

OFFICE OF STATE ENGINEER

PIERRE, SOUTH DAKOTA

RECORD OF PROCEEDINGS

Application No. 228-2

Water Div. No. 2 Water Dist.

Application Received Dec. 28-1917

Maps Received

Acknowledgment Fees rec'd Jan. 28-1918

Notice for Pub. Mailed Jan 31, 1918

Receipt from Newspaper

Copy of Newspaper Rec'd.

Notice of Correction

Proof of Pub. Rec'd. Mar 5, 1918

Hearing March 30, 1918

Approved

Recorded and Filed

REMARKS:

COPY

STATE OF SOUTH DAKOTA
COUNTY OF HUGHES

I hereby certify that the within and foregoing instrument is a true, correct and complete transcript of the instrument which it purports to be, as the same was filed for record in the office of the State Engineer.

Witness my hand and official seal, done at my office in Pierre, State of South Dakota this 30 day of March, 1918.

Homer M. Derr
State Engineer.

No. 228

Division No. 2, Fall River, Water District

PERMIT

to appropriate water from
Cheyenne

Fall River County, South Dakota

Name of applicant

Owen E. Shay

Name of diversion works

Shay Diversion Works

Date of first receipt at office of Stat.
Engineer December 28, 1907.

Returned to applicant for correction

----- 190

Corrected application received

----- 190

Date of water right

December 28, 1907.

Recorded in Book 2 Page 328-329

One-fifth of work to be completed

Work is completed

Whole work to be completed

Work is completed

Final proof of use of water

19

Approved March 30, 1908

Homer M. Derr.

State Engineer.

By Deputy.

No. 228

Water Division No. 2 Fall River Water District.
(Blanks to be filled by the State Engineer.)

Copy

APPLICATION FOR A PERMIT To Appropriate Water Within the State of South Dakota

(NOTE—Draw lines through items not applicable. Where not otherwise stated all items refer to the proposed enlargement or extension.)

1. Name of applicant Owen E. Shay.
Postoffice address Argentine, County Fall River, State South Dakota

- I. If a corporation:
- (a) Name of same
 - (b) Date and place of incorporation
 - (c) Amount of capital stock
 - (d) Amount paid in
 - (e) Names and addresses of directors:

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing the work. (Whether by contract, employment of others, or by personal labor) Personal Labor
- (b) Cash on hand, \$
- (c) Treasury stock, \$
- (d) Bonds to be issued, \$
- (e) Other resources, \$

2. Name of existing diversion works Shay Diversion Works Permit No. 208-2

~~Name of enlargement or extension. No extension to present system~~

3. Quantity of water claimed by enlargement or extension one cubic feet per second.

4. Source of water supply Cheyenne River through the Shay Ditch.

5. Location of point of commencement of extension Ditch not extended or enlarged.

6. Annual periods during which water is to be used whenever water is available.

7. To be used for:

I. Irrigation or domestic use:

- (a) Number of acres to be irrigated 60 acres.
- (b) Legal subdivisions to be irrigated 20A. NW 1/4 (S. NW 1/4) (All in Section 26, Town

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.)

II. Mining, power, manufacturing, transportation, or other purposes:

- (a) Nature of use
- (b) Amount of power to be generated horse power.
- (c) Location of plant
- (d) Method of developing power
- (e) Point where water will be returned to stream: WATER

Map No. 269-2

8. Estimated cost of works:

(a) Head gates, \$No additional work to be done. (b) Pumping plant \$
 (c) Fluming, \$ (d) Canal-earth, \$ rock, \$
 (e) Other structures \$ Total, \$

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Identical with permit No. 208-2 .

II. Dimensions of works:

(a) Dam: Height feet; length at bottom feet; length at top feet; thickness at bottom feet; thickness at top feet; slope of front (water) face; slope of back face; material used in construction

(b) Reservoir; Capacity when filled acres feet. Surface area at highwater mark acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH FEET OF DEPTH AT OUTLET-ACRES	CAPACITY-ACRE-Feet

(c) Head gate: Width feet; height feet

Material

(d) Canal: Total length miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
At mile	feet	feet	feet	feet
At mile	feet	feet	feet	feet
At mile	feet	feet	feet	feet
At mile	feet	feet	feet	feet
At mile	feet	feet	feet	feet

[Give dimensions where reductions in size are made.]

10. Time required for completion of work years. Complete

11. Time required for complete application of water to the proposed beneficial use years.

12. Choice of newspaper for publication of notice of intention to appropriate Enterprise.

Edgemont, S. D.

STATE OF SOUTH DAKOTA

County of Fall River

I, George U. Gull

, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of

Engineer

(owner, manager or engineer)

, that I have read the above and foregoing statement, and examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed George U. Gull

Subscribed and sworn to before me this 22nd day of December 1907.

(SEAL)

J. R. Wickstrom.

U. S. LAND OFFICE
Rapid City, S. D.
FRI MAY 3 1916
at 10 o'clock A.M.
O. M. LANE
Register

Certificate of Surveyor

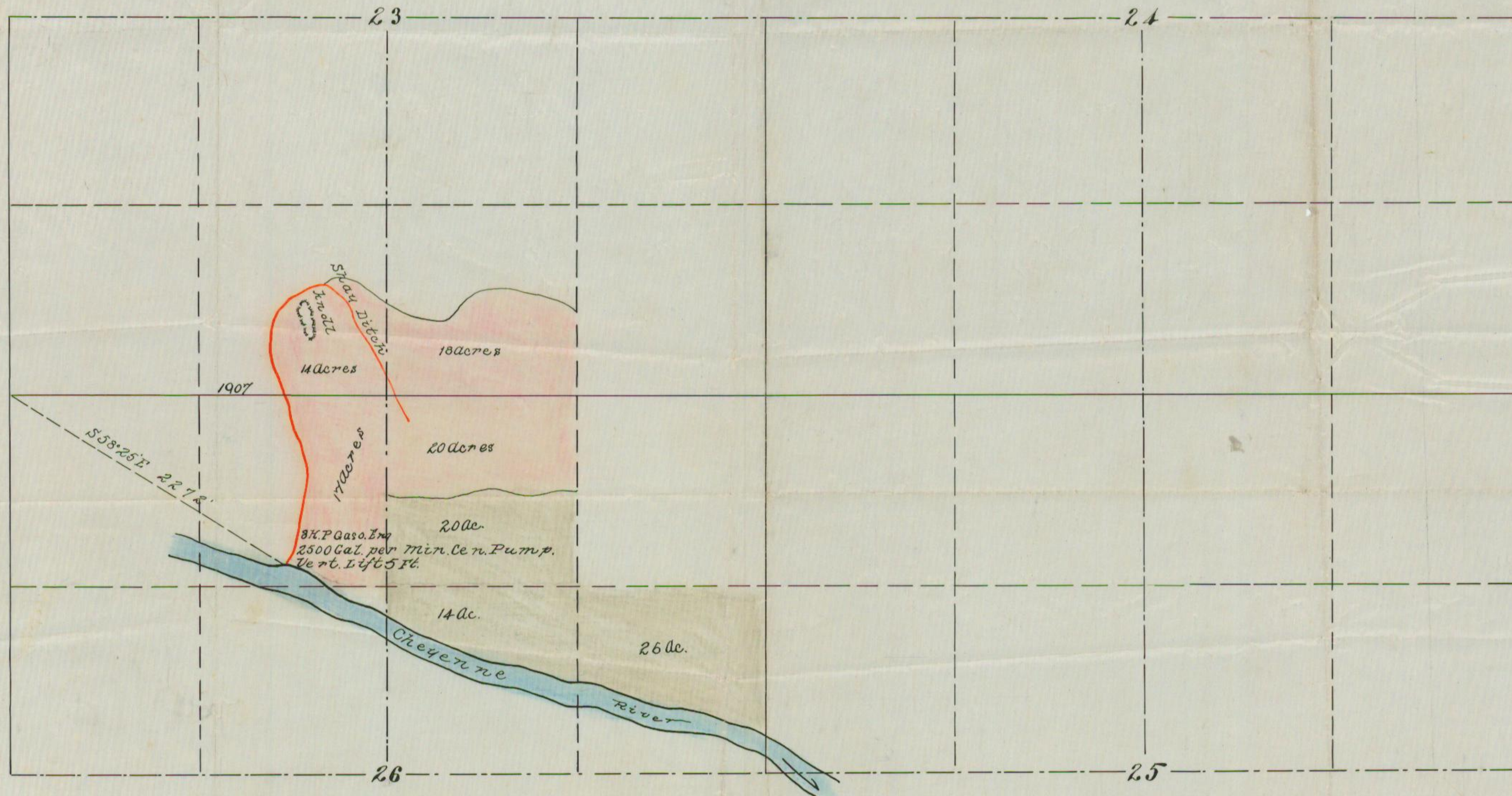
State of South Dakota } ss:
County of Fall River }
I, George Gull, being duly sworn,
upon my oath say, that I am the Engineer of the
Shay Irrigation System; that the survey
and map thereof were made by me and that I
have read the accompanying statement and
know of my own knowledge that the statements
therein made are true.

Subscribed and sworn to before me this 12th day of Dec., 1915
George Gull
Surveyor
J. H. Thompson
Notary Public.

My Commission Expires July 26, 1918.

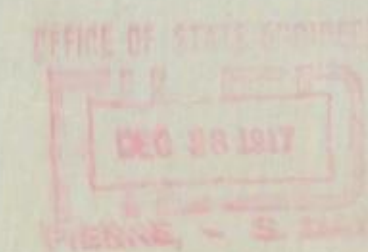
THE SHAY

Irrigation System
Showing Enlargement
Town 7 South Range 1 East
Fall River Co. South Dakota
Scale 1" = 500'



Map No. 269-2
Appl. No. 228-2

Approved March 30, 1918.
Homer M. Larr,
State Engineer.



(WR # 228-2)

269-2

Remarks by State Engineer:

STATE OF SOUTH DAKOTA } ss
County of Hughes

Pierre, South Dakota, March 30, 1908.

This is to certify that the foregoing application was received at this office at nine o'clock a m. upon the 28th day of December 1907 and that after examination it was found to comply with the provisions of the Irrigation Code of South Dakota. Notice of intention to appropriate was published, proof of publication was duly filed, and a hearing was held in this office on March 20, 1918.

Harmon M. Derr
State Engineer.

By _____ Deputy.

Number of permit 228-2

Date of first receipt of application December 28, 1907.

Date of return to applicant for correction _____ 190 .

Date of receipt of corrected application _____ 190 .

Date from which application may claim right December 28, 1907.

Approved March 30, 1908, Recorded in Book 2 Pages 328 & 329

This is to certify that I have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and I hereby grant the same as stated herein, subject, however, to the following limitations and conditions.

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before

Work is completed,

2d. The whole of said work is to be completed on or before Work is completed 19 .

3d. The limit of time for proof of beneficial use of water appropriated in accordance herewith is Work is completed,

4th. The water appropriated shall be used for the purpose of irrigation

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed one cubic feet of water per second of time; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and farther, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied on or before 19 ; said water to be used during the following described annual periods.

During the whole of the year.

Witness my hand this 30th day of March 1908.

Harmon M. Derr
State Engineer.

CERT OF CONSTRUCTION ISSUED
WATER LICENSE ISSUED

JUNE 19, 1974
JUNE 19, 1974

By _____ Deputy.

Form 15.

Permit No. 228-2

Water Diversion No. 2 FALL RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That George L. Costes

the holder of
Permit No. 228-2, issued upon Application No. 228-2, bearing date of priority of December 28,
1917 authorizing the diversion of 1.0 cu. ft. per second of the waters of
the Cheyenne River County of Fall River, State of South Dakota at
a point 2278 feet, South 58° 25' East of the NW Corner, Section 26,
T7S, R1E
for irrigation

purposes, has complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 2.64 cu. ft. per second of water.

Date June 19, 1974

~~WATER RIGHTS COMMISSION~~
WATER RIGHTS COMMISSION

By:

DONALD DRISCOLL, Chief Engineer

DD

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 228-2

(1) WHEREAS, On the 28th day of December A. D. 19 17

Wen E. Shay

made Water Right Application No. 228-2 for a permit to use 1.0 cubic feet per second of the waters of the Cheyenne River

County of Fall River, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 30th day of March A. D. 19 18

Permit No. 228-2, with a date of priority of December 28, 1917

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described ~~as not yet completed~~ was completed ~~XXXXXX~~ and for the application to beneficial use of said water ~~XXXXXX~~ was completed ~~XXXXXX~~ April 19

and, Whereas the Permit was subsequently transferred to George L. Coates,

and;

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert .85 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

for irrigating the following land in Section 23, T7S, R1E

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 35 acres

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 25 acres

Total 60 acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to _____

George I. Costea

_____ of _____

Edgemont, South Dakota

the holder _____ and owner _____ of said permit No. 228-2 a water right, dating from December 28, 1917

_____ to use of .85 cubic feet per second of the waters of the Cheyenne River

in the County of Fall River and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 2278 feet, South 58° 25' East of the NW Corner, Section 26, T7S, R1E

and conduct to and upon portions of Sections 23, T7S, R1E, more fully described on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 228-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 19th day of June A. D.
Nineteen Hundred and Seventy-four

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer DONALD DRISCOLL

Attest of Publication,

State of South Dakota,
County of Fall River,

ss

Appropriation of Water.

No. 223
Office of the State Engineer,
Pierre, S. D., January 31, 1918.
Notice is hereby given that Owen R. Shay,
whose postoffice address is Argentine, Fall
River County, S. D., has made an applica-
tion in accordance with the provisions of
the Irrigation laws of South Dakota for a
permit to appropriate for beneficial use one
cubic foot of water per second of time from
Cheyenne River through the Shay Diversion
Works the point of diversion of which is to
be located upon the left bank of said stream
in the NE 1-4 of the NW 1-4 of section 24
township 7 South, range 1 East; said water
to be used for the purpose of irrigation upon
the SE 1-4 NE 1-4 NW 1-4 and SW 1-4
NE 1-4 Section 24 Township 7 S., Range 1
East, R. 1, M. 4, T. 7, S. 1, W. 4, N. 1.
This application will be taken up by the
state engineer at his office at Pierre for in-
sideration and appropriate action upon the
20th day of March, 1918, at 9 a. m., at which
time all persons who believe that the prior
rights would be injuriously affected, or that
the allowance of the permit would be de-
trimental to the public welfare, and also
parties making the application, and to be
benefited are notified to be present either
by /join in said or in person for the pur-
pose of presenting any relative testimony.
Homer M. Derr, State Engineer
First publication Feb. 7, 1918.
Last publication Feb. 23, 1918.

Reginald H. McCall..... of Edgemont,
Fall River County, South Dakota, being first duly sworn upon oath says that
he is *Proprietor*..... of the EDGE MONT ENTERPRISE, a weekly,
legal newspaper of general circulation and an official newspaper as required by
law, published at Edgemont, county and state aforesaid; that the advertisement
headed *Appropriation of Water*..... a printed copy whereof is
hereto attached, was published in the EDGE MONT ENTERPRISE, in the reg-
ular issue of said paper, on *Thursday* of each week for *17*..... successive issues,
beginning on the *3rd* day of *February*, A. D. 1918, and ending
on the *28th* day of *February*, A. D. 1918; that the fee charged for
the publication of said notice is *\$6.75*..... and that no agreement or under-
standing for the division thereof has been made with any person, that the whole
amount inures to the benefit of the publisher of said paper.

Reginald H. McCall.....

Subscribed and sworn to before me, a notary public within and for said county
and state, at Edgemont, S. D. this *2nd* day of *February*, 1918.

Reginald H. McCall
Notary Public, South Dakota.

(First Publication _____ 191____)

APPROPRIATION OF WATER.

Office of the State Engineer,

Pierre, S. D. January 31, 1918

Notice is hereby given that Owen E. Shay
whose postoffice address is Argentine Fall River County,
S. D., has made an application in accordance with the provisions of the
irrigation laws of South Dakota for a permit to appropriate for beneficial
use one cubic feet of water per second of time from Cheyenne
River through the Shay Diversion Works
the point of diversion of which is to be located upon the left
bank of said stream in the NE 1 of the NW 1 of section
26 township 7 South range 1 East, said water
to be used for the purpose of irrigation
upon the SE 1/4, NW 1/4 and SW 1/4 Section 26, Township 7 S., Range
1 East, B.H.M.

This application will be taken up by the state engineer at his office
at Pierre for consideration and appropriate action upon the 30th
day of March 1918, at 9 a. m., at which time all persons
who believe that the prior rights would be injuriously affected, or that
the allowance of the permit would be detrimental to the public welfare,
and also parties making the application, and to be benefited, are notified
to be present either by sworn affidavit or in person for the purpose of
presenting any relative testimony.

Homer H. Derr.

State Engineer.

Location No. 228-2

RECEIVED
DEC 23 1957

Water Division No. _____

Water District _____

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Lawrence W. Rhoades, Edgemont, S.D. Rancher -
Edgemont, S.D.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. Unable to ascertain

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Cheyenne River - 2278 feet 55° 25' E of
N.W. Cor. of Sec. 26, T. 15, R. 15 (NE 1/4 NW 1/4 Sec. 26)

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. 2 C.F.S.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Used for irrigation on seven subdivisions (not named)
acreage as follows - 14a, 18a, 17a, 20a, 20a,
14a, 26a.

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. _____

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. _____

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. Purchase

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. Used when water was available

(Sign) James H. Shadler

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Edgemoor, County of Fair River

State of South Dakota, on this 19th day of December A. D. 1957

Witnesses. Robert H. Hargrave
Victory Puller

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

George W. Stuber
Mrs. Effie L. Williams

Location No. _____	PROOF OF APPLICATION OF WATER TO BENEFICIAL USE	PETITION OF HOLDER	Amount of Water _____ c. f. s.
			Source _____
			County _____
			Purpose _____
			Place of Use _____
			Date of recording _____
			Received and filed _____

NOTICE OF TRANSFER OF WATER PERMIT

Nov. 30, 1957

TO: Office of State Water Resources Commission
Pierre, South Dakota

This is to notify you that

Stanley Barnett

who previously owned the land described below, has sold his interests to

Lawrence W. K. Rhodes

together with any rights to the beneficial use of water thereon as evidenced by State Water Permit No. 228-2
and as provided for in section 61.0141 of the SDC of 1939 and elsewhere

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the OFFICE OF WATER RESOURCES COMMISSION as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 55.1806 of the SDC of 1939.

STATE OF SOUTH DAKOTA

County of

Fall River } ss.

Lawrence W. K. Rhodes 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 I know of my own personal knowledge that the information herein stated is true.

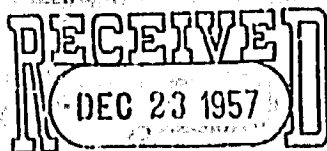
Signed

Lawrence W. K. Rhodes

Subscribed and sworn to before me this

19th day of December, 1957

James H. Hunsicker
Notary Public



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

NOTICE OF TRANSFER OF WATER PERMIT

Edgemont, So. Dak. January 25th, 1960

TO: Office of State Water Resources Commission
Pierre, South Dakota

This is to notify you that Lawrence Rhoades,
Edgemont, South Dakota

who previously owned the land described below has sold his interests to

George L. Coates, Burdock, So. Dakota.

together with any rights to the beneficial use of water thereon as evidenced by State Water Permit No. 228-2
and as provided for in section 61.0141 of the SDC of 1939 and elsewhere

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at
the OFFICE OF WATER RESOURCES COMMISSION as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 55.1806 of the SDC of 1939.

STATE OF SOUTH DAKOTA

County of Fall River

} ss.

I, George L. Coates, 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 I know of my own personal knowledge that the information herein stated is true.

Signed

Subscribed and sworn to before me this 25th day of January 1960.

Notary Public

NOTARY PUBLIC, FALL RIVER COUNTY, S. DAK.
My commission expires April 2, 1961

Permit No. 228-2Water Division 2 FALL RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by GEORGE
L. COATES of BURDOCK, SOUTH DAKOTA holder
of Permit No. 228-2, bearing date of priority of DECEMBER 28, 1917
authorizing the diversion of 1 cu. ft. per second of the waters of CHEYENNE RIVER
for IRRIGATION purposes, in FALL RIVER County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

30 H.P. - 4 Cyl. - MODEL 5107180 SC - 1947 CASE TRACTOR
10 INCH - PARMA WATER LIFTER - MODEL No. 6

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

30 FEET OF 12 INCH STEEL PIPE
5000 FEET OF DITCHES, 3 FEET DEEP, 10 FEET WIDE

C. Works used to apply water to beneficial use.

FLOOD IRRIGATIONThe system is in the following condition: FAIR

The point of diversion is located 2278 FEET S 58° 25' E OF
NW CORNER OF SEC. 26, T 7 S, R 1 E (NE 1/4 NW 1/4 SEC. 26)

The works are capable of diverting and conveying to the place of use 2.64cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: As SHOWN ONWATER RIGHTS MAP NO. 269-2

SW 1/4 SE 1/4 SEC. 23, T 7 S, R 1 E	35 ACRES
SE 1/4 SW 1/4 SEC. 23, T 7 S, R 1 E	25 ACRES

comprising a total of 60 acres of land.

SEND TO: GEORGE COATES
BURDOCK, S.D.

Date MAY 21, 1974Thomas Gardner
(Signature)

THOMAS GARDNER
WATER RESOURCES ENGINEER

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE

South Dakota
Department of
Water & Natural Resources

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

April 15, 1985

George Coates
Dewey Rt Box 10
Edgemont SD 57735

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s) 228-2. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

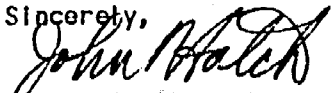
The hearings will be held at 10:30 a.m., May 15, 1985 in the Civil Defense Room, State Capitol Building, Pierre, South Dakota.

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(s), the Water Management Board can:

1. Amend Permit No(s). 228-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.

Sincerely,



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

NOTE: If the questionnaire(s) is received in this office before the May 15th hearing date, your name will be deleted from the agenda for the hearings.



Department of Water & Natural Resources

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

June 12, 1985

Notice of Amendment to Water Permit(s)

To: George Coates
Dewey Rt., Box 10
Edgemont, SD 57735

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

SUBJECT: Amendment to Water Permit No(s). 226-2.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 226-2 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.



Department of Water & Natural Resources

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

Attachment to Water Permit No(s). 228-2

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 228-2 to add the following qualification:

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

**South Dakota Department of
Water & Natural Resources**

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

March 23, 1990

NOTICE

228-2

TO: George L Coates
HCR 59 BOX 10
EDGEMONT, SD 57735

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

SUBJECT: Low Water Levels in Angostura Reservoir

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

Since your Water Right No. 228-2 has a priority date that is senior to the April 11, 1941 priority for Angostura Irrigation Water Right No. 579-2, your permit is not directly affected by the Junior Priority Order. However, I am requesting that all Senior Water Right holders comply with any qualifications and limitations as stated on their water right. With the existing low runoff conditions, we expect to monitor all water rights above Angostura Reservoir.

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



228-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
101 FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3000

October 29, 1993

No. 228-2

Edna H. Coates
HCR 59, Box 10
Edgemont, SD 57735

Dear Ms. Coates:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 228-2. The water right is currently listed in the name of George L. Coates.

The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

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,

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

enclosure

228-2

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 228-2
Date: Nov 5, 1993

I\We request that Water Right No. 228-2
formerly owned by: George L Coates

be transferred to: (name & address) Edna H. Coates - HCR 59 Box 10
Edgemont, S.D. 57725 (Telephone No) 605-662-7722

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

60 acres in the SW 1/4 SE 1/4 and SE 1/4 SW 1/4 Section 23, T7S, R1E

I\We understand that the validity of Water Right No. 228-2 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 Nellie Schunicher 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.

Nellie Schunicher
(Signed)

Subscribed and sworn to before me this 5th day of Nov, 1993.

[Signature]
(Notary Public) 11-26-93

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

South Dakota Department of Environment and Natural Resources

228-2
413938

Pierre, _____ November 8, 19 93

RECEIVED OF Edna Coates, HCR 59 Box 10, Edgemont, SD 57735

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		2 50
Fee for Filing Transfer Form <u>Water Right No. 228-2</u>		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By *John Hatch*
Chief Engineer

228-2



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

December 2, 1993

No. 228-2

Edna H. Coates
HCR 59, Box 10
Edgemont, SD 57735

Dear Ms. Coates:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 228-2.

Our records now show you as the owner of Water Right No. 228-2.

Sincerely,

A handwritten signature in cursive script that reads 'Cheryl F. Frost'.

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 1999

NOTICE

TO: EDNA H COATES, HCR 59 BOX 10, EDMONT, SD 57735

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire(s) has not been submitted for Permit No(s)228-2. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 228-2 qualification:

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

The hearing will be held at 9:45 am, March 3, 1999 in the 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) 228-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
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(s) is(are) received in this office on/or before March 1, 1999, 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 at (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.

228-2

SENDER: - Complete items 1 and/or 2 for additional services. - Complete items 3, 4a, and 4b. - Print your name and address on the reverse of this form so that we can return this card to you. - Attach this form to the front of the mailpiece, or on the back if space does not permit. - Write "Return Receipt Requested" on the mailpiece below the article number. - The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): ☐ Addressee's Address ☐ Restricted Delivery Consult postmaster for fee.							
3. Article Addressed to: EDNA H COATES HCR 59 BOX 10 EDGEMONT SD 57735		4a. Article Number 2119141 542 4b. Service Type <table border="0"> <tr> <td>☐ Registered</td> <td>☒ Certified</td> </tr> <tr> <td>☐ Express Mail</td> <td>☐ Insured</td> </tr> <tr> <td>☐ Return Receipt for Merchandise</td> <td>☐ COD</td> </tr> </table> 7. Date of Delivery 1/23/99		☐ Registered	☒ Certified	☐ Express Mail	☐ Insured	☐ Return Receipt for Merchandise	☐ COD
☐ Registered	☒ Certified								
☐ Express Mail	☐ Insured								
☐ Return Receipt for Merchandise	☐ COD								
5. Received By: (Print Name)		8. Addressee's Address (Only if requested and fee is paid)							
6. Signature: (Addressee or Agent) X									

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 28, 1999

228-2

Everett & Dawn Englebert
HC 59 Box 12
Edgemont, SD 57735

Dear Mr. & Mrs. Englebert:

Thank you, Dawn for calling about the 1998 irrigation questionnaire and the water right held by Edna Coates. I am enclosing another questionnaire and a partially completed "Notice of Transfer of Ownership" form.

With regard to the transfer form, please review the form and complete as needed. Upon completion, please sign the form in the presence of a notary and return it to our office with a required filing fee of \$2.50.

With regard to the irrigation questionnaire, please complete and return the form to prior to March 1st. I have enclosed a postage paid envelope for your convenience.

Thank you again for calling and if I can answer any questions for you, please let me know.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 26, 1999

228-2

Everett & Dawn Englebert
HC 59 Box 12
Edgemont, SD 57735

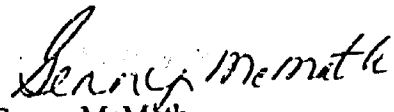
Dear Mr. & Mrs. Englebert:

I am contacting you in regard to Water Right No. 228-2 held by Edna Coates. On January 28th, I forwarded an irrigation questionnaire and a partially completed "Notice of Transfer of Ownership" form to you for filing an ownership change.

The questionnaire was received from you, but we have not yet received the transfer form and filing fee back from you. In the event you no longer have the original form, enclosed is a additional form. Please review the transfer form and make any necessary corrections.

Upon completion, please sign the form in the presence of a notary and return it to our office with a required filing fee of \$2.50. If I can answer any questions for you, please let me know.

Sincerely,


Genny McMath
Water Rights Program
(605) 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 21, 1999

228-2

Dawn Englebert
HC 69 Box 12
Edgemont, SD 57735

Dear Ms. Englebert:

In January 1999, I spoke with you about Water Right No. 228-2 listed in the name of Edna Coates. If I remember right, you indicated you and your husband were buying the land from your grandmother.

In January and again in March, I forwarded a transfer form to you for filing the ownership change. I have not heard from you but am assuming you still wish to have the transfer filed.

In some cases, irrigators prefer to have a water right stay in the original owner(s) name until the contact for deed is paid off. In these instances, a notation is made in the file to mail correspondence to the buyer(s) until the sale is final. If you would like me to arrange this for you, please give me a call.

Please get in touch with me by June 30th and let me know how you want to handle the ownership change. I can forward another transfer form to you if needed.

Thank you for your help.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 5, 2000

228-2

Dawn Englebert
HC 69 Box 12
Edgemont, SD 57735

Dear Ms. Englebert:

Thank you for calling about your irrigation questionnaire and the transfer of Water Right No. 228-2. The water right is currently listed in the name of Edna Coates.

Enclosed is a partially completed "Notice of Transfer of Ownership" form. Please review the form and complete as needed. Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the "Water Rights Program".

Also enclosed is the 2000 irrigation questionnaire. Please complete the form and return it by December 31st. I have included a postage paid envelope for your convenience.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 228-2

Date: 12/21/00

1 We request that Water Right No. 228-2

formerly owned by: **Edna Coates**

be transferred to: (name & address)

be transferred to: (name & address) Everett and Dawn Englebert
HC 59 Box 17 Edgemont SD 57725 Telephone No. 605-662-7053

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

60 acres – SW ¼ SE ¼, SE ¼ SW ¼ Section 23, T7S, R1E

I/We understand that the validity of Water Right No. 228-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

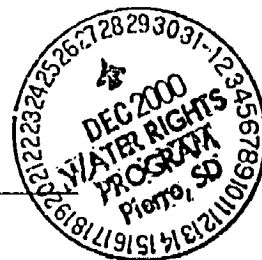
County of Fall River

1/We Everett and Dawn Englebert 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.

David Englebert David Englebert
(Signature of new owner)

Subscribed and sworn to before me this 21st day of December, 2000.

Cathy D. Dwyer
(Notary Public)



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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 27, 2000

228-2

Everett & Dawn Englebert
HC 59 Box 12
Edgemont, SD 57735

Dear Mr. & Mrs. Englebert:

I am writing to acknowledge receipt of the transfer of ownership form, filing fee and the 2000 irrigation questionnaire you submitted. The transfer has been completed and the water right is now listed in your names.

Enclosed is your Receipt No. 416720 in the amount of \$2.50. You may keep this for your records.

If I can answer any questions for you concerning Water Right No. 228-2, please give me a call.

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 17, 1997

Raymond A. Graham
One Wind NW
Albuquerque, NM 87120

Dear Mr. Graham:

I waited to respond to your June 24th letter until after the July 10th Water Management Board meeting. At that meeting, the Board considered the state's declaratory ruling on Robert Dugan's construction activities on Lane Johnny Creek and the cancellation of Water Right No. 55-2. The Board ordered Mr. Dugan to restore Lane Johnny Creek and reaffirmed cancellation of Water Right No. 55-2. This Board decision is subject to appeal to the circuit court.

I believe the Board's decision was clear that an irrigation system must be maintained in working condition. Testimony at the hearing indicated that there have been periods, especially during the spring, when water from Lane Johnny Creek has been available for irrigation if works were in place.

Based on your letter, we will proceed with cancellation of Water Right No. 228-2A. You will receive notice of hearing scheduling cancellation for October 1, 1997.

I am enclosing an application form to file for a new water right permit. Once an application is received it will be reviewed by the Water Rights Program to ensure the project can be developed without impairing downstream prior rights or domestic uses.

Please let me know if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure



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

August 21, 1997

NOTICE OF CANCELLATION

TO: Raymond A Graham III, One Wind NW, Albuquerque, NM 87120

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

SUBJECT: Cancellation of Water Right No. 228-2A

Water Right No. 228-2A, for use of water from Lame Johnny Creek, was originally scheduled for cancellation consideration at the July 6, 1995, Water Management Board meeting. The hearing date was automatically continued at your request. On June 24, 1997, you submitted a letter indicating you were ready to proceed with the hearing for cancellation consideration of Water Right No. 228-2A. The Chief Engineer of the Water Rights Program is recommending cancellation of the water right for abandonment and/or forfeiture. The recommendation is based on a May 17, 1995, investigation of the area by DelRon Peters.

The Water Management Board will consider cancellation of Water Right No. 228-2A at 9:00 am, October 1, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD.

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Right No. 228-2A based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water right. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by September 19, 1997. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained. The Board may consider any abandoned or forfeited water to be available for appropriation subject to the provisions of SDCL 46-1, 46-2, 46-2A and 46-5.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

(continued)

August 21, 1997
Raymond Graham
Page 2

These hearings are adversary proceedings. Any party has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by September 19, 1997.

Prior to September 19, 1997, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

Please note: Cancellation of the water permit/right does not prohibit a new application for this project in the future.

228-2



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2022

NOTICE

TO: EVERETT & DAWN ENGLEBERT, 27449 DEWEY RD, BURDOCK, SD 57735

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaires

Our records indicate your 2021 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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) 421-2 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) 228-2 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 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) 228-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 421-2 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 2, 2022** 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://danr.sd.gov/iq> using this password: HPXQKG**

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.

228-2



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 24, 2022

228-2
421-2

Everett & Dawn Englebert
27449 Dewey Rd
Burdock SD 57735

Dear Mr. & Mrs. Englebert:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 228-2 and 421-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

RAPID CITY ONE-STOP
221 MALL DRIVE, SUITE 201
RAPID CITY, SD 57701
danr.sd.gov

EVERETT & DAWN ENGLEBERT
27449 DEWEY RD
BURDOCK, SD 57735

228-2
421-2

April 09, 2026

Dear Cheyenne River Water Right Holder:

Due to the ongoing drought I am advising Cheyenne River water right holders of the possibility of shutoff orders in 2026 for the river reach from the Wyoming-South Dakota state line to Angostura Dam. This is not a shutoff order.

As a result of the continuing lack of precipitation, tributary flows throughout the Cheyenne River basin remain well below the historical average. Angostura Reservoir ended March 12 feet below full (top of active conservation pool) and the current forecast throughout the summer months is not favorable for improved conditions.

This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shut-off orders are issued, you will receive another letter from the Department. In the meantime, water right holders can help by closely monitoring water usage to minimize use and trying to avoid wasting water.

South Dakota water law gives the highest priority to domestic use, which includes livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critically low levels, other uses, including irrigation, will begin to interfere with domestic uses and senior water rights. If levels become critically low, the department must issue shut-off orders to protect domestic water uses and senior water rights. Once these orders are issued, the department will continue to monitor water availability and should conditions improve, the shutoff orders would be rescinded.

If you are interested, the US Geological Survey has an Internet site showing river flows at 150 stream gauging stations across the state. Go to <https://waterdata.usgs.gov/state/south-dakota/> and click on "View monitoring location page" for the USGS gages above Angostura Dam.

Thank you for your cooperation. If you have any questions, please contact Nakaila Steen or another member of the DANR-Water Rights Program at (605) 394-2229 (Rapid City Office) or (605) 773-3352 (Pierre Office).

Sincerely,

Adam Mathiowetz, PE
Acting Chief Engineer
Water Rights Program