

Considered: _____

Vested Right
WATER PERMIT NO. 1974-2⁵

MAP No. same

Name of Applicant George LeBar

Post Office Address Box Q, Douglas, WY. 82633

Amount of Water Claimed 1.9 Total Acres 134

Source of Water Supply Duck Creek

Water to be used for irrigation County Fall River

About 4 miles NW of Ardmore

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 August 5, 1985 Fee \$10.50 Remarks _____

June 12, 1912 see L.N. 451-2 and 507-2

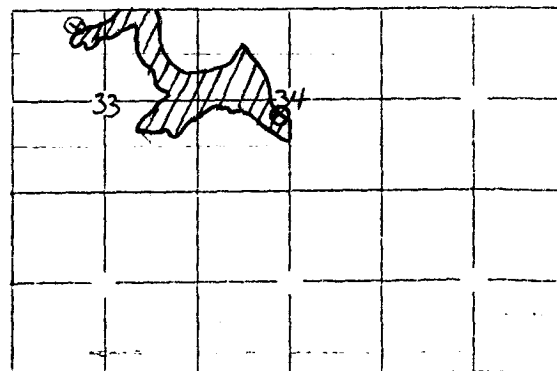
Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES NO REMARKS _____

Diversion Point points between and including
NE $\frac{1}{4}$ NW $\frac{1}{4}$, sec 33 and NE $\frac{1}{4}$ SW $\frac{1}{4}$, sec 34;
all in T11S-R3E

Land to be Irrigated NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$,
NE $\frac{1}{4}$ SE $\frac{1}{4}$, sec 33; S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, sec 34;
all in T11S-R3E



Well Log: Driller NA Licensed YES NO

Depth of Well _____ REMARKS _____

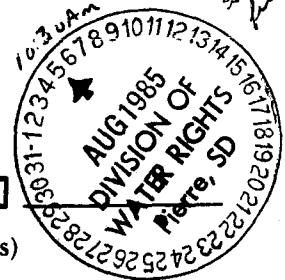
Type of Map sketch PREPARED BY Del Brosz Reviewed and the Number

assigned on June 20, 1986 By Ron Duval

No. <u>1974-2</u>	Hydrologic Unit <u>10120108</u>
Map No. <u>same</u>	Basin <u>Upper Cheyenne R</u>
Newspaper <u>Hot Springs Star</u>	

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 451-2 and 507-2☐ 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 George LeBar Phone No. 307-358-2726Post Office Address Box Q Douglas, Wyoming State 82633
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s) 1.9 Total acres irrigated 1343. Source of Water supply Duck Creek and dry draws4. Location of point of diversion Between the following two points: #1-S63°W 620 feet from the N½ Corner of Section 33, T11S, R3E and #2-S81°E 2060 feet from the W½ Corner of Section 34, T11S, R3E County Fall River5. Counties where water will be used Fall River6. 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.
NE¼NW¼ Sec. 33, T11S, R3E	4
NW¼NE¼ Sec. 33, T11S, R3E	16
NE¼NE¼ Sec. 33, T11S, R3E	7
SE¼NE¼ Sec. 33, T11S, R3E	24

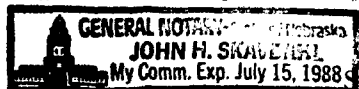
Land Description	No. Acres Irr.
SW¼NW¼ Sec. 34, T11S, R3E	31
SE¼NW¼ Sec. 34, T11S, R3E	16
NW¼SW¼ Sec. 34, T11S, R3E	5
NE¼SW¼ Sec. 34, T11S, R3E	15

NE¼SE¼ Sec. 33, T11S, R3E 16 Attach sheet if more space is needed

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. A number of dikes have been constructed across the channel of Duck Creek and side tributaries. The dikes force the water onto the adjoining land or release the water into delivery canals. The canals transport the water to adjoining lowlands.

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

STATE OF ~~XXXXXXXXXXXX~~ NEBRASKA
County of SiouxI, George LeBar 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.Signed George LeBarSubscribed and sworn to before me this 29th day of July 1985

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 Notices Nos. 451-2 and 507-2 were incorporated into this Vested Water Right No. 1974-2. 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. 1974-2.

George LeBar

(applicant)

Box Q, Douglas

(post office address)

Wyoming

(state)

82633

(zip code)

Date of receipt of Application August 5, 19 85.

Validated September 3, 19 86.

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 September 17, 1913 and June 12, 19 12.
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

*1.90 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.

* 1.1 cfs from June 12, 1912

0.8 cfs from September 17, 1913

WATER MANAGEMENT BOARD

By: John H. Hetch

(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

NOV 25 1986, 19 86.

State of South Dakota

Vested Water License No. 1974-2

(1) George LeBar
of Box Q, Douglas Wyoming 82633
made Application No. 1974-2, August 5, 1985 for validation of a vested water right ~~for a water permit to appropriate~~
1.9 cubic feet per second of water from Duck Creek and dry draws,
Fall River County, South Dakota for irrigation purposes.

Vested Water Right
Permit No. 1974-2, with a priority date of June 12, 1912 and September 17, 1913
validated
was ~~approved~~ September 3, 1986 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 1.9* cubic feet per second of water
for beneficial use. The location of the diversion point(s) is are between the following two points:

#1 - S63°W 620 feet from the N $\frac{1}{4}$ corner of Section 33, T11S, R3E and #2 - S81°E

2060 feet from the W $\frac{1}{4}$ corner of Section 34, T11S, R3E

* 1.1 cfs from June 12, 1912

0.8 cfs from September 17, 1913

and

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

Section 33 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 4 acres

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 16 "

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

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 24 "

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 16 "

Section 34 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 31 "

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 16 "

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 5 "

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 15 "

TOTAL 134 acres

(4) Pursuant to §46-5-30.1 George LeBar

of Box Q, Douglas WY 82633

Vested Water Right

the holder(s) and/or owner(s) of Water Permit No. 1974-2 is issued a license to appropriate water, the right to use

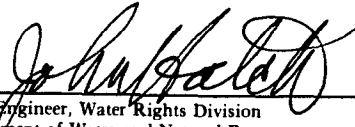
1.9 cubic feet per second of water from Duck Creek & dry draw with a priority date

1.1 cfs from June 12, 1912 and
of 0.8 cfs from September 17, 1913 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

Vested Water Right

This license is subject to any limitations or qualifications listed in Water Permit No. 1974-2 and subject to South Dakota State Law.



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

NOV 25 1986

Permit No. 1974-2Upper Cheyenne Water District
10/20/08**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 George LeBar of Box 9, Douglas, WY 82633 holder of Permit No. 1974-2, bearing the priority of June 12, 1912 & ^{Sept 17} ~~Aug 12~~, 1913 authorizing the diversion of 1.9 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: A number of dikes have been constructed across the channel of Duck Creek and side tributaries. The dikes force the water onto adjoining lands or release the water thru ungated camps into canals.
- B. Works used to transport water to place of use: some open ditches
- C. Works used to apply water to beneficial use: Waterspreading - flood irrigation

The system is in the following condition Fair

The point of diversion is located Between the following two points: #1- S63°W 620 feet from the N $\frac{1}{4}$ corner of Section 33, T11S, R3E and #2- S81°E 2000 feet from the W $\frac{1}{4}$ corner of Section 34, T11S, R3E

The works are capable of diverting and conveying to the place of use all of the creek flow cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows:

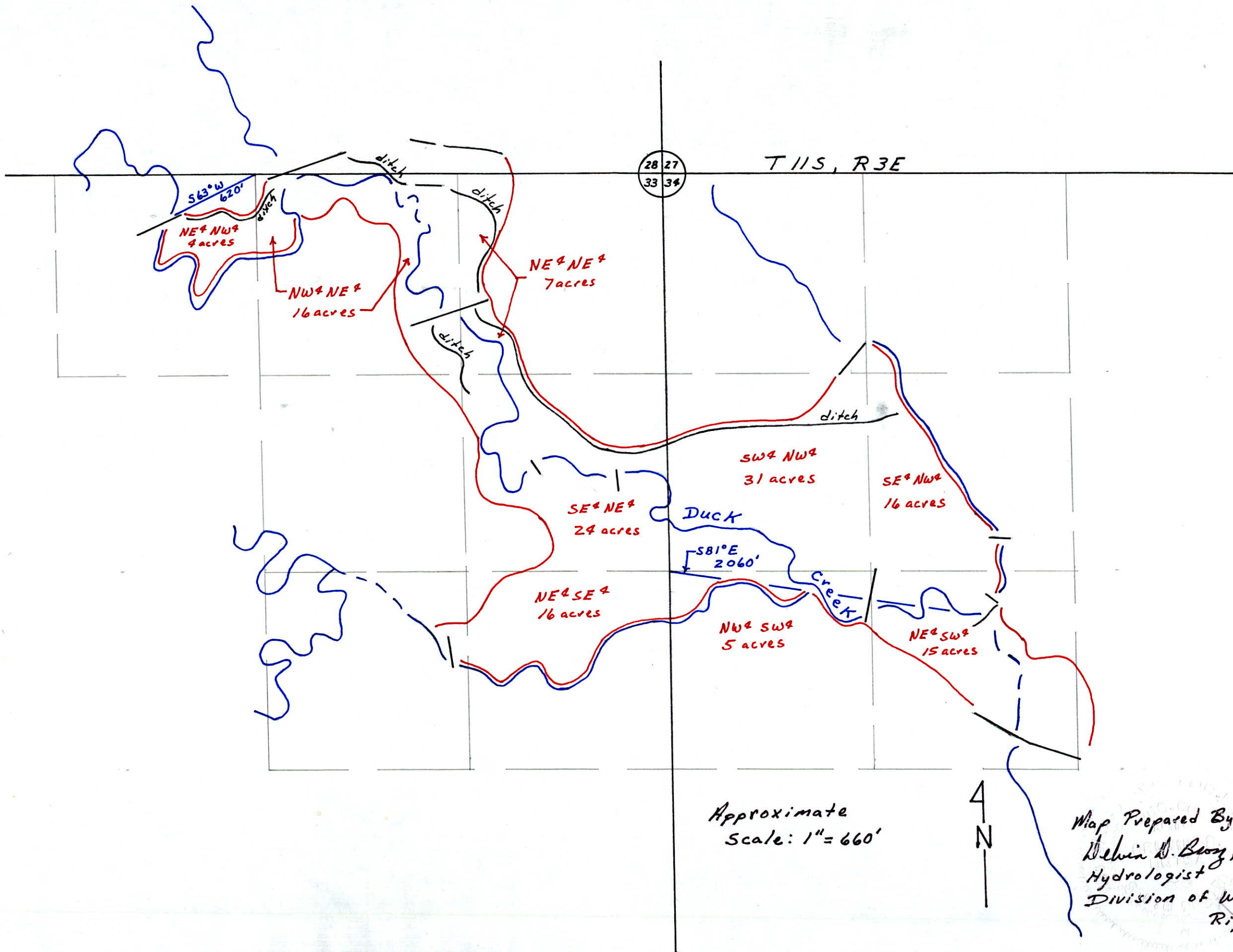
<u>NE$\frac{1}{4}$ SE$\frac{1}{4}$, Sec. 33, T11S, R3E - 16 acres</u>	<u>SW$\frac{1}{4}$ NW$\frac{1}{4}$, Sec 34, " " - 31 acres</u>
<u>NE$\frac{1}{4}$ NN$\frac{1}{4}$, Sec 33, T11S, R3E - 4 acres</u>	<u>SE$\frac{1}{4}$ NW$\frac{1}{4}$, " " " - 16 acres</u>
<u>NW$\frac{1}{4}$ NE$\frac{1}{4}$, " " " - 16 acres</u>	<u>NW$\frac{1}{4}$ SW$\frac{1}{4}$, " " " - 5 acres</u>
<u>NE$\frac{1}{4}$ NE$\frac{1}{4}$, " " " - 7 acres</u>	<u>NE$\frac{1}{4}$ SW$\frac{1}{4}$, " " " - 15 acres</u>
<u>SE$\frac{1}{4}$ NE$\frac{1}{4}$, " " " - 24 acres</u>	

comprising a total of 134 acres of land and the license should be issued for 1.9 cfs

1.1 cfs 6-12-12
.8 cfs 9-17-13

Applicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date May 7, 1985

William D. Berg, P.E.
(signature) Hydrologist



Appl. No. 1974-2

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) George LeBar

Post Office Address Box 0 Douglas, Wyoming 82633
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation June 10, 1912 & /August 12, 1913 Date of Posting _____
17, 1913

Date of recording June 12, 1912 & September Recording date State Engineer
Where Book Page

B. Date of start of construction of water supply system 1912

C. Date that water was first applied to beneficial use 1912

D. Name of owner of original water supply system John Konrath

E. Amount of water originally applied to beneficial use 2.1 cfs

F. Present Use of Water - Amount of water now being used 1.9 cfs

Date that this water was first used 1912

G. Chronological History of Water Use

Since initial construction of spreader system in 1912, system has annually been used. After each rainfall, pipe on each pike is opened to allow water to pass through onto land below until all spreader dams are emptied and water has been spread out over land in sections 33 & 34, TWP 11 S, RNC 3 E.

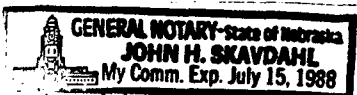
Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

Nebraska
State of ~~SOUTH DAKOTA~~)
County of Sioux)
ss

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

Signed George LeBar

Subscribed and sworn to before me July 29, 1985



John H. Skavdahl
Notary Public or other qualified officer

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

(Print name) 19____

(Print name) 19____

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

No 4 10139 -

Pierre, August 5, 1985

RECEIVED OF John Skavdahl, Box 156, Harrison, NE 69346 (for George LeBar, Box Q, Douglas,
the following amount in fees for services rendered as provided for by law: WY 82033

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____	106	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 John Hatch
Chief Engineer JOHN HATCH

LOCATION NOTICE

State Publishing Co., Pierre, S. D.

KNOW ALL MEN BY THESE PRESENTS:

THAT John H. Konrath ^{Gertrude A. Konrath} sole heir of Ardenmore, South Dakota, a citizen of the United States, above the age of 21 years, being in possession of the following described land, to-wit: NE 1/4 NW 1/4, N 1/2 NE 1/4, SW 1/4 NE 1/4 section NW 1/4 SE 1/4 Sec. 33 township 11 South range 3 east B. H. M. in Fall River County, South Dakota. Said lands comprising Desert Entry No. _____ Land District, availing himself of the right granted him under the provisions of Section 31 of Chapter 180 of the Session Laws of South Dakota of 1907, has located and claims the right to construct a certain dam across a dry draw situated in the SW 1-4 of the SE 1-4 section 28 township 11 S. range 3 E B. H. M. 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 claims the right of way across any land for the purpose of conveying said waters for said purpose.

Said locator claims for the above purpose -1- cubic feet of water per second during the following described annual periods whenever available inclusive each year.

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

From the N 1/4 Cor. of Sec. 33, T. 11 S. R. 3 E. the point of diversion bears N. 80° 00' E. 1104 feet distant.

The ditch will run in an easterly and southerly direction to and on said land for a distance of 2563 feet.

Said location was made on the 12th day of August 1913.

Witness my hand and seal this 15th day of August 1913.

John H. Konrath
Locator.

State of South Dakota, }
County of Fall River } ss.

On the 15th day of August 1913, before me G. C. Baylor, a notary public in and for the County and State aforesaid, personally appeared John H. Konrath to me personally known to be the person who executed the foregoing instrument and acknowledged that he executed the same for the uses and purposes therein set forth.

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

(Seal)

G. C. Baylor

Notary Public.

My commission expires June 16, 1915.

Pierre, South Dakota, September 17 1913.

This is to certify that the foregoing location notice was received at this office at 9 o'clock A. M., upon the 14 day of September 1913, and after examination it was filed for record.

Homer M. Derr.

State Engineer.

LOCATION NOTICE

State Publishing Co., Pierre, S. D.

KNOW ALL MEN BY THESE PRESENTS:

THAT John H. Konrath, sole heir of Gertrude Konrath whose post office is Andmore, South Dakota, a citizen of the United States, above the age of 21 years, being in possession of the following described land, to-wit: NE 1/4 NW 1/4 N 1/2 NE 1/4 SW 1/4 NE 1/4 NW 1/4 SE 1/4 section Thirty three township Eleven South range Three East B. H. M. in Fall River County, South Dakota. Said lands comprising Desert Entry No. _____ Land District, availing himself of the right granted _____ under the provisions of Section 31 of Chapter 180 of the Session Laws of South Dakota of 1907, has located and claims the right to construct a certain dam across a dry draw situated in the NE 1-4 of the NW 1-4 section Thirty three township Eleven South range Three East B. H. M. 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 claims the right of way across any land for the purpose of conveying said waters for said purpose.

Said locator claims for the above purpose 1.1 cubic feet of water per second during the following described annual periods whenever needed inclusive each year.

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

From the _____

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

Said location was made on the 30th day of June 1912

Witness my hand and seal this 10th day of June 1912

John H. Konrath

Locator.

State of South Dakota,

County of Fall River } ss.

On the 10th day of June 1912, before me E. C. Baylor, a notary public in and for the County and State aforesaid, personally appeared John H. Konrath to me personally known to be the person who executed the foregoing instrument and acknowledged that he executed the same for the uses and purposes therein set forth.

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

E. C. Baylor

Notary Public.

Pierre, South Dakota, June 17th 1912

This is to certify that the foregoing location notice was received at this office at 9 o'clock a M., upon the 12th day of June 1912, and after examination it was filed for record

Samuel H. Lea

State Engineer.

WATER RIGHTS DIVISION
(605) 773-3352

July 18, 1985

John Skavdahl
P.O. Box 156
Harrison, Nebraska 69346

Dear Mr. Skavdahl:

Enclosed are documents for the water rights of George LeBar. It took considerable effort to get these documents completed.

Water license 28-2 contained a considerable number of errors. We are going to issue a corrected license for this Water Right. At the same time a number of Location Notices; 209-2, 330-2, 338-2 and 709-2 are being incorporated with Water Right 28-2. We can do this since all of these pertain to one large system.

Enclosed is a Notice of Transfer of Water Permit form for the above mentioned Water Right and Location Notices. Please have Mr. LeBar date and sign this form in the presence of a Notary. The form should then be returned to our office with a filing fee of \$2.50. I have enclosed a map and an investigation report of the project. Mr. LeBar can keep these for his files.

The project along Duck Creek needs to be filed as a vested right. The Location Notices that are on file for this area don't seem to cover the project adequately. The two upper most diversion dams seem to be listed in Location Notices 451-2 and 507-2. The remaining dams and dikes are not included in any filings in our office. The vested right will be based on Location Notices 451-2 and 507-2. This makes the assumption that the entire project was constructed at that time. Mr. LeBar will have to determine if this is correct. Location Notices 507-2 and 530-2 do not conform with the existing system. Field inspection of the project and review of ASCS photos indicate that these two notices were never constructed. I am therefore recommending cancellation of Location Notices 506-2 and 530-2. Cancellation of these notices will have no effect on the existing system which will be covered by the Vested Right.

Enclosed are two copies of form 2, Application for irrigation and one copy of form 2B, Affidavit of Water Use. I did not complete Section G of form 2B. Please have Mr. LeBar review the forms, correct anything that is in error, complete Section G of form 2B and then sign the forms in the presence of a Notary. All of the forms should be returned to our office with a filing fee of \$10.50. The map of the project is for Mr. LeBar's file.

John Skavdahl
page 2
July 18, 1985

Location Notice 345-2 was inspected with Mr. LeBar. The dam does not exist. This notice will be cancelled.

Location Notices 326-2 and 635-2 were inspected with Mr. LeBar. There wasn't much at either location. I discussed these with the Forest Service and they requested that these two notices be cancelled.

I have enclosed a copy of Water License 1019-2 as you requested.

If I can answer any questions, please contact me.

Sincerely,

Delvin D. Brosz, P.E.
Hydrologist

DDB:ms
Enc.

LAW OFFICES
Mumby & Skavdahl

POST OFFICE BOX 156

HARRISON, NEBRASKA 69346

W. E. MUMBY (1906-1975)
JOHN H. SKAVDAHL

WM. R. WICKERSHAM

TELEPHONE 668-2466
AREA CODE 308

July 31, 1985

Mr. Delvin D. Brosz, P.E.
South Dakota Department of Water and Natural Resources
523 East Capitol
Pierre, SD 57501-3181

IN RE: George LeBar Water Rights, Fall River County

Dear Mr. Brosz:

Enclosed find the following documents:

1. Notice of Transfer of Water Permit regarding water right permit #28-2, LN 209-3, LN330-2, LN338-2, and LN709-2.
2. Affidavit of Water Use regarding location notices 452-2 and 507-2.
3. Application for Permit to Appropriate Waters Within the State of South Dakota regarding location notices 451-2 and 507-2, in duplicate.
4. A check from our office in the amount of \$13 to cover filing fees regarding the documents enclosed.

In your letter of July 18, 1985, you advised that you are recommending cancellation of location 506-2 and 530-2. Mr. LeBar and myself are still unsure as to exactly what real estate would have been subject to irrigation under these location notices and what, if any, facilities were ever constructed. Could you please furnish to me a map showing the area which would be affected by the cancellation of these two location notices.

Mr. LeBar has also, as of this date (July 29, 1985), furnished me with copies of notice of cancellation regarding water location notice #14-2, 535-2, and #15-2. Regarding the first two location notices described, I believe that these notices did not in any way affect land owned by Mr. LeBar; however, regarding location notice 15-2, we are unsure whether or not it affects land owned by Mr. LeBar and the exact land that would be affected. Could you please furnish me with a map showing the land that was to be irrigated under location notice 15-2, the point of diversion, and other relevant information.

Sincerely yours,

MUMBY & SKAVDAHL

BY:



JHS:jj
Enclosures



WATER RIGHTS DIVISION
(605) 773-3352

August 6, 1985

John H. Skaudahl
P.O. Box 156
Harrison, Nebraska 69346

Dear Mr. Skaudahl:

Enclosed are the maps with the information that you requested relative to the George LeBar Water Rights.

Sincerely,

Delvin D. Brosz, P.E.
Hydrologist

DDB:ms
Enc.

REPORT ON VESTED RIGHT APPLICATION NO. 1974-2
GEORGE LEBAR
July 24, 1986

Application No. 1974-2 requests validation of a vested right claim to appropriate 1.9 cfs from Duck Creek and dry draws. The water has been used following construction of the system after June 12, 1912 to irrigate 134 acres. The points of diversion and the irrigated acreage are located in Section 33 and 34, 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 June 12, 1912 and water has been put to beneficial use since that time.
3. It is recommended that the vested right claim be validated.

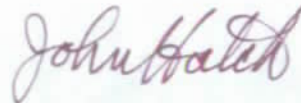

DELVIN D. BROSZ, P.E.
Hydrologist

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 1974-2

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. 1974-2, George LeBar, Box Q, Douglas, Wyoming.

The Chief Engineer is recommending VALIDATION of Application No. 1974-2 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.



JOHN HATCH, Chief Engineer
July 24, 1986



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



Department of Water & Natural Resources

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

July 24, 1986

George LeBar
Box Q
Douglas WY 82633

Dear Sir:

Your Application No. 1974-2 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 cursive script that reads "Ron Duvall". The signature is written in dark ink and is positioned above the typed name and title.

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

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.

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 $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, T7S, R7E and the irrigated acreage is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14; NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 13; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23; N $\frac{1}{4}$ NW $\frac{1}{4}$ 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 $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35 and the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36 all in T11S, R3E. The irrigated acreage is located in the E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 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 $\frac{1}{4}$ 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 ¼ NW ¼ Section 33 and the NE ¼ SW ¼ Section 34 all in T11S, R3E. The irrigated acreage is located in the NE ¼ NW ¼, N ½ NE ¼, SE ¼ NE ¼, NE ¼ SE ¼ Section 33; S ½ NW ¼, N ½ SW ¼ 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 ¼ SE ¼ Section 19; SW ¼ NW ¼ Section 29; and the irrigated acreage is located in the S ¼ NW ¼, N ½ SW ¼, SW ¼ NE ¼ 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 $\frac{1}{4}$ NW $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, T11S, R3E. The irrigated acreage is located in N $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 32; SW $\frac{1}{4}$ NW $\frac{1}{4}$ 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 ¼ SW ¼ Section 32 and the SW ¼ SW ¼ Section 33 all in T11S, R3E. The irrigated acreage is located in the NW ¼ SW ¼, S ½ S ½ Section 32; SW ¼ SW ¼ 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 $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28 and the E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 22 all in T10S, R1E. The irrigated acreage is located in the S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21; SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 22; N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ Section 27; N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28; NE $\frac{1}{4}$ NE $\frac{1}{4}$ 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 $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12 and other points of diversion.

AFFIDAVIT OF PUBLICATION

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

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 Knight

Subscribed and sworn to before me

this 5 day of August

19 86

Terence M. Levar
Notary Public



are at points between and including NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 14 all in T12S, R4E. The irrigated acreage is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12; E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14; NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ 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, 46-5-29 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

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

199

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 ¼ SE ¼ of Section 14, T7S, R7E and the irrigated acreage is in the SE ¼ SE ¼ Section 14; NE ¼ SW ¼, S ½ SW ¼ Section 13; NE ¼ NE ¼ Section 23; N ½ NW ¼ 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 ¼ SE ¼ of Section 35 and the SE ¼ NE ¼, NE ¼ SE ¼ of Section 36 all in T11S, R3E. The irrigated acreage is located in the E ½ SE ¼ Section 35; SW ¼, S ½ NE ¼, N ½ SE ¼, SW ¼ SE ¼ 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 ¼ NW ¼ Section 33 and the NE ¼ SW ¼ Section 34 all in T11S, R3E. The irrigated acreage is located in the NE ¼ NW ¼, N ½ NE ¼, SE ¼ NE ¼, NE ¼ SE ¼ Section 33; S ½ NW ¼, N ½ SW ¼ 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 ¼ SE ¼ Section 19; SW ¼ NW ¼ Section 29; and the irrigated acreage is located in the S ½ NW ¼, N ½ SW ¼, SW ¼ NE ¼ 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 ¼ NW ¼ and the SE ¼ NE ¼ of Section 32, T11S, R3E. The irrigated acreage is located in N ½ NW ¼, S ½ NE ¼, N ½ SE ¼ Section 32; SW ¼ NW ¼ 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 ¼ SW ¼ Section 32 and the SW ¼ SW ¼ Section 33 all in T11S, R3E. The irrigated acreage is located in the NW ¼ SW ¼, S ½ S ½ Section 32; SW ¼ SW ¼ 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 ¼ NW ¼ Section 28 and the E ½ NE ¼ Section 22 all in T10S, R1E. The irrigated acreage is located in the S ½ SW ¼, SW ¼ SE ¼ Section 21; SE ¼ NW ¼, NE ¼, NW ¼ SE ¼, S ½ SE ¼ Section 22; N ½ NE ¼, NW ¼ Section 27; N ½ NE ¼, SE ¼ NE ¼, N ½ NW ¼, SW ¼ NW ¼ Section 28; NE ¼ NE ¼ 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 ¼ SE ¼ Section 12 and other points of diversion are at points between and including NE ¼ SE ¼ Section 13 and the NE ¼ NE ¼ Section 14 all in T12S, R4E. The irrigated acreage is located in the SW ¼ SE ¼ Section 12; E ½ NE ¼, NE ¼ SE ¼ Section 14; NW ¼, N ½ SW ¼, NW ¼ NE ¼, S ½ NE ¼, NW ¼ SE ¼ 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 o/pose or support the application. The request for extension must be filed with the Chief Engineer by August 22, 1986. July28, Aug.5



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

SOUTH DAKOTA
Department of
Water & Natural Resources

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

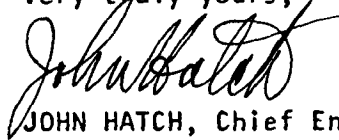
NOV 25 1986

George LeBar
Box Q
Douglas WY 82633

Dear Mr. LeBar:

Enclosed are your Validated Vested Water Right and Water License No. 1974-2.
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,



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

JH: ks

enclosures

NOTE: The applicable portions of Location Notices Nos. 451-2 and 507-2 were
incorporated into this Vested Water Right No. 1974-2. The abandoned
portions of the location notices have been cancelled.

 **Department of
Water & Natural Resources**

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

March 23, 1990

28-2
1974-2

NOTICE

TO: George LeBar
BOX Q
DOUGLAS, WY 82633

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

SUBJECT: Low Water Levels in Angostura Reservoir

The water level in Angostura Reservoir on March 6, 1990 was at 3171.1 feet above mean sea level (msl). This is approximately 16 feet below the full elevation of 3187.2 msl. The present estimates are that the Angostura Irrigation District will be able to deliver less than 50% of full service water to project lands during the 1990 irrigation season. We are contacting you to advise you of the actions we have taken due to the low water situation in Angostura Reservoir. Junior Water Right owners above Angostura have been ordered not to use water until Angostura fills.

Since your Water Right Nos. 28-2 and 1974-2 have priority dates that are senior to the April 11, 1941 priority for Angostura Irrigation Water Right No. 579-2, your permits are not directly affected by the Junior Priority Order. However, I am requesting that all Senior Water Right holders comply with any qualifications and limitations as stated on their water right. With the existing low runoff conditions, we expect to monitor all water rights above Angostura Reservoir.

I want to thank all Water Right Holders above Angostura for the cooperation that we have received up to this time. If you have any questions, please contact Del Brosz (605 773-3352).



DEPARTMENT OF ENVIRONMENT
& NATURAL RESOURCES

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

FACSIMILE TRANSMITTAL COVER SHEET

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: Richard Sharpe

DESTINATION: Costello, Porter, Hill etc

ADDRESS: 200 Security Bldg - 704 St Joe

PHONE: 343-2410 FAX: 343-4262

MESSAGE: Here is a copy of another right held by
George LeBar. The legal description matches the
description you sent to me this morning. If it
should be transferred - please, send "transfer form"
Thanks! G

FROM: Genny McMath

AGENCY: DENR

ADDRESS: Foss Bldg

PHONE: 773-3352 FAX: 773-6035

*** THIS TRANSMISSION INCLUDES 5 PAGES INCLUDING THIS PAGE ***

IF THERE IS ANY PROBLEM WITH THIS TRANSMITTAL, PLEASE CALL
(605) 773-3352. THANK YOU.

COSTELLO, PORTER, HILL, HEISTERKAMP & BUSHNELL
ATTORNEYS AT LAW

200 SECURITY BUILDING ■ 704 ST. JOSEPH STREET
MAILING ADDRESS P.O. BOX 290
RAPID CITY, SOUTH DAKOTA 57709

605-343-2410
TELECOPIER NO. 605-343-4262

WILLIAM G. PORTER
DENNIS H. HILL
K.L. HEISTERKAMP
GENE R. BUSHNELL
RICHARD O. SHARPE
EDWARD C. CARPENTER
THOMAS H. BARNES
DONALD A. PORTER
THOMAS W. STANTON
ROBERT L. LEWIS

VIA FAX

LONNIE R. BRAUN
DAVID M. DILLON
GREGORY G. STROMMEN
PATRICIA A. MEYERS
WILLIAM A. MAY
STEPHEN C. HOFFMAN

August 23, 1991

OF COUNSEL
J.M. COSTELLO

Genny McMath
Natural Resources Analyst
Department of Environment
& Natural Resources
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181

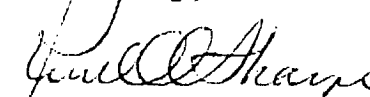
Re: Water Right No. 1019-2

Dear Ms. McMath:

Pursuant to your recent correspondence to me under date August 19, 1991, please find a revised Notice of Transfer of Ownership with attached revised legal description. I would appreciate your consideration in reviewing the legal description and, if the same is correct, please contact me and I will have my client, Rodney Vollmer, President of War Bonnet Ranch, Inc., sign the same and will then forward the original to you for filing with your Department.

Thank you for your consideration in this matter.

Sincerely,


Richard O. Sharpe

ROS:skl
enclosure

PS. Also enclosed for your information is a copy of the Executrix's Deed whereby the property was conveyed to War Bonnet Ranch, Inc.

EXHIBIT TO NOTICE OF TRANSFER OF OWNERSHIP

Township 11 South, Range 3 East, BHM, Fall River County

Section 28: E1/2, N1/2 SW1/4
Section 33: E1/2, E1/2 NW1/4, N1/2 SW1/4
Section 34: All

Township 12 South, Range 3 East, BHM, Fall River County

Section 3: Lots 2, 3, 4, SW1/4 NW1/4
Section 4: Lots 1, 2, S1/2 NE1/4

EXECUTRIX'S DEED

GEORGENE LEBAR, of Converse County, State of Wyoming, being the duly appointed, qualified, and acting EXECUTRIX OF THE LAST WILL OF GEORGE N. LEBAR, DECEASED, late of the County of Converse, in the State of Wyoming, Grantor, for and in consideration of TEN DOLLARS, AND OTHER GOOD AND VALUABLE CONSIDERATION, hereby conveys unto WAR BONNET RANCH, LTD., of 105 East 5th Street, Box 132, Murdo, SD 57559, all the right, title, interest and estate that the said decedent had on the date of his death, and also all the right, title, or interest acquired by the estate of said decedent, by operation of law or otherwise, since such death, other than or in addition to that of said decedent at the time of his death, in the following described real estate in the County of Fall River, in the State of South Dakota:

Twp. 11 South, Rng. 3 East, B. H. M.

Sec. 28: E $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$

Sec. 33: E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$

Sec. 34: All

Twp. 12 South, Rng. 3 East, B. H. M.

Sec. 3: Lots 2, 3, 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$

Sec. 4: Lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$

Fall River County, South Dakota.

Subject to all patent and mineral reservations of record, all mineral conveyances of record, all oil, gas, and mineral lease(s) of record and in effect pursuant to their terms, all easements or rights of way of record, or apparent on the surface, and all encroachments which a legal survey might identify.

Reserving unto Grantor, its successors and assigns, in perpetuity, an undivided one-half of all oil, gas, and minerals, related or unrelated, presently owned by Grantor or which may revert to Grantor or its assigns under any existing term reservation, in, on, or under all the above described real property, including but not limited to metals, oil, gas, coal, stone, gravel, and sand, together with ingress and egress rights, or other matters relating thereto, whether express or implied, and all executory rights regarding execution and delivery of any oil, gas, and mineral lease(s), all bonus payments, delay rentals, and payments from the production of oil, gas, and other minerals, related or unrelated.

An order confirming said sale to the Grantee above named was entered by the circuit court for Fall River County, South Dakota, on the 8th day of May A. D., 1991, and a duly certified copy of such order was recorded on the 8th day of May A. D., 1991, at 4:40 o'clock p. m., in Book 127 of Misc., on Page 441-445 thereof in the office of the Register of Deeds of Fall River County, South Dakota, and reference to such order is hereby made.

DATED this 12th day of July, 1991.


Georgene LeBar, Executrix
George N. LeBar Estate

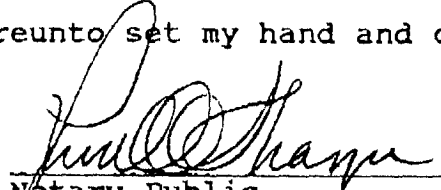
STATE OF SOUTH DAKOTA)

) ss.

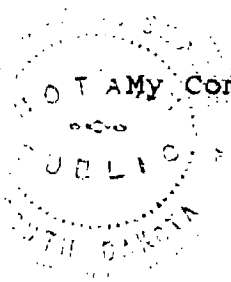
COUNTY OF PENNINGTON)

On this 12th day of July, 1991, before me, Richard O. Sharp, the undersigned officer, personally appeared Georgene LeBar, who acknowledged herself to be the Executrix of the Estate of George N. LeBar, Deceased, and that she as such Executrix, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the estate of George N. LeBar as Executrix thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.


Notary Public

NOTARY Commission expires

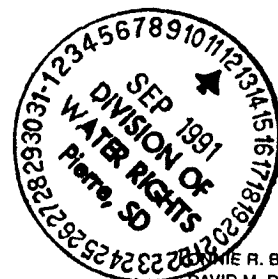
9-14-96

COSTELLO, PORTER, HILL, HEISTERKAMP & BUSHNELL
ATTORNEYS AT LAW

200 SECURITY BUILDING ■ 704 ST. JOSEPH STREET
MAILING ADDRESS P.O. BOX 290
RAPID CITY, SOUTH DAKOTA 57709

605-343-2410
TELECOPIER NO. 605-343-4262

WILLIAM G. PORTER
DENNIS H. HILL
K.L. HEISTERKAMP
GENE R. BUSHNELL
RICHARD O. SHARPE
EDWARD C. CARPENTER
THOMAS H. BARNES
DONALD A. PORTER
THOMAS W. STANTON
ROBERT L. LEWIS



DAVID R. BRAUN
DAVID M. DILLON
GREGORY G. STROMMEN
PATRICIA A. MEYERS
WILLIAM A. MAY
STEPHEN C. HOFFMAN

September 11, 1991

OF COUNSEL
J.M. COSTELLO

Genny McMath
Natural Resources Analyst
Department of Environment & Natural Resources
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181

Re: Water Right No. 1019-2
Water Right No. 1974-2

Dear Ms. McMath:

Pursuant to your recent correspondence to me under date August 19, 1991, enclosed please find revised Notice of Transfer of Ownership regarding Right No. 1019-2, together with attached revised legal description.

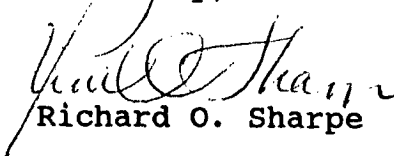
Also enclosed please find Notice of Transfer of Ownership regarding Right No. 1974-2, together with attached legal description.

Both of these Notices have been executed by Rodney L. Vollmer, President of War Bonnet Ranch, Inc.

Also enclosed is this office's check in the amount of \$2.50 for the filing fee for Right No. 1974-2. Pursuant to your letter of August 19, 1991, it is my understanding that a filing fee for Right No. 1019-2 will not be required.

Thank you for your consideration in this matter.

Sincerely,


Richard O. Sharpe

ROS:skl
enclosures

NOTICE OF TRANSFER OF OWNERSHIP

No. _____

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: _____

I/We request that ^{vested} Water ~~Permit~~/Right No. 1974-2

formerly owned by: George LeBar

be transferred to: (name & address) War Bonnet Ranch, Ltd.

105 E. 5th Street, Box 132, Murdo, SD 57559 (telephone No.) 669-2752

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

(See attached legal description)

I/We understand that the validity of Water ~~Permit~~/Right No. 1974-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
)
County of Pennington)

I/We Rodney L. Vollmer being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

WAR BONNET RANCH, INC.

X BY: Rodney L. Vollmer pres.
Rodney L. Vollmer, President

Subscribed and sworn to before me this 9th day of September, 1991.

BRIAN THOMPSON, NOTARY PUBLIC
My Commission Expires Jan. 10, 1997

Brian Thompson
(Notary Public)

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

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

EXHIBIT TO NOTICE OF TRANSFER OF OWNERSHIP

WATER RIGHT NO. 1974-2

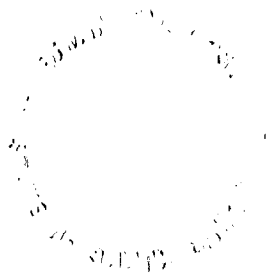


Section 33, T11S, R3E

NE1/4 NW1/4	4 acres
NW1/4 NE1/4	16 acres
NE1/4 NE1/4	7 acres
SE1/4 NE1/4	24 acres
NE1/4 SE1/4	16 acres

Section 34, T11S, R3E

SW1/4 NW1/4	31 acres
SE1/4 NW1/4	16 acres
NW1/4 SW1/4	5 acres
NE1/4 SW1/4	15 acres



RECEIPT

Division of Water Rights

412830

South Dakota Department of Water and Natural Resources

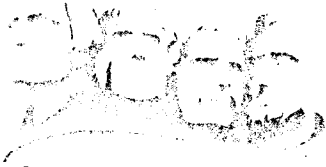
Pierre, _____ September 12, 19 91

RECEIVED OF Costello, Poster, Hill, Heisterkamp & Bushnell, PO Box 290, Rapid City, SD 577
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 1974-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch CE
Chief Engineer

South Dakota



GREAT FACES. GREAT PLACES.

September 17, 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

No. 1974-2

Costello, Porter, Hill, Heisterkamp & Bushnell
ATTN: RICHARD O. SHARPE
P.O. Box 290
Rapid City, SD 57709

Dear Mr. Sharpe:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Vested Water Right No. 1974-2.

Our records now show War Bonnet Ranch, Ltd. as the owner of Vested Water Right No. 1974-2.

Sincerely,

Cheryl F. Frost

Cheryl F. Frost
Secretary
Water Rights Division
605 773-3352

enclosure

cc: War Bonnet Ranch, Ltd.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 10, 1992

Jim Strain
Suite 3
500 1/2 W Blvd.
Rapid City, SD 57701

Dear Mr. Strain:

Enclosed, as we discussed, are copies of Water Right Nos. 28-2, 1019-2 and 1974-2. No. 28-2 is still listed in the name of George LeBar and Nos. 1019-2 and 1974-2 are listed in the name of War Bonnet Ranch, Ltd.

I hope you will be able to read the copies, some are very light. If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 30, 1995

656-2
657-2
1019-2
1974-2

Tom Landers
HC 52 Box 159A-1
Hot Springs, SD 57747

Dear Mr. Landers:

Enclosed, as we discussed, is a copy of Water Right No. 1019-2 and Vested Water Right No. 1974-2, currently listed in the name of War Bonnet Ranch, Inc.

Also enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change on Vested Water Right Nos. 656-2 and 657-2. The vested rights are currently listed in the name of A & T Cattle Company.

Please review the forms for accuracy and complete where necessary. The forms must be signed in the presence of a notary public and returned to our office with a \$2.50 filing fee for each (total of \$5.00).

If you have any questions, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

No. 1974-2

TO: Chief Engineer
Water Rights Division, DENR
523 East Capitol
Pierre, SD 57501-3181

Date: May 27, 1997I/We request that Water Permit/Right No. 1974-2formerly owned by: Mitch & Susan O'Connellbe transferred to: (name & address) Weinreis BrothersP.O. Box 367, Minature, Ne 69356 (telephone No.) 308-783-2000

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

NE 1/4 SE 1/4, E 1/2 NE 1/4, NW 1/4 NE 1/4, NE 1/4 NW 1/4 Section 33 andS 1/2 NW 1/4, N 1/2 SW 1/4 Section 34; all in T11S-R3E

I/We understand that the validity of Water Permit/Right No. 1974-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)

County of Pennington)

I/We _____ being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

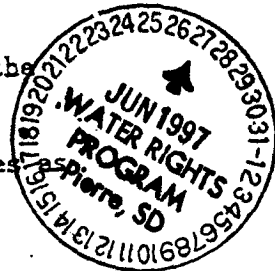
Weinreis Brothers by Charles Weinreis
(Signed)

Subscribed and sworn to before me this 27th day of May, 1997.

Kimberly Campbell
(Notary Public)

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

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



RECEIPT

Division of Water Rights

415400

South Dakota Department of Environment and Natural Resources

Pierre, June 27, 19 97

RECEIVED OF Pat Donahue, 24376 Rushmore Ranch Rd, Keystone, SD 57751

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Vested Right No. 1974-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer

JOHN HATCH

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 1974-2

Date: June 28, 1995

I/We request that Vested Water Right No. 1974-2

formerly owned by: War Bonnet Ranch, LTD

be transferred to: (name & address) DENNIS P. CASEY, 23325 So. AIRPORT RD.
Rapid City, SOUTH DAKOTA 57701 (Telephone No) 605-393-2242

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

NE 1/4, NE 1/4 SE 1/4 Section 33 and the S 1/2 NW 1/4 and N 1/2 SW 1/4 Section 34, T11S, R3E

I/We understand that the validity of Vested Water Right No. 1974-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)

County of Pennington)

I/We DENNIS P. CASEY being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner; that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Dennis P. Casey
(Signed)

Subscribed and sworn to before me this 28 day of June, 19 95.

James L. Drach
(Notary Public)

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

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

Water Rights Program - File Documentation

NAME: Assessors Office

ADDRESS: Fall River County

DATE: 8-6-1998

RE: transfer of No. 1974-2

COMMENTS:

I called the county assessor's office regarding the current owner of the land covered by Water Right No. 1974-2.

The lady I spoke with said the history of land transfers for this property was as follows: War Bonnet Ranch sold to Dennis Casey who sold to Mitch & Susan O'Connell who sold to Weinreis Brothers. The land transfers are recorded in November and the transfer to Weinreis Brothers was one of the land transfers to be recorded this November.

The assessors office indicated that O'Connell's only owned the land for about 1 year. Evidently, a Notice of Transfer from Casey to O'Connell was not filed with us.



Karen Schlaak
Environmental Scientist

RECEIPT

414580

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pat Donahue, Box 1115, Ft. Pierre, SD 57532

August 10, 19 95

RECEIVED OF ~~KIAINE KALCHIE, MS, Bureau of Reclamation, PO Box 1017, Missoula, MT 59801~~

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

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

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

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

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

Fee for Filing Transfer Form Vested Water Right No. 1974-2

Fee for Filing Extension Request _____

Fee for _____

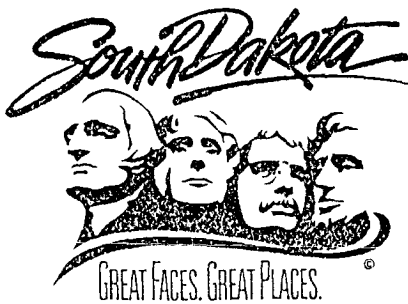
(Any Other Work Provided by Law)

Total

2 50

2 50

By John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

SEP 23 1998

John V & Lora A Miller
PO Box 116
Lodgepole NE 69149-0116

Dear Mr. & Mrs. Miller:

Enclosed is Reissued Vested Right License No. 2042-2. Based on transfers of ownership, Vested Right License No. 2042-2 is being divided and reissued to reflect separate ownership as follows:

No. 2042A-2, John V & Lora A Miller – irrigation of 145 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14; NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15; all in T11S-R4E – Priority date of December 1, 1909.

No. 2042B-2, Weinreis Brothers – irrigation of 99 acres in SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 22-T11S-R4E – Priority date of October 5, 1949.

As long as the water is used beneficially as stated in the Water License No. 2042B-2, South Dakota Water Laws provide that you have a continuing right to the use of the water.

If you have any questions, please contact this office.

Very truly yours,

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

ks

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

SEP 23 1998

Weinreis Brothers
PO Box 367
Minatare NE 69356

Dear Sirs:

Enclosed is Reissued Vested Right License No. 2042-2. Based on transfers of ownership, Vested Right License No. 2042-2 is being divided and reissued to reflect separate ownership as follows:

No. 2042A-2, John V & Lora A Miller – irrigation of 145 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14; NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15; all in T11S-R4E – Priority date of December 1, 1909.

No. 2042B-2, Weinreis Brothers – irrigation of 99 acres in SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 22-T11S-R4E – Priority date of October 5, 1949.

As long as the water is used beneficially as stated in the Water License No. 2042B-2, South Dakota Water Laws provide that you have a continuing right to the use of the water.

Our records also show Weinreis Brothers as the owner of land covered by Vested Water Right No. 1974-2 which is land located in the E $\frac{1}{2}$ Section 33 and W $\frac{1}{2}$ Section 34; all in T11S-R3E.

If you have any questions, please contact this office.

Very truly yours,

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

ks

enclosure

c: Pat Donahue, w/receipt for payment of transfer fees