

Considered: _____

9

Vested Right
~~WATER PERMIT~~ NO. 1995-2

MAP No. same

Name of Applicant Lester I Barkley

Post Office Address Box 740, Edgemont SD 57735

Amount of Water Claimed .93 cfs Total Acres 65

Source of Water Supply Duck Creek

Water to be used for irrigation County Fall River

About 5 miles SW of Rumford

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved 12/10/86 Subject to _____

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

PRIORITY _____ Date Received Aug. 29, 1986 Fee \$15.00 Remarks _____

12/27/49

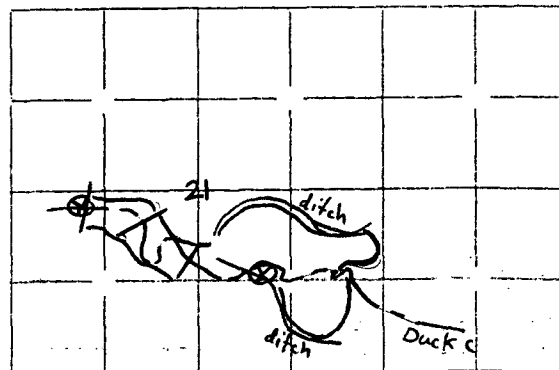
Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31

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

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

Diversion Point Duck Creek: any point between
and including the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$
section 21-T11S-R3E

Land to be Irrigated NW $\frac{1}{4}$ SW $\frac{1}{4}$ (2ac), NE $\frac{1}{4}$ SW $\frac{1}{4}$ (10ac),
NW $\frac{1}{4}$ SE $\frac{1}{4}$ (23ac), NE $\frac{1}{4}$ SE $\frac{1}{4}$ (15ac), SW $\frac{1}{4}$ SE $\frac{1}{4}$ (3ac), SE $\frac{1}{4}$ SE $\frac{1}{4}$ (12ac)
section 21-T11S-R3E



Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map sketch PREPARED BY Del Brosz Reviewed and the Number
assigned on October 20, 1986 By Ron Duval

No. 1995-2 Hydrologic Unit 10120108
 Map No. same Basin Upper Cheyenne
 Newspaper Hot Springs Star, Box 1000, (Tues)

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 Notice No. 1559-2
- ☐ 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 Lester I. Barkley Phone No. _____
- Post Office Address Box 740, Edgemont SD State 57735
 (Street, RR or Box) Zip Code
2. Amount of water claimed (c.f.s.) 0.93 Total acres irrigated 65
3. Source of Water supply Duck Creek
4. Location of point of diversion Between the following two points: N23°E 2570 ft from the SW corner of Sec 21, T11S, R3E and N55° 2510 ft from the SE corner of Sec 21, T11S, R3E
 _____ County Fall River
5. Counties where water will be used Fall River
6. Annual period during which water is to be used all year Jan 1 - Dec 31
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
NW1/4 SW1/4 Sec 21, T11S, R3E	2
NE1/4 SW1/4 "	10
NW1/4 SE1/4 "	23
NE1/4 SE1/4	15

Land Description	No. Acres Irr.
SW1/4 SE1/4, Sec 21, T11S, R3E	3
SE1/4 SE1/4 "	12

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 is a series of 10 to 12 foot high dikes. Water is held behind the dikes for a short time to irrigate the grass and then released. Two dikes also force the water into ditches that transport the water to adjoining grasslands.

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

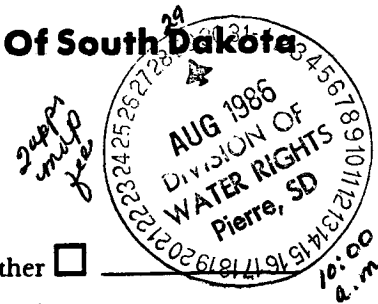
STATE OF SOUTH DAKOTA)
 County of Fall River)^{ss}

I, Lester I. Barkley 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 Lester I. BarkleySubscribed and sworn to before me this 21st day of August 1986

My Commission Expires 6-11-89

Richard E. Miller
 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.

The applicable portions of Location Notice No. 1559-2 were incorporated into this Vested Water Right No. 1995-2 with the abandoned portions of the location notice cancelled.

See Form VR-1

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: _____.

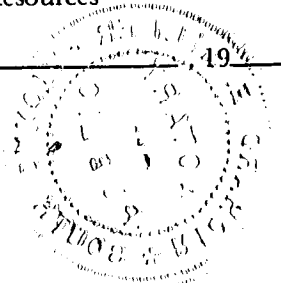
WATER MANAGEMENT BOARD

By: _____

Chief Engineer

Division of Water Rights

Dept. of Water and Natural Resources



VESTED WATER RIGHT

The Water Management Board hereby validates Vested Water Right No. 1995-2

Lester I. Barkley
(applicant)

Box 740, Edgemont
(post office address)

SD 57735
(state) (zip code)

Date of receipt of Application August 29, 19 86.

Validated December 10, 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 Dec. 27, 19 49.
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 _____

0.93 cubic feet per second; neither shall it exceed the capacity of the above described water supply system nor shall it exceed the amount of water needed for beneficial uses served. For irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water has been actually and beneficially applied for irrigation. The water is to be used during the following described annual period Jan 1 - Dec 31.

WATER MANAGEMENT BOARD

By: John H. H. H.

(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

FEB 17 1987

, 19 ____.

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1995-2

(1) Lester I Barkley of Box 740, Edgemont SD 57735 made Application No. 1995-2, August 29, 1986 for validation of a vested right claim to appropriate 0.93 cubic feet per second of water from Duck Creek, Fall River County, South Dakota for irrigation purposes. Vested Water Right No. 1995-2, with a priority date of December 27, 1949 was validated December 10, 1986 and issued to applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water 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 0.93 cubic feet per second of water for beneficial use. The location of the diversion point(s) is between the following two points: N23°E 2570 ft from the SW corner of Section 21, T11S, R3E and N55° 2510 ft from the SE corner of Section 21, T11S, R3E.

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 in Section 21, T11S, R3E:

NW 1/4 SW 1/4	2 acres
NE 1/4 SW 1/4	10 "
NW 1/4 SE 1/4	23 "
NE 1/4 SE 1/4	15 "
SW 1/4 SE 1/4	3 "
SE 1/4 SE 1/4	<u>12</u> "
TOTAL	65 acres

(4) Pursuant to Section 46-5-30.1 Lester I Barkley of Box 740, Edgemont SD 57735 the holder(s) and/or owners(s) of Vested Water Right No. 1995-2 is issued a license to appropriate water, the right to use 0.93 cubic feet per second of water from Duck Creek with a priority date of December 27, 1949 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 No. 1995-2 and subject to South Dakota State Law.



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

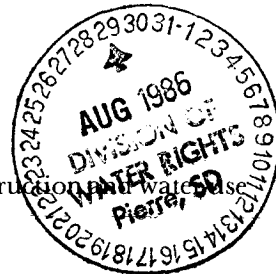
FEB 17 1987

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 of 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) Lester I Barkley
 Post Office Address Box 740, Edgemont SD 57735
(Street, RR or Box) (State) (Zip Code)
A. Notice of Appropriation December 27, 1949 Date of Posting _____
 Date of recording _____ Recording date _____
Where Book Page
B. Date of start of construction of water supply system 1950C. Date that water was first applied to beneficial use 1950D. Name of owner of original water supply system Lester I BarkleyE. Amount of water originally applied to beneficial use 0.93 cfsF. Present Use of Water - Amount of water now being used 0.93 cfsDate that this water was first used 1950

G. Chronological History of Water Use

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

Signed Lester I BarkleySubscribed and sworn to before me August 21st, 19 86

My commission expires 6-11-89

Richard E. Mills
 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.

Loew Caylor Aug 28 19 86
(Print name)
Clinton Caylor Aug 28 19 86
(Print name)

Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Lester Barkley of Box 740, Edgemont, SD holder of Permit No. _____, bearing the priority of Dec. 27, 1989 authorizing the diversion of 20 AF ~~cu. ft. per second~~ of the waters of Duck Creek 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: Four dikes with 24 inch comp outlets. The water is held behind the dikes for short periods of time and then released. This irrigates the grass behind the dikes. The lower two dikes also force the water into ditches.

B. Works used to transport water to place of use: open ditches from the dikes along the edge of the grass low lands

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 between the following two points: N 23° E 2570 ft from the SW corner & N 55° W 2510 ft from the SE corner of Sec. 21, T11S, R3E.

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

cu. ft. per second of water which is to be used for irrigation - water spreading

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

<u>NW¹SW⁴, Sec 21, T11S, R3E - 2 ac.</u>	<u>NE¹SE⁴, Sec. 21, T11S, R3E - 15 ac.</u>
<u>NE¹SW⁴, " " " - 10 ac.</u>	<u>SW⁴SE⁴, " " " - 3 ac.</u>
<u>NW⁴SE⁴, " " " - 23 ac.</u>	<u>SE⁴SE⁴, " " " - 12 ac.</u>

comprising a total of 65 acres of land and the license should be issued for 0.93 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date Sept. 4, 1985

Devin D. Bury, P.E.
(signature) Hydrologist

H. H. H. H. H.

Fall River
County

LOCATION NOTICE

1559-2
Dry Draw Number

1950
Filing Year

RECEIVED
JAN 13 1950

KNOW ALL MEN BY THESE PRESENTS:

That Lester L. Barkley
whose post office is Arkmore, South Dakota, is an inhabitant of the
United States, above the age of 21 years, being in possession of 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 61.0132 South Dakota Code of 1939, he located and claims
the right to construct a certain dam across a dry draw situated in the NE 1/4
of the SW 1/4 of Section 21 Township 11 Range 3, and has located
and claims the right to construct 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 location claims for the above purposes 20.0 feet of water
annually.

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

From the SW SW SW Corner of sec 21-11-3. 500 ft west thence on line 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 27th day of December 1949
Witness my hand and seal this 27th day of December 1949

Lester L. Barkley
Lester

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

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

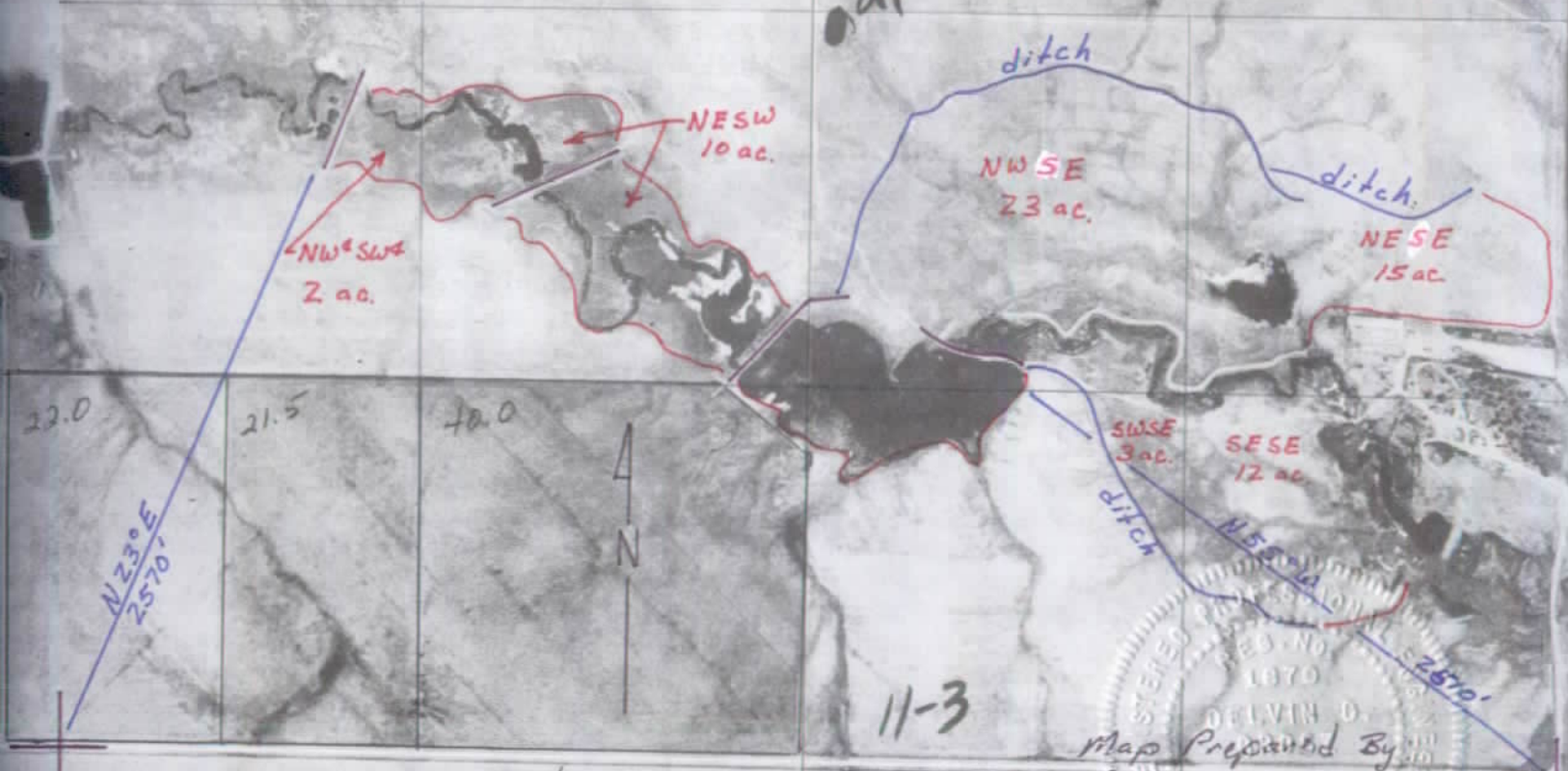
On the 27th day of December 1949, before me
Alvin H. Gray, a Notary Public in and for the County and State
above said, personally appeared Lester L. Barkley, known to be the person who executed the foregoing instrument and acknowledged
that he executed the same for the use and purposes therein set forth.

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

NOT TO SCALE

210-L

21



Approximate
Scale: 1" = 660'

210-L

Map Prepared By
Nelson M. Borg, P.E.
Hydrologist
Division of Water Rights

V.R. Appl No 1995-2

NOT TO SCALE

CONSERVATION PLAN MAP



UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

cooperating with

FALL RIVER

Conservation District

Owner LESTER BARKLEY

Operator SAMS

Plan No. _____

Date 8/86

Scale 8" = 1 MILE

Acres _____

Approximate

Approximate

FALL RIVER

County

SD
State

Photo No. _____

Location (Community, watershed, road & distance, etc.)

SD
Gay Knea, District Conservationist



Water Rights Division
605 773-3352

September 26, 1985

Lester Barkley
Box 740
Edgemont SD 57735

Dear Mr. Barkley:

I have enclosed the forms for a vested right for the water spreading dikes on Duck Creek in Section 21, T11S, R3E. Please review the forms and correct anything that is in error. Complete Section G on the affidavit of water use form. The vested right is based on the location notice that was filed by you in December of 1949. This notice was for one of the dikes. Under Section G, you should state when the other dikes were constructed.

The forms should be signed in the presence of a notary. They should then be returned to our office with a filing fee of \$10.50.

You may keep the copies of Location Notice No. 1559-2 and the map for your files. If I can answer any questions, please contact me.

Sincerely,

DELVIN D BROSZ, P.E.
Hydrologist

DDB:ks

enclosures

SOUTH DAKOTA
Department of
Water & Natural Resources

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

August 4, 1986

NOTICE

TO: Lester Barkley, Box 740, Edgemont, SD 57735

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



SUBJECT: Notice of Requirement to File Vested Water Right Claim

This Notice is in regard to your water spreading system located along Duck Creek in Section 21, T11S, R3E. Del Brosz, Hydrologist, with the Division of Water Rights inspected your system September 4, 1985. On September 26, 1985, partially completed application forms were sent to you for filing a vested right claim. To date, we have not received the application from you.

South Dakota Water Law SDCL 46-5-49 as passed by the 1986 Legislature states that if the Chief Engineer is aware of a water use system for which the owner claims vested right status, the owner may be required to file the vested right claim within 90 days. Any claim filed after the 90 days will be considered a new application and receive a new priority date, which would be the date the application is received in this office. You have 90 days from the date of this notice to submit your application. The filing fee for a vested right application is \$15.00.

Enclosed is a partially completed set of application forms to claim a vested right. If your application is not received within 90 days and becomes a new application, the filing fee for the the 65 acres listed on the application would be \$225.00. We will be glad to help you complete the application and answer any questions you may have.

enclosures

CERTIFICATION

I hereby certify that on August 4, 1986 I have personally deposited with the U.S. Mail a postage prepaid envelope containing a Notice pertaining to Requirement to File a Vested Water Right claim addressed as stated on the notice.

Karen Schlaak

KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 4th day of August, 1986.



John Hatch
Notary Public

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

449541

Pierre, August 23, 1988

RECEIVED OF Lester T Barkley, Box 740, Edgemont, SD 57735

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

Fee for Application for Permit No. <u>1995-2</u> to Appropriate Water, to construct works and to put water to beneficial use	15	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. _____		
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	15 00

By

John. Hatch
Chief Engineer

JOHN. HATCH

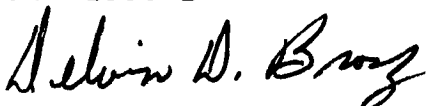
gm

Report on Vested Water Right Application No. 1995-2
Lester I. Barkley
October 21, 1986

Application No. 1995-2 requests validation of a vested right claim to appropriate 0.93 cfs from Duck Creek. The water has been used following construction of the system during 1950 to irrigate 65 acres. The points of diversion are located between and including the NW1/4SW1/4 and the NW1/4SE1/4 of Section 21, T11S-R3E. The irrigated acreage is located in the N1/2SW1/4, SE1/4 of /section 21, T11S-R3E.

Conclusions:

1. The project is a water spreading system. It was inspected by Delvin D. Brosz and found to exist as described.
2. According to the affidavit of water use, the system was constructed during 1950 and water has been put to beneficial use since that time.
3. It is recommended that the vested right claim be validated.
4. A priority date of December 27, 1949 should be assigned since notice of appropriation was made at this time by Location Notice No. 1559-2



Delvin D. Brosz, P.E.
Hydrologist

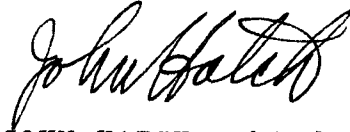
RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER

RIGHT APPLICATION NO. 1995-2

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. 1995-2, Lester I. Barkley, Box 740, Edgemont, SD.

The Chief Engineer is recommending VALIDATION of Application No. 1995-2 because 1) water has been appropriated as described for irrigation use with a December 27, 1949 priority date, 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
October 22, 1986



Department of Water & Natural Resources

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

November 5, 1986

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT THE
NEWSPAPER RIGHT AWAY.

Lester I Barkley
Box 740
Edgemont SD 57735

Dear Mr. Barkley:

Your Application No. 1995-2 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.

Be sure to contact the above newspaper to authorize publication of your notice of intent to appropriate water and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

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

November 5, 1986

HOT SPRINGS STAR
Box 1000
Hot Springs SD 57747

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1995-2. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before November 11, 1986.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. The applicant is to pay the cost of publication and should make the necessary arrangement with you to pay these costs.

A copy of BOTH publications must be sent to the Water Rights Division. IMMEDIATELY after the FIRST publication, return a copy of the notice with the FIRST Publication Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made before the second notice is published.

Please be sure the SECOND publication is returned with the enclosed Proof of Publication form. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ken 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 A Vested Right Application which
was first published in our issue of _____.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first publication of the following Notice on or before November 11, 1986 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Right Application No. 1995-2 to Appropriate Water

Notice is hereby given that Lester I Barkley whose mailing address is Box 740, Edgemont, South Dakota has filed an application to validate a vested right claim to appropriate 0.93 cubic feet of water per second from Duck Creek to irrigate 65 acres with a priority date of December 27, 1949. The points of diversion are located at points between and including the NW 1/4 SW 1/4 and the NW 1/4 SE 1/4 all in Section 21, T11S, R3E. The irrigated acreage is located in the N 1/2 SW 1/4, SE 1/4 Section 21, T11S, R3E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1995-2 because 1) water has been appropriated as described for irrigation with a priority date of December 27, 1949, 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 this application will be considered by the Water Management Board in Room 216, Joe Foss Bldg, December 10, 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 the validation with qualifications, 3) defer, or 4) deny validation of the 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 November 28, 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.

This hearing is an adversary proceeding. 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 this 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 November 28, 1986.

No. 1995-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Fall River) ss.

I, Charles Najacht hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Hot Springs Star

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

City of Hot Springs

County of Fall River and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

November 11, 1986

November 18, 1986

Charles Najacht
(Signature)

Publisher
(Title)

November 18, 1986
(Date Signed)



Cost of Printing: \$40.60

WNR-808-7/79
Proof of Publication

293

NOTICE OF HEARING TO VALIDATE
VESTED RIGHT APPLICATION
NO. 1995-2 TO APPROPRIATE WATER

Notice is hereby given that Lester I. Barkley whose mailing address is Box 740, Edgemont, South Dakota has filed an application to validate a vested right claim to appropriate 0.93 cubic feet of water per second from Duck Creek to irrigate 65 acres with a priority date of December 27, 1949. The points of diversion are located at points between and including the NW 1/4 SW 1/4 and the NW 1/4 SE 1/4 all in Section 21, T11S, R3E. The irrigated acreage is located in the N 1/2 SW 1/4, SE 1/4 Section 21, T11S, R3E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1995-2 because 1) water has been appropriated as described for irrigation with a priority date of December 27, 1949, 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 this application will be considered by the Water Management Board in Room 216, Joe Foss Bldg., December 10, 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 the validation with qualifications, 3) defer, or 4) deny validation of the 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 November 28, 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.

This hearing is an adversary proceeding. 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 this 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



Department of Water & Natural Resources

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

FEB 17 1987

Lester I Barkley
Box 740
Edgemont SD 57735

Dear Mr. Barkley:

Enclosed are your Validated Vested Water Right and Water License No. 1995-2.
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

 **Department of
Water & Natural Resources**

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

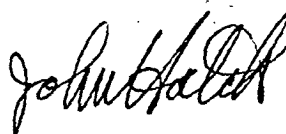
May 11, 1989

1995-2

NOTICE

TO: Lester I. Barkley
Box 740
Edgemont, SD 57735

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. 1995-2. 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

1995-2

NOTICE

TO: Lester I. Barkley
Box 740
Edgemont, SD 57735

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

A handwritten signature in cursive script, reading "John Hatch".

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. 1995-2. 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

1995-2

NOTICE

TO: Lester I. Barkley
Box 740
Edgemont, SD 57735

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

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

May 20, 1991

1995-2

RESCISSION OF SHUTOFF ORDER

TO: Lester I. Barkley
Box 740
Edgemont, SD 57735

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

1995-2

NOTICE

TO: LESTER I BARKLEY
BOX 740
EDGEMONT, SD 57735

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. 1995-2 which is junior in priority to Water Right No. US579-2 held by the US Bureau of Reclamation for the Angostura Irrigation District.

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

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

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

PERMIT NO	FIRST NAME	LAST NAME	ADDRESS 1	ADDRESS 2	CITY	STATE	ZIPCODE	PERM2	PERM1
657-2		A & T CATTLE CO	TOM LANDERS	ST RT	HOT SPRINGS	SD	57747		
308-2	RICHARD	ANDERSON	& CHAR ANDERSON	HCR 59 BOX 18	EDGEWATER	SD	57735		
1614-2	IRENE R	ANDERSON		HCR 59 BOX 20	EDGEWATER	SD	57735		
324-2		B & H RANCH INC	B F CHILDERS	PO BOX 723	EDGEWATER	SD	57735		
534-2		RAIL BROS		BOX 617	EDGEWATER	SD	57735		
1995-2	LESTER I	BARKLEY		BOX 740	EDGEWATER	SD	57735		
1693-2	NICK/MICHAEL	BOGNER	ANICK BOGNER JR	HC 46 BOX 24	OFLERICHS	SD	57763	1734-2	
755-2		BRAINERD INDIAN SCHOOL			HOT SPRINGS	SD	57747		
858-2	WAYNE F	CHILDERS		HCR 59 BOX 1A	EDGEWATER	SD	57735		
636-2	V L	CHILDERS		BOX 723	EDGEWATER	SD	57735		
654-2	OSCAR	COPE			OFLERICHS	SD	57763		
1994-2	JOHN	DEGERING		SR 1 BOX 136	LOSK	WY	82225		
567-2	HAROLD R	DODSON		HCR 59 BOX 5A	EDGEWATER	SD	57735	1410-2	
2058-2	LEROY/BERTHA	DUFERSON		HC 48 BOX 248	PROVO	SD	57774		
1985-2	DAVID M	DUNBAR		RR BOX 32	OFLERICHS	SD	57763		
788-2		HALD BROTHERS, INC.	CARL P HALD, PRES	HCR 46 BOX 5	OFLERICHS	SD	57763	1695-2	
421-2	HERMAN	HECK		BOX 441	EDGEWATER	SD	57735		
540-2	DARRELL E	HEIDMAN		BOX 402	EDGEWATER	SD	57735		
1879-2	DORA R	HENDERSON	APT 265	5141 INDIAN RIVER	LAS VEGAS	NV	89103		
1980-2	DON W	HENRY		BOX 276	ARNDT	SD	57715		
379-2	HENRY C	HOLLENBECK		DEWEY ROUTE	EDGEWATER	SD	57735		
1593-2		HU RANCH INC	SD CORPORATION	HCR 59 BOX 102	EDGEWATER	SD	57735		
350-2	DARREL D	HUNTER		BOX D	ARNDT	SD	57715		
1641-2	JAMES/PATRICIA	JOHNSTON		HC 68 BOX 7	LAKEVIEW	NE	69351		
18770-2	JIM	KANE		BOX 19A	PROVO	SD	57774		
763-2	CARL	KANNOLT	APT 207	BLANIE HOTEL	CHADRON	NE	69337		
1696-2	JOHN W	KOLLER		BOX 715	EDGEWATER	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	YUCA	ND	58852		
676-2	MELVIN	LULF			HOT SPRINGS	SD	57747		
13295-2	JOHN D(JACK)	MANKR	(ESTATE)	RR #1 BOX 179C	HOT SPRINGS	SD	57747		
11447-2	KENNETH	MARTINSON		BOX 361	EDGEWATER	SD	57735		
785-2	ARDITH W	MCLAIN		BOX 164	OFLERICHS	SD	57763		
410-2	RALPH L	MEFFERD, JR		HCR 48 BOX 22	PROVO	SD	57774		
1973-2	A J	NELSON		BROADUS STAGE	WILFES CITY	MT	59301		
2015-2		PETERSON & SON, INC		HCR 59 BOX 16	EDGEWATER	SD	57735		
1916-2	PAUL & JEAN	PETTY	& NOREEN PETTY	HCR 52 BOX 136	HOT SPRINGS	SD	577479603		
1716-2	MELVIN	PORTER		WYO RT BOX 17	EDGEWATER	SD	57735		
711-2	DONALD	PUTNAM		BOX 188	OFLERICHS	SD	57763	2043-2	
1836-2	GLEN	REASER		HC 46 BOX 48	OFLERICHS	SD	57763		
422-2	EDWARD/WANDA	REUTTER		HCR 59 BOX 90	EDGEWATER	SD	57735	1789-2	
293-2	CHANCE/NETER	REYNOLDS		HCR 59 BOX 28	EDGEWATER	SD	57735	294-2	
669-2	OLIVER M	ROMNEY		BOX 175	OFLERICHS	SD	57763		
718-2	VERNON	SCHNOSE		ST RT BOX 155	HOT SPRINGS	SD	57747	1700-2	
1649-2		SEGER RANCH INC		BOX 95	OFLERICHS	SD	57763	671-2	1837-2
927-2	BERNARD D	SIMONS		BOX 381	EDGEWATER	SD	57735		
1732-2	ROBERT/MARK	TUBBS		BOX 563	EDGEWATER	SD	57735		
1019-2		WAR BONNET RANCH LTD	BOX 132	105 E 5TH ST	WYND	SD	57559		
392-2	VINCENT M	WASSERBURGER		BOX 83	ARNDT	SD	57715	853-2	2115-2

CERTIFICATION

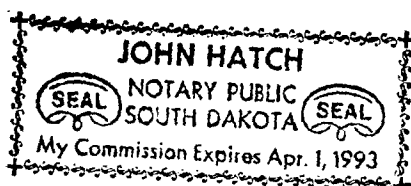
I hereby certify that on March 25, 1992, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 25, 1992, regarding Shut Off Order for Junior Water Right Holders Upstream of the Angostura Irrigation District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

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 26th day of March, 1992.



John Hatch
Notary Public



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 12, 1993

1995-2

NOTICE

TO: LESTER I BARKLEY
BOX 740
EDGEMONT, SD 57735

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

Delvin D. 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. 1995-2 are authorized. Your water right is junior in priority to the US Bureau of Reclamation Water Right No. 579-2 (April 11, 1941 priority date). The Bureau of Reclamation water right for the Angostura Irrigation District allows one annual fill of the reservoir.

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

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

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

cc: US Bureau of Reclamation
Angostura Irrigation District

CERTIFICATION

I hereby certify that on March 12, 1993, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 12, 1993, regarding Shutoff Order for Junior Water Right Holders Upstream of the Angostura Irrigation District addressed as stated below, and on the attached:

Copy Sent To:

Bruce Laymon, U.S. Bureau of Reclamation, Belle Fourche Projects
Office, P.O. Box 226, Newell, SD 57760.

Joseph Kramer, Manager, Angostura Irrigation District, P.O. Box 346,
Oral, SD 57766.

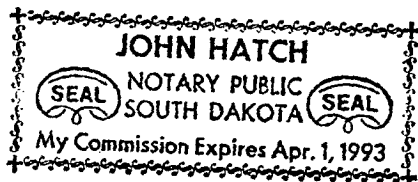
Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 15th day of March, 1993.

John Hatch
Notary Public





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 14, 1993

1995-2

RESCISSION OF SHUTOFF ORDER

TO: LESTER I BARKLEY
BOX 740
EDGEMONT, SD 57735

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

May 26, 1995

1995-2

RESCISSION OF SHUTOFF ORDER

TO: LESTER I BARKLEY
BOX 740
EDGEMONT, SD 57735

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**

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

March 15, 1995

1995-2

NOTICE

TO: LESTER I BARKLEY
BOX 740
EDGEMONT, SD 57735

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. 1995-2 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**

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: LESTER BARKLEY
BOX 740
EDGEMONT SD 57735

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program *Garland Erbele*

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

Shutoff Order for Water Right Nos. 712-2, 1995-2, 588-2, 513-2

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.



1995-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 15, 2005

NOTICE OF SHUTOFF ORDER

TO: LESTER BARKLEY
BOX 740
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. 712-2, 1995-2, 588-2, 513-2

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.

1995-2



IN REPLY REFER TO:

DK-700
PRJ 13.00

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: LESTER BARKLEY
BOX 740
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. 712-2, 1995-2, 588-2, 513-2

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.

1995-2

CAMPBELL LAW OFFICE
2630 JACKSON BOULEVARD, SUITE 201
RAPID CITY, SD 57702-3467
PHONE (605) 348-7763
FAX (605) 348-9721
EMAIL ken@taxcrew.com

RECEIVED
OCT 16 2006
WATER RIGHTS
PROGRAM

KENNETH G. CAMPBELL
Attorney at Law

October 12, 2006

CYNDI GOETZE
Office Manager

Department of Environment
and Natural Resources
523 East Capitol
Pierre, SD 57501-3182

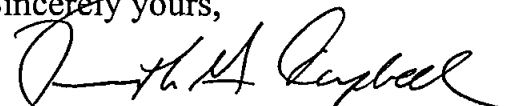
Attn: Genny McMath

Dear Genny:

I represent Lester Barkley Ranch, L.L.C., and they are in the process of selling their real estate described on the attached Exhibit "A". Can you give me the description of any water rights held on this property, and the name or names held in said water rights so they can be transferred to the new owners.

If you have any questions please give me or Cyndi a call. Thank you in advance for your assistance in this matter.

Sincerely yours,


Kenneth G. Campbell

KGC/cg
Enclosures

409:water-rights.let

10/16/06 emailed W/R[#]s 513-2, 588-2, 712-2 & 1995-2 (Lester) Barkley,
to cyndiga@taxcrew.com along with link to program webpage
with "transfer form"
Genny

EXHIBIT "A"

Acreage owned by Lester Barkley Ranch, L.L.C.

Township 10 South, Range 2 East, BHM, Fall River County, SD

Section 13: The Northwest Quarter (NW1/4), except a two acre tract 295.2 feet north and south and east and west, lying in the extreme northeasterly corner of said Northeast Quarter (NE1/4).

Section 12: All of that part of the Southwest Quarter (SW1/4) lying and being south of the right of way of the C B and Q Railroad crossing said land and of the public highway adjacent thereon.

Township 10 South, Range 3 East, BHM, Fall River County, SD

Section 17: Northwest Quarter (NW1/4), less the railroad right of way which cross said lands.

Township 11 South, Range 2 East, BHM, Fall River County, SD

Section 21: The North Half of the Southeast Quarter (N1/2SE1/4).

Section 22: South Half (S1/2)

Section 23: The Southwest Quarter (SW1/4)

Section 26: The Southeast Quarter (SE1/4) and the Northwest Quarter (NW1/4).

Section 27: The North Half of the North Half (N1/2N1/2) and the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4).

Section 34: The Southwest Quarter (SW1/4)

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

Section 08: Part of the Northwest Quarter of the Northeast Quarter (NW1/4NE1/4) South of the County Road as presently constructed.

Section 16: All of Section, less Lot One (1) of Barkley Subdivision.

Section 21: The North Half (N1/2); the North Half of the Southwest Quarter (N1/2SW1/4); and the Southeast Quarter (SE1/4).

Section 22: The West Half (W1/2) and the West Half of the Northeast Quarter (W1/2NE1/4).

Section 27: North Half of the Northwest Quarter (N1/2NW1/4)

Township 12 South, Range 2 East, BHM, Fall River County, SD

Section 08: The West Half (W1/2); and the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4).

Section 16: The Northwest Quarter (NW1/4); Lots One (1) and Two (2); and the North Half of the Southwest Quarter (N1/2SW1/4)

Section 17: All

401:ex-a.barkley

EXHIBIT "B"

Acreage owned by Barkley Ranch, Inc.

Township 11, Range 2 EBHM, Fall River County, South Dakota:

Section 21: SE1/4SE1/4, NE1/4SW1/4SE1/4, S1/2SW1/4SE1/4

Section 25: S1/2N1/2, N1/2S1/2

Section 26: NE1/4, SW1/4

Section 27: S1/2NE1/4, SW1/4NW1/4, S1/2

Section 28: NE1/4, N1/2SW1/4, E1/2SE1/4, W1/2SE1/4, S1/2SW1/4

Section 33: N1/2, SE1/4, N1/2SW1/4, SE1/4SW1/4

Section 34: NW1/4, W1/2E1/2, NE1/4NE1/4

Township 11, Range 3 EBHM, Fall River County, South Dakota:

Section 03: S1/2SW1/4

Section 04: E1/2, S1/2SW1/4

Section 08: S1/2NE1/4, N1/2SE1/4, Pt. NE1/4NE1/4, South of County
Road

Section 09: All

Section 10: N1/2NE1/2

Section 16: Lot 1 of Barkley Subdivision in N1/2

Township 12, Range 2 EBHM, Fall River County, South Dakota:

Section 04: Lot 1, SE1/4NE1/4

1995-2

**DEMERSSEMAN JENSEN CHRISTIANSON
STANTON & HUFFMAN, LLP**

L A W Y E R S

**P.O. BOX 1820, RAPID CITY SD 57709-1820
516 FIFTH STREET, RAPID CITY SD 57701-2703**

**MICHAEL B. DEMERSSEMAN
CURTIS S. JENSEN
HARRY W. CHRISTIANSON
THOMAS W. STANTON
MICHAEL V. WHEELER
RICHARD E. HUFFMAN
GREGORY J. SPERLICH
TAMARA M. PIER (OF COUNSEL)**

November 17, 2006

**TELEPHONE
605-342-2814**

**FAX
605-342-0732**

**E-MAIL
csj@demjen.com**

Chief Engineer
Water Rights Program, DENR
523 East Capitol
Pierre SD 57501

Re: Water Rights/Permit Nos. 712-2, 513-2, 588-2 and 1995-2

Gentlemen:

I am enclosing four Notices of Transfer of Ownership for the above referenced water rights, in connection with the sale of land described on the attached exhibits. As you will see, the new holder of the water rights will be Indian Creek Land and Cattle, LLC.

I am also enclosing our check of \$10 for the filing fees.

Very truly yours,



Curtis S. Jensen (csj@demjen.com)
DEMERSSEMAN JENSEN CHRISTIANSON
STANTON & HUFFMAN, LLP

RECEIVED

NOV 20 2006

**WATER RIGHTS
PROGRAM**

CSJ:jms

Enclosures

\\W:\data\Falkenberg\corr\water rights program.doc

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 20, 20 06

RECEIVED OF DeMerseeman Jensen Christensen Stanton & Huffman LLP, PO Box 1820, Rapid City

SD 57709

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	2	50
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>1995-2</u>		
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.

02636

By

Darland Eiche

Chief Engineer

grw

SD-EForm - 0495 V1 NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 1995-2

Date: 11-15-06

I/We request that Water Right/Permit No. 1995-2 formerly owned by:

LESTER I BARKLEY

be transferred to:

New Owner Name: INDIAN CREEK LAND AND CATTLE, L.L.C.

Address: PO BOX 538

City, State, Zip EDGEMONT SD 57735 Telephone No. (605) 459-2610

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

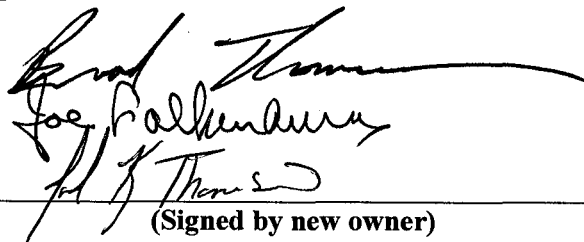
SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

☒ I understand that the validity of Water Right/Permit No. 1995-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 included to cover the filing fee as required by SDCL 46-2-13.

I, INDIAN CREEK LAND AND CATTLE, LLC, the new owner, certify that the above information is true and correct.


(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.

**EXHIBIT "A" TO
WATER RIGHT/PERMIT NO. 1995-2**

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

Section 21: N1/2; N1/2SW1/4; and SE1/4



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 19, 2006

Curtis S Jensen
DeMersseman, Jensen, Christianson
Stanton & Huffman LLP
PO Box 1820
Rapid City SD 57709-1820

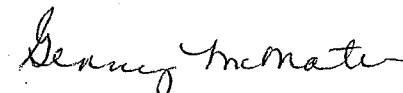
RE: Water Right or Vested Water Right Nos. 513-2, 588-2, 712-2 and 1995-2

Dear Mr. Jensen:

I am writing to acknowledge receipt of the ownership changes you filed for Water Right Nos. 588-2 & 712-2 and Vested Water Right Nos. 513-2 & 1995-2. The transfers have been completed. The water rights and vested water rights formerly held by Lester I Barkley are now listed in the name of Indian Creek Land and Cattle LLC.

Enclosed are Receipt Nos. 02633, 02634, 02635 and 02636 in the amounts of \$2.50 each. You may keep these 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

enclosures

c: Indian Creek Land & Cattle LLC, PO Box 538, Edgemont SD 57735



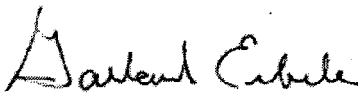
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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: LESTER I BARKLEY
BOX 740
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. 1995-2

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.



1995-2

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 21, 2007

NOTICE OF SHUTOFF ORDER

TO: INDIAN CREEK LAND & CATTLE LLC
BRAD THOMSON
PO BOX 538
EDGEMONT SD 57735

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

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

Garland Erbele

Shutoff Order for Water Right Nos. 1995-2

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 21, 2007, the water elevation in Angostura Reservoir was 3167.5-feet, 19.7-feet below the full elevation of 3187.2-feet. Storage is at 53211 acre-feet, about 85550 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: INDIAN CREEK LAND & CATTLE LLC
PO BOX 538
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. 712-2, 1995-2, 588-2, 513-2

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: BRAD THOMSEN
INDIAN CREEK LAND & CATTLE L
PO BOX 538
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. 1995-2, 513-2, 588-2, 712-2

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: INDIAN CREEK LAND & CATTLE LLC
BRAD THOMSEN
PO BOX 538
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. (1995-2) 712-2 588-2 513-2**

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.

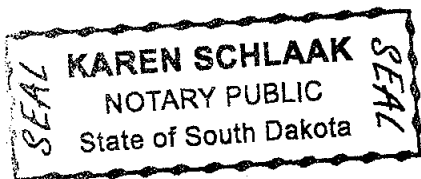
The Angostura Reservoir storage level will be closely monitored and if the Cheyenne River flows upstream of the dam increase such that the reservoir will fill, this shutoff order will be rescinded at that time. If conditions do not improve, this order will remain in effect until the end of the calendar 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





**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: INDIAN CREEK LAND & CATTLE LLC
PO BOX 538
EDGEMONT, SD 57735

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

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

Shutoff Order for Water Permit No(s). 1995-2

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.