908. The points of diversion are located at points between and including the NW 1/4 SW 1/4 Section 32 and the SW 1/4 SW 1/4 Section 33 all in T11S, R3E. The irrigated acreage is located in the NW 1/4 SW 1/4, S 1/4 S 1/4 Section 32; SW 1/4 SW 1/4 Section 33; All in T11S, R3E.

Notice is given that Pfister Ranch whose mailing address is Box 1208, Lusk, Wyoming, has filed application No. 1979-2 to validate a vested right claim to appropriate 4.3 cubic feet of water per second from Cottonwood Creek and dry draws to irrigate 304 acres with a priority date of January 1, 1907. The points of diversion are located at points between and including the SW 1/4 NW 1/4 Section 28 and the E 1/4 NE 1/4 Section 22 all in T10S, R1E. The irrigated acreage is located in the S 1/4 SW 1/4, SW 1/4 SE 1/4 Section 21; SE 1/4 NW 1/4, NE 1/4, NW 1/4 SE 1/4, S 1/4 SE 1/4 Section 22; N 1/4 NE 1/4, NW 1/4 Section 27; N 1/4 NE 1/4, SE 1/4 NE 1/4, N 1/4 NW 1/4, SW 1/4 NW 1/4 Section 28; NE 1/4 NE 1/4 Section 29; all in T10S, R1E.

Notice is given that Don W. Henry, whose mailing address is Box 276, Ardmore, South Dakota, has filed Application No. 1980-2 to validate a vested right claim to appropriate 2.3 cubic feet of water per second and store 16 acre feet of water annually from Short Branch Creek and a dry draw dam to irrigate 158 acres with a priority date of November 21, 1944. The dry draw dam is located in the SE 1/4 SE 1/4 Section 12 and other points of diversion

are at points between and including NE 1/4 SE 1/4 Section 13 and the NE 1/4 NE 1/4 Section 14 all in T12S, R4E. The irrigated acreage is located in the SW 1/4 SE 1/4 Section 12; E 1/4 NE 1/4, NE 1/4 SE 1/4 Section 14; NW 1/4, N 1/4 SW 1/4, NW 1/4 NE 1/4, S 1/4 NE 1/4, NW 1/4 SE 1/4 Section 13; all in T12S, R4E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application Nos. 1972-2, 1973-2, 1974-2, 1975-2, 1977-2, 1978-2, 1979-2 and 1980-2 because 1) water has been appropriated as described for irrigation with the priority dates listed above, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of these applications will be considered by the Water Management Board in Room 216, Joe Foss Building, Pierre SD on September 3, 1986 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve validation, 2) approve a validation with qualifications, 3) defer, or 4) deny validation of an application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by August 22, 1986.

The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

These hearings are adversary proceedings. The applicant or any person, after filing a petition, 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 State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on an application or to assure access to the hearing by the handicapped can contact the Water Rights Division, Joe Foss Bldg., Pierre, SD (605-773-3352) for assistance prior to the hearing date.

The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by August 22, 1986. July 28, Aug. 5

AFFIDAVIT OF PUBLICATION

State of South Dakota)
) ss.
County of Fall River)

Charles Najacht of Hot Springs, Fall River County, South Dakota, being duly sworn, upon oath says that he is the publisher of the Hot Springs Star, a legal weekly newspaper published at Hot Springs, county and state aforesaid; that the advertisement headed—

Notice of Hearing

#1972-2, 1973-2, 1974-2,
1975-2, 1977-2, 1978-2,
1979-2 & 1980-2 to
Appropriate Water

a true printed copy thereof is hereunto annexed, was published in the said Hot Springs Star, in the regular and entire issue of said paper,

for two

successive issues, beginning with the
issue dated

July 28, 1986

and ending with the issue dated

August 5, 1986

That the full amount of the fee charged for the publication of said

notice is \$90.00 and that no agreement or understanding, for the division thereof, has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever, that the whole amount insures to the benefit of the publishers of said newspaper.

Charles Najacht

Subscribed and sworn to before me

this 5 day of August

1986

Praine M. Leonard
Notary Public



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Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application Nos. 1972-2, 1973-2, 1974-2, 1975-2, 1977-2, 1978-2, 1979-2 and 1980-2 because 1) water has been appropriated as described for irrigation with the priority dates listed above, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

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The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49 and Board Rules ARSO 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

These hearings are adversary proceedings. The applicant or any person, after filing a petition, 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 State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on an application or to assure access to the hearing by the handicapped can contact the Water Rights Division, Joe Foss Bldg., Pierre, SD (605-773-3352) for assistance prior to the hearing date.

The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by August 22, 1986. July 28, Aug. 5

ANGOSTURA IRRIGATION DISTRICT

P. O. BOX 346

ORAL, SOUTH DAKOTA 57766

August 7, 1986

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



Dear Sir:

The Board of Directors of Angostura Irrigation District, along with the member Water Users of the District, hereby make known their objections to the following applications for validation of vested rights: Charles W. Eng, Buffalo Gap, South Dakota (Application No. 1972-2); A. J. Nelson, Miles City, Montana (Application No. 1973-2); George LeBar, Douglas, Wyoming; USDA Forest Service, Hot Springs, South Dakota (Application No. 1975-2; Claude Plumb, Provo, South Dakota (Applications No. 1977-2 and 1978-2); Pfister Ranch, Lusk, Wyoming (Application No. 1979-2) and Don W. Henry, Ardmore, South Dakota (Application No. 1980-2). All of the above applications to be considered on September 3, 1986, by the Water Management Board in Room 216, Joe Foss Building, Pierre, South Dakota.

The Board and the Water Users on the Angostura Project feel that these or any future water rights on the Cheyenne River and its tributaries and drainage basin, should be denied, because the inflows at Angostura Reservoir, over recent years seem to indicate that little water is available for irrigation purposes.

The Angostura Irrigation District, through the Bureau of Reclamation, has the right to one (1) filling of the Angostura Reservoir each year, and feel that any more rights issued will further jeopardize the water supply to the Water Users on the project.

Sincerely,

Russell Sanders, President
Board of Directors
Angostura Irrigation District

cc: Mr. Richard E. Brohl, Project Manager
Bureau of Reclamation
Belle Fourche Projects Office
Newell, South Dakota



Department of Water & Natural Resources

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

August 18, 1986

Russell Sanders, President
Angostura Irrigation District
PO Box 346
Oral SD 57766

Dear Mr. Sanders:

I am writing in answer to your letter of August 7, 1986 opposing validation of seven vested rights in Fall River County. SDCL 46-1-9 defines vested rights. This section states that a riparian owner who put water to beneficial use prior to March 2, 1955 or was constructing works on this date to put water to beneficial use has a right to the use of the water. Use of water under a vested right not subsequently abandoned or forfeited is a legal and valid water right according to South Dakota statutes.

Validation of a vested right cannot be denied due to shortage of water. Validation can be denied if use of water was not as described in the application or notice. All of the vested rights you are objecting to were field inspected by Delvin Brosz, Hydrologist with the Division of Water Rights. The inspections indicated that use of water was as described. If you have information contrary to this, please submit the information and it will be presented at the hearing on September 3rd.

If we can answer any questions, please contact us.

Very truly yours,

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

JH:DB:ks

cc: Richard E Brohl
Bureau of Reclamation
Belle Fourche Project Office
Newell SD



Department of Water & Natural Resources

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

NOV 25 1986

A J Nelson
Broadus Stage
Miles City MT 59301

Dear Mr. Nelson:

Enclosed are your Validated Vested Water Right and Water License No. 1973-2.
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,

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

JH:ks

enclosures

NOTE: The applicable portions of Location Notices 1410-2 and 5151-2
have been incorporated into this Vested Right No. 1973-2 and
the abandoned portions of the location notices have been
cancelled.

Equal Opportunity Employer



Department of Water & Natural Resources

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

May 11, 1989

1973-2

NOTICE

TO: A. J. Nelson
Broadus Stage
Miles City, MT 59301

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

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

Effective May 19, 1989, you are ordered to cease diversions of water under Water Right No. 1973-2. The priority date for your water right is junior to the April 11, 1941 priority date for Angostura Irrigation District Water Right No. 579-2.

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

May 2, 1989	24,673 acre feet available for irrigation at elevation 3173.4 ft. msl
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The Irrigation District needs 45,000 acre feet per year for irrigation.

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

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





Department of Water & Natural Resources

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

March 19, 1990

1973-2

NOTICE

TO: A. J. Nelson
Broadus Stage
Miles City, MT 59301

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

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

This is a follow-up notice to the May 10, 1990 notice that you received ordering you to cease diversion of water under Water Right No. 1973-2. 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

1973-2

NOTICE

TO: A. J. Nelson
Broadus Stage
Miles City, MT 59301

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

A handwritten signature in black ink, appearing to read "Delvin D. 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.



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 20, 1991

1973-2

RESCISSION OF SHUTOFF ORDER

TO: A. J. Nelson
Broadus Stage
Miles City, MT 59301

FROM: *for* JOHN HATCH, CHIEF ENGINEER
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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 25, 1992

1973-2

NOTICE

TO: A J NELSON
BROADUS STAGE
MILES CITY, MT 59301

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

SUBJECT: Shut Off Order for Junior Water Right Holders Upstream
of the Angostura Irrigation District.

Please be advised that effective immediately no diversions of water will be allowed under your Water Right No. 1973-2 which is junior in priority to Water Right No. US579-2 held by the US Bureau of Reclamation for the Angostura Irrigation District.

On March 20, 1992 the water elevation in Angostura Reservoir was 4.4 feet and 19,164 acre feet below full. Reservoir storage levels will be closely monitored. If inflows increase such that the reservoir will fill, this shut off order will be rescinded at that time.

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

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

PERMIT NO	FIRST NAME	LAST NAME	ADDRESS 1	ADDRESS 2	CITY	STATE	ZIPCODE	PERM2	PERM3
657-2		A & T CATTLE CO	TOM LANDERS	ST RT	POT SPRINGS	SD	57747		
308-2	RICHARD	ANDERSON	& CHAR ANDERSON	HCR 59 BOX 18	EDGE MONT	SD	57735		
1614-2	IRENE R	ANDERSON		HCR 59 BOX 20	EDGE MONT	SD	57735		
324-2		B & H RANCH INC	B F CHILDERS	PO BOX 723	EDGE MONT	SD	57735		
534-2		BALL BROS		BOX 617	EDGE MONT	SD	57735		
1995-2	LESTER I	BARKLEY		BOX 740	EDGE MONT	SD	57735		
1693-2	NICK/MICHAEL	BOGNER	ANICK BOGNER JR	HC 46 BOX 24	OELRICHS	SD	57763	1734-2	
755-2		BRAINERD INDIAN SCHOOL			POT SPRINGS	SD	57747		
858-2	WAYNE F	CHILDERS		HCR 59 BOX 1A	EDGE MONT	SD	57735		
636-2	V L	CHILDERS		BOX 723	EDGE MONT	SD	57735		
654-2	OSCAR	COPE			OELRICHS	SD	57763		
1994-2	JOHN	DEGERING		SR 1 BOX 136	LUCK	WY	82225		
567-2	HAROLD R	DODSON		HCR 59 BOX 5A	EDGE MONT	SD	57735	1410-2	
2058-2	LEROY/BERTHA	DUERSON		HC 48 BOX 248	PROVO	SD	57774		
1985-2	DAVID M	DUNBAR		RR BOX 32	OELRICHS	SD	57763		
788-2		HALD BROTHERS, INC.	CARL P HALD, PRES	HCR 46 BOX 5	OELRICHS	SD	57763	1695-2	
421-2	HERMAN	HECK		BOX 441	EDGE MONT	SD	57735		
540-2	DARRELL R	HELDMAN		BOX 402	EDGE MONT	SD	57735		
1879-2	DORA R	HENDERSON	APT 265	5141 INDIAN RIVER	LAS VEGAS	NV	89103		
1980-2	DOM W	HENRY		BOX 276	ARMORE	SD	57715		
379-2	HENRY C	HOLLENBECK		DEWEY ROUTE	EDGE MONT	SD	57735		
1593-2		HU RANCH INC	SD CORPORATION	HCR 59 BOX 102	EDGE MONT	SD	57735		
350-2	DARREL D	HUNTER		BOX D	ARMORE	SD	57715		
1641-2	JAMES/PATRICIA	JOHNSTON		HC 68 BOX 7	LAKESIDE	NE	69351		
18770-2	JIM	KANE		BOX 19A	PROVO	SD	57774		
763-2	CARL	KANNOLT	APT 207	BLANIE HOTEL	CHADRON	NE	69337		
1696-2	JOHN W	KOLLER		BOX 715	EDGE MONT	SD	57735		
866-2	A J	LANDERS	STAR CATTLE CO	BOX 159B HCR 52	POT SPRINGS	SD	57747		
1840-2	B L/ALLEN	LAWRENCE		BOX 759	YIOGA	ND	58852		
676-2	MELVIN	LULF			POT SPRINGS	SD	57747		
17295-2	JOHN D(JACK)	MANKE	(ESTATE)	RR #1 BOX 179C	POT SPRINGS	SD	57747		
11447-2	KENNETH	MARTINSON		BOX 361	EDGE MONT	SD	57735		
785-2	ARDITH W	MCLAIN		BOX 164	OELRICHS	SD	57763		
410-2	RALPH L	MEFFERD, JR		HCR 48 BOX 22	PROVO	SD	57774		
1973-2	A J	NELSON		BROADUS STAGE	WILES CITY	MT	59301		
2015-2		PETERSON & SON, INC		HCR 59 BOX 16	EDGE MONT	SD	57735		
1016-2	PAUL & JEAN	PETTY	& NOREEN PETTY	HCR 52 BOX 136	POT SPRINGS	SD	577479603		
1716-2	MELVIN	PORTER		WYO RT BOX 17	EDGE MONT	SD	57735		
711-2	DONALD	PUTNAM		BOX 188	OELRICHS	SD	57763	2043-2	
1836-2	GLEN	REASER		HC 46 BOX 48	OELRICHS	SD	57763		
422-2	EDWARD/WANDA	REUTTER		HCR 59 BOX 90	EDGE MONT	SD	57735	1789-2	
293-2	CHANCE/NETER	REYNOLDS		HCR 59 BOX 28	EDGE MONT	SD	57735	294-2	
669-2	OLIVER M	ROMEY		BOX 175	OELRICHS	SD	57763		
718-2	VERNON	SCHNOSE		ST RT BOX 155	POT SPRINGS	SD	57747	1700-2	
1649-2		SEGER RANCH INC		BOX 95	OELRICHS	SD	57763	671-2	1837-2
927-2	BERNARD D	SIMONS		BOX 381	EDGE MONT	SD	57735		
1732-2	ROBERT/MARK	TUBBS		BOX 563	EDGE MONT	SD	57735		
1019-2		WAR BONNET RANCH LTD	BOX 132	105 E 5TH ST	MURDO	SD	57559		
392-2	VINCENT M	WASSERBURGER		BOX 83	ARMORE	SD	57715	853-2	2115-2

CERTIFICATION

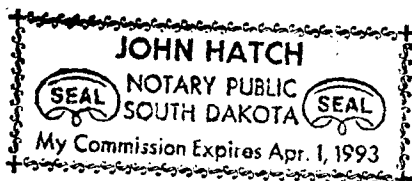
I hereby certify that on March 25, 1992, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 25, 1992, regarding Shut Off Order for Junior Water Right Holders Upstream of the Angostura Irrigation District addressed as stated on the attached list:

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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 12, 1993

1973-2

NOTICE

TO: A J NELSON
BROADUS STAGE
MILES CITY, MT 59301

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

SUBJECT: Shutoff Order for Junior Water Right Holders Upstream
of the Angostura Irrigation District.

Effective immediately no diversions of water under your Water Right No. 1973-2 are authorized. Your water right is junior in priority to the US Bureau of Reclamation Water Right No. 579-2 (April 11, 1941 priority date). The Bureau of Reclamation water right for the Angostura Irrigation District allows one annual fill of the reservoir.

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

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.

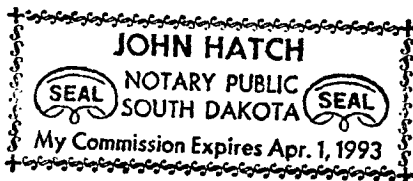
Cheryl F. Frost

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





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 14, 1993

1973-2

RESCISSION OF SHUTOFF ORDER

TO: A J NELSON
BROADUS STAGE
MILES CITY, MT 59301

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 15, 1995

1973-2

NOTICE

TO: A J NELSON
BROADUS STAGE
MILES CITY, MT 59301

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

SUBJECT: Shutoff Order for Junior Water Right Holders
Upstream of the Angostura Irrigation District.

Effective immediately no diversions of water under your Water Right No. 1973-2 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 26, 1995

1973-2

RESCISSION OF SHUTOFF ORDER

TO: A J NELSON
BROADUS STAGE
MILES CITY, MT 59301

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



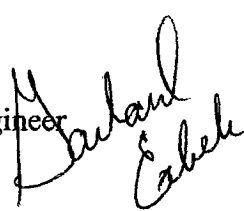
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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: A J NELSON
BROADUS STAGE
MILES CITY MT 59301

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. 1973-2

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.



1973-2

**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: A J NELSON
BROADUS STAGE
MILES CITY MT 59301

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. 1973-2

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.

1973-2



United States Department of the Interior



IN REPLY REFER TO:

DK-700
PRJ 13.00

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

FEB 24 2006

RECEIVED
FEB 27 2006
WATER RIGHTS
PROGRAM

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

Subject: Request for Junior Water Rights Shut Off Order - Angostura Reservoir, South Dakota

Dear Mr. Erbele:

We request that the State of South Dakota's Department of Environment and Natural Resources Water Rights Division issue shut off orders to junior water right holders on the Cheyenne River above Angostura Reservoir.

Angostura Reservoir is presently at elevation 3169.90, which is a little over 17 feet down from full (top of conservation or full is at elevation 3187.2). On February 24, 2005, the storage in Angostura Reservoir is about 60,000 acre-feet, which is 63,000 acre-feet from full. If the spring weather continues to be dry, the water right at Angostura will not be satisfied.

If you have questions, please contact Curt Anderson or me at 605-394-9757.

Sincerely,

For Jeffrey L. Nettleton
Rapid City Field Office Manager

cc: Ms. Sue Lowry
Administrator
Interstate Streams Division
Wyoming State Engineer's Office
Herschler Building 4E
Cheyenne, WY 82002

Mr. Mick Jenniges
Manager
Angostura Irrigation District
P.O. Box 346
Oral, SD 57766



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 10, 2006

NOTICE OF SHUTOFF ORDER

TO: A J NELSON
503 S CENTER AVE
MILES CITY MT 59301

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. 1973-2

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: A J NELSON
503 S CENTER AVE
MILES CITY, MT 59301

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. 1973-2

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: A J NELSON
503 S CENTER AVE
MILES CITY MT 59301

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. 1973-2

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:

A J NELSON
503 S CENTER AVE
MILES CITY MT 59301

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. 1973-2

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: A J NELSON
503 S CENTER AVE
MILES CITY MT 59301

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

Garland Erbele

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

**Shutoff Order for
Water Right Nos. 1973-2**

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:

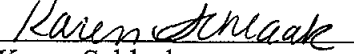
LAST_NAME	FIRST_NAME	ADDRESS2	CITY	STATE	ZIP
INDIAN CREEK CATTLE LLP		32296 190TH ST	SLEEPY EYE	MN	56085
INDIAN CREEK LAND & CATTLE LLC		PO BOX 538	EDGEMONT	SD	57735
WEINREIS BROTHERS		230908 HIGHLAND RD	SCOTTSBLUFF	NE	69361
SEGER RANCH INC		RR 1 BOX 100A1	HOT SPRINGS	SD	57747
REUTTER	EDWARD/WANDA	HCR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

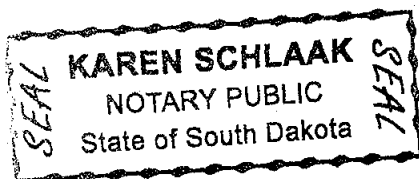
SCHNOSE	VERNON	12685 MAITLAND RD	HOT SPRINGS	SD	57747
SEABECK	DORIS SEABECK &	2533 PARK AVE	LARAMIE	WY	82070
SIMONS	THOMAS	BOX 381	EDGEMONT	SD	57735
TUBBS LAND & CATTLE LLC	BERNARD D	10891 RIVER RD	EDGEMONT	SD	57735
WALKER	FRED S & CYNTHIA K	30301 CASCADE RD	ARDMORE	SD	57735
WYOMING DAKOTA RAILROAD	WAYNE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


 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: AJ NELSON
503 S CENTER AVE
MILES CITY, MT 59301

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). 1973-2

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.