

Considered: _____

~~Vested Right~~ WATER PERMIT NO. 1980-2

MAP No. 1980-2

V/R

Name of Applicant Don W Henry

Post Office Address Box 276, Ardmore SD 57715

Amount of Water Claimed 2.3 16 ac-ft Total Acres 158

Source of Water Supply Short Branch Creek and Dry Draw

Water to be used for IRR County Fall River

About 3 miles east 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 8-13-85 Fee \$10.50 Remarks _____

11/21/44

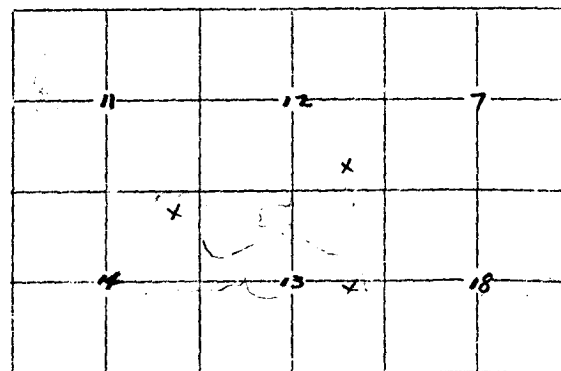
Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED N/A APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point SE 1/4 SE 1/4 Section 12; and between
points in the NE 1/4 SE 1/4 ^{Sec 13} and NE 1/4 NE 1/4 Sec 14, T12S, R4E

Land to be Irrigated SW 1/4 SE 1/4 Sec 12; E 1/2 NE 1/4, NE 1/4 SE 1/4
Sec 14, NW 1/4, N 1/2 SW 1/4, W 1/2 NE 1/4, SE 1/4 NE 1/4,
NW 1/4 SE 1/4 Sec 13, T12S, R4E



Well Log: Driller N/A Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

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

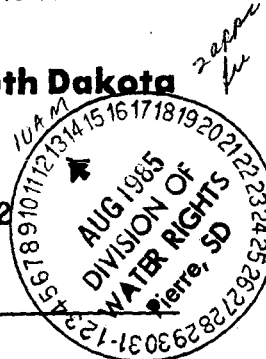
assigned on July 8, 1986 By Genny Mcnath

No. <u>1980-2</u>	Hydrologic Unit <u>10120108</u>
Map No. <u>1980-2</u>	Basin <u>Upper Cheyenne</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 727-2, 2544-2 and 2546-2
- ☐ 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 Don W. Henry Phone No. 308-453-2505
- Post Office Address Box 276, Ardmore, South Dakota State 57715
(Street, RR or Box) 1t acre feet Zip Code
2. Amount of water claimed (c.f.s) 2.3 Total acres irrigated 158
3. Source of Water supply Short Branch Creek and Dry Draw
4. Location of point of diversion N53°W 1250 ft from the SE Corner of Section 12, T12S, R4E
and anywhere between the following two points - S19°W 2880 ft from the NE Corner of
Section 13, T12S, R4E and S43°W 790 ft from the NW Corner of County Fall River
Section 13 T12S, R4E
5. Counties where water will be used Fall River
6. Annual period during which water is to be used All year January 1 - December 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.
(SEE ATTACHMENT)	

Land Description	No. Acres Irr.

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)

The project has a storage dam on a dry draw from which water can be released to a spreader system. In addition, diversion dikes have been constructed across the channel of Short Branch Creek. These dikes force the water onto the adjoining grassland.

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)
County of Fall River)^{ss}

I, Don W. Henry 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 Don W. HenrySubscribed and sworn to before me this 12 day of August 1985

Ronald M. Demard
Notary Public (or other qualified officer)

WATER PERMIT

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

(Applicant)

(Post Office Address)

(State)

(Zip Code)

With the following qualifications.

SEE FORM VR-1

The applicable portions of Location Notices NO. 727-2, 2544-2 and 2546-2 were incorporated into this Vested Right Water Right No. 1980-2 with the abandoned portions of the location notices 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. 1980-2.

Don W Henry

(applicant)

Box 276, Ardmore

(post office address)

South Dakota

(state)

57715

(zip code)

Date of receipt of Application August 13, 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 November 21, 19 44.
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.~~ and storage of 16 acre-feet annually 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.

WATER MANAGEMENT BOARD

By: John M. Hated

(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

NOV 25 1986

, 19 ____.

State of South Dakota

VESTED RIGHT Water License No. 1980-2

(1) Don W. Henry

of Box 276, Ardmore, South Dakota 57715

made Application No. 1980-2, August 13, 1985 for validation of a vested right claim for a water permit to appropriate

2.30 cubic feet per second of water from and store 16 acre feet of water annually Short Branch Creek and dry draw

Fall River County, South Dakota for Irrigation purposes.

Vested Water Right

Permit No. 1980-2, with a priority date of November 21, 1944

validated 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 2.30 cubic feet per second of water and store 16 acre feet of water annually

for beneficial use. The location of the diversion point(s) is N53°W 1250 ft from the SE Corner of Section

12, T12S, R4E and between the following two points: S19°W 2880 ft from the NE Corner of

Section 13 and S43°W 790 ft from the NW Corner of Section 13, T12S, R4E.

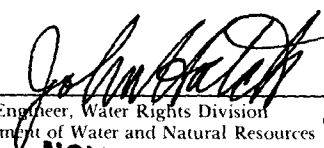
and

(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 T12S-R4E

<u>Section 12 SW$\frac{1}{4}$SE$\frac{1}{4}$ 12 Acres</u>	<u>Section 13 SE$\frac{1}{4}$NE$\frac{1}{4}$ 6 Acres</u>
<u>Section 14 NE$\frac{1}{4}$NE$\frac{1}{4}$ 22 Acres</u>	<u>NW$\frac{1}{4}$SE$\frac{1}{4}$ 2 Acres</u>
<u>SE$\frac{1}{4}$NE$\frac{1}{4}$ 14 Acres</u>	<u>TOTAL 158 ACRES</u>
<u>NE$\frac{1}{4}$SE$\frac{1}{4}$ 1 Acre</u>	
<u>Section 13 NW$\frac{1}{4}$NW$\frac{1}{4}$ 3 Acres</u>	
<u>NE$\frac{1}{4}$NW$\frac{1}{4}$ 10 Acres</u>	
<u>SW$\frac{1}{4}$NW$\frac{1}{4}$ 21 Acres</u>	
<u>SE$\frac{1}{4}$NW$\frac{1}{4}$ 32 Acres</u>	
<u>NW$\frac{1}{4}$SW$\frac{1}{4}$ 2 Acres</u>	
<u>NE$\frac{1}{4}$SW$\frac{1}{4}$ 5 Acres</u>	
<u>NW$\frac{1}{4}$NE$\frac{1}{4}$ 11 Acres</u>	
<u>SW$\frac{1}{4}$NE$\frac{1}{4}$ 17 Acres</u>	

(4) Pursuant to §46-5-30.1 Don Henry
of Box 276, Ardmore, South Dakota 57715
the holder(s) and/or owner(s) of /Vested Water Right Water Permit No. 1980-2 is issued a license to appropriate water, the right to use 2.3 cubic feet per second of water from and store 16 acre feet of water annually Short Branch Creek and dry draw with a priority date of November 21, 1944 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 1980-2 Water Permit No. 1980-2 and subject to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources
JOHN HATCH
NOV 25 1986

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth of Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____ 4'

c) Crest Width _____ 12'

Crest Length _____ 700'

d) Height _____ 14'

e) Outlet Dimensions:
 Pipe diameter _____ 18"

Spillway width _____

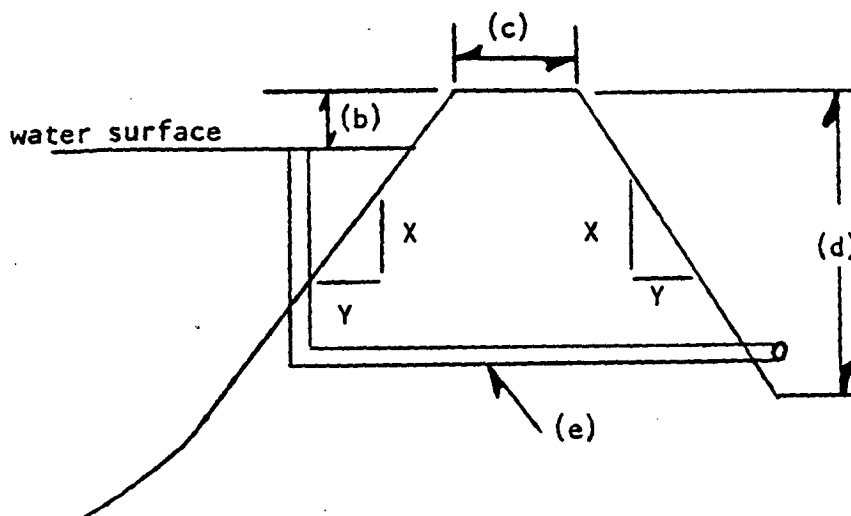
f) X & Y Slope
 Upstream _____ 2:1

Downstream _____ 2:1

Surface Area of Impoundment _____ 4 acres

Storage _____ 16 _____ acre feet

Drainage area above dam _____ 900 acres



X Don W. Henry
 Signature of Applicant

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) Don W. Henry
 Post Office Address Box 276, Ardmore, South Dakota 57715
(Street, RR or Box) (State) (Zip Code)

 A. Notice of Appropriation Nov. 21, 1944, April 15, 1946 & July 7, 1949 Date of Posting _____

 Date of recording July 7, 1950 & Oct. 4, 1949 Recording date Fall River County
Where Book Page
B. Date of start of construction of water supply system 1944C. Date that water was first applied to beneficial use 1945D. Name of owner of original water supply system R. W. Henry and Don W. Henry

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 1945

G. Chronological History of Water Use Dam in Section 12 was constructed in 1949. The dam and ditch in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13 were constructed in 1944. The dike near the SE corner of the NW $\frac{1}{4}$ in Section 13 was constructed in 1944. Two of the other dikes across Short Branch Creek were constructed in 1945. One of the dikes was constructed across Short Branch Creek in 1947. All of the above facilities have been used continuously since they were constructed.

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

State of South Dakota)

County of Fall River)^{ss}

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

Signed Don W. HenrySubscribed and sworn to before me August 12, 1985
Loraine M. Leonard
 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.

WILLIAM R. RUSSELL 8-12 1985
(Print name)
CHARIS M. FLEMING 8-12 1985
(Print name)

Permit No. 1980-2Upper Cheyenne Water District Location Notices 727-2, 2544-2
Report Of Examination Of Works And/Or Application Of Water To Beneficial Use
2546-2

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 Don W. Henry of Box 276, Ardmore, SD 57715 holder of Permit No. 1980-2, bearing the priority of 1980, ~~1980~~ ~~1980~~ authorizing the diversion of 2.3 cu. ft. per second of the waters of Short Branch Creek & Dry Draw 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 storage dam from which water can be released to a spreader system. Also, diversion ditches constructed across the channel of Short Branch Creek
- B. Works used to transport water to place of use: Ditches and dikes
- C. Works used to apply water to beneficial use: spreader dikes - flood irrigation

The system is in the following condition Fair

The point of diversion is located N53°W 1250 ft from the SE corner of Sec 12, T12S, R4E and anywhere between the following two points - S19°W 2880 ft from the NE corner of Sec 13 and S43°W 790 ft from the NW corner of Sec 13, T12S, R4E.

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 - water spreading

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

(See attached sheet)

comprising a total of 158 acres of land and the license should be issued for 2.3 cfs
16 ac/st annually

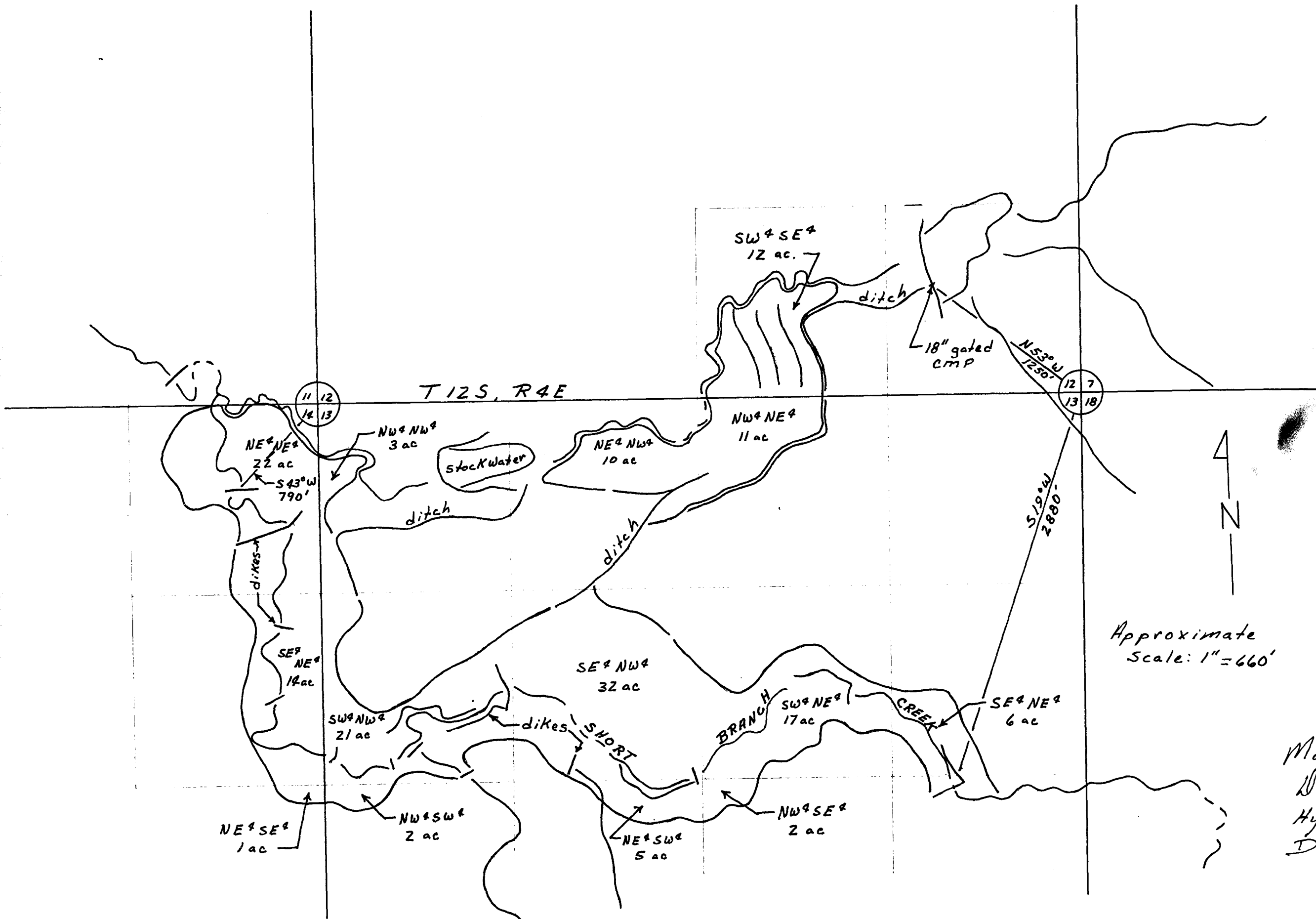
Applicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date July 24, 1985

Delvin W. Booz, P.E.
(signature) Hydrologist

Don W. Henry

Irrigated Lands

Land Description	Acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 12, T12S, R4E	12
NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14, T12S, R4E	22
SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14, T12S, R4E	14
NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, T12S, R4E	1
NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, T12S, R4E	3
NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, T12S, R4E	10
SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, T12S, R4E	21
SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, T12S, R4E	32
NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, T12S, R4E	2
NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, T12S, R4E	5
NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, T12S, R4E	11
SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, T12S, R4E	17
SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, T12S, R4E	6
NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 13, T12S, R4E	2
TOTAL	158
	ACRES



Map Prepared By:
Delvin D. Borg, P.E.
Hydrologist
Division of Water Rights

Will send 112
additional
LNs in the
next 2 weeks

D. Henry

Large dam
in sec 12

Fall River
County

LOCATION NOTICE

1949
Prairie Year

Large dam
222-2
ACF Farm Serial #

KNOW ALL MEN BY THESE PRESENTS:

That E. V. Henry,
whose post office is Ardmore, South Dakota, a citizen of the
United States, above the age of 21 years, being in possession of the land covered
by the above ACF farm 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 him self of the right granted him under the
provisions of Section 11.0135 South Dakota Code of 1939, 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 12 Township 12 Range 4E, and has located
ditches and flumes for the purpose of directing
flow water 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 22 12.00 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. 12-1204, 50 rods west and 10 rods South
to the point of Diversion.

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

Said location was made on the 7th day of July 1949
Witness my hand and seal this 6th day of October 1949

Locator

Herewith is enclosed one dollar for filing in the State Engineer's Office as
required under Section 75.1306 of the South Dakota Code of 1939.

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

On the 4th day of October 1949, before me
Clara M. Clay, a Notary Public in and for the County and State
above named, personally appeared E. V. Henry, known to be the person who executed the foregoing instrument and who 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 2-11-50

Clara M. Clay
Notary Public

Fall River
County

LOCATION NOTICE

Dry Draw Number

1944
Program Year

ACP Farm Serial No.

KNOW ALL MEN BY THESE PRESENTS:

That Don Henry
Whose post office is Ardmore, 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 farm 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 himself of the right granted him under the
provisions of Section 61.0133 South Dakota Code of 1939, has located and claims
the right to construct a certain dam across a dry draw situated in the SE 1/4
of the NW 1/4 of Section 13 Township 12 Range 4, 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 5 acre feet of water
annually.

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

From the SE corner of the SW 1/4, 15 feet North and 320 West

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

Said location was made on the 21 day of November 19 44
Witness my hand and seal this 7 day of July 19 50

Don Henry
Locator

Herewith is enclosed one dollar for filing in the State Engineer's Office as
required under Section 55.1806 of the South Dakota Code of 1939.

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

On the 7th day of July 19 50, before me
Clara M. Clay, a Notary Public in and for the County and State
aforesaid, personally appeared Don Henry 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 8-19-53

Notary Public



53864

Don Henry

TO
The Public

STATE OF SOUTH DAKOTA
COUNTY OF FILLMORE

FILED FOR RECORD

8 DAY OF *July* 19*50*
AT *10:15 A* M. AND RECORDED IN

BOOK *1* PAGE *1*
Ellen Thomas
REC'D BY OF RECORDS

FEES \$

When Recorded Return

TO

Ball River
County

LOCATOR NOTICE

1950
1950 Year

2544 - 2
By New Barker

RECEIVED
JUL 10 1950

KNOW ALL MEN BY THESE PRESENTS:

That Sam Jones of South Dakota, a White male, single, living in South Dakota, has located and claims the right to construct a certain dam across a dry draw situated in the SE 1/4 of the 1/4 of Section 22 Township 20 Range 6 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 acre feet of water annually.

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

From the SE corner of the SE 1/4 of Sec 22 T20 R6

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

Said location was made on the 10 day of August 19 50
Witness my hand and seal this 10 day of August 19 50

Sam Jones
Locator

Herewith is enclosed one dollar for filing in the State Engineer's Office as required under Section 25.1-106 of the South Dakota Code of 1937.

STATE OF SOUTH DAKOTA.

County of Ball River

On the 10th day of July 19 50, before me Clara M. Day, a Notary Public in and for the County and State aforesaid personally appeared Sam Jones 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.

Clara M. Day
Notary Public

My commission expires 1951

Fall River

LOCATION NOTICE

County

Dry Draw Number

1946

Program Year

ACP Farm Serial No.

KNOW ALL MEN BY THESE PRESENTS:

That Don W. Henry
Whose post office is Pemrose, 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 farm 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 him self of the right granted him under the
provisions of Section 61.0133 South Dakota Code of 1939, has located and claims
the right to construct a certain dam across a dry draw situated in the NW 1/4
of the NW 1/4 of Section 13 Township 12 Range 4, 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 8.0 acre feet of water
annually.

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

From the NE corner of the NW 1/4, 200 feet West and 600 South

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

Said location was made on the 15 day of April 1946
Witness my hand and seal this 7 day of July 1959

Locator

Herewith is enclosed one dollar for filing in the State Engineer's Office as
required under Section 55.1806 of the South Dakota Code of 1939.

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

On the 7 th day of July 1950, before me
Clara A. Gray, a Notary Public in and for the County and State
aforesaid, personally appeared Don W. Henry 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 8-19-53

Notary Public



53866

Now serving

The Public

STATE OF SOUTH DAKOTA
COUNTY OF FALL RIVER

FILED FOR RECORD

8 DAY OF *July* 1950

AT *10:15 A* M AND RECORDED IN

BOOK _____ PAGE _____

Allen Thomas
REGISTER OF DEEDS

FEES \$ _____

When Recorded Return

TO _____

LOCATOR NOTICE

State of South Dakota
County of Butte

1946
Filing Year

South Dakota
2546-2
Dry Lake Harbor

RECEIVED
JUL 11 1950

KNOW ALL MEN BY THESE PRESENTS:

I, John E. Hany, of the County of Butte, State of South Dakota, do hereby certify that the above described land is in the possession of John E. Hany, being in possession of John E. Hany covered by the above ACP from original number of which the land upon which the water described below are to be constructed is a part in Butte County South Dakota availing himself of the right granted under the provisions of Section 21.0133 South Dakota Code of 1939 has located and claims the right to construct a certain dam across a dry draw situated in the 1/4 of 1/4 of Section 22 Township 22 Range 4 and has located and claims the right to construct ditches and flumes for the purpose of directing flow 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 0.0 acre feet of water annually.

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

From the SE corner of the 22nd, 22nd 2nd West and 22nd South

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

Said location was made on the 10 day of June 1946
Witness my hand and seal this 9 day of June 1946

John E. Hany
Locator

Herewith is enclosed one dollar for filing in the State Engineer's Office as required under Section 21.146 of the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA.

County of Butte

On the 9 day of July 1946, before me John E. Hany, a Notary Public in and for the County and State of South Dakota, personally appeared John E. Hany 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 0-0-00

John E. Hany
Notary Public

Admore, SD
7-29-85

John

This is all the location
notices I've been able to find
I hope they will help, if I find
any more I'll send them later
Don

Don Henry
Box 276
Admore
57715



Fall River

County

LOCATION NOTICE

Dry Draw Number

1948

Program Year

ACP Farm Serial No.

KNOW ALL MEN BY THESE PRESENTS:

That Don Henry
Whose post office is Ardmore, 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 farm 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 him self of the right granted him under the provisions of Section 61.0133 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 13 Township 12 Range 4, 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 6.0 acre feet of water annually.

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

From the NW corner of the NE 1/4, 15 feet East and 420 feet South

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

Said location was made on the day of September 19 48
Witness my hand and seal this 7th day of July 19 50

Don Henry
Locator

Herewith is enclosed one dollar for filing in the State Engineer's Office as required under Section 55.1806 of the South Dakota Code of 1939.

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

On the 7th day of July 19 50, before me Olara L. Gray, a Notary Public in and for the County and State aforesaid, personally appeared Don Henry 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 8-19-53

Olara L. Gray
Notary Public



53863

Don Henry
TO
The Public

STATE OF SOUTH DAKOTA
COUNTY OF FALL RIVER

SS

FILED FOR RECORD

8 DAY OF July 1956

AT 12:15 P.M. AND RECORDED IN

BOOK PAGE

Allen Thomas

RECORDED BY

FEES:

When Recorded Return

TO

2503
 My 1950 Buick
 RECEIVED
 JUL 10 1950

Whereas [redacted] State of South Dakota, County of [redacted]
[redacted] being in possession of the land covered
by the grant and said serial number of which the land upon which the water-
overlaid values are to be constructed is a part in [redacted] Grant
South Dakota, availing [redacted] self of the right granted [redacted] under the
provisions of Section 61413 South Dakota Code of 1939 has located and claims
the right to construct a certain dam across a dry draw situated in the [redacted] 1/4
of the [redacted] 1/4 of Section [redacted] Township [redacted] Range [redacted] and has located
and claims the right to construct ditches and flumes for the purpose of diverting
flow thereof 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.

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

From the _____

Said location was made on the _____ day of _____ 19____
Witness my hand and seal this _____ day of _____ 19____

Wester

STATE OF SOUTH DAKOTA.
County of Fall River

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

0

14-00000

Fall River
County

LOCATION NOTICE

Dry Draw Number

1948
Program Year

ACP Farm Serial No.

KNOW ALL MEN BY THESE PRESENTS:

That R. W. Henry
Whose post office is Ardmore, 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 farm 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 him self of the right granted him under the
provisions of Section 61.0133 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 7 Township 12 Range 8, 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 6.0 acre feet of water
annually.

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

From the NW corner of the NE 1/4, 20 feet East and 290 feet South.

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

Said location was made on the 3 day of May 19 48
Witness my hand and seal this 7 day of July 19 50

R. W. Henry
Locator

Herewith is enclosed one dollar for filing in the State Engineer's Office as
required under Section 55.1806 of the South Dakota Code of 1939.

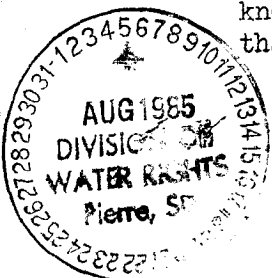
STATE OF SOUTH DAKOTA,)
) ss
County of Fall River)

On the 7th day of July 19 50, before me
Clara M. Clay, a Notary Public in and for the County and State
aforesaid, personally appeared R. W. Henry 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 8-19-53

Notary Public



53862

R W Henry

The Public

STATE OF SOUTH DAKOTA
COUNTY OF FALL RIVER

FILED FOR RECORD

8 DAY OF July 50

AT 10:15 A M AND IN

BOOK Ellen Thomas

FEES \$
When Recorded Return

TO

~~STATE OF SOUTH DAKOTA~~

~~SECTION 1070~~

~~FILED~~
JUL 10 1950

~~STATE OF SOUTH DAKOTA~~

~~FILED~~
JUL 10 1950

NOTE: ALL NEW BY STATE ENGINEER:

That John J. Smith of the County of Butte State of South Dakota availing himself of the right granted under the provisions of Section 11.011 South Dakota Code of 1939 has located and claims the right to construct a certain dam across a dry dry situated in the 1/4 of the 1/4 of Section 7 Township 22 Range 10 and has located and claims the right to construct ditches and flumes for the purpose of diverting 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 purpose.

Said locator claims for the above purpose 6.0 acre feet of water annually.

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

From the SE corner of the NE 1/4 of Sec 7, T22, R10, S22.

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

Said location was made on the 8 day of July
Witness my hand and seal this 8 day of July 1950

Richard J. Smith
Locator

Herewith is enclosed one dollar for filing in the State Engineer's Office as required under Section 55.144 of the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA.

County of Butte

On the 8 day of July 19 50, before me
John J. Smith John J. Smith, a Notary Public in and for the County and State
aforesaid personally appeared John J. Smith 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 1951

Fall River

County

LOCATION NOTICE

Dry Draw Number

1946

Program Year

ACP Farm Serial No.

KNOW ALL MEN BY THESE PRESENTS:

That Don Henry
Whose post office is Ardmore, 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 farm 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 him self of the right granted him under the
provisions of Section 61.0133 South Dakota Code of 1939, has located and claims
the right to construct a certain dam across a dry draw situated in the NW 1/4
of the SE 1/4 of Section 17 Township 18 Range 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 6.0 acre feet of water
annually.

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

From the SE corner of the NW 1/4, 100 feet West and 190 feet North

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

Said location was made on the 8 day of April 19 46
Witness my hand and seal this 7 day of July 19 50

Locator

Herewith is enclosed one dollar for filing in the State Engineer's Office as
required under Section 55.1806 of the South Dakota Code of 1939.

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

On the 7th day of July 19 50, before me
Clara M. Olaf, a Notary Public in and for the County and State
aforesaid, personally appeared Don Henry 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 8-19-53

Notary Public



53865

Don Henry

The Public

STATE OF SOUTH DAKOTA
COUNTY OF FALL RIVER SS

FILED FOR RECORD

8 DAY OF *July* 19*50*

AT 10:15 A. M. AND RECORDING

BOOK PAGE

Allen Thomas

REGISTER OF DEEDS

FEES

When Recorded Return

TO

Ball River
County

LOCATION NOTICE

South Clayman
2545 - 2
Dr. Drew Barker

1950
Fiscal Year

RECEIVED
JUL 10 1950

KNOW ALL MEN BY THESE PRESENTS:

That Ball River South Clayman 2545 - 2
whose post office is South Clayman 2545 - 2
United States, does hereby certify, being in possession of the land covered
by the above Ball River South Clayman 2545 - 2
described below are to be constructed in a part in Ball River South Clayman 2545 - 2
South Dakota availing Ball River South Clayman 2545 - 2
provisions of Section 01.013, South Dakota Code of 1927 as located and claims
the right to construct a certain dam across a dry Ball River South Clayman 2545 - 2
of the Ball River South Clayman 2545 - 2 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 Purpose, and claims the right of way across any land for
the purpose of conveying water for said purpose.

Said locator claims for the above purpose 6.0 acre foot of water
annually.

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

From the Ball River South Clayman 2545 - 2

The ditch Ball River South Clayman 2545 - 2 will run in a Ball River South Clayman 2545 - 2 direction to and
on said land for a distance of Ball River South Clayman 2545 - 2 feet.

Said location was made on the Ball River South Clayman 2545 - 2 day of Ball River South Clayman 2545 - 2 19 Ball River South Clayman 2545 - 2
Witness my hand and seal this Ball River South Clayman 2545 - 2 day of Ball River South Clayman 2545 - 2 19 Ball River South Clayman 2545 - 2

Ball River South Clayman 2545 - 2
Locator

Herewith is enclosed one dollar for filing in the State Engineer's Office as
required under Section 01.013 of the South Dakota Code of 1927.

STATE OF SOUTH DAKOTA.

County of Ball River South Clayman 2545 - 2

In the Ball River South Clayman 2545 - 2 day of Ball River South Clayman 2545 - 2 before me
Ball River South Clayman 2545 - 2 a Notary Public in and for the County and State
aforesaid personally appeared Ball River South Clayman 2545 - 2 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 Ball River South Clayman 2545 - 2

Ball River South Clayman 2545 - 2

53867

Don L. Lusk

TO
The Public

STATE OF SOUTH DAKOTA
COUNTY OF FALL RIVER SS

FILED FOR RECORD

8 DAY OF *July* 19*50*

AT *10:15 A* P. AND RECORDED IN

BOOK *Ellen Thomas* PAGE
ALL BOOKS OF RECORDS

FEES \$

When Recorded Return

TO

NOTICE

2547-2
JUL 10 1950

KNOW ALL MEN BY THESE PRESENTS:

That _____ of _____ South Dakota, being in possession of the land covered by one above ACP land patent of which the land upon which the work described below are to be constructed is a part in _____ County South Dakota availing _____ of the right granted _____ under the provisions of Section 11,013 South Dakota Code of 1939 has located and claims the right to construct a certain dam across a dry draw situated in the _____ 1/4 of the _____ 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 purpose.

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

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

From the _____

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

3. A location was made on the _____ day of _____ 19____
where a monument was set and this _____ day of _____ 19____

Locator

Whereof I enclosed one dollar for filing in the State Engineer's Office as required by law of the South Dakota Code of 1939.

On the _____ day of _____ 19____, before me _____, a Notary Public in and for the State of South Dakota, personally appeared _____ who acknowledged to me personally that he executed the foregoing instrument and acknowledged that he executed the same for the use and purpose therein set forth.

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

My commission expires _____

Fall River

County

LOCATION NOTICE

Dry Draw Number

1947

Program Year

ACP Farm Serial No.

KNOW ALL MEN BY THESE PRESENTS:

That

Don Henry

Whose post office is Ardmore 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 farm 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 him self of the right granted him under the provisions of Section 61.0133 South Dakota Code of 1939, has located and claims the right to construct a certain dam across a dry draw situated in the SW 1/4 of the SW 1/4 of Section 13 Township 12 Range 4, 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 7 acre feet of water annually.

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

From the SW corner of the SW 1/4, 390 feet East and 520 feet South

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

Said location was made on the 23 day of April 1947
Witness my hand and seal this 7 day of July 1950

Locator

Herewith is enclosed one dollar for filing in the State Engineer's Office as required under Section 55.1806 of the South Dakota Code of 1939.

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

On the 7th day of July 1950, before me Clara M. Clay, a Notary Public in and for the County and State aforesaid, personally appeared Don Henry 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 8-19-53

Notary Public



August 8, 1985

Don W. Henry
Box 276
Ardmore, South Dakota 57715

Dear Don:

Thank you for the copies of the Location Notices. They were very helpful.

I believe the best way to handle your waterspreading system is to file a Vested Right Application. The Location Notices will be incorporated with the Vested Right and would substantiate the right. Only three of the Location Notices apply to your waterspreading system. The remaining Notices must be for livestock water dams.

I have completed the necessary forms for the vested right application. Please review these forms and if you believe that something is in error, correct it. The forms should be signed in the presence of a notary. All of the forms should be returned to our office with a filing fee of \$10.50.

I did not complete Section G of the Affidavit of Water Use form. The reason I did not complete this is because I did not know when the majority of the dikes on Short Branch Creek were constructed. Please complete this section. You may want to state that the dam in Section 12 was constructed in 1949, the dam and ditch in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13 were constructed in 1946 and the dike near the SE Corner of the NW $\frac{1}{4}$ in Section 13 was constructed in 1944. Then you should make some statement as to when the other dikes were constructed across Short Branch Creek. You should also make a statement to the effect that all of the facilities have been continuously used since constructed.

If I can answer any questions, please contact me.

Sincerely,

Delvin D. Brosz, P.E.
Hydrologist

DDB:ms
Enc.

Equal Opportunity Employer

RECEIPT

Division of Water Rights

No 410154

South Dakota Department of Water and Natural Resources

Pierre, August 13, 1905

RECEIVED OF Don W. Henry, Box 276, Ardmore, SD 57715

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

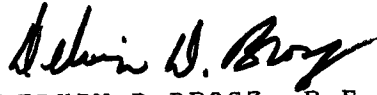
By John Hatch
Chief Engineer JOHN HATCH (INS)

REPORT ON VESTED RIGHT APPLICATION NO. 1980-2
DON W. HENRY
July 24, 1986

Application No. 1980-2 requests validation of a vested right claim to appropriate 2.3 cfs and store 16 acre feet per year from Short Branch Creek and a dry draw. The water has been used following construction of the system after November 21, 1944 to irrigate 158 acres. The diversion points and the irrigated acreage are located in Sections 12, 13 and 14, T12S, R4E.

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 November 21, 1944 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. 1980-2

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. 1980-2, Don W Henry, Box 276, Ardmore SD.

The Chief Engineer is recommending VALIDATION of Application No. 1980-2 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 cursive script, appearing to read "John Hatch".

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

Don W Henry
Box 276
Ardmore SD 57715

Dear Sir:

Your Application No. 1980-2 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 black ink that reads "Ron Duvall". The signature is written in a cursive style with a large, looped "R" and a trailing "l".

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures



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

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

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.

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,

A handwritten signature in dark ink, appearing to read "Russell Sanders".

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 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



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,

A handwritten signature in dark 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: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

Don W Henry
Box 276
Ardmore SD 57715

Dear Mr. Henry:

Enclosed are your Validated Vested Water Right and Water License No. 1980-2.
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 cursive script, reading "John Hatch".

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

JH:ks

enclosures

NOTE: The applicable portions of Location Notices No. 727-2, 2544-2 and
2546-2 were incorporated into this Vested Water Right No. 1980-2
with the abandoned portions of the location notices cancelled.

Equal Opportunity Employer



Department of Water & Natural Resources

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

May 11, 1989

1980-2

NOTICE

TO: Don W. Henry
Box 276
Ardmore, SD 57715

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. 1980-2. 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
-------------	--

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

1980-2

NOTICE

TO: Don W. Henry
Box 276
Ardmore, SD 57715

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

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

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. 1980-2. 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

1980-2

NOTICE

TO: Don W. Henry
Box 276
Ardmore, SD 57715

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

A handwritten signature in dark ink, appearing to read "Del 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

1980-2

RESCISSION OF SHUTOFF ORDER

TO: Don W. Henry
Box 276
Ardmore, SD 57715

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

1980-2

NOTICE

TO: DON W HENRY
BOX 276
ARDMORE, SD 57715

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. 1980-2 which is junior in priority to Water Right No. US579-2 held by the US Bureau of Reclamation for the Angostura Irrigation District.

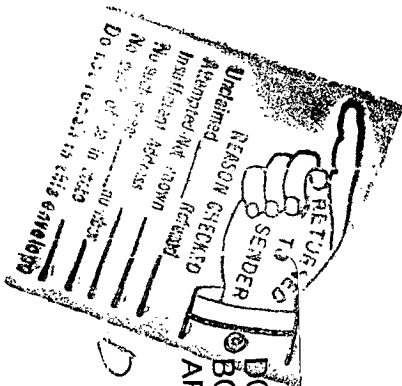
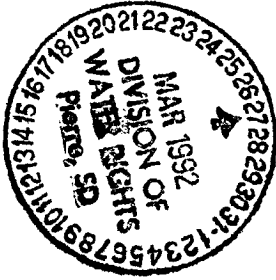
On March 20, 1992 the water elevation in Angostura Reservoir was 4.4 feet and 19,164 acre feet below full. Reservoir storage levels will be closely monitored. If inflows increase such that the reservoir will fill, this shut off order will be rescinded at that time.

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.

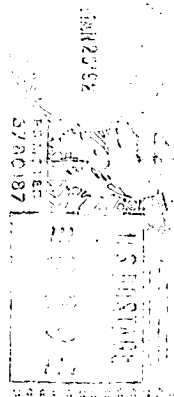
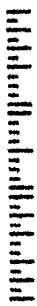


DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181



DON W HENRY
BOX 276
ARDMORE, SD 57715

Deceased





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 25, 1992

1980-2

NOTICE

TO: DON W HENRY
BOX 276
ARDMORE, SD 57715

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. 1980-2 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	ZIP CODE	PERM2	PERM3
657-2		A & T CATTLE CO	TOM LANDERS	ST RT	HOT SPRINGS	SD	57747		
308-2	RICHARD	ANDERSON	& CHAR ANDERSON	HCR 59 BOX 18	EDGEMONT	SD	57735		
1614-2	IRENE R	ANDERSON		HCR 59 BOX 20	EDGEMONT	SD	57735		
324-2		B & H RANCH INC	B F CHILDERS	PO BOX 723	EDGEMONT	SD	57735		
534-2		BALL BROS		BOX 617	EDGEMONT	SD	57735		
1995-2	LESTER I	BARKLEY		BOX 740	EDGEMONT	SD	57735		
1693-2	NICK/MICHAEL	BOGNER	ANICK BOGNER JR	HC 46 BOX 24	OELRICHS	SD	57763	1734-2	
755-2		BRAINERD INDIAN SCHOOL			HOT SPRINGS	SD	57747		
858-2	WAYNE F	CHILDERS		HCR 59 BOX 1A	EDGEMONT	SD	57735		
636-2	V L	CHILDERS		BOX 723	EDGEMONT	SD	57735		
654-2	OSCAR	COPE			OELRICHS	SD	57763		
1994-2	JOHN	DEGERING		SR 1 BOX 136	LUSK	WY	82225		
567-2	HAROLD E	DODSON		HCR 59 BOX 5A	EDGEMONT	SD	57735	1410-2	
2058-2	LEROY/BERTHA	DUIERSON		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	EDGEMONT	SD	57735		
540-2	DARRELL E	HELTMAN		BOX 402	EDGEMONT	SD	57735		
1879-2	DORA R	HENDERSON	APT 265	5141 INDIAN RIVER	LAS VEGAS	NV	89103		
1980-2	DON W	HENRY		BOX 276	ARDMORE	SD	57715		
379-2	HENRY C	HOLLENBECK		DEWEY ROUTE	EDGEMONT	SD	57735		
1593-2		HU RANCH INC	SD CORPORATION	HCR 59 BOX 102	EDGEMONT	SD	57735		
350-2	DARREL D	HUNTER		BOX D	ARDMORE	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 MOTEL	CHADRON	NE	69337		
1696-2	JOHN W	KOLLER		BOX 715	EDGEMONT	SD	57735		
866-2	A J	LANDERS	STAR CATTLE CO	BOX 159B HCR 52	HOT SPRINGS	SD	57747		
1840-2	B L/ALLEN	LAWRENCE		BOX 759	TIOGA	ND	58852		
676-2	MELVIN	LULF			HOT SPRINGS	SD	57747		
17295-2	JOHN D(JACK)	MANKR	(ESTATE)	RR #1 BOX 179C	HOT SPRINGS	SD	57747		
11447-2	KENNETH	MARTINSON		BOX 361	EDGEMONT	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		BROADWIS STAGE	MILES CITY	MT	59301		
2015-2		PETERSON & SON, INC		HCR 59 BOX 16	EDGEMONT	SD	57735		
1016-2	PAUL & JEAN	PETTY	& NOREEN PETTY	HCR 52 BOX 136	HOT SPRINGS	SD	577479603		
1716-2	MELVIN	PORTER		WYO RT BOX 17	EDGEMONT	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	EDGEMONT	SD	57735	1789-2	
293-2	CHANCE/NETER	REYNOLDS		HCR 59 BOX 28	EDGEMONT	SD	57735	294-2	
669-2	OLIVER M	ROMEY		BOX 175	OELRICHS	SD	57763		
718-2	VERNON	SCHNOSE		ST RT BOX 155	HOT SPRINGS	SD	57747	1700-2	
1649-2		SPGER RANCH INC		BOX 95	OELRICHS	SD	57763	671-2	1837-2
927-2	BERNARD D	SIMONS		BOX 381	EDGEMONT	SD	57735		
1732-2	ROBERT/MARK	TURBS		BOX 563	EDGEMONT	SD	57735		
1019-2		WAR BONNET RANCH LTD	BOX 132	105 E 5TH ST	MURDO	SD	57559		
392-2	VINCENT M	WASSERBURGER		BOX 83	ARDMORE	SD	57715	853-2	2115-2

CERTIFICATION

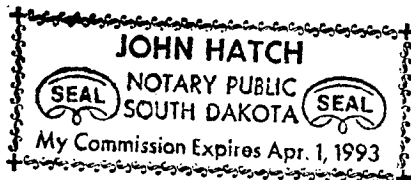
I hereby certify that on March 25, 1992, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 25, 1992, regarding Shut Off Order for Junior Water Right Holders Upstream of the Angostura Irrigation District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



March 12, 1993

NOTICE

TO: DON W HENRY
BOX 276
ARDMORE, SD 57715

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

Delvin W. Brosz

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

Effective immediately no diversions of water under your Water Right No. 1980-2 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

THIS NOTICE HAS NOT
BEEN SENT. UNABLE TO
DETERMINE LANDOWNER
OR OWNERS as of 3/11/93

TRY CHARIS FLEMING

308-453-2605

MAY BE A POSSIBLE LAND

OWNER

ALSO RALPH STROTHER & JOHN MCCLAIN



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 14, 1993

1980-2

RESCISSION OF SHUTOFF ORDER

TO: DON W HENRY
BOX 276
ARDMORE, SD 57715

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

February 3, 1994

1980-2

Don Henry Estate
Norwest Investments & Trust
PO Box 1040
Rapid City, SD 57709

Dear Sirs:

I am contacting you in regard to ownership of land described in Vested Water Right No. 1980-2. The vested right is currently listed in the name of Don Henry. It is my understanding that you are currently handling the Estate.

It in order to keep ownership records current, the vested right needs to be transferred to the Estate or to a new owner, if the land is in the process of being sold. If it will be awhile before the Estate is settled, it would be acceptable to transfer the vested right into the Estate name, in-care-of Norwest Investments and Trust.

Enclosed is a partially completed "Notice of Transfer of Ownership". Upon completion, the form needs to be signed in the presence of a notary public and returned to our office with a required filing fee of \$2.50.

I am enclosing a copy of the vested right for your records. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

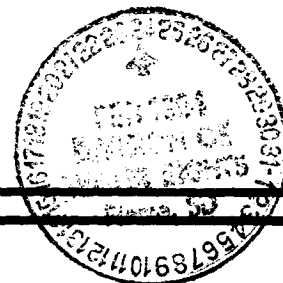
**QUICK REPLY LETTER 7-45332**

QUILL CORPORATION

GENERAL OFFICES, LINCOLNSHIRE, IL 60069-3621

LINCOLNSHIRE, IL • ONTARIO, CA • TORONTO, CANADA

MADE IN U.S.A.

LAW OFFICES**H. W. SNYDER****P.O. BOX 111 - CRAWFORD, NE 69339****PHONE (308) 665-1830****TO** Dept Environment & Natural**SUBJECT**

Joe Foss Building

523 East Capitol

Pierre, South Dakota

/Water Right 1980-2

57501-3181

MESSAGE**DATE** 2/21/94

Sirs:

Enclosed the Notice of Transfer of Ownership completed and notarized. We also enclose the \$2.50 filing fee to complete the matter.

SIGNED**REPLY****DATE****SIGNED****INSTRUCTIONS TO RECEIVER:**

1 WRITE REPLY 2 DETACH STUB KEEP WHITE COPY RETURN PINK COPY TO SENDER

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 1980-2

Date: 2/16/94

I\We request that Vested Water Right No. 1980-2

formerly owned by: Don Henry

be transferred to: (name & address) Charis Fleming & Donna Fleming, husband and wife,

H.C. 48, Box 230, Ardmore, S.D. 57735 (Telephone No) 308 453 2605

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

SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 12; E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 14; NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 13, T12S, R4E

I\We understand that the validity of Vested Water Right No. 1980-2 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.

NEBRASKA
STATE OF ~~SOUTH DAKOTA~~)

County of Dawes)

Charis M. Fleming &

I\We Donna Fleming 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.

Charis M Fleming Donna Fleming
(Signed)

Subscribed and sworn to before me this 21st day of Feb, 19 93.

[Signature]
(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.

RECEIPT

414055

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ February 24, 19 94

RECEIVED OF Charis Fleming, HC 48 Box 230, Ardmore, SD 57735

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct 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 Water Right No. 1980-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By *John Hatch*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 2, 1994

No. 1980-2

Charis and Donna Fleming
HC 48, Box 230
Ardmore, SD 57735

Dear Mr. and Mrs. Fleming:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Vested Water Right No. 1980-2.

Our records now show you as the owner of Vested Water Right No. 1980-2.

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 15, 1995

1980-2

NOTICE

TO:

CHARIS/DONNA FLEMING
HC 48 BOX 23
ARDMORE, SD 57715

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.

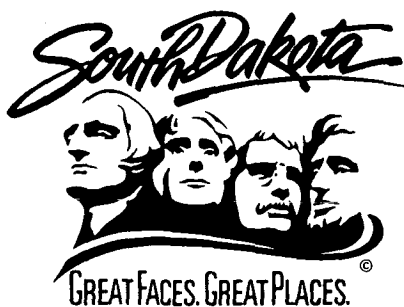
Effective immediately no diversions of water under your Water Right No. 1980-2 are authorized. Your water right is junior in priority to the US Bureau of Reclamation Water Right No. US579-2 (April 11, 1941 priority date). Water Right No. US579-2 allows one annual fill of the reservoir.

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

1980-2

RESCISSION OF SHUTOFF ORDER

TO: CHARIS/DONNA FLEMING
HC 48 BOX 230
ARDMORE, SD 57715

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



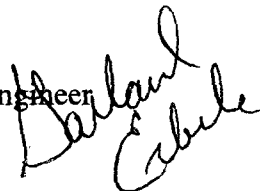
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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: CHARIS/DONNA FLEMING
HC 48 BOX 230
ARDMORE SD 57715

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. 1980-2

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.



March 14, 2005

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

1980-2

Ross Hunter
HC 48 Box 223
Ardmore SD 57735

Dear Mr. Hunter:

Recently, when mailing out shutoff orders for junior water right holders, it came to our attention that Vested Water Right No. 1980-2 was listed in the wrong names. Our records reflect ownership of land described in the vested right to be Charis or Donna Fleming.

Don Stroup with our program visited with the Fall River County Assessor's office to obtain current ownership. It is our understanding that you now own the land. Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

Enclosed is a copy of Vested Water Right No. 1980-2. You may keep the copy for your records. I believe a shutoff order pertaining to this land was forwarded to your address. If you have any questions concerning the shutoff order or completion of the transfer form, please contact me.

Sincerely,

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

enclosure



**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: ROSS HUNTER
HC 48 BOX 223
ARDMORE SD 57715

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. 1980-2

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.

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED
MAR 25 2005
WATER RIGHTS
PROGRAM

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

No. 1980-2

Date: 3-20-05

I/We request that Vested Water Right No. 1980-2

formerly owned by: Charis and Donna Fleming

be transferred to: (name & address) Ross J. Hunter

HC 49 Box 233 Edgemont SD 57735

Telephone No. 459-2121

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

SW ¼ SE ¼ Section 12; NW ¼, N ½ SW ¼, NW ¼ NE ¼, S ½ NE ¼, NW ¼ SE ¼ Section 13,

E ½ NE ¼ & NE ¼ SE ¼ Section 14, all in T12S, R4E

I/We understand that the validity of Vested Water Right No. 1980-2 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 with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Ross J. Hunter, the new owner, certify that the above information is true and correct.

Ross J. Hunter
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. 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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 25, 20 05

RECEIVED OF Ross Hunter, EC 48, Box 233, Edgemont SD 57735

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct 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>198C-2</u>		2.50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

001316

By

Darland Ebele
Chief Engineer
gm



**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 30, 2005

1980-2

Ross Hunter
HC 48 Box 223
Ardmore SD 57735

Dear Mr. Hunter:

I am writing to acknowledge receipt of the ownership change and filing fee you submitted for transferring Vested Water Right No. 1980-2.

The transfer has been completed. The vested right, formerly held by Charis and Donna Fleming is now listed in your name.

Thank you for your help in getting the water right records up to date. Enclosed is your Receipt No. 001816 in the amount of \$2.50. You may keep this for your records. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure



IN REPLY REFER TO:

DK-700
PRJ 13.00

1980-2

United States Department of the Interior

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

FEB 24 2006



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

RECEIVED
FEB 27 2006
WATER RIGHTS
PROGRAM

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

Dear Mr. Erbele:

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

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

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

Sincerely,

For Jeffrey L. Nettleton
Rapid City Field Office Manager

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 10, 2006

NOTICE OF SHUTOFF ORDER

TO: ROSS HUNTER
HC 48 BOX 223
EDGEMONT SD 57715

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. 1980-2

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: ROSS J HUNTER
HC 48 BOX 233
EDGEMONT, SD 57735

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

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

Shutoff Order for Water Right Nos. 1980-2

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: ROSS HUNTER
30068 HAT CREEK RD
EDGEMONT SD 57715

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. 1980-2

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:

ROSS J HUNTER
30068 HAT CREEK RD
EDGEMONT SD 57735

FROM:

GARLAND ERBELE, Chief Engineer
Water Rights Program

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

Shutoff Order for Water Right Nos. 1980-2

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: ROSS J HUNTER
30068 HAT CREEK RD
EDGEMONT SD 57735

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

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

**Shutoff Order for
Water Right Nos. (1980-2)**

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:

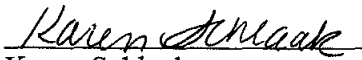
LAST_NAME	FIRST_NAME	ADDRESS2	CITY	STATE	ZIP
INDIAN CREEK CATTLE LLP		32296 190TH ST	SLEEPY EYE	MN	56085
INDIAN CREEK LAND & CATTLE LLC		PO BOX 538	EDGEMONT	SD	57735
WEINREIS BROTHERS		230908 HIGHLAND RD	SCOTTSBLUFF	NE	69361
SEGER RANCH INC		RR 1 BOX 100A1	HOT SPRINGS	SD	57747
REUTTER	EDWARD/WANDA	HCR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

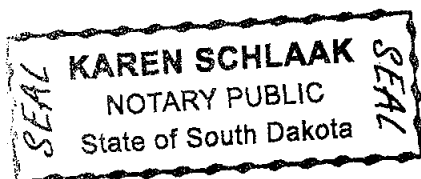
SCHNOSE	VERNON	12685 MAITLAND RD	HOT SPRINGS	SD	57747
SEABECK	DORIS SEABECK &	2533 PARK AVE	LARAMIE	WY	82070
SIMONS	THOMAS	BOX 381	EDGEMONT	SD	57735
TUBBS LAND & CATTLE LLC	BERNARD D	10891 RIVER RD	EDGEMONT	SD	57735
WALKER	FRED S & CYNTHIA K	30301 CASCADE RD	ARDMORE	SD	57735
WYOMING DAKOTA RAILROAD	WAYNE 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: ROSS J HUNTER
30068 HAT CREEK RD
EDGEMONT, SD 57735

FROM: Adam Mathiowetz, PE, Acting Chief Engineer, Water Rights Program

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

Shutoff Order for Water Permit No(s). 1980-2

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.