

WATER PERMIT NO. 2401-2

Name of Applicant: **James E and Patricia Johnston**

Address: **Box 722, Edgemont SD 57735**

Phone: **605 459-2637**

Amount of Water Claimed: **0.37 cfs**

Total Acres: **26**

Source of Water Supply: **Cow Creek**

Water to be used for: **irrigation**

County: **Fall River**

Type of Waste Disposal System: **NA**

Location: **20 miles south of Edgemont**

PRIORITY

Date Received: **1-18-94**

Fee: **\$150.00**

Corrected Application Received:

Period of Annual Use: **April 1 - November 30**

Remarks: **water spreading system**

Diversion Point: **SE 1/4 NE 1/4 Sec 11-
T12S-R2E**

Land to be Irrigated: **NW 1/4 SE 1/4,
SW 1/4 NE 1/4, SE 1/4 NW 1/4,
NE 1/4 SW 1/4, Section 14-T12S-R2E**

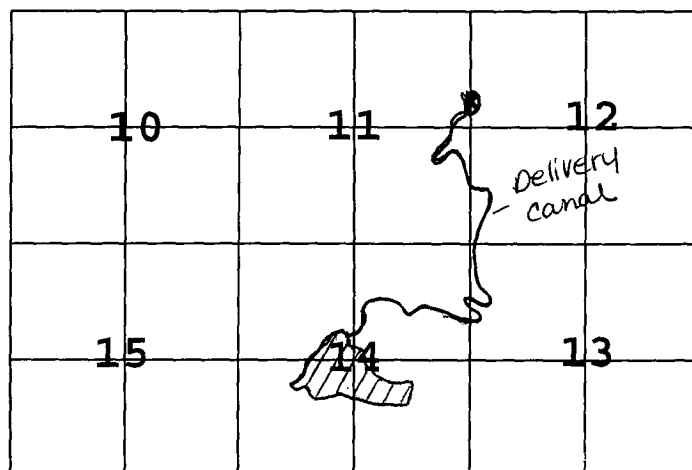
Depth of Well: **NA**

Well Driller:

Remarks:

Type of Map: **topo**

Prepared by: **Delvin D Brosz**



Reviewed and the Number Assigned on: **3-4-98**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 2401-2**

Date of first receipt of application January 18, 1994.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2401-2 to James E and Patricia Johnston, Box 722, Edgemont SD 57735 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. 2401-2 appropriate 0.37 cubic feet of water per second from Cow Creek located in the SE ¼ NE ¼ Section 11 to irrigate 26 acres located in the NW ¼ SE ¼, SW ¼ NE ¼, SE ¼ NW ¼, NE ¼ SW ¼ Section 14; all in T12S-R2E. This is a waterspreading system.
2. The amount of the appropriation may not exceed 2 acre feet annually 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: April 1 – November 30.
3. The date from which applicant may claim right is January 18, 1994.
4. The date of approval of Permit No. 2401-2 is April 20, 1998.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 12 1998

date



(type or print)

No. 02401-2 Hydrologic Unit 10/20/08
Basin Upper Cheyenne
Newspaper Edgemont Herald Tribune, Edgemont, SD
(office use only)

Jerry Wyatt
Notary Public

My commission
expires Nov. 16, 1995

Here's the map
you requested.
The #1 diversion dam
is in the SW 1/4 NE 1/4
sec 11. The #2 diversion
dam is in the NW 1/4
SW 1/4 Sec 12
Thank you
Jim Johnston

■ = irrigated land

Transfer
To NE

Transfer
To NE

#1
diversion
dam

#1 diversion dam

#2 diversion
dam

East
Diversion
Ditch

West
Diversion
Ditch

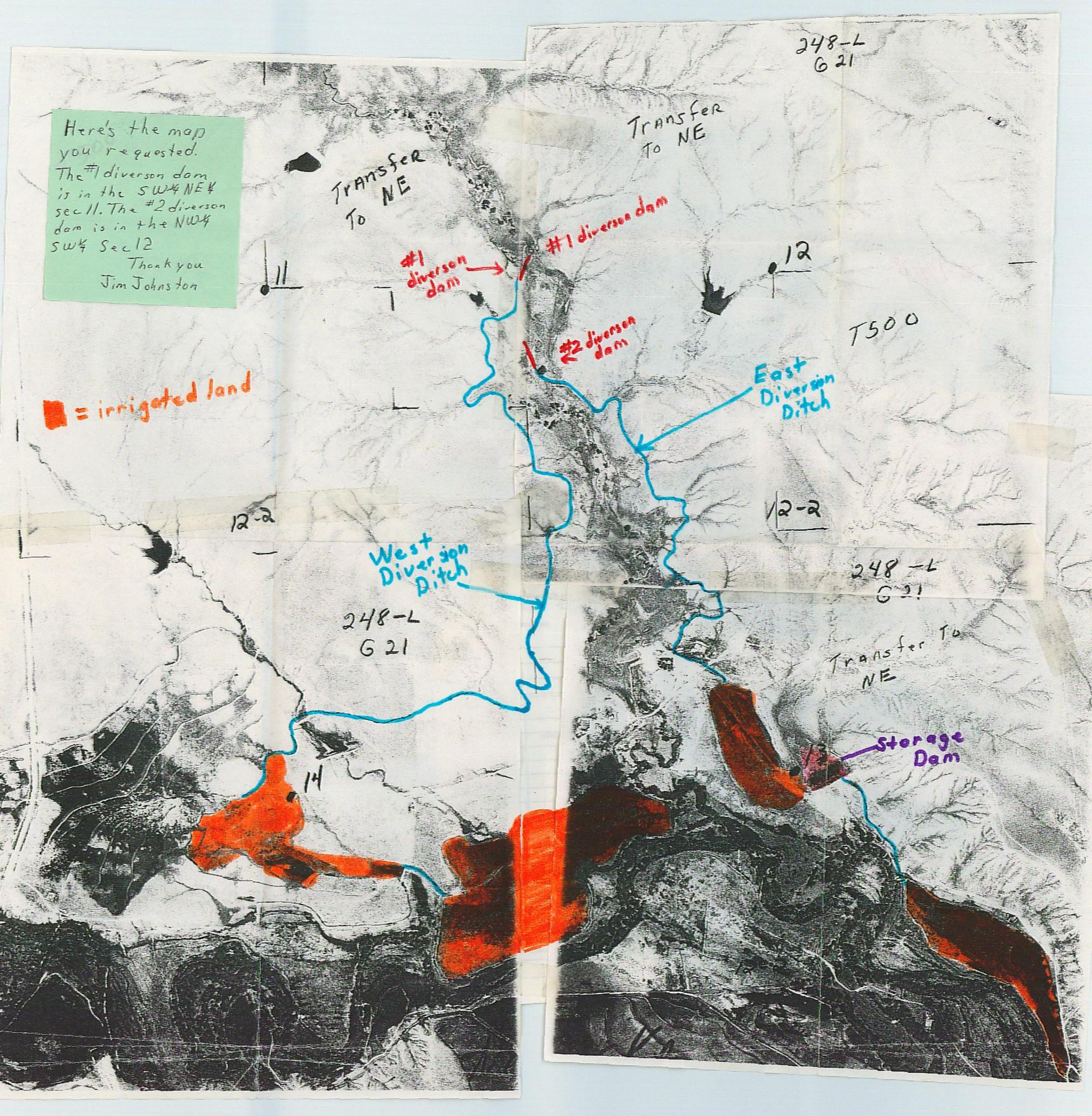
248-L
G 21

T500

248-L
G 21

Transfer To
NE

Storage
Dam



RECEIPT

413998

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ January 18, 19 94

RECEIVED OF James Johnston, Box 10, Ardmore, SD 57715

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

Fee for Application for Permit No. <u>2401-2</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	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 _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

RECEIPT

413999

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ January 18, 19 94

RECEIVED OF James Johnston, Box 10, Armore, SD 57715

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

Fee for Application for Permit No. <u>2401-2</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	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 _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

RECEIPT

414000

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ January 18, 19 94

RECEIVED OF James Johnston, Box 10, Ardmore, SD 57715

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

Fee for Application for Permit No. <u>3401-2</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	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 _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

Water Rights Division - DENR

Conversation or File Documentation

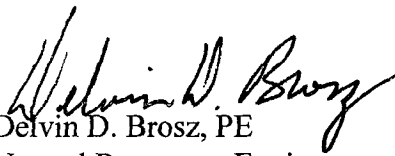
Name of Person: James E. Johnston File No. New Permit

Address: Box 722, Edgemont, SD 57735 County: Fall River

Date: 3-3-98 Telephone: 605-459-2637

RE: New Permit for land that under Water Right 806-2 and is irrigated from Cow Creek

Comments: I discussed the new water permit application with Mr. Johnston. Originally he had been told to file an application for an additional diversion point. Since the diversion point is from a different water source it requires a new application. Mr. Johnston agreed with the new application. Mr. Johnston had submitted 3 - \$50 payments to correct existing water rights. The water rights were corrected in-house and the additional applications are not needed. Mr. Johnston agreed that the \$150 should be applied to the new application. He understands that he will have to pay for the newspaper advertisement and \$50 for the water license.


Delvin D. Brosz, PE
Natural Resources Engineer

REPORT ON WATER PERMIT APPLICATION NO. 2401-2

James E. and Patricia Johnston

March 23, 1998

Application No. 2401-2 requests approval to appropriate 0.37 cubic feet of water per second (cfs) from Cow Creek in Fall River county. The diversion point is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11, T12S-R2E. The water is being used to irrigate 26 acres located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, T12S-R2E. This is a water spreading irrigation system that is located approximately 20 miles south of Edgemont, SD.

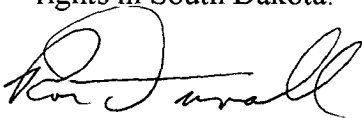
Discussion

The water spreading irrigation project is in place and is spreading water on the 26 acres when water is available from Cow Creek. Water is being delivered through a canal that is used for Water Right No. 670-2. A water spreading system that diverts water from Camp Creek under Water Right No. 806-2 is also irrigating the same 26 acres. Cow Creek and Camp Creek join Indian Creek just before Indian Creek flows into the state of Nebraska.

No other South Dakota water rights/permits, other than the applicant's, are adversely impacted by the diversion of water as requested.

Conclusions

1. This application requests approval to appropriate 0.37 cfs from Cow Creek for spreading water on 26 acres.
2. Water Right No. 806-2 also spreads water from Camp Creek on the same 26 acres.
3. Approval of Water Permit Application No. 2401-2 should not impact downstream water rights in South Dakota.



for Delvin D. Brosz, PE
Natural Resources Engineer IV

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2401-2, James E. and Patricia Johnston**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2401-2, James E. and Patricia Johnston, Box 722, Edgemont, SD 57735.

The Chief Engineer is recommending APPROVAL of Application No. 2401-2 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) it is in the public interest.

See report on application for additional information.


for JOHN HATCH, Chief Engineer
March 24, 1998



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 25, 1998

James E and Patricia Johnston
Box 722
Edgemont SD 57735

Dear Mr. & Mrs. Johnston:

Pursuant to your phone call with Del Brosz, enclosed are copies of the notice, report and recommendation of the Chief Engineer for Application Nos. 312-2 and 2401-2. Please review these notices prior to publication and notify this office, if you have any corrections or questions.

The notices have been sent to the Publisher of the Edgemont Herald Tribune. The paper has been instructed to publish the notices on April 1, 1998 with the second publication April 8, 1998. As Mr. Brosz stated, the Water Rights Program will pay the cost to Readvertise Application No. 312-2 and you will be responsible to pay the cost of Notice of Application No. 2401-2.

If you have any questions, please contact us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric Gronlund".

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 25, 1998

Edgemont Herald-Tribune
Box 660
Edgemont SD 57735-0660

Dear Sir:

Enclosed are two Notices to be published. Please publish the each notice on April 1, 1998 with the second publication on April 8, 1998.

Please bill Notice of Application No. 2401-2 to Appropriate Water to James and Patricia Johnston, Box 722, Edgemont SD 57735.

Please bill Readvertisement of Application No. 312-2 to Appropriate Water to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Please send the Water Rights Program the first publication of both notices immediately. The publications are checked-for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the each publication. Our fax number is 605 773-4068. Publication errors can invalidate the public notices.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form for each notice.** The Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavits can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

Date _____

TO: Water Rights Program
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

We are in receipt of your letter of March 25, 1998 enclosing Notices which were first published in our issue of April 1, 1998. ENCLOSED ARE COPIES OF THE FIRST PUBLICATIONS.

Name

Newspaper

NOTICE OF APPLICATION NO. 2401-2 to Appropriate Water

Notice is given that James E and Patricia Johnston, Box 722, Edgemont SD 57735 has filed an application for a water permit to appropriate 0.37 cubic feet of water per second from Cow Creek located in the SE 1/4 NE 1/4 Section 11 to irrigate 26 acres located in the NW 1/4 SE 1/4, SW 1/4 NE 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4 Section 14; all in T12S-R2E. This is a waterspreading system.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2401-2 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 20, 1998.

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 the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Tall River) SS

I, Burt Bryan

certify that the attached printed Notice was taken

from the Edgemont Herald-Tribune

printed and published in Edgemont

County of Tall River and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

April 1, 1998

April 8, 1998

Cost of Printing _____

Burt Bryan
 (Signature)

 (Title)

April 8, 1998
 (Date Signed)

65

**NOTICE OF
 APPLICATION NO. 2401-2
 to Appropriate Water**

Notice is given that James E. and Patricia Johnston, Box 722, Edgemont SD 57735 has filed an application for a water permit to appropriate 0.37 cubic feet of water per second from Cow Creek located in the SE1/4NE1/4 Section 11 to irrigate 26 acres located in the NW1/4SE1/4, SW1/4NE1/4, SE1/4NW1/4, NE1/4SW1/4 Section 14; all in T12S-R2E. This is a waterspreading system.

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Nettie H. Myers, Secretary
 Department of Environment and Natural Resources

(Apr. 1-8)

(13-14)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 21, 1998

James E and Patricia Johnston
Box 722
Edgemont SD 57735

Dear Mr. & Mrs. Johnston:

Water Permit No. 2401-2 authorizing your water diversion system and beneficial use of the water has been approved. In previous phone conversations, Del Brosz has indicated to you that after approval of Water Permit No. 2401-2, the final water right document, the Water License, could 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 process your Water Licenses.

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

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
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

415760

Pierre, May 7, 19 98

RECEIVED OF James or Patricia Johnston, Box 722, 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. 2401-2 _____

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

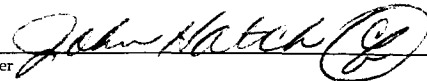
Total

50 00

50 00

By

Chief Engineer



Water Right No. 2401-2
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

During October, 1993, M. Rassool AhadI made a re-examination of the water use system constructed by **James E. and Patricia Johnston** of **Box 722, Edgemont, SD 57735** holder of Permit No. **2401-2**, bearing the priority of **January 18, 1994** authorizing the diversion of **0.37** cu. ft. per second of the waters of **Cow Creek** for **irrigation** purposes, in **Fall River** County.

The following is a report on the conditions of the same as follows:

A. Works used to divert the water:

Ten foot high diversion dike across the channel of Cow Creek.

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

Earthern canal.

C. Works used to apply water to beneficial use:

Flood irrigation.

The system is in the following condition **good**. The point of diversion is located **210 feet north from the the east 1/4 corner of Section 11 T12S-R2E**. The works are capable of diverting and conveying to the place of use **5** cu. ft. per second of water which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

Section 14 T12S-R2E

NW1/4SE1/4 - 8.3 acres

SW1/4NE1/4 - 0.6 acres

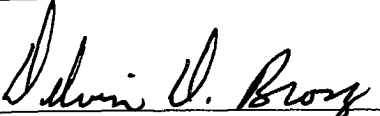
SE1/4NW1/4 - 4.6 acres

NE1/4SW1/4 - 12.5 acres

comprising a total of **26** acres of land and the license should be issued for **0.37** cfs.

Applicable permit qualifications have been complied with: **Y**

Exceptions to compliance are: **The investigation revealed that a new water permit application is needed. When the water permit is granted a water right license can be issued based on the investigation.**

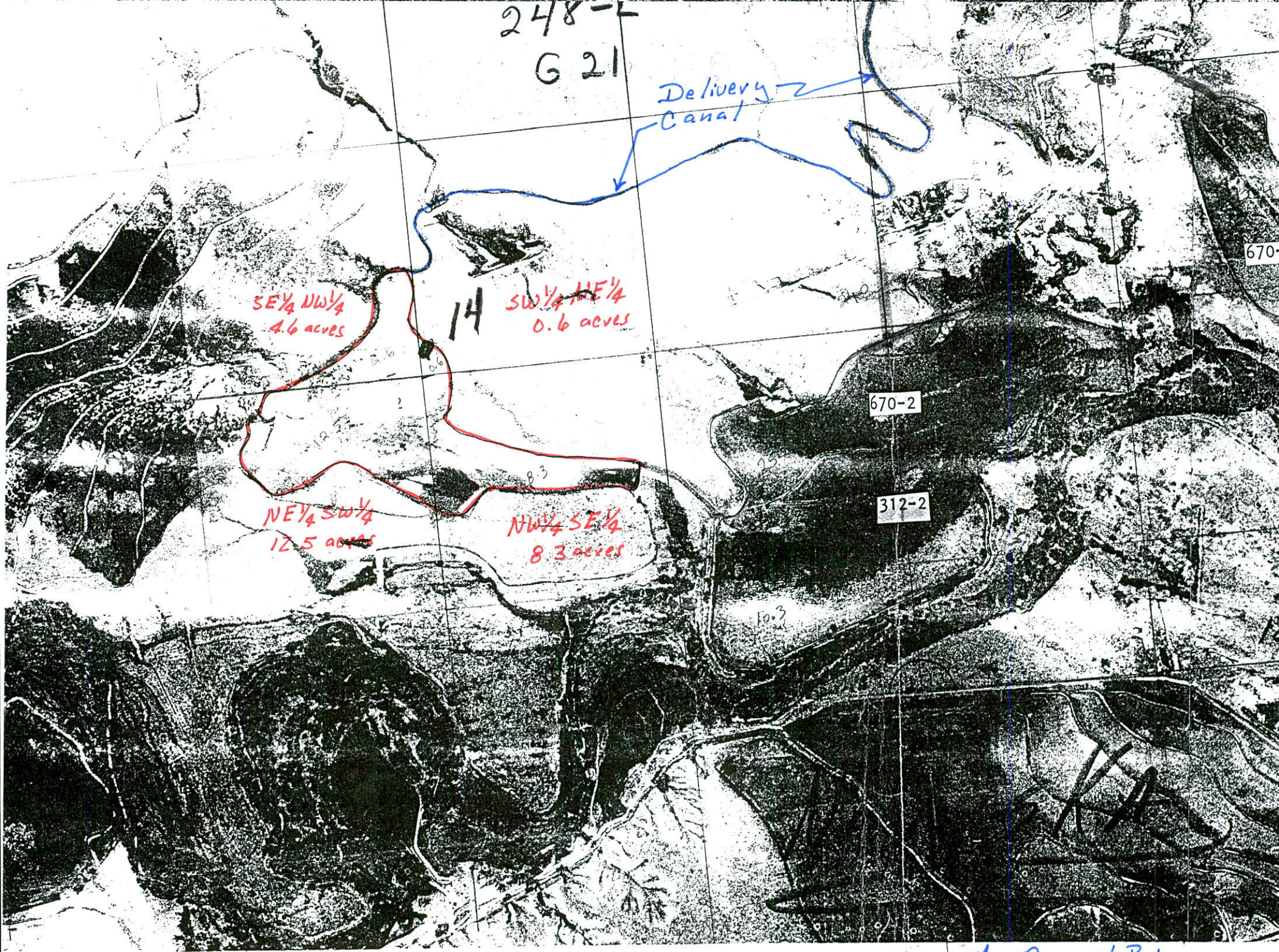
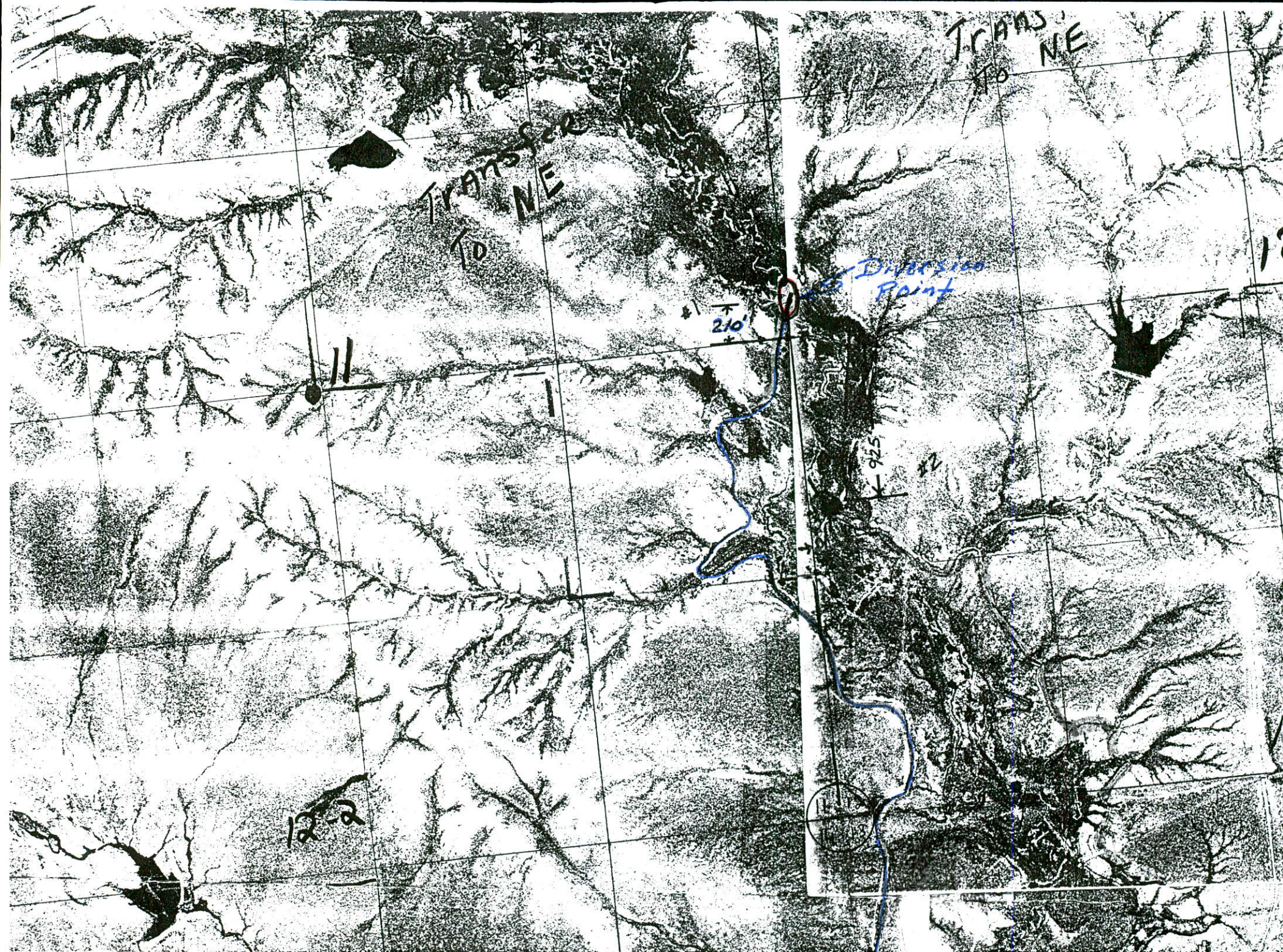


Delvin D. Brosz, PE

Natural Resources Engineer
DENR, Water Rights Program

2-27-98

Date



Map Prepared By:
William H. Brog, PE
NR Engineer
Water Rights Program
2401-2

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2401-2

(1) James E and Patricia Johnston, Box 722, Edgemont SD 57735 made Application No. 2401-2, January 18, 1994 for a water permit to divert 0.37 cubic feet of water per second from Cow Creek, Fall River County, South Dakota for irrigation purposes. Permit No. 2401-2, with a priority date of January 18, 1994 was approved April 20, 1998 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.

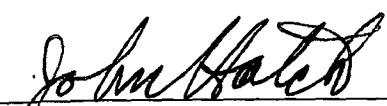
(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.37 cubic feet of water per second for beneficial use. The location of the diversion point is 210 feet north from the east quarter corner of Section 11-T12S-R2E (SE ¼ NE ¼).

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

Section 14-T12S-R2E	
NW ¼ SE ¼	8.3 acres
SW ¼ NE ¼	0.6 acres
SE ¼ NW ¼	4.6 acres
NE ¼ SW ¼	12.5 acres
Total acres irrigated: 26	

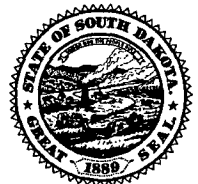
* The above 26 acres are also irrigated from Camp Creek, authorized under Water Right No. 806-2.

(4) Pursuant to South Dakota Water Law 46-5-30.1 James E & Patricia Johnston, Box 722, Edgemont SD 57735 the holder and/or owner of Water Permit No. 2401-2 is issued a license to appropriate water, the right to use 0.37 cubic feet of water per second from Cow Creek with a priority date of January 18, 1994 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 2401-2 and subject to South Dakota State Law.


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

JUN 12 1998

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 12 1998

James E and Patricia Johnston
Box 722
Edgemont SD 57735

Dear Mr. & Mrs. Johnston:

Enclosed for your records are the following:

- Reissued Water License Nos. 312-2, 670-2 and 806-2,
- Water Permit No. 2401-2 and Water License No. 2401-2,
- Receipts for payment of the application and license fee for Water License No. 2401-2,
- A map outlining the areas covered by the various water rights.

As long as you use the water beneficially, as stated in the Water Licenses, 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

2401-2

WOOD RANCH

P O BOX 166
PRINGLE SD 57773

281 358 8067 FAX
email: oonagh@earthlink.net

August 1 2003

Dept. of Environment & Naural Resources
Joe Foss Building
523 East Capitol,
Pierre, SD 57501-3182

RECEIVED

AUG - 5 2003

WATER RIGHTS
PROGRAM

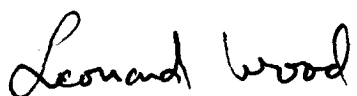
Dear Sirs,

We purchased property from James and Patricia Johnston, in March 2003. A copy of the Warranty Deed with the legal descriptions is enclosed.

We are requesting that the water rights currently held by James and Patricia Johnston, which go along with this property (1641-2, 312-2, 670-2, 806-2, 2310-2, 2401-2) be transferred to Leonard and Oonagh Wood. Six Notice of transfer of Ownership are attached along with check # 1725 in the amount of \$15.00 to cover the filing fees.

Thank you for your assistance in this matter.

Yours truly,


Leonard & Oonagh Wood.



2401-2

028711

DOCUMENT PREPARED BY:
KENNETH L. HEISTERKAMP
P. O. BOX 290
RAPID CITY, SD 57709
(605) 343-2410

RECORDED 8159
COMPARED C
INDEXED n

State of South Dakota } SS
County of Fall River }
Filed For Record
3rd Day of March, 20⁰³
at 4:40 P M, and recorded in.
Book 122 Page 356 thru 357
Anita Cope
Register of Deeds
Recording \$ 12.00 ck
Transfer \$ 926.50 ck
Return To: FRA pd by Pent title

WARRANTY DEED

James E. Johnston and Patricia M. Johnston, husband and wife, Grantors, of P.O. Box 226, Harrison, NE 69346, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, grant, convey and warrant to Leonard J. Wood and Oonagh Wood, husband and wife as joint tenants with rights of survivorship and not as tenants in common, Grantees, of P.O. Box 166, Pringle, SD 57773, the following described real estate in the County of Fall River in the State of South Dakota:

**SEE EXHIBIT "A" HERETO TO & INCORPORATED
HEREIN BY THIS REFERENCE.**

TRANSFER FEE \$926

Dated this 30th day of March, 2003
James E. Johnston
James E. Johnston
Patricia M. Johnston
Patricia M. Johnston

STATE OF SOUTH DAKOTA)
COUNTY OF Fall River) SS.

Transfer Fee
\$926.50

On this the 30th day of March, 2003, before me the undersigned officer, personally appeared James E. Johnston and Patricia M. Johnston, husband and wife, known to me or satisfactorily proven to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged that they executed the same for the purposes therein contained.

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

SEAL SHELLEY R. SWANSON
NOTARY PUBLIC
(SEAL)
State of South Dakota

Shelley R. Swanson
Notary Public
My Commission Expires: 7-5-2005

Exhibit "A"
Legal Description

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

Sec. 24: S1/2NE1/4; N1/2SE1/4
Sec. 33: SW1/4SW1/4

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

Sec. 8: S1/2SW1/4; S1/2SE1/4
Sec. 17: ALL
Sec. 18: N1/2; NE1/4SW1/4; SE1/4
Sec. 19: NE1/4; N1/2SE1/4; Lot 3
Sec. 20: N1/2NE1/4; NW1/4

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

Sec. 3: S1/2SW1/4
Sec. 4: W1/2NE1/4; W1/2; SE1/4
Sec. 8: N1/2SE1/4; Less County Road 5A; SE1/4SE1/4
Sec. 9: ALL, Less County Road 5A
Sec. 10: W1/2; SE1/4; that portion of the NE1/4 lying south of County Road 5A
Sec. 11: S1/2SW1/4
Sec. 13: ALL
Sec. 14: NW1/4; N1/2S1/2; Lot 4; S1/2NE1/4
Sec. 15: E1/2 Less County Road 6412; NW1/4

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 5, 2003

RECEIVED OF Leonard & Coragh Wood, PO Box 166, Bringle SD 57773

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2.50	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2401-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No. _____

By

J. Darland White

Chief Engineer

epm

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

AUG - 5 2003

WATER RIGHTS
PROGRAM

No. 2401-2

Date: 5-1-03

☒ We request that Water Right/Permit No. 2401-2

formerly owned by: JAMES & PATRICIA JOHNSON

be transferred to: (name & address) LEONARD & DONAGH WOOD

P. O. Box 166, Pringle, SD 57773

Telephone No. 605-673-2625

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

SEC 14 : NW4 SE4, SW4 NE4, SE4 NW4, NE4 SW4 T12S R 2E
FALL RIVER COUNTY

I/We understand that the validity of Water Right/Permit No. 2401-2 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.

☒ We LEONARD & DONAGH WOOD the new owner, certify that the above information is true and correct.

Leonard Wood
(Signed by new owner)

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

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



2401-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 6, 2003

Leonard & Oonagh Wood
Wood Ranch
PO Box 166
Pringle SD 57773

RE: Ownership changes on Water Right Nos. 312-2, 670-2, 806-2, 1641-2, 2310-2 and 2401-2

Dear Mr. & Mrs. Wood:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted for changing ownership on Water Right Nos. 312-2, 670-2, 806-2, 1641-2, 2310-2 and 2401-2. The transfers have been completed. The water rights formerly listed in the names of James and Patricia Johnston are now listed in your names.

Each year in October, we mail out the annual irrigation questionnaire to all irrigators in the State with the exception of those with water spreading systems. Enclosed are sample copies for your review. This will give you an idea of what type of information you will need to keep track of during the irrigation season. You will only receive questionnaires for Water Right Nos. 312-2 and 2310-2.

Also enclosed are Receipt Nos. 000855, 000856, 000857, 000858, 000859 and 000860 in the amounts of \$2.50 each. You may keep these for your records. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures



**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:

LEONARD/OONAGH WOOD
PO BOX 166
PRINGLE SD 57773

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. 1641-2, 2310-2, 312-2, 670-2, 806-2, 2401-2

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.

RECEIVED

JAN - 3 2012

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2401-2

Date: _____

I/We request that Water Right No. 2401-2

formerly owned by: Leonard & Oonagh Wood, PO Box 166, Pringle SD 57773

be transferred to: (name & address) Indian Creek Cattle LLP

32296 190th St

Sleepy Eye MN 56085

Telephone No. 507-794-5779

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

26 acres - NW 1/4 SE 1/4, SW 1/4 NE 1/4, SE 1/4 NW 1/4 and NE 1/4 SW 1/4 Section 14, T12S, R2E

I/We understand that the validity of Water Right No. 2401-2 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 Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Indian Creek Cattle LLP, the new owner, certify that the above information is true and correct.

Indian Creek Cattle LLP
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/3, 2012

RECEIVED OF Indian Creek Cattle LLP 32296 190th St Sleepy Eye MN 56085

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	50	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 <u>2401-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____	50	00
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **05199**

By Lula Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 12, 2012

Joe Schwartz
Indian Creek Cattle LLP
32296 190th St
Sleepy Eye MN 56085

RE: Water Right Nos. 312-2, 670-2, 806-2, 1641-2, 2310-2 and 2401-2

Dear Mr. Schwartz:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right Nos. 312-2, 670-2, 806-2, 1641-2, 2310-2 and 2401-2.

The ownership changes have been completed. The water rights formerly held by Leonard and Oonagh Wood are now listed in your name.

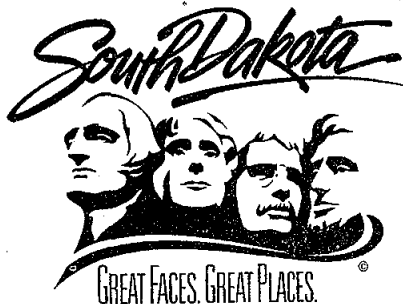
Recently when I sent you email correspondence, I forwarded copies of all of the water rights to you for your review. The water rights for No. 312-2 and 2310-2 are the only two that will need annual irrigation questionnaires filed to report water use. Our records show that these two were set up to use pumping equipment for irrigation. When irrigating the land described in either of those water rights, if you use a pump to divert water, please keep track of the pump rate and the hours water was applied. This information will need to be reported annually. If you use only water spreading type systems, you will need to let us know that when submitting the forms each fall.

Enclosed for your records are the receipts for the filing fees. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

March 06, 2013

NOTICE OF SHUTOFF ORDER

TO: INDIAN CREEK CATTLE LLP
JOE SCHWARTZ
32296 190TH ST
SLEEPY EYE MN 56085

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. 2401-2 2310-2 1641-2 806-2 670-2 312-2

The US Bureau of Reclamation holds Water Right No. US579-2 for Angostura Reservoir with a senior priority date of April 11, 1941. To protect this right, the Bureau of Reclamation has asked that we issue shutoff orders for junior water right holders. Effective immediately no diversions of water from the Cheyenne River and tributaries by holders of water rights junior to the priority date of April 11, 1941 upstream of Angostura Dam will be allowed. On March 05, 2013, the water elevation in Angostura Reservoir was 3176.8-feet, 10.4-feet below the full elevation of 3187.2-feet. Storage is at 81068 acre-feet, about 41980 acre-feet below full. Angostura Reservoir is not expected to fill with the current low inflows.

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

I am asking for your cooperation in complying with this shutoff order. If you have any questions, please contact Mark Rath at (605) 773-3352 or Aaron Tieman at (605) 394-2229 with the Water Rights Program. Thank you.

CERTIFICATION

I hereby certify that on March 6, 2013, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 6, 2013 regarding shut-off orders addressed as stated below:

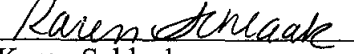
LAST_NAME	FIRST_NAME	ADDRESS2	CITY	STATE	ZIP
INDIAN CREEK CATTLE LLP		32296 190TH ST	SLEEPY EYE	MN	56085
INDIAN CREEK LAND & CATTLE LLC		PO BOX 538	EDGEMONT	SD	57735
WEINREIS BROTHERS		230908 HIGHLAND RD	SCOTTSBLUFF	NE	69361
SEGER RANCH INC		RR 1 BOX 100A1	HOT SPRINGS	SD	57747
REUTTER	EDWARD/WANDA	HCR 59 BOX 90	EDGEMONT	SD	57735
WASSERBURGER	MARTIN W & E DALLAS	30131 CASCADE RD	ARDMORE	SD	57735
HALD BROTHERS INC		30195 HIGHWAY 385	OELRICHS	SD	57763
GCC DACOTAH INC		PO DRAWER 360	RAPID CITY	SD	57709
FALKENBURG	JOE/NANCY	PO BOX 69	EDGEMONT	SD	57735
ANDERSEN	DONALD J/LYNDA J	10194 ARGENTINE RD	BURDOCK	SD	57735
ANDERSEN	KEITH	27360 S FLAT TOP RD	EDGEMONT	SD	57735
ANDERSON	DALE & JEANETTE	1401 TOMPKINS ST	RAPID CITY	SD	57701
B & H RANCH INC		900 W 7TH ST	CHADRON	NE	69337
BACHAND	DOUG & LORI	HC 48 BOX 248	PROVO	SD	57774
BALL BROS		BOX 527	EDGEMONT	SD	57735
BIRDSALL	JIM OR SHERYL	28086 ANGOSTURA RD	HOT SPRINGS	SD	57747
BOGNER	NICK/EUGENE	HC 46 BOX 24	OELRICHS	SD	57763
BOGNER	NICK/MICHAEL	29599 BLACK BANKS RD	OELRICHS	SD	57763
BRAINERD INDIAN SCHOOL		PO BOX 7038	RAPID CITY	SD	57709
CHILDERS	V L	900 W 7TH ST	CHADRON	NE	69337
COPE	OSCAR	PO BOX 147	OELRICHS	SD	57763
COPE RANCH		14160 SHIRK CREEK RD	OELRICHS	SD	57763
DUNBAR	DAVID M	HC 46 BOX 48A	OELRICHS	SD	57763
HENDERSON	DORA R	11507 HWY 471	EDGEMONT	SD	57735
HINESLEY	TED AND GAIL	103 W AVE A	BISMARCK	ND	58501
HOLLENBECK	HENRY C	665 OAK ST	EDGEMONT	SD	57735
HOLLENBECK	MARK J	27772 ELBOW CANYON RD	EDGEMONT	SD	57735
HOLLENBECK	PAT OR TAMMY	665 OAK ST	EDGEMONT	SD	57735
HU RANCH INC		28469 OLD HWY18	EDGEMONT	SD	57735
HUBER	GAYLE & LINDA	28797 LENNON SCHOOL RD	OELRICHS	SD	57763
HUNTER	ROSS J	30068 HAT CREEK RD	EDGEMONT	SD	57735
KOLLER	JOHN W	PO BOX 715	EDGEMONT	SD	57735
LANDERS	A J	BOX 159B HCR 52	HOT SPRINGS	SD	57747
LANDERS LIVESTOCK CO INC		29088 ASH CREEK RD	HOT SPRINGS	SD	57747
MANKE LAND & CATTLE CO LLC		PO BOX 599	EDGEMONT	SD	57735
MARTINSON	KENNETH	BOX 361	EDGEMONT	SD	57735
NELSON	A J	503 S CENTER AVE	MILES CITY	MT	59301
PETERSON & SON INC		27389 BURDOCK LOOP	BURDOCK	SD	57735
PORTER	EVERETT	10413 MOSS AGATE RD	EDGEMONT	SD	57735
PUTNAM	DONALD	BOX 188	OELRICHS	SD	57763
PUTNAM RANCH INC	DONALD	BOX 188	OELRICHS	SD	57763
QUINTO LTD		PO BOX 69	EDGEMONT	SD	57735
ROMEY	JOHN R OR TRACY	29773 HARD SCRABBLE RD	OELRICHS	SD	57763
SCHNOSE	ROBERT A & KIMBERLY L	29037 OLD HWY 79	OELRICHS	SD	57763

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


 Gail Jacobson
 Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
 COUNTY OF HUGHES)

Sworn to, before me, this 6th day of March, 2013.


 Karen Schlaak
 Notary Public
 My Commission expires April 1, 2013

