

Considered: _____

WATER PERMIT NO. 2058-2

MAP No. same

Name of Applicant Sylvia Duerson

Post Office Address RR 3, Custer SD 57730

Amount of Water Claimed 1.71 cfs Total Acres 120

Source of Water Supply Hat Creek

Water to be used for irrigation County Fall River

About 11 miles E of Prava

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received May 6, 1987 Fee \$225⁰⁰ Remarks _____

Corrected Application Received July 28, 1988 Period of Annual Use Mar 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED 7/28/88 APPROVED/CONDITIONAL (Circle one)

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

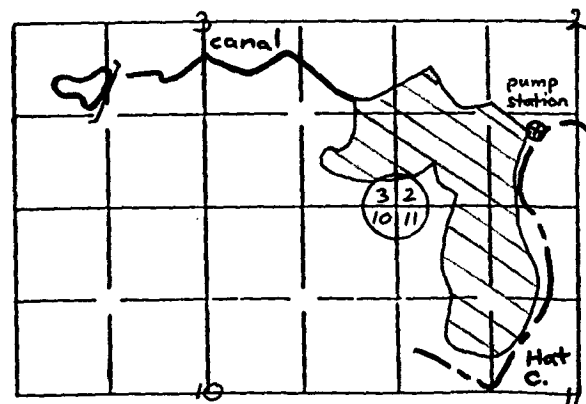
Diversion Point Hat Creek: SE 1/4 SW 1/4 section 2;

dam: N 1/2 SW 1/4 section 3; both in T10S-R4E

Land to be Irrigated E 1/2 SE 1/4 section 3; W 1/2 SW 1/4,

SE 1/4 SW 1/4 section 2; NW 1/4 section 11; all in T10S-

R4E



Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

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

assigned on August 5, 1988 By Ron Duwall

No. 2058-2 Hydrologic Unit 10120108
 Map No. same Basin Upper Cheyenne R
 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 ☐

☐ 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 Sylvia Duerson Phone No. _____

Post Office Address RR 3, Box 267 Custer, South Dakota State 57730
 (Street, RR or Box) Zip Code

2. Amount of water claimed (c.f.s.) 1.71 Total acres irrigated 120

3. Source of Water supply Hat Creek and dry draw

4. Location of point of diversion N 66° 2600 ft from the SW Corner of Section 2, T10S, R4E
and N 68° W 4270 ft from the SE Corner of Section 3, T10S, R4E

County Fall River

5. Counties where water will be used Fall River

6. Annual period during which water is to be used March 1st thru October 31st

7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
NE 1/4 Sec. 3, T10S, R4E	2
SE 1/4 Sec. 3, T10S, R4E	15
NW 1/4 Sec. 2, T10S, R4E	5
SW 1/4 Sec. 2, T10S, R4E	31

Land Description	No. Acres Irr.
SE 1/4 Sec. 2, T10S, R4E	20
NW 1/4 Sec. 11, T10S, R4E	16
NE 1/4 Sec. 11, T10S, R4E	17
SW 1/4 Sec. 11, T10S, R4E	7

Attach sheet if more space is needed SE 1/4 NW 1/4 Sec. 11 T10S R4E 7

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

Water is pumped from Hat Creek into a distribution canal. Water is released from the canal and spread over the field by spreader dikes. The system has been constructed. Water is also released from a dam in Section 3, T10S, R4E.

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, Sylvia Duerson 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 Sylvia Duerson
By Frances Stahl (daughter)
 day of May 19 87
Richard E. Miller
 Notary Public (or other qualified officer)

Subscribed and sworn to before me this 22

**SOUTH DAKOTA
WATER PERMIT FOR IRRIGATION**

Date of first receipt of application May 6, 1987

Date Soil/Water Compatibility ~~Permit~~ received July 28, 1988

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

Date of receipt of corrected application _____

The Water Management Board approved Water Permit Application No. 2058-2

on October 6, 1988 for Sylvia Duerson
(Applicant)

RR 3, Box 267 Custer South Dakota 57730
(Street, RR or Box) (City) (State) (Zip Code)

authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2058-2 authorizes 1.71 cubic feet of water per second from Hat Creek
and a dry draw dam (45 acre-feet storage capacity) to irrigate 120 acres. The Hat
Creek diversion point is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2; the dam is located in the
N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 3; and the irrigated acreage is located in the E $\frac{1}{2}$ SF $\frac{1}{4}$ Section 3; W $\frac{1}{2}$ SW $\frac{1}{4}$;
SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, NW $\frac{1}{4}$ Section 11; all in T10S, R4E.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year or one-seventieth (1/70) cubic feet of water per second for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: March 1 - October 31
3. The date from which applicant may claim the right is July 28, 1988
4. One-fifth of the construction is ~~to be completed on or before~~ _____
5. All construction is ~~to be completed on or before~~ _____
6. Water is ~~to be put to beneficial use on or before~~ _____
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Low flows as needed for downstream domestic use, including livestock water and prior rights and the U.S. Bureau of Reclamation rights to certain flows of the Cheyenne River and tributaries for storage in Angostura Reservoir must be by-passed. This permit does not authorize diversion of water until the Angostura Reservoir has received the flows necessary to fill the reservoir to elevation 3187.2 feet msl.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: John Hated
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

FEB 14 1989

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 to 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 3'

c) Crest Width 10'

Crest Length 700'

d) Height 18'

e) Primary Outlet Capacity _____
If Pipe, diameter 24"

f) Secondary Spillway Capacity _____
Spillway width 50'

g) X & Y Slope
Upstream 3:1

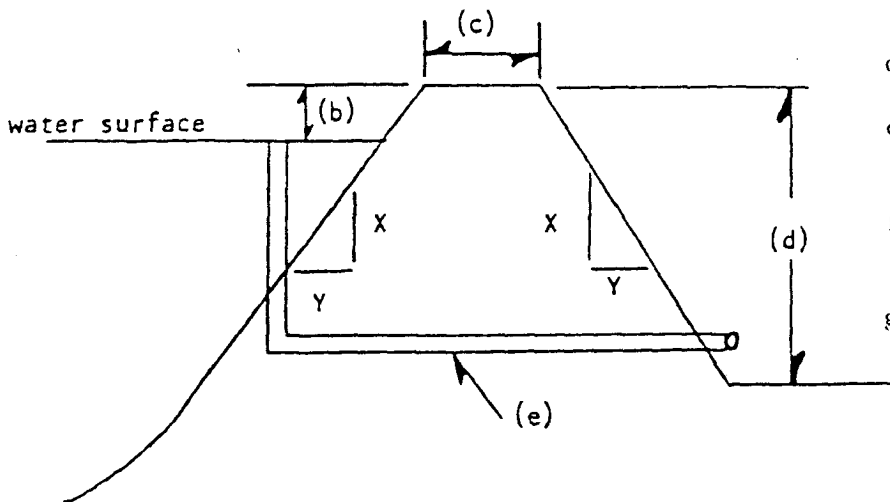
Downstream 2:1

Surface Area of Impoundment 6 acres

Storage 45 acre feet

Drainage area above dam 1400 acres

This is the same dam that is on Vested Right No. 773-2



Signature of Applicant _____

LOCATION NOTICE

379

385-2

KNOW ALL MEN BY THESE PRESENTS:

THAT Louis F. Duerson whose post office is
Lamson, South Dakota, a citizen of the United States, above the age of
21 years, being in possession of the following described land, to-wit: N $\frac{1}{2}$ SW $\frac{1}{4}$ section
Two township Ten South range Four East B. H. M.
in Fall River County, South Dakota. Said lands comprising Desert Entry No. _____
Land District, availing himself of the right granted him under the provisions
of Section 31 of Chapter 180 of the Session Laws of South Dakota of 1907, has located and claims the right to
construct a certain dam across a dry draw situated in the N $\frac{1}{2}$ 1-4 of the SW 1-4 section Two
township Ten South range Four East and has located and claims the right to construct ditches and
flumes for the purpose of directing flood waters from said dam for irrigation of the land first above described, and
claims the right of way across any land for the purpose of conveying said waters for said purpose.

Said locator claims for the above purpose Five cubic feet of water per second during the following
described annual periods when ever available inclusive, each year.

Said location was made on the 22nd day of April 1911.

Witness my hand and seal this 22nd day of April 1911.

Louis F. Duerson

Locator.

STATE OF SOUTH DAKOTA }
COUNTY OF Fall River } ss

On the 22nd day of April 1911, before me James A. Stewart
United States Commissioner Notary Public in and for the County and State aforesaid, personally
appeared Louis F. Duerson to me personally known to be the person who executed
the foregoing instrument and acknowledged that he executed the same for the uses and purposes therein set forth.

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

James A. Stewart
United States Commissioner Notary Public.

Pierre, South Dakota, August 31st 1911.

This is to certify that the foregoing location notice was received at this office at 9 o'clock A. M.,
upon the 31st day of August 1911, and after examination it was filed for
record

Samuel H. Lea
State Engineer.

CORRECTED

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4215

WR#

OWNERS NAME: Lloyd Duerson

OWNERS ADDRESS: Box 18

Provo, SD 57774

COUNTY LAND LOCATED IN: Fall River

PHONE: 745-5728

LEGAL DESCRIPTION:

☐ Well

☒ Surface

1. LOCATION: N66° E 2600 ft. from SW corner, Sec 2-T10S-R4E

Depth: N68° W 4270 ft. from SE corner, Sec 3-T10S-R4E

Legal Description	Acres	Legal Description	Acres
<u>NE 1/4 SE 1/4, Sec 3-T10S-R4E</u>	<u>2</u>	<u>SE 1/4 SW 1/4, Sec 2-T10S-R4E</u>	<u>20</u>
<u>SW 1/4 SE 1/4, Sec 3-T10S-R4E</u>	<u>15</u>	<u>NW 1/4 NW 1/4, Sec 11-T10S-R4E</u>	<u>16</u>
<u>NW 1/4 SW 1/4, Sec 2-T10S-R4E</u>	<u>5</u>	<u>NE 1/4 NW 1/4, Sec 11-T10S-R4E</u>	<u>17</u>
<u>SW 1/4 SW 1/4, Sec 2-T10S-R4E</u>	<u>31</u>	<u>SW 1/4 NW 1/4, Sec 11-T10S-R4E</u>	<u>7</u>

2. TYPE OF IRRIGATION: GRAVITY: XX TOWLINE: SE 1/4 NW 1/4, Sec 11-T10S-R4E OTHER: 7
CENTER PIVOT: _____ GUN: _____ (Specify) _____

3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:

4. WATER SAMPLE NUMBER: Hat Creek

7. ADJUSTED (SAR): _____

5. SALINITY (EC X 10⁶): _____

8. PERCENT SODIUM: _____

6. SODIUM (SAR): _____

Requirements:



Kath L. Harner

Director, Division of Conservation

APPROVED

DISAPPROVED

XX WAIVER

REQUIREMENTS

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

Date

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4215

WR#

OWNERS NAME: Leroy Duerson

OWNERS ADDRESS: Box 18
Custer, SD 57330

COUNTY LAND LOCATED IN: Custer

PHONE: _____

LEGAL DESCRIPTION:

☐ Well

☒ Surface

1. LOCATION N 66°E 8600 ft from the SW corner, Sec 2, T105, R4E

Depth N 68°W 4270 ft from the SE corner, Sec 3, T105, R1E

Legal Description	Acres	Legal Description	Acres
NE 1/4 SE 4, Sec 3, T105, R4E	2	SE 1/4 SW 4, Sec 2, T105, R4E	20
SE 1/4 SE 4, Sec 3, T105, R4E	15	NW 4 NW 4, Sec 11, T105, R4E	16
NW 4 SW 4, Sec 2, T105, R4E	5	NE 4 NW 4, Sec 11, T105, R4E	17
SW 4 SW 4, Sec 22, T105, R4E	31	SW 4 NW 4 Sec 11, T105, R4E	7

SE 4 NW 4 Sec 11, T105, R4E

2. TYPE OF IRRIGATION: GRAVITY: ☒ TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ OTHER: _____ (Specify) _____

3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:

4. WATER SAMPLE NUMBER: Hat-Creek

7. ADJUSTED (SAR): _____

5. SALINITY (EC X 10⁶): _____

8. PERCENT SODIUM: _____

6. SODIUM (SAR): _____

Requirements:



Keith L. Harner

Director, Division of Conservation

7/8/1988

Date

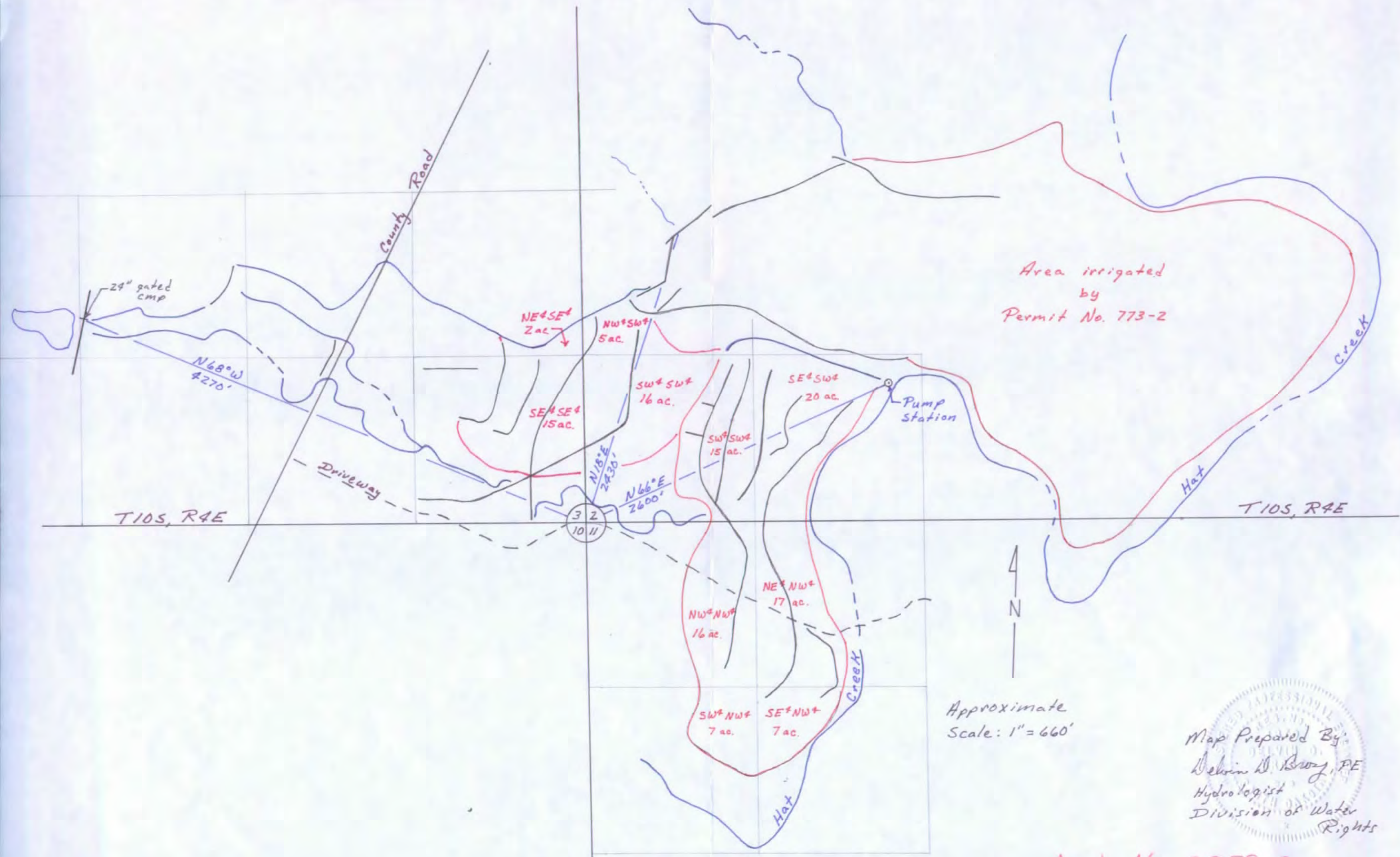
APPROVED

REQUIREMENTS

DISAPPROVED

☒ WAIVER

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.



Area irrigated
by
Permit No. 773-2

Map Prepared By:
Delvin H. Brown, PE
Hydrologist
Division of Water Rights

Appl. No. 2058-2

Conversation or File Documentation

NAME OF PERSON OR FILE: Sylvia Duerson (LeRoy Duerson - son)ADDRESS: Box 18, Provo, SD COUNTY Fall RiverDATE: Oct. 2, 1985 TELEPHONE _____RE: Vested Right # 773-2 & LN 385-2

COMMENTS:

I inspected this project with Mr. ~~LeRoy~~ LeRoy Duerson on Oct 2, 1985. Mr Duerson farms the land. It is owned by his mother ~~an~~ Sylvia Duerson.

LN 385-2 is a small dike across a very small draw. Mr. Duerson did not want it cancelled and wanted it incorporated with Vested Right 773-2. Mr. Duerson also showed me the dam that is not listed on the water license. It is on the water permit application. It should be on the license. The attached sheet lists the information for the dam.

Mr. Duerson showed me portions of the project that were constructed in the 1960's. SCS did the design and layout for this expanded part of the project. They were told that Mr. Duerson had a water right, but have no record of who told them this. I informed Mr. Duerson that there was no valid water right for the portion that was constructed in the 1960's. A new application would have to be submitted for this portion.

LICENSE FOR PERMIT NUMBER 773-2
Vested Right

Sylvia Duerson

1. Legal location of wells: _____

dams & structures: N 66° E 2600 ft from SW corner of Sec. 2, T10S, R4E

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____

b) model _____ b) model no. _____

c) size _____ c) horsepower rating _____

d) capacity _____ GPM d) motor efficiency rating _____

e) turbine pump
no. of stages _____

3. Distribution lines:

a) size of lines _____

b) type _____

c) length _____

4. Dam information:

a) height to crest 18'

b) height to spillway 15'

c) crest width 10'

d) crest length 700'

e) spillway length -

f) spillway width 50'

g) approx. storage 45 AF

h) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

i) Outlet tubes:

1) diameter 24"

2) type CMP

3) valued (Y/N) yes

4) valve type gate

5) location on structure

230' from North end

5. System Type: a) sideroll:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers

4) spacing of sprinklers _____

5) nozzle size _____

b) towline:

1) length _____ feet

2) make, model & number of sprinklers

3) spacing of sprinklers _____

4) nozzle size _____

5. System Type: c) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running _____
- 9) GPM _____

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES NO Check Items

- | | | |
|-------|-------|---|
| _____ | _____ | 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit. |
| _____ | _____ | 2. Special Qualifications to permit being abided by. |
| _____ | _____ | 3. All Structures, wells and lands on map. |

REMARKS:

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, May 6, 1987

RECEIVED OF Sylvia Duerson, PO Box 267, Custer, SD 57730

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

Fee for Application for Permit No. <u>2058-2</u> to Appropriate Water, to construct works and to put water to beneficial use	225	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	225 00

By

Chief Engineer

JOHN HATCH



WATER RIGHTS DIVISION

(605) 773-3352

March 31, 1986

LeRoy Duerson
RR, Box 18
Provo, South Dakota 57774

Dear Mr. Duerson:

I did not find a Water Permit or any record of the gravity irrigation system that you constructed in the early 1960's. You will need to file a water permit application for this irrigation system.

I have enclosed two completed application forms. Please review these and make corrections, if needed. The forms must be signed in the presence of a notary and returned to our office with a filing fee of \$225.00.

I have also enclosed a partially completed WI-1 form. This form is for obtaining soil/water compatibility approval from the SD Department of Agriculture. You will need to complete the blanks on the form for owners address, phone, and crops to be irrigated. The form along with soils information and a water sample from Hat Creek will need to be sent to the Water Quality Lab as outlined on the instruction sheet.

The copy of the map is yours to keep for your files. If you disagree with anything on the map, please let me know. Until you have an approved water permit, you have no authority to irrigate the lands outlined on the map.

Sincerely,

Delvin D. Brosz, P.E.
Hydrologist

DDB:ms
Enc.

WATER RIGHTS DIVISION
(605) 773-3352

June 10, 1986

LeRoy Duerson
RR, Box 18
Provo, South Dakota 57774

Dear Mr. Duerson:

I have revised the water permit application forms as you requested. You should again review these and make corrections if necessary. The forms must be signed in the presence of a notary and returned to our office with a filing fee of \$225.00.

I also corrected the WI-1 form. You will need to complete the blank for crops to be irrigated. This form along with soils information and a water sample needs to be sent to the Water Quality Lab. See the instruction sheet for details.

The map has been corrected and is your to keep. If I can answer any questions or if you disagree with anything, please contact me.

Sincerely,

Delvin D. Brosz, P.E.
Hydrologist

DDB:ms
Enc.



Department of Agriculture

DIVISION OF CONSERVATION
Anderson Building • Pierre, South Dakota 57501
Phone 605/773-3258



July 1, 1987

LeRoy Duerson
Box 18
Provo, SD 57774

Dear Mr. Duerson:

Per our discussion on June 30, 1987, the irrigation staff has deferred bringing your application before the State Conservation Commission.

Relative to that discussion on June 30th, there is additional information required to investigate the possibility of a waiver s/w permitting and other information should it be determined that your application doesn't qualify for the waiver.

In considering the issuance of a waiver, the information with the checks must be secured. (See attached). Please note if it doesn't meet any of the specified criteria it will be subject to the regular permitting process.

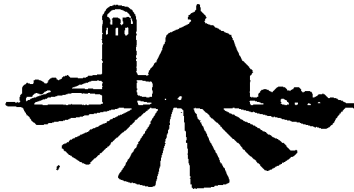
In establishing the effects of the water on the soil, the irrigation staff will: 1.) do soil sampling and 2.) validate the water (if possible). Through these efforts it is possible to address the potential of further delays in the permitting process.

Should you need further assistance about the information needed for the waiver please contact this office and a member of the irrigation staff will be contacting you about the sampling of the soil and water.

Sincerely,

Jim Stukel
Natural Resource Program Scientist

cf



Department of Agriculture

DIVISION OF CONSERVATION
Anderson Building • Pierre, South Dakota 57501
Phone 605/773-3258



September 16, 1987

Leroy Duerson
Box 18
Provo, SD 57774

Dear Mr. Duerson:

Please find enclosed the analyses of the soil and water samples taken by a member of the irrigation staff.

The validated water sample is chemically the same as the application sample.

The soil samples are as follows:

- Site 1 is an irrigated Arvada (Ar)
- Site 2 is an irrigated Arvada (Ar)
- Site 3 is a non-irrigated Arvada (Ar)
- Site 4 is an irrigated Haverson (Ha)

In evaluating the first three sites one must be aware that Arvada is a sodium bearing soil with the clay pan occurring very near the surface. There is an indication that there is a sodium increase occurring in the top 0-6" samples. To say if this is specifically associated with the water or the upward movement of sodium found in the soil is difficult to say. But, if the area is in native grass and undisturbed it is likely to be dominantly an impact of the water.

Sites 3 and 5 are Haverson loams, a water lain soil, with a stratification of textures. The analyses indicates carbonates are found uniformly through out the profile. They also show that as the clay content increases a sodium is increasing (12-24" and 24-36" depths.) Generally speaking these show salts being uniformly spread through the soil profile.

From the soil-water compatibility aspects the area mapped as Arvada is not considered an irrigable soil and it is not compatible with the water. While the Haverson soil is in a border line where the potential hazard development is great and were this a new project, I would recommend to disapprove the permit.

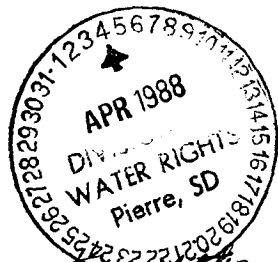
In closing, I refer you to my July 1, 1987, letter requesting information for the investigation of a waiver. I also requested that you provide us with an irrigation history which can help us evaluate the information on the soil.

Sincerely,

Jim Stukel
Natural Resource Program Scientist

Provo, S. D.
March 31/88

Dept of Water & Natural Resources
Joe Gross Bldg.
Pierre, S. D.
Attn. John Bischoff,



This last week we met with Jim Stukel as he was out to our place to look over our irrigation process but we did not get all the details figured out. Seems as though we should go back to last year when we paid \$235.00 for a waiver to Permit us to go on with our irrigating as we have done for the past 26 years.

Now we did make out the WI-1 form which was sent to us along with the \$235.00 and a water sample (1 Pint) on May 5-1987. This was to have given us a waiver so it would complete our process of such. But it has been a year and we want to know what has been done with our efforts and money. Sgt Stukel tells us he didn't know if this will complete the process & we just would like to know why. We have cooperated with what the Dept. has asked for. We would like to have it explained what is next. Or just send our \$235.00 back.

Very Respectfully
Sgt & Mrs Scherag Peterson



Department of Water & Natural Resources

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

April 7, 1988

Leroy Duerson
PO Box 18
Provo SD 57774

Dear Mr. and Mrs. Duerson:

I am writing in response to your letter dated March 31, 1988 to inform you of the current status of the water permit application.

The application you submitted on May 6, 1987 was the result on an on-site inspection of your water spreading system by Del Brosz, staff hydrologist. Mr. Brosz determined that 120 acres of the water spreading system were not covered by your existing water right. Therefore, you submitted an application to the Division of Water Rights on May 6, 1987 to include the 120 acres not on your existing water right. The \$225.00 application fee which you also sent in with the application is based on the number of acre-feet of water allowed for irrigation of 120 acres. The fee calculated out to be \$225.00 for 120 acres (\$150.00 for the first 60 acres and \$75.00 for the second 60 acres).

The application which you sent is the information required to apply for two totally separate permits. The first permit to be obtained is the soil/water compatibility permit and the second permit to be obtained is the water permit. The \$225.00 application fee is needed only for the water permit portion of the application. The waiver which you mentioned in your letter pertains only to the soil/water compatibility permit and not the water permit. Therefore, the \$225.00 application fee has nothing to do with the granting of a waiver as noted in your letter.

As I stated earlier, the soil/water compatibility permit and water permit are totally separate from one another. The soil/water compatibility permit is processed by the Department of Agriculture and the water permit is processed by Water Rights which is a Division of the Department of Water and Natural Resources. The application for the water permit is complete; however, the Division of Water Rights can not process the water permit application until an approved soil/water compatibility permit is received from the Department of Agriculture. South Dakota law states that the soil/water compatibility permit needs to be approved by the Department of Agriculture before the water permit application can be processed. Currently, the Department of Agriculture has not yet approved the soil/water compatibility permit or granted a waiver. Therefore, the water permit application is on hold until the Department of Agriculture acts on the soil/water compatibility permit application.

April 1, 1988
Leroy Duerson
Page 2

I have attempted to explain the current status of the water permit application in relation to the soil/water permit application. Please contact me if you have any questions about the information in this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ron Duvall".

Ron Duvall
Natural Resources Engineer
605 773-3352



Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, 445 East Capitol

Pierre, South Dakota 57501-3188

Phone 605/773-3258

DATE: July 27, 1988

TO: Water Rights Div.
DWNR

FROM: Cheryl Smith, Secretary
Division of Conservation

ATTENTION: Ron



Please find enclosed a corrected copy of LeRoy Duerson's waiver. We received a letter from him today informing us of mistakes made on the original form. Sorry for the inconvenience.

CS

REPORT ON APPLICATION NO. 2058-2

Sylvia Duerson
August 23, 1988

Water Permit Application No. 2058-2 requests 1.71 cubic feet of water per second (cfs) from Hat Creek and a dry draw dam (45 acre feet storage capacity) to irrigate 120 acres. The Hat Creek diversion point is located in the SE1/4 of the SW1/4 of Section 2 and the dam is located in the N1/2 of the SW1/4 of Section 3 both in T10S - R4E, Fall River County.

DISCUSSION

This system has been constructed and has been in use since sometime in the 1960's. Sylvia Duerson has Water Right No. 773-2 which authorizes the diversion of 3.2 cfs from Hat Creek and the dry draw dam to irrigate 224 acres located in Sections 1, 2 and 11 - T10S - R4E with a priority date of 1936. An inspection by Del Brosz found that 120 acres in Sections 2, 3 and 11 - T10S - R4E are being irrigated but were not authorized by Water Right No. 773-2 for irrigation. As a result, Ms. Duerson has submitted this application for the 120 acres that were not authorized.

Hat Creek is a tributary of the Cheyenne River and is upstream from Angostura Reservoir. U.S. Withdrawal No. 579-2 for the Angostura Irrigation District has a priority date of April 11, 1941 to store water annually in Angostura Reservoir on the Cheyenne River. The authorized annual refill is equal to that volume of water needed to bring the reservoir water surface to the top of the active storage space elevation of 3187.2 feet mean sea level (msl).

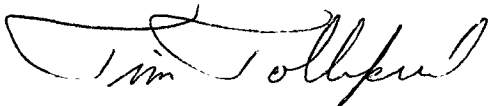
There is one existing water right downstream from this project on Hat Creek. Water Right No. 519-2, owned by A.J. Landers, authorizes the diversion of 3.0 cfs from Hat Creek to irrigate 211 acres. The priority date of this right is February 25, 1896.

Water Right No. 773-2 priority precedes that of the Angostura Irrigation District. Diversions to irrigate land authorized for irrigation by this permit may be made when water is available in Hat Creek providing Water Right No. 519-2 and downstream domestic use is satisfied. Diversions to irrigate the 120 acres listed in this application, if approved, would be subject to Water Right No. 579-2 authorizing the annual fill of Angostura Reservoir.

CONCLUSIONS

1. Sylvia Duerson has Water Right No. 773-2 which authorizes the diversion of 3.2 cfs from Hat Creek to irrigate 224 acres with a priority date of 1936. Hat Creek is a tributary of the Cheyenne River.

2. There is one existing permit on Hat Creek downstream from the project described in this application. Water Right No. 519-2, owned by A.J. Landers, authorizes the diversion of 3.0 cfs to irrigate 211 acres with a priority date of February 25, 1896.
3. U.S. Withdrawal No. 579-2 authorizes the annual fill of Angostura Reservoir on the Cheyenne River to the top of the active storage space elevation of 3187.2 msl.
4. This project has already been constructed and has been in use since the 1960's. An inspection conducted by Del Brosz found that irrigation of 120 acres of the developed area was not included in the original Application Water Permit No. 773-2. Subsequently, this application was submitted to bring the acreage into compliance.
5. Water Permit Application No. 2058-2 can be approved with the following two qualifications:
 - a. That low flows as needed for downstream use including livestock watering, prior water rights, and the U.S. Bureau of Reclamation water rights to certain flows of the Cheyenne River and tributaries for storage in Angostura Reservoir must be by-passed. Diversions under Permit No. 2058-2 to appropriate water may not take place each year until the Angostura Reservoir has received the flows necessary to bring the reservoir to elevation 3187.2 feet msl.
 - b. That the irrigation questionnaire be submitted each year.



Tim Tollefsrud
Natural Resources Engineer

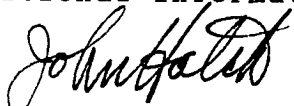
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2058-2, Sylvia Duerson

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 Water Permit Application No. 2058-2, Sylvia Duerson, RR 3, Box 267, Custer SD.

The Chief Engineer is recommending APPROVAL of Application No. 2058-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights and the U.S. Bureau of Reclamation rights to certain flows of the Cheyenne River and tributaries for storage in Angostura Reservoir must be by-passed. This permit does not authorize diversion of water until the Angostura Reservoir has received the flows necessary to fill the reservoir to elevation 3187.2 feet msl.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
August 25, 1988



Department of Water & Natural Resources

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

August 29, 1988

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

Sylvia Duerson
RR 3, Box 267
Custer SD 57730

Dear Mr. Duerson:

Your Application No. 2058-2 for a permit to appropriate water for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your intent to appropriate water 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 prior to publication 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

August 29, 1988

Hot Springs Star
Box 1000
Hot Springs SD 57747

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 2058-2 to be published twice. Please publish the first notice on or before September 6, 1988 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Sylvia Duerson, RR 3, Box 267, Custer SD 57730.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST 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 in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE
No. _____

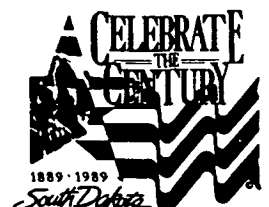
TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____



Instruction to Newspaper - Publish first Notice on or before September 6, 1988 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2058-2 to Appropriate Water

Notice is given that Sylvia Duerson, RR 3, Box 267, Custer SD 57730 has filed an application for a water permit to appropriate 1.71 cubic feet of water per second from Hat Creek and a dry draw dam (45 acre-feet storage capacity) to irrigate 120 acres. The Hat Creek diversion point is located in the SE 1/4 SW 1/4 Section 2; and the dam is located in the N 1/2 SW 1/4 Section 3; both in T10S-R4E. The irrigated acreage is located in the E 1/2 SE 1/4 Section 3; W 1/2 SW 1/4, SE 1/4 SW 1/4, Section 2; NW 1/4 Section 11; all in T10S-R4E. The 120 acres requested by Application No. 2058-2 have been irrigated since the 1960's along with 224 acres authorized by Water Right No. 773-2.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2058-2 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD on October 5, 1988 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by September 23, 1988. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 23, 1988.

This application is made pursuant to 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; 46-5-1 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Fall River) ss.

I, Christopher N. Spencer 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:

September 6, 1988

September 13, 1988

Christopher N. Spencer
(Signature)

Publisher
(Title)

September 13, 1988
(Date Signed)



Cost of Printing: \$34.98

WNR-808-7/79
Proof of Publication

279

Notice of Hearing on Application
No. 2058-2 to Appropriate Water

Notice is given that Sylvia Duerson, RR 3, Box 267, Custer, South Dakota 57730 has filed an application for a water permit to appropriate 1.71 cubic feet of water per second from Hat Creek and a dry draw dam (45 acre-feet storage capacity) to irrigate 120 acres. The Hat Creek diversion point is located in the SE 1/4 SW 1/4 Section 2; and the dam is located in the N 1/2 SW 1/4 Section 3; both in T10S-R4E. The irrigated acreage is located in the E 1/2 SE 1/4 Section 3; W 1/2 SW 1/4, SE 1/4 SW 1/4, Section 2; NW 1/4 Section 11; all in T10S-R4E. The 120 acres requested by Application No. 2058-2 have been irrigated since the 1960's along with 224 acres authorized by Water Right No. 773-2.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2058-2 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water management Board in Room 216, Joe Foss Building, 523 E Capitol, Pierre, SD on October 5, 1988 at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by September 23, 1988. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605) 773-3352." The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 23, 1988.

This application is made pursuant to 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; 46-5-1 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

ANGOSTURA IRRIGATION DISTRICT

P. O. BOX 346
ORAL, SOUTH DAKOTA 57766

September 13, 1988



Chief Engineer
Water Rights Division
Department of Water & Natural Resources
Joe Foss Building
523 East Capitol Avenue
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 that they favor the reconsideration of the Water Management Board's decision to grant an extension of time to construct works authorized by Permit No. 40-2A and Permit No. 1812-2, until July 28, 1992. We would favor the cancellation of both Permit No. 40-2A and Permit No. 1812-2 for Robert and Mark Tubbs, to be considered at a public hearing on October 5, 1988 at 10:30 A. M.

We would, also, like to make known our objection to Application No. 2058-2 by Sylvia Duerson, for a Water Permit to irrigate 120 Acres in Section 11, T10S, R4E, from Hat Creek and a dry draw dam in Fall River County, South Dakota. This application is also to be considered on October 5, 1988 at 10:00 A. M.

The Board of Directors feel that any water permit granted for irrigation on the Cheyenne River or its tributaries jeopardized the water supply stored in Angostura Reservoir and the irrigation of lands included in Angostura Irrigation District.

The Angostura Irrigation District holds a Water Right, through the Bureau of Reclamation, for the filling of Angostura Reservoir once each year, which was not accomplished in the 1988 irrigation year.

We would, therefore, prefer that no more water rights be granted on the Cheyenne River or its tributaries upstream from the Angostura Dam and Reservoir.

Thank you for your consideration of this matter.

Respectfully,

Lloyd Neugebauer
President of the Board of Directors
Angostura Irrigation District



Department of Water & Natural Resources

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

September 28, 1988

Sylvia Duerson
RR 3, Box 267
Custer SD 57730

Dear Mrs. Duerson:

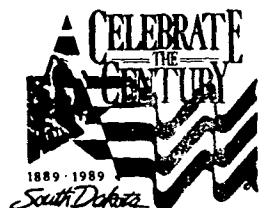
This letter is to inform you that a petition opposing Water Permit Application No. 2058-2 has been received by the Division of Water Rights. A copy of the petition is enclosed for your review.

Please contact me if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.



Dec. 15/88

Dept of Water &
Natural Resources,
Pierre, S. D.

John Hatch - Chief Engineer;

Dear friends;

There was a meeting held several weeks ago and tho. we were unable to be there; a representative from our area was there. It was on updating water rights which we have been having in process for two years or more. A representative told us ours was processed & A.R'd but we have not received a notice of it so we would like to at this time receive an account of its procedure.

Thank You

LeRoy Svensson

H. C. 48 Box 248

Provo, S. D.

57774

P.S. Perhaps a notice was given to Lester, S. D. as it is ^{Sylvia's} ~~my~~ mother's address & she lives there.



Called him
on 12-20-88
Permit being
Processed JDB



Department of Water & Natural Resources

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

FEB 14 1989

Sylvia Duerson
RR 3, Box 267
Custer, South Dakota 57730

Dear Mrs. Duerson:

Enclosed is your Water Permit No. 2058-2 as approved by the Water Management Board authorizing construction of the water system and the application of water to beneficial use, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

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

JH:ms

enclosure

September 26, 1988
(date)

page 1

Parties of Record before Water Management Board regarding Water Permit
Application No. 2058-2, Sylvia Duerson

For :

Against:

Sylvia Duerson
RR3, Box 267
Custer SD 57730

Lloyd Nengebauer, President
Angostura Irrigation District
PO Box 346
Oral SD 57766

SOUTH DAKOTA Department of
Water & Natural Resources

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

February 9, 1990

SYLVIA DUERSON
RR 3 BOX 267
CUSTER, SD 57730

NOTICE

RE: Violation of Water Permit No(s). 2058-2

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 2058-2. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 2058-2 qualification:

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

The hearing will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Roosevelt-Jefferson Room, I-90 at LaCrosse, Rapid City SD.

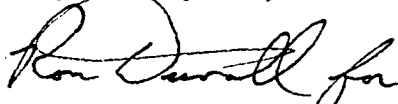
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 2058-2 until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire is received in this office before the March 7th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,



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

SOUTH Dakota Department of
Water & Natural Resources

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

February 26, 1990

773-2
2058-2

Leroy Duerson
HC 48 Box 248
Provo, SD 57774

Dear Mr. Duerson:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Vested Water Right Claim No. 773-2 and Water Permit No. 2058-2. Please check over the forms and sign them in the presence of a notary public. Upon completion of the forms, return them to our office with a required filing fee of \$2.50 each (total of \$5.00).

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

I have also enclosed copies of Vested Water Right Claim No. 773-2 and Water Permit No. 2058-2. You may keep them for your records. If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosures



Department of Water & Natural Resources

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

February 28, 1990

2058-2

LeRoy Duerson
HC 43, Box 248
Provo SD 57774

Dear Mr. Duerson:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit No. 2058-2. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

Bon Duvall /K5

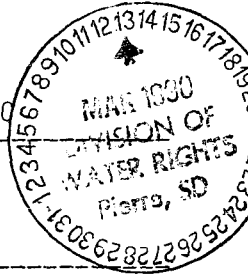
RON DUVALL
Natural Resources Engineer
Water Rights Division

NOTICE OF TRANSFER OF OWNERSHIP

No. 2058-2

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

Date: March 12, 1990

I/We request that Water Permit/~~Right~~ No. 2058-2

formerly owned by: Sylvia Duerson, RR #3 Box 267, Custer, SD

be transferred to: (name & address) LeRoy Duerson and Bertha I. Duerson, husband and wife, as joint tenants with right of survivorship and not as tenants in common, HC 48, Box 248, Provo, SD 57774 (telephone No.) 745-5728

Title to the following described land(s)/property has been transferred as described above:
120 acres - E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 3; W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 2; T10S, R4E and NW $\frac{1}{4}$ Sec 11, T10S R4E

I/We understand that the validity of Water Permit/~~Right~~ No. 2058-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Fall River)

LeRoy Duerson and

X/We Bertha I. Duerson 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.

Bertha I. Duerson
LeRoy Duerson
(Signed)

Subscribed and sworn to before me this 12th day of March, 1990.

My commission expires;
8-25-98

Clara M. Clay
(Notary Public)

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

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412144

Pierre, March 19, 19 90

RECEIVED OF Leroy Deurson, Box 13, Provo, SD 57774

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____ Water Permit No. 2058-2	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatchman
Chief Engineer



Department of Water & Natural Resources

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

March 14, 1990

773-2

2058-2

LeRoy & Bertha Duerson
HC 48 Box 248
Provo, SD 57774

Dear Mr. & Mrs. Duerson:

The "Notice of Transfer" forms for Vested Water Right Claim No. 773-2 and Water Permit No. 2058-2 have been received. The forms were completed properly; however, they can not be processed without the \$5.00 filing fee (\$2.50 each).

Please remit the filing fee as soon as possible. Upon receipt of the fee, Vested Water Right Claim No. 773-2 and Water Permit No. 2058-2 will be transferred to your names.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMATH". The signature is written in dark ink and is positioned below the word "Sincerely,".

GENNY MCMATH
Natural Resources Analyst
(605) 773-3352



Department of Water & Natural Resources

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

March 28, 1990

773-2
2058-2

Leroy Duerson
HC 48 Box 248
Provo, SD 57774

Dear Mr. Duerson:

Enclosed are Receipt Nos. 412144 and 412145 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 773-2 and 2058-2.

Our records now list LEROY DUERSON and BERTHA I DUERSON as the owners of these Water Rights.

Sincerely,

A handwritten signature in cursive script that reads "Marie R. Arthur".

MARIE R. ARTHUR
Secretary
Water Rights Division
(605) 773-3352

enclosure



Department of Water & Natural Resources

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

March 14, 1991

2058-2

NOTICE

TO: LeRoy Duerson
HC 48, Box248
Provo, SD 57774

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

A handwritten signature in black ink, appearing to read "Del Brodz".

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 WATER & NATURAL RESOURCES

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

April 24, 1991

1019-2
2058-2

Dick Sharp, Attorney
PO Box 290
Rapid City, SD 57709

Dear Mr. Sharp:

Enclosed, as you requested, are "Notice of Transfer" forms for use in filing an ownership change on Water Right No. 1019-2 and Water Permit No. 2058-2. Water Right No. 1019-2 is currently listed in the name of George LeBar and Permit No. 2058-2 is listed in the name of LeRoy & Bertha Duerson.

The transfer forms should be completed and then signed by the new owner in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (total of \$5.00).

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 20, 1991

2058-2

RESCISSION OF SHUTOFF ORDER

TO: LeRoy Duerson
HC 48, Box248
Provo, SD 57774

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

2058-2

NOTICE

TO: LEROY/BERTHA DUERSON
HC 48 BOX 248
PROVO, SD 57774

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. 2058-2 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	EDGE MONT	SD	57735		
1614-2	IRENE R	ANDERSON		HCR 59 BOX 20	EDGE MONT	SD	57735		
324-2		B & H RANCH INC	B F CHILDERS	PO BOX 723	EDGE MONT	SD	57735		
534-2		BALL BROS		BOX 617	EDGE MONT	SD	57735		
1995-2	LESTER I	BARKLEY		BOX 740	EDGE MONT	SD	57735		
1693-2	NICK/MICHAEL	BOGNER	ANICK BOGNER JR	HC 46 BOX 24	OELRICHS	SD	57763	1734-2	
755-2		BRAINERD INDIAN SCHOOL			HOT SPRINGS	SD	57747		
858-2	WAYNE F	CHILDERS		HCR 59 BOX 1A	EDGE MONT	SD	57735		
636-2	V L	CHILDERS		BOX 723	EDGE MONT	SD	57735		
654-2	OSCAR	COPE			OELRICHS	SD	57763		
1994-2	JOHN	DEGERING		SR 1 BOX 136	LUSK	WY	82225		
567-2	HAROLD R	DODSON		HCR 59 BOX 5A	EDGE MONT	SD	57735	1410-2	
2058-2	LEROY/BERTHA	DUFERSON		HC 48 BOX 248	PROVO	SD	57774		
1985-2	DAVID M	DUNBAR		RR BOX 32	OELRICHS	SD	57763		
788-2		HALD BROTHERS, INC.	CARL P HALD, PRES	HCR 46 BOX 5	OELRICHS	SD	57763	1695-2	
421-2	HERMAN	HECK		BOX 441	EDGE MONT	SD	57735		
540-2	DARRELL E	HELMAN		BOX 402	EDGE MONT	SD	57735		
1879-2	DORA R	HENDERSON	APT 265	5141 INDIAN RIVER	LAS VEGAS	NV	89103		
1980-2	DON W	HENRY		BOX 276	ARMORE	SD	57715		
379-2	HENRY C	HOLLENBECK		DEWEY ROUTE	EDGE MONT	SD	57735		
1593-2		HU RANCH INC	SD CORPORATION	HCR 59 BOX 102	EDGE MONT	SD	57735		
350-2	DARREL D	HUNTER		BOX D	ARMORE	SD	57715		
1641-2	JAMES/PATRICIA	JOHNSTON		HC 68 BOX 7	LAKESIDE	NE	69351		
18770-2	JIM	KANE		BOX 19A	PROVO	SD	57774		
763-2	CARL	KANMOLT	APT 207	BLANIE HOTEL	CHADRON	NE	69337		
1696-2	JOHN W	KOLLER		BOX 715	EDGE MONT	SD	57735		
866-2	A J	LANDERS	STAR CATTLE CO	BOX 159B HCR 52	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)	MANKE	(ESTATE)	RR #1 BOX 179C	HOT SPRINGS	SD	57747		
11447-2	KENNETH	MARTINSON		BOX 361	EDGE MONT	SD	57735		
785-2	ARDITH W	MCLAIN		BOX 164	OELRICHS	SD	57763		
410-2	RALPH L	MEFFERD, JR		HCR 48 BOX 22	PROVO	SD	57774		
1973-2	A J	NELSON		BROADUS STAGE	MILES CITY	MT	59301		
2015-2		PETERSON & SON, INC		HCR 59 BOX 16	EDGE MONT	SD	57735		
1016-2	PAUL & JEAN	PETTY	& NOREEN PETTY	HCR 52 BOX 136	HOT SPRINGS	SD	577479603		
1716-2	MELVIN	PORTER		WYO RT BOX 17	EDGE MONT	SD	57735		
711-2	DONALD	PUTNAM		BOX 188	OELRICHS	SD	57763	2043-2	
1836-2	CLEN	REASER		HC 46 BOX 48	OELRICHS	SD	57763		
422-2	EDWARD/WANDA	REUTTER		HCR 59 BOX 90	EDGE MONT	SD	57735	1789-2	
293-2	CHANCE/NETERI	REYNOLDS		HCR 59 BOX 28	EDGE MONT	SD	57735	294-2	
669-2	OLIVER M	ROWEY		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	EDGE MONT	SD	57735		
1732-2	ROBERT/MARK	TUBBS		BOX 563	EDGE MONT	SD	57735		
1019-2		WAR BONNET RANCH LTD	BOX 132	105 E 5TH ST	MURDO	SD	57559		
392-2	VINCENT M	WASSERBURGER		BOX 83	ARMORE	SD	57715	853-2	2115-2

CERTIFICATION

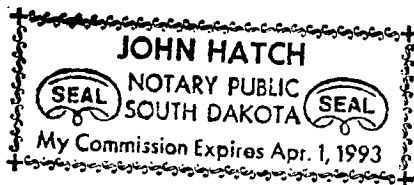
I hereby certify that on March 25, 1992, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 25, 1992, regarding Shut Off Order for Junior Water Right Holders Upstream of the Angostura Irrigation District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

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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



John Hatch
Notary Public



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 12, 1993

2058-2

NOTICE

TO: LEROY/BERTHA DUERSON
HC 48 BOX 248
PROVO, SD 57774

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

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

Effective immediately no diversions of water under your Water Right No. 2058-2 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.

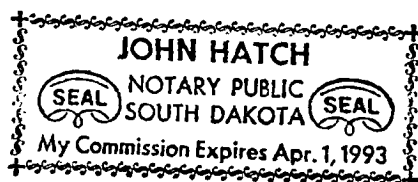
Cheryl F. Frost

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

2058-2

RESCISSION OF SHUTOFF ORDER

TO: LEROY/BERTHA DUERSON
HC 48 BOX 248
PROVO, SD 57774

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

SUBJECT: Rescission of the Shutoff Order for Junior Water Right
Holders Upstream of the Angostura Irrigation District
for the 1993 Irrigation Season.

Recent wet conditions in the Upper Cheyenne River Basin have provided large inflows and the Angostura Reservoir is expected to fill shortly. The shutoff order for all junior water rights upstream of the reservoir is rescinded for the 1993 irrigation season.

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

cc: US Bureau of Reclamation
Angostura Irrigation District



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 15, 1995

2058-2

NOTICE

TO: LEROY/BERTHA DUERSON
HC 48 BOX 248
PROVO, SD 57774

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. 2058-2 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

2058-2

RESCISSION OF SHUTOFF ORDER

TO: LEROY/BERTHA DUERSON
HC 48 BOX 248
PROVO, SD 57774

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

November 21, 1995

773-2
2058-2

Doug & Lori Bachand
HC 48 Box 248
Provo, SD 57774

Dear Mr. & Mrs. Bachand:

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change on Vested Water Right No. 773-2 and Water Permit No. 2058-2. They are currently listed in the names of Bertha and LeRoy Duerson. It is my understanding that you now own the land.

Please review the transfer forms and make any necessary changes. Upon completion, please sign the forms in the presence of a notary public and return them to our office. A \$2.50 filing fee is required for each transfer (total of \$5.00).

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 2058-2

Date: 11-30-95

I/We request that Water Permit No. 2058-2

formerly owned by: LeRoy Duerson and Bertha I Duerson, HC 48 Box 248, Provo, SD 57774-9604

be transferred to: (name & address) Doug & Lori Bachand, HC 48 Box 248, Provo, SD 57774

Telephone No. 745-3772

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

120 acres - E½ SE¼ Section 3, W½ SW¼, SE¼ SW¼ Section 2, T10S, R4E and NW¼ Section 11, T10S, R4E

I/We understand that the validity of Water Permit No. 2058-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Fall River)

I/We Doug Bachand and Lori Bachand 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.

Doug Bachand Lori Bachand
(Signed)

Subscribed and sworn to before me this 30th day of November, 19 95.

Shelley R. Calhoon
Notary Public
State of South Dakota

Shelley R. Calhoon
(Notary Public)

my commission expires: 7-5-97

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

Division of Water Rights

414708

South Dakota Department of Environment and Natural Resources

Pierre, _____ December 11, 19 95

RECEIVED OF Doug & Lori Bachand, HC 48, Box 248, Provo, SD 57774

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>Water Permit No. 2058-2</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

January 2, 1996

No. 773-2

2058-2

Doug and Lori Bachand
HC 48, Box 248
Provo, SD 57774-9604

Dear Mr. and Ms. Bachand:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right No. 773-2 and Water Permit No. 2058-2.

Our records now show you as the owner of Water Right No. 773-2 and Water Permit No. 2058-2.

Sincerely,

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

enclosure



February 4, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: DOUG & LORI BACHAND, HC 48 BOX 248, PROVO, SD 57774 9604

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s) 2058-2, 773-2 and 1996 Irrigation Questionnaire Requirements

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 2058-2, 773-2. The request for the Questionnaires was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 773-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2058-2 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2058-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 773-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office on/or before February 28, 1997, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 27, 1997

773-2
2058-2

Doug and Lori Bachand
HC 48 Box 248
Provo, SD 57774-9604

Dear Mr. & Mrs. Bachand:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires.

I completed questionnaires for you based on our February 27th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

The 1997 questionnaires will be mailed out in October. If you do not receive the forms by the first part of November, please give me a call.

Thank you for taking the time to visit with me about your irrigation questionnaires. If you have any questions, please contact me.

Sincerely,

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

Permit No. 2058-2
Upper Cheyenne River - Water District

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

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

On, **January 27, 1998**, I made a thorough examination of the water use system constructed by **Doug and Lori Bachand** of **HC 48, Box 248, Provo SD 57774** holder of Permit No. **2058-2**, bearing the priority of **July 28, 1988** authorizing the diversion of **1.71** cu. ft. per second and/or the storage of **45** acre-feet of the waters of **Hat Creek and a 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:

12" Gator Pump, Model: 12" Dolphin
60hp Lincoln Motor
Dry Draw Dam, ID No. 2247

B. Works used to transport water to place of use:

Canal and Gated Spreader Dykes

The system is in the following condition **Good**. The point of diversion is located **1050' north and 2375' east of the SW corner of Section 2, Dam: 1600' north and 3960' west of the SE corner of Section 3, both T10S-R4E**. The works are capable of diverting and conveying to the place of use **6.67** cu. ft. per second of water and/or storing **45** acre-feet of water which is to be used for **Irrigation**. Water has been put to beneficial use to the maximum extent as follows:

All T10S-R4E

Section 3

NE1/4 SE1/4 2 ac.
SE1/4 SE1/4 15 ac.

Section 2

NW1/4 SW1/4 5 ac.
SW1/4 SW1/4 31 ac.
SE1/4 SW1/4 20 ac.

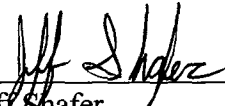
Section 11

NW1/4 NW1/4 16 ac.
NE1/4 NW1/4 17 ac.
SW1/4 NW1/4 7 ac.
SE1/4 NW1/4 7 ac.

comprising a total of **120** acres of land and the license should be issued for **1.71** cfs and/or **45** acre-feet of storage.

Applicable permit qualifications have been complied with: Yes

Exceptions to compliance are: None



Jeff Shafer
Natural Resources Engineer
DENR, Water Rights Program

2-23-98

Date

REPORT ON INSPECTION OF PERMIT NO. 2058-2

DATE OF INSPECTION: 1/27/98

Other permit(s) associated with the project: 773-2

Contact Person & Address: Doug and Lori Bachand, HC 48 Box248, Provo SD 57774

DIVERSION POINT LEGAL LOCATION: SE1/4 SW1/4 Section 2, N1/2 SW1/4 Section 3, both T10S-R4E

WATER SUPPLY Source: Hat Creek

Pump:

- | | |
|---------------------------|-----------------------------|
| 1) Make <u>Gator Pump</u> | 2) Model <u>12" Dolphin</u> |
| 3) Size <u>12"</u> | 4) Capacity <u>3000</u> GPM |

Motor:

- | | |
|-----------------------------------|-----------------------------|
| 1) Make <u>Lincoln</u> | 2) Model No. <u>Unknown</u> |
| 3) Horsepower rating <u>60</u> hp | |

DISTRIBUTION LINES OR CANALS:

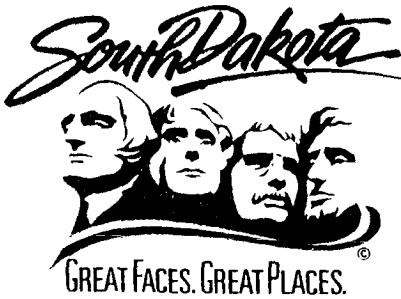
- | | |
|---|-------------------------|
| 1) Type <u>Canal and Spreader Dykes</u> | 2) Size <u>Variable</u> |
|---|-------------------------|

DAM INFORMATION:

- | | |
|---|--|
| 1) Height to crest <u>18</u> feet. | 2) Height to primary spillway <u>NA</u> feet |
| 3) Height to secondary spillway <u>15</u> ft | 4) Crest width <u>10</u> feet |
| 5) Crest length <u>700</u> feet | 6) Spillway length <u>NA</u> |
| 7) Spillway width <u>50</u> feet | 8) Approx. storage <u>45</u> ac-ft |
| 9) Approx. storage to crest <u>65</u> ac-ft | 10) Date constructed: <u>Unknown</u> |
| 11) Outlet tubes: | |
| a) diameter <u>24</u> inches | b) type <u>CMP</u> |
| c) valved <u>Yes</u> | d) valve type <u>Gate</u> |
| e) location on structure <u>230' from North End</u> | |
| 12) Category of Dam <u>3, ID 2247</u> | 13) Inspection Sheet Completed <u>No</u> |

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Yes
- 2) All structures, wells and lands on map Yes, as submitted
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 24, 1998

2058-2

Doug and Lori Bachand
HIC 48, Box 248
Provo, SD 57774

Dear Mr. And Ms. Bachand:

The investigation of your water use system was conducted on January 27, 1998, by Jeff Shafer, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 2058-2. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the investigation and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

**Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181**

Sincerely,

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

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

10 415737

Pierre, April 15, 19 98

RECEIVED OF Hat Creek Ranch, Doug or Lori Bachand, HC 48, Box 248, Provo, SD 57774
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. 2058-2

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By _____
Chief Engineer

John Hater

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2058-2

(1) Sylvia Duerson, RR 3 Box 267, Custer SD made Application No. 2058-3, May 6, 1987 for a water permit to store 45 acre-feet of water annually and divert 1.71 cubic feet of water per second from a dry draw dam and Hat Creek, Fall River County, South Dakota for irrigation purposes. Permit No. 2058-2, with a priority date of July 28, 1988 was approved October 6, 1988 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

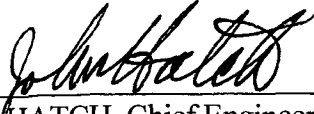
On December 11, 1995, Water Permit No. 2058-2 was transferred to Doug & Lori Bachand.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to store 45 acre-feet of water annually and to divert 1.71 cubic feet of water per second for beneficial use. The location of the diversion point from Hat Creek is 1,050 feet north and 2,375 feet east of the southwest corner of Section 2 (SE 1/4 SW 1/4) and storage dam is 1,600 feet north and 3,960 feet west of the southeast corner Section 3 (NW 1/4 SW 1/4); all in T10S-R4E.

(3) The permit holders have complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

All in T10S-R4E					
Section 3		Section 2		Section 11	
NE 1/4 SE 1/4	2 acres	NW 1/4 SW 1/4	5 acres	NW 1/4 NW 1/4	16 acres
SE 1/4 SE 1/4	15 acres	SW 1/4 SW 1/4	31 acres	NE 1/4 NW 1/4	17 acres
		SE 1/4 SW 1/4	20 acres	SW 1/4 NW 1/4	7 acres
				SE 1/4 NW 1/4	7 acres
Total 120 acres					

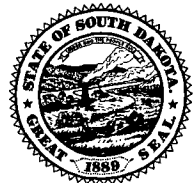
(4) Pursuant to South Dakota Water Law 46-5-30.1 Doug and Lori Bachand, HC 48 Box 248, Provo SD 57774 the holders and/or owners of Water Permit No. 2058-2 are issued a license to appropriate water, the right to store 45 acre-feet of water annually and to use 1.71 cubic feet of water per second from a dry draw and Hat Creek with a priority date of July 28, 1988 from the locations 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 Water Permit No. 2058-2 and subject to South Dakota State Law.



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

APR 23 1998

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 23 1998

2058-2

Doug and Lori Bachand
HC 48, Box 248
Provo, SD 57774

Dear Mr. And Ms. Bachand:

Enclosed is Water License No. 2058-2 and Receipt No. 415737 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 2058-2 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

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

ks
enclosures



**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: DOUG & LORI BACHAND
HC 48 BOX 248
PROVO SD 57774

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. 2058-2

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.



2058-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 2005

NOTICE

TO: DOUG & LORI BACHAND, HC 48 BOX 248, PROVO, SD 57774 9604

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

Our records indicate that the 2004 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 773-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2058-2 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2058-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 773-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office on/or before February 25, 2005, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



2058-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2005

773-2
2058-2

Doug & Lori Bachand
HC 48 Box 248
Provo SD 57774-9604

Dear Mr. & Mrs. Bachand:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right Nos. 773-2 and 2058-2.

The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



2058-2

**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: DOUG & LORI BACHAND
HC 48 BOX 248
PROVO SD 57774

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. 2058-2

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.



IN REPLY REFER TO:

DK-700
PRJ 13.00

2058-2
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: DOUG & LORI BACHAND
HC 48 BOX 248
PROVO SD 57774

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. 2058-2

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: DOUG & LORI BACHAND
HC 48 BOX 248
PROVO, SD 57774

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. 2058-2

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: DOUG & LORI BACHAND
28992 CASCADE RD
PROVO SD 57774

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. 2058-2

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:

DOUG & LORI BACHAND
HC 48 BOX 248
PROVO SD 57774

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. 2058-2

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: DOUG & LORI BACHAND
HC 48 BOX 248
PROVO SD 57774

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. (2058-2)**

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:

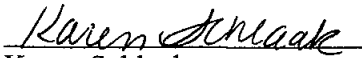
LAST_NAME	FIRST_NAME	ADDRESS2	CITY	STATE	ZIP
INDIAN CREEK CATTLE LLP		32296 190TH ST	SLEEPY EYE	MN	56085
INDIAN CREEK LAND & CATTLE LLC		PO BOX 538	EDGEMONT	SD	57735
WEINREIS BROTHERS		230908 HIGHLAND RD	SCOTTSBLUFF	NE	69361
SEGER RANCH INC		RR 1 BOX 100A1	HOT SPRINGS	SD	57747
REUTTER	EDWARD/WANDA	HCR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

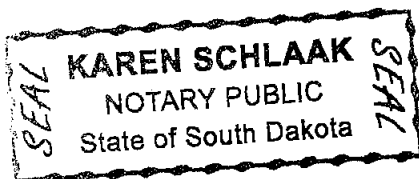
SCHNOSE	VERNON	12685 MAITLAND RD	HOT SPRINGS	SD	57747
SEABECK	DORIS SEABECK & THOMAS	2533 PARK AVE	LARAMIE	WY	82070
SIMONS	BERNARD D	BOX 381	EDGEMONT	SD	57735
TUBBS LAND & CATTLE LLC		10891 RIVER RD	EDGEMONT	SD	57735
WALKER	FRED S & CYNTHIA K	30301 CASCADE RD	ARDMORE	SD	57735
WYOMING DAKOTA RAILROAD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


 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



2058-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: DOUG & LORI BACHAND, 28992 CASCADE RD, EDGEMONT, SD 57735

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaires

Our records indicate your 2018 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 773-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2058-2 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2058-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 773-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

2058-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 31, 2019

773-2
2058-2

Doug & Lori Bachand
28992 Cascade Rd
Edgemont SD 57735

Dear Mr. & Mrs. Bachand:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right Nos. 773-2 and 2058-2. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

2058-2



DENR
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

November 2, 2020

773-2
2058-2

Doug & Lori Bachand
22534 Randall Ln
New Underwood SD 57761-6143

Dear Mr. & Mrs. Bachand:

Enclosed is a "Notice" dated October 23, 2020 concerning your 2020 irrigation questionnaires.

The notice was originally mailed to Edgemont SD. The post office notified us that your address has changed, and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, written over a horizontal line.

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

enclosures



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

2058-2

January 22, 2021

NOTICE

TO: DOUG & LORI BACHAND, 22534 RANDALL LN, NEW UNDERWOOD, SD 57761 6143
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaires

Our records indicate your 2020 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 773-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2058-2 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2058-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 773-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: DKSTWE**

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



DENR
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

February 8, 2021

773-2
2058-2

Doug & Lori Bachand
22534 Randall Ln
New Underwood SD 57761-6143

Dear Mr. & Mrs. Bachand:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right Nos. 773-2 and 2058-2. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 14, 2025

NOTICE

TO: DOUG & LORI BACHAND, 22534 RANDALL LN, NEW UNDERWOOD, SD 57761 6143

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaires

Our records indicate your 2024 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 773-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2058-2 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2058-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 773-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: VLTLZD**

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

2058-2

RECEIVED

FEB 12 2025

OFFICE OF
WATER**NOTICE OF TRANSFER OF OWNERSHIP**

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 2058-2

Date: 2-12-25

I/We request that Water Right/Permit No. 2058-2 formerly owned by:
Doug & Lori Bachand - New Underwood SD be transferred to:

New Owner Name: Dustin Luper
Address: 28997 Cascade Rd mobile: 605-431-5355
City, State, Zip Provo, SD 57735 email: dluper@csc.edu

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

Hat Creek

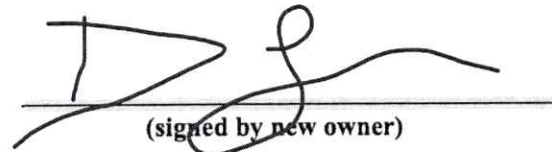
Section 3	Section 2	Section 11	
NE 1/4 SE 1/4 - 2 ac	NW 1/4 SW 1/4 - 5 ac	NW 1/4 NW 1/4 - 16 ac	
SE 1/4 SE 1/4 - 15 ac	SW 1/4 SW 1/4 - 31 ac	NE 1/4 NW 1/4 - 17 ac	all in T10S-R4E
	SE 1/4 SW 1/4 - 20 ac	SW 1/4 NW 1/4 - 7 ac	TOTAL: 120 ac
		SE 1/4 NW 1/4 - 7 ac	

☒ I understand that the validity of Water Right/Permit No. 2058-2 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 Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Dustin Luper, 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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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 Agriculture and Natural Resources

Date February 18th 2025

RECEIVED OF Dustin Luper 28997 Cascade Rd Provo 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 #773-2 & #2058-2	\$ <u>100.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	\$ <u>100.00</u>

By

Eric Gustafson
Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 19, 2025

773-2
2058-2

Dustin Luper
28997 Cascade Rd
Provo SD 57735

Dear Mr. Luper:

I have received your "Notice of Transfer of Ownership" forms and the required fees for Water Right Nos 773-2 & 2058-2. Enclosed is a receipt of payment for your records.

Water Right Nos. 773-2 & 2058-2, previously held by Doug & Lori Bachand, are now listed under yourself. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the licenses (copies enclosed), State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the water rights will be subject to cancellation.

I have also received your 2024 Irrigation Questionnaire reports for the above-mentioned water rights. The information was received prior to the March 5, 2025, Water Management Board meeting and your permits have been removed from the Board's agenda.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

NOTE: The validity of Water Right Nos. 773-2 & 2058-2 has not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosures



**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: DUSTIN LUPER
28997 CASCADE RD
PROVO, 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). 2058-2

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.