

No. 295-2

Division No. 2

Fall River District.

PERMIT

to appropriate water from

Main Beaver Creek

Guster County South Dakota.

Name of applicant

George Darrow

Name of diversion works

Darrow No. 2 ditch

Date of first receipt at office of State

Engineer May 29 1941

Returned to applicant for Correction

19

Corrected application received

19

Date of water right

May 29 1941

Recorded in Book 2 Page 510-511

One-fifth of work to be completed

December 16 1941

Whole work to be completed

July 16 1942

Final proof of use of water

July 16 1942

Approved July 16 1941

Dean W. Loucks State Engineer.

NO. 293-2

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

District

RECEIVED
MAY 29 1941
S. D. E. N.

APPLICATION FOR A PERMIT

To appropriate water within the State of South Dakota

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

(NOTE—Draw a line through items not applicable.)

1. Name of applicant ~~George Darrow~~ Norris Darrow — Dewey Rt. Edgemont S.D.Postoffice address Dewey, County Custer, State S. 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 work (Whether by contract, employment of others, or by direct labor) Direct labor and sons
- (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
- (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion works Darrow No. 2 ditch3. Quantity of water claimed 1488 cubic feet per second.4. Source of water supply Main Beaver Creek5. Location of point of diversion N 23° W 1975 Ft. from S $\frac{1}{4}$ Corner of Sec. 30
T. 6 S. R. 1 E. B. H. N. on Left bank.
(Right or left bank looking down stream.)6. Annual periods during which water is to be used April 1 to Nov. 1
Average of 500 Hrs. of flood stage

7. To be used for:

1. Irrigation or domestic use: NW $\frac{1}{4}$ NE $\frac{1}{4}$; 13 acres Sec. 31 T6S R. 1 E. B. H. N.(a) Number of acres to be irrigated 81 acres. SE $\frac{1}{4}$ SW $\frac{1}{4}$; 23 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$;(b) Legal subdivisions to be irrigated NW $\frac{1}{4}$ SW $\frac{1}{4}$; 12 acres; SE $\frac{1}{4}$ SW $\frac{1}{4}$; 13 acres Sec 30(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with average thereof, should be attached here, or may be appended as a part of this application. Same must also be shown on accompanying map.) T. 6 S. R. 1 E. B. H. N.

(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 _____

8. Estimated cost of works:

(a) Head gates, \$ 1000 _____ (b) Pumping plant, \$ 1000 _____
 (c) Fluming, \$ _____ (d) Canal-earth, \$ _____ Rock, \$ _____
 (e) Other structures _____ \$ _____ Total, \$ 2000 _____

9. Description of diversion works:

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

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 _____ acre 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 _____ Earth _____

(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
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work _____ years.

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 _____

STATE OF SOUTH DAKOTA

County of _____ ss.

I, George Harrow, 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 and foregoing statement, and examined the map accompanying the same, and that I know of my own personal knowledge that the matters herein stated and shown are true.

Signed George Harrow

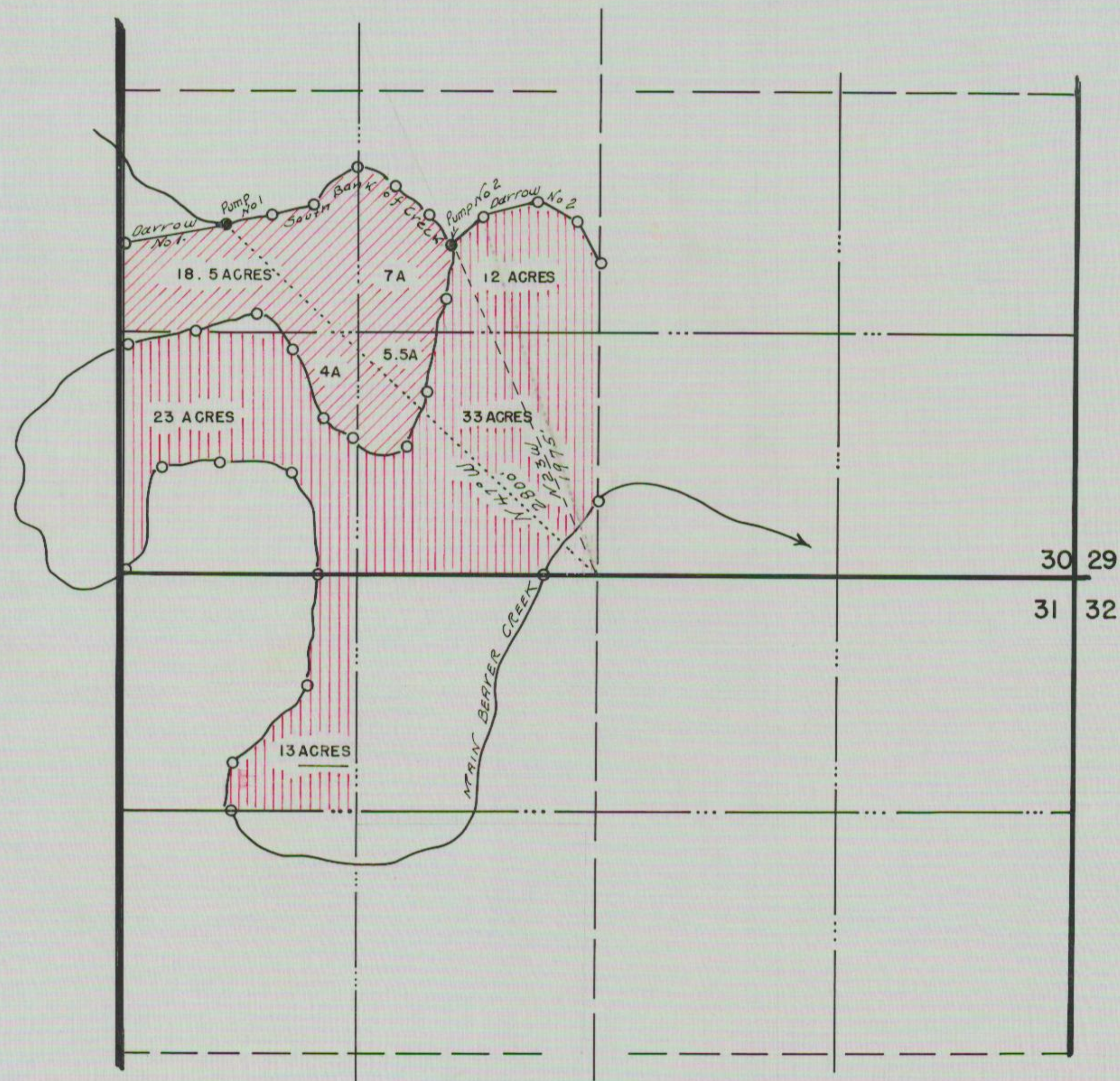
Subscribed and sworn to before me this 22 day of May, 1944.

My Commission expires February 21, 1944

Dylan Clark
 Notary Public (or other qualified officer.)

R. I E. B.H.M.

T. 6. S.



CERTIFICATE OF SURVEYOR

STATE OF WYOMING } ss.
COUNTY OF WESTON }

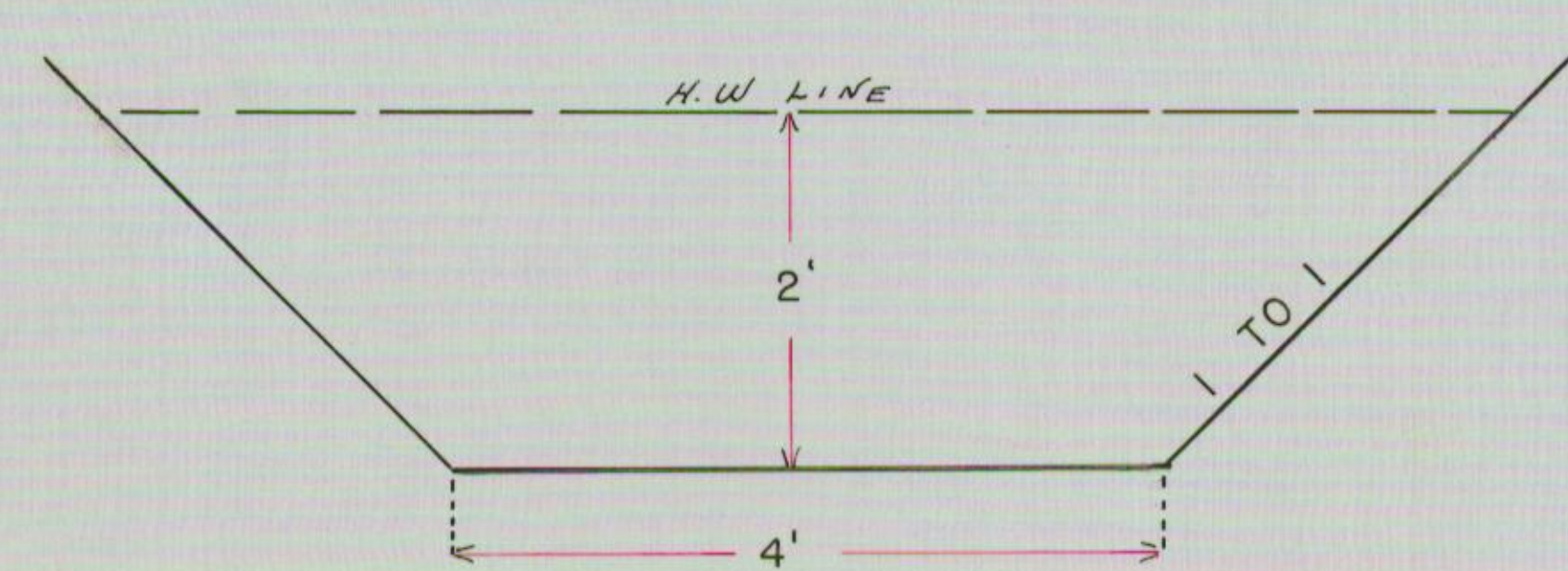
I, BERNARD A HOWELL OF NEWCASTLE, WYOMING HEREBY CERTIFY THAT THIS MAP WAS MADE FROM NOTES TAKEN DURING AN ACTUAL SURVEY MADE BY ME ON APRIL 3RD. 1941 AND THAT IT CORRECTLY REPRESENTS THE IRRIGATION WORKS DESCRIBED IN THE ACCOMPANYING APPLICATION, TOGETHER WITH A MEANDER OF STREAMS, AND SHOWS ACCURATELY THE LOCATION AND AREA OF THE LANDS PROPOSED TO BE IRRIGATED IN EACH SUBDIVISION

Bernard Howell
SURVEYOR

SUBSCRIBED AND SWORN TO BEFORE ME THIS 17TH DAY OF APRIL 1941

Bryan Clark
NOTARY PUBLIC

DARROW NO 1 & 2 DITCH



$N = 30$ $R = 1.24$ $S = .001$

$V = 1.72$ FEET PER SECOND $A = 12$ SQ FEET

CAPACITY = 14.86 FEET PER SECOND

2 CENTRIFUGAL PUMPS WITH A CAPACITY OF 3000 GALLONS PER MINUTE
AT EACH HEADGATE

MAP

TO ACCOMPANY APPLICATION FOR

DARROW NO 1 & 2 DITCH

APPLICANT

GEORGE

DARROW

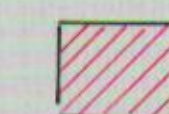
DEWEY

S. DAK

LEGEND

SCALE

1" = 500'



LANDS IRRIGABLE UNDER DARROW NO 1



LANDS IRRIGABLE UNDER DARROW NO 2

293-2

329-2

RECEIVED
May 14 1941
OFFICE OF STATE ENGINEER
PIERRE S. DAK

MAP NO 329-2
(APPL NO 293-2)

Remarks by State Engineer:

No protests were received as a result of the advertisement of notice.

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, July 16, 19 41

This is to certify that the foregoing application was received at this office at 8:30 o'clock
a. m. upon the 29th day of May, 19 41 and that after examination it
was found to comply with the South Dakota water laws, was duly published and
taken up by the State Engineer in accordance with Section 61.0124 of the
South Dakota Code of 1939 and is hereby approved.

Number of permit 293-2

Dean W. Loucks State Engineer.

Date of first receipt of application May 29, 19 41

Date of return to applicant for correction _____, 19 _____

Date of receipt of corrected application _____, 19 _____

Date from which applicant may claim right May 29, 19 41

Approved July 16, 19 41, Recorded in Book 2 Page 508-509

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 December 16, 19 41

2nd. The whole of said work is to be completed on or before July 16, 19 42

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is July 16, 19 42

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 14.88 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 further, 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 for irrigation on or before July 16, 19 42; said water to be used during the following described annual period:

190 hrs. during flood stages ^{occurring} April 1 to Nov. 1

Witness my hand this 16th day of July, 19 41

WATER LICENSE ISSUED - DECEMBER 5, 1970
CERTIFICATE OF CONST. ISSUED - DECEMBER 5, 1978

Dean W. Loucks

State Engineer.

Permit No. 293-2

Water Diversion No. 2 Fall River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Norris Darrow

_____ the holder of
Permit No. 293-2, issued upon Application No. 293-2, bearing date of priority of May 29, 1941
_____ authorizing the diversion of .61 cu. ft. per second of the waters of
Beaver Creek County of Custer, State of South Dakota at
a point 1900 feet North and 1650 feet west of SW corner
and a point 750 feet north and 950 feet east of the SW corner
Section 30-TGS-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. 4 cu. ft. per second of water.

Date December 5, 1978

By:

WATER RIGHTS COMMISSION

John Hatch
JOHN HATCH, Chief Engineer

WATER LICENSE NO. 293-2

(1) WHEREAS, On the 29th day of May A. D. 1941
George Earrow

made Water Right Application No. 293-2 for a permit to use 14.38 cubic feet per second of the waters
of Beaver Creek
County of Custer, State of South Dakota, for irrigation
purposes; and

(2) WHEREAS, On the 16th day of July A. D. 1941
Permit No. 293-2 with a date of priority of May 29, 1941

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 on or before the 16th day of July A. D. 1942 and for the
application to beneficial use of said water on or before the 16th day of July A. D. 1942

WHEREAS, on the 9th day of May, 1978 the permit
was transferred to Norris Darrow, Dewey Ppile,
Edgemont, South Dakota

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 .61 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.

to irrigate portions of land all in T6S-R1E as follows:

Section 30 SW $\frac{1}{4}$ SW $\frac{1}{4}$	16.0 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$	17.6 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$	8.5 acres

Section 31 NW $\frac{1}{4}$ NW $\frac{1}{4}$	1.0 acres
--	-----------

TOTAL 43.1 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 Norris Darrow

_____ of Edgemont SD
the holder _____ and owner _____ of said permit No. 293-2 a water right, dating from May 28, 1941
_____ to use of .61 cubic feet per second of the waters

of Beaver Creek
in the County of Custer and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 1900 feet north and 1650 feet west
of SW corner and a point 750 feet north and 950 feet east of the SW
corner all in Section 30-T6S-R1E

and conduct to and upon portions of land in Sections 30 and 31-T6S-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. 293-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 5th day of December A. D.

Nineteen Hundred and Seventy-Eight

WATER RIGHTS COMMISSION
WATER RESOURCES COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

RECEIVED
JUL 21 1941

PROOF OF PUBLICATION

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

STATE OF SOUTH DAKOTA

County of Fall River ss.

I, L. M. Kopriva being duly sworn, deposes and says the annexed printed copy of Notice

published in the Fall River a newspaper which

during the whole time of publication of said notice herein-

after stated, has been and is printed and published in the

city of Edgemont County of

Fall River and State of South Dakota;

that the said notice was published in said newspaper on the following dates:

June 25; July 2, 9, 16, 1941

in each and every issue of the full number thereof, the first publication being made on the 25th day of June

1941 and the last publication on the 16 day of

July 1941, upon which days or times

of publication aforesaid the newspaper was regularly pub-

lished, and that during the whole time of said publication he

was publisher the printer and publisher of

the said newspaper.

Subscribed and sworn to before me this 17 day of July A. D. 1941

Wm. Commissionaire, Jr., 1941 Notary Public Edgemont County, S. D.

APPROPRIATION OF WATER

Office of the State Engineer
Pierre, S. Dak. June 4, 1941
Notice is hereby given that
George Darrow whose postoffice
address is Dewey, Custer County
S. Dak. has made an application
for beneficial use of 11.53
feet of water per second of time
from the flood waters of Main
Braver Creek through the Dar-
row ditch, No. 1, the point of
diversion of which is to be locat-
ed on the left bank of said
stream in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$
of Section 30, Twp. 6 S., Rge.
1 E. and N. 23 $\frac{1}{2}$ W. 1375 ft.
from the S $\frac{1}{2}$ Cor. of Sec. 20, T.
6 S., R. 1 E., and a like amount
through Ditch No. 2, the point
of diversion of which is to be
located on the right bank of
said stream in the NE $\frac{1}{4}$ of the
SW $\frac{1}{4}$ of Section 30, Twp. 6 S.,
Rge. 1 E. and N. 47 $\frac{1}{2}$ W. 2800
ft. from S. $\frac{1}{2}$ Cor. Section 30, T.
6 S., R. 1 E. Said water to be
used for the purpose of provid-
ing flood irrigation.

This application will be taken
up by the State Engineer at his
office at Pierre for consideration
upon the 15th day of July, 1941,
at 10.00 a. m. All persons who
believe that their prior rights
would be injuriously affected, or
that the allowance of the permit
would be detrimental to the
public welfare shall such
protest with the State Eng. near
in writing prior to the above
date and may appear on the day
above mentioned in person, for
the purpose of discussing further
the information presented.

Appropriate action will be
taken by the State Engineer
after suitable time has elapsed
for the consideration of any or
all information presented.

Dean W. Loucks
State Engineer.
June 25; July 2, 9, 16, 1941

State Engineer, Pierre, S. D.

Edgemont

4/25

Dear Sir: I am in receipt of your letter of June 4, 1911, enclosing notice of Application No. 2293 and 2442 for the use of water for irrigation published as requested, commencing with our issue of June 5, 1911.

RECEIVED

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

The Edgemont Tribune
Edg. Tribune

Office of State Engineer
Pierre, S. Dak. June 4, 1911
Notice is hereby given to
George Darrow whose post office
address is Dewey, Custer County,
S. Dak., has made an application
in accordance with the provisions
of the irrigation laws of
Dakota for a permit to appropriate
100 feet of water per second off
from the flood waters of Main
Beaver Creek through the Dar-
row ditch, No. 1, the point of
diversion of which is to be located
on the left bank of said
stream in the NW 1/4 of the SW 1/4
of Section 30, Twp. 6 S., Rge.
1 E. and N. 230 W. 1675 ft.
from the S 1/2 Cor. of Sec. 30, T.
6 S., R. 1 E., and a like amount
through Ditch No. 2, the point
of diversion of which is to be
located on the right bank of
said stream in the NE 1/4 of the
SW 1/4 of Section 30, Twp. 6 S.,
Rge. 1 E. and N. 470 W. 2000
ft. from S 1/2 Cor. Section 30, T.
6 S., R. 1 E. Said water to be
used for the purpose of provid-
ing flood irrigation.

This application will be taken
up by the State Engineer at his
office at Pierre for consideration
upon the 15th day of July, 1911,
at 10.00 a. m. All persons who
believe that their prior right
would be injuriously affected
that the allowance of the permit
would be detrimental to the
protest with the State Engineer
in writing prior to the above
date and may appear on the day
above mentioned in person or
the purpose of discussing further
the information presented.

Appropriate action will be
taken by the State Engineer
after suitable time has elapsed
for the consideration of any or
all information presented.
Dana W. Leach
State Engineer
June 23; July 2, 1911

(First Publication _____ 1941)

APPROPRIATION OF WATER

Office of the State Engineer
Pierre, S.Dak. June 4, 1941

Notice is hereby given that George Darrow whose post-office address is Dewey, Custer County, S.Dak., has made an application in accordance with the provisions of the irrigation laws of South Dakota for a permit to appropriate for beneficial use 14.28 cu. feet of water per second of time from the flood waters of Main Beaver Creek through the Darrow Ditch, No. 1, the point of diversion of which is to be located on the left bank of said stream in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 30, Twp. 6 S., Rge. 1 E. and N. 23° W. 1975 ft. from the S $\frac{1}{4}$ Cor. of Sec. 30, T. 6 S., R. 1 E. and a like amount through Ditch No. 2, the point of diversion of which is to be located on the right bank of said stream in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 30, Twp. 6 S., Rge. 1 E. and N. 47° W. 2800 ft. from S $\frac{1}{4}$ Cor. Section 30, T. 6 S., R. 1 E. Said water to be used for the purpose of providing flood irrigation.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 15th day of July, 1941, at 10:00 A.M. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented.

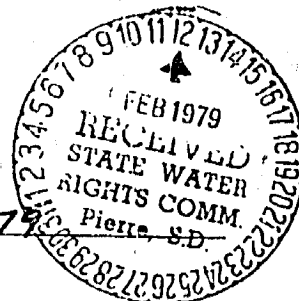
Appropriate action will be taken by the State Engineer after suitable time has elapsed for the consideration of any or all information presented.

Dean W. Loucks

State Engineer

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, SD 57501

Date: 2/8/79

This is to notify you that title to the lands described as follows:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ (16 A); SE $\frac{1}{4}$ SW $\frac{1}{4}$ (17.6 A); NE $\frac{1}{4}$ SW $\frac{1}{4}$ (8.5 A) in Section 30; and
NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31 (1.0A), all in Township 6 South Range 1, EBHM,
Custer County, South Dakota

formerly owned by Norris J. Darrow and Beryl R. Darrow, husband and wife,
has been transferred to Francis X. Jozwik and Paul Jozwik

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 293-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights Commission as evidence of the change of ownership.

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

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

We, Norris J. Darrow and
to Beryl R. Darrow being first duly sworn on my oath despose 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.

Norris J. Darrow
Beryl R. Darrow
(Signed)

Subscribed and sworn to before me this 8 Day of Feb 19 79.

W. P. Farrell
(Notary Public)

W. P. FARRELL, Notary Public

My commission expires:

April 1, 1982

Permit No. 293-2Water Division 2 Fall River Water District

REPORT 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 Morris Darrow
of Dewey Rt, Edgemont, S.Dak 57735 holder
of Permit No. 293-2, bearing date of priority of May 29, 1941
authorizing the diversion of 14.88 cu. ft. per second of the waters of Main Beaver Creek
for Irrigation purposes, in Custer 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: pump Fairbanks Morse, Bolt Driven,
No name Tag, 10" intake, 8" outlet, purchased in 1944.
Est pumping rate 2000 gpm.
Tractor Power
- B. Works used to transport water to place of use,
Ditches
- C. Works used to apply water to beneficial use.
Borders.

The system is in the following condition: Fair

The point of diversion is located Diversión Point #2 = 1900' N + 1150' W of SW cor. of
Sec 30, Diversión Point #3 = 750' N + 950' E of the SW cor. of Sec 30, T6N, R1E

The works are capable of diverting and conveying to the place of use 4.4cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: In Section 30, T6S, R1E

SW 1/4 SW 1/4 - 16.0 Ac. SE 1/4 SW 1/4 - 17.6 Ac. NE 1/4 SW 1/4 - 8.5 Ac.
In Section 31, T6S, R1E NW 1/4 N 1/4 - 1.0 Ac.

comprising a total of 43.1 acres of land.

Date

October 3, 1978

LeRoy J. Harnough
(Signature)

293-2



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

April 7, 1978

Bob Bradeen
% Johansen Agency
Custer, SD 57730

Dear Mr. Bradeen:

We discussed Norris Darrow's irrigation permits when I was in your office April 4, 1978. That same day I also visited with Norris.

Checking Darrow's irrigation permits here in the Water Rights office, we find four permits involved in Section 30, T6S, R1E. Permit 294-2 has been licensed for 35 acres, permit 293-2 covering 81 acres has not be licensed, but possibly some areas of this could be licensed. Permit No. 88-2 was declared abandoned by the State Engineer and not considered a valid Water Right. Permit 54-2 covers portions of Section 19 and 30. This has not been licensed, but possibly areas here could be licensed.

In order to clarify the situation, I would suggest that you contact Norris Darrow and have him obtain an aerial map, of the sections covered from the Agricultural Stabilization and Conservation Service. Then have him outline the areas he has been irrigating and the diversion points. We will then try to match the areas with the maps we have and in this way we can up date the permits involved. All areas under the permits need to be irrigated at least once every three years to keep the permit valid.

When someone from our office is in the area we can check the areas involved out and make the final inspection and issue Water License's on the those permits not licensed.

We would appreciate it if you could send us Norris Darrow's address and phone number in case we need to contact him. If you have any questions regarding the matter, feel free to contact this office.

Sincerely,

A handwritten signature in dark ink, appearing to read "Leroy J. Mernaugh".

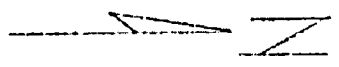
LEROY J. MERNAUGH

Water Resources Engineer

LJM/gy

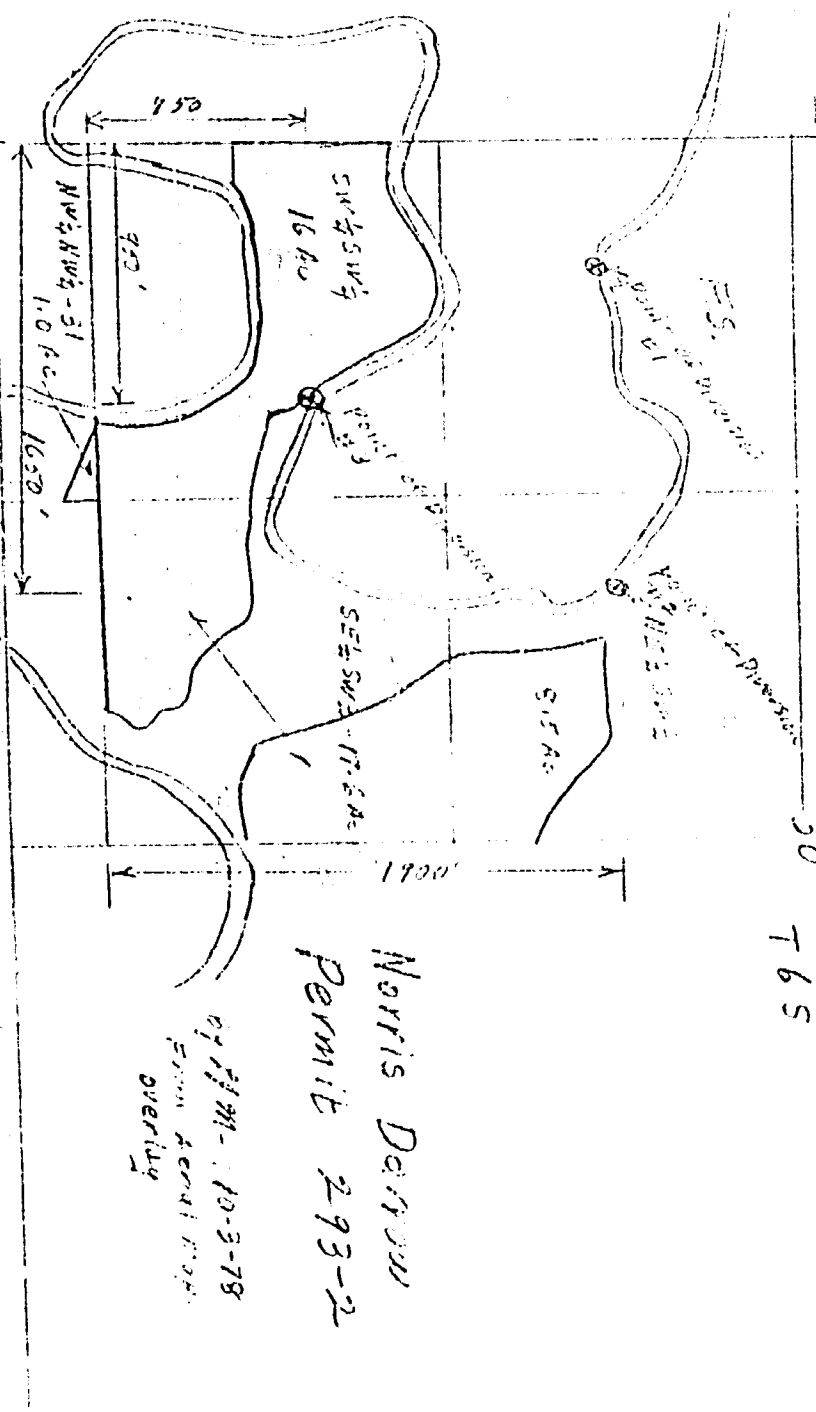
encl

R/E



Wyoming
S. 124 R

30 T 65



Sec. Permit #34-2
For terms of
of this area

Norris Darrow
Permit 293-2

of 1/4 M-10-3-78
from about 1000
overly

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, South Dakota 57501

Date: May 1, 1978

This is to notify you that title to the lands described as follows:

NW¹/₄ NW¹/₄ ^{1.0}~~13~~ acres; Section 31-T6S, R1E, BHM, SW¹/₄ SW¹/₄ ^{1.15}~~23~~ acres; NE¹/₄ SW¹/₄ ^{8.5}~~17~~ acres;

SE¹/₄ SW¹/₄ ^{16.0}~~33~~ acres; Section 30, T6N, R1E, BHM

formerly owned by George Darrow

has been transferred to Norris Darrow

together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 293-2 as provided for in Section 61.0127 of the 1960
Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water
Permit" in its appropriate file at the Office of Water Rights Commission as
evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover
filing fees as required under Section 61.0159 of the 1960 Supplement to the South
Dakota Code of 1939..

STATE OF SOUTH DAKOTA)
) SS.
County of Custer)

I, Norris Darrow being first duly sworn on my oath despose
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.

Norris Darrow
(Signed)

Subscribed and sworn to before me this 3rd day of May

19 78

Alana M. Gray
(Notary Public)





NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, South Dakota 57501

Date: 10 - 27 - 83

This is to notify you that title to the lands described as follows:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ (16 A); SE $\frac{1}{4}$ SW $\frac{1}{4}$ (17.6 A) NE $\frac{1}{4}$ SW $\frac{1}{4}$ (8.5 A); in Section 30, and NW $\frac{1}{4}$ N $\frac{1}{4}$ (20.6 A) Section 31 (1.0 A), all in Township 6 South, Range 1, East of the Black Hills Meridian, Custer County, South Dakota

formerly owned by Francis X. Jozwik and Paul Jozwik, a partnership, has been transferred to Barnard & Lowham Partners, a partnership, together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 293-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights Commission as evidence of the change of ownership.

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

STATE OF WYOMING)
) ss.
COUNTY OF NATRONA)

We, Francis X. Jozwik and Paul Jozwik, being first duly sworn on our oath, depose and say: That our relation to the above described undertaking is that of Owner, that we have read the above and foregoing statement, and we know of our own personal knowledge that the information herein stated is true.

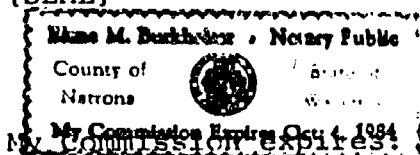
Francis X. Jozwik
FRANCIS X. JOZWIK

Paul Jozwik
PAUL JOZWIK

Subscribed and sworn to before me by Francis X. Jozwik and Paul Jozwik this 27th day of October, 1983.

Witness my hand and official seal.

[SEAL]



E. Lane M. Burkhalter
Notary Public

RECEIPT

Division of Water Rights

No 4 9391 -

South Dakota Department of Water and Natural Resources

Pierre, November 3, 1983

RECEIVED OF Keith Tyler, PO Box 2671, Casper WY 82602 for Barnard & Lowham Partners
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form No. 293-2	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH (ks)

South Dakota
Department of
Water & Natural Resources

Joo Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

November 3, 1983

293-2

Keith P. Tyler
PO Box 2671
Casper WY 82602

Dear Mr. Tyler:

Enclosed are receipts No. 4 9389 thru 4 9391 in the amount of \$2.50 each which you paid for transfer of Water Rights No. 54-2, 293-2 and 294-2.

Our records now show Barnard & Lowham, partners as the owners of these Water Rights.

Sincerely,

KAREN SCHLAACK
Administrative Aide

enclosures

cc: Barnard & Lowham, Partners
PO Box 567
Casper WY 82602

 **Department of
Water & Natural Resources**

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

January 29, 1988

BERNARD & LOWHAM PARTNERS-Paul Lowham
PO BOX 567
CASPER, WY 82602

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

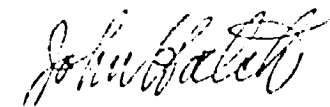
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 294-2, 293-2. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be 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 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

1. Amend Permit No(s). 294-2, 293-2 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.



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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.

SOUTH DAKOTA
Department of
Water & Natural Resources

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

February 9, 1988

294-2
293-2

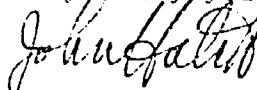
Bernard & Lowham Partners
PO Box 567
Casper WY 82602

Dear Sirs:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 293-2 & 294-2 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,



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

 **Department of
Water & Natural Resources**

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

WATER RIGHTS DIVISION
(605) 773-3352

June 1, 1988

Paul Lowham
PO Box 567
Casper, Wyoming 82602

Dear Mr. Lowham:

Enclosed are copies of Water Right Nos. 54-2, 293-2 and 294-2 listed under Barnard & Lowham, Partners. You requested copies of these in February, 1988.

I apologize for the length of time it took me to get your letter answered. If you have any questions, please contact us.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.





Department of Water & Natural Resources

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

July 1, 1988

54-2
293-2
294-2

Jane M. Farrell
Farrell, Farrell & Ginsbach
441 N. River Street
Hot Springs, South Dakota 57747

; Dear Ms. Farrell:

Enclosed is the "Notice of Transfer" you submitted for filing a name change on Water Right Nos. 54-2, 293-2 and 294-2, along with the \$2.50 check from Barnard & Lowham Partners. A "Notice of Transfer" does need to be filed for each of the three water rights. A fee of \$2.50 is also required for each transfer.

I have enclosed a partially completed "Notice of Transfer" for Water Right Nos. 54-2, 293-2 and 294-2. I have completed the forms with the land authorized for irrigation under each water right. The forms should be completed by Mr. & Mrs. Bonham, and should include their complete mailing address.

Please return the forms to our office with the \$2.50 filing fee for each, total of \$7.50. Upon receipt of the forms and filing fees, the water rights can be transferred to O. Duane Bonham and Carol R. Bonham.

If you have any questions, please contact us.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

GM:ms
Enc.



FARRELL, FARRELL & GINSBACH

LAWYERS

441 NORTH RIVER STREET

HOT SPRINGS, SOUTH DAKOTA 57747

(605) 745-5161

Martin P. Farrell
Jane M. Farrell
Patrick M. Ginsbach

August 12, 1988

S.D. Dept. Water & Natural Resources
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181

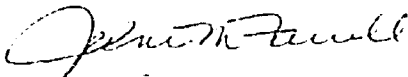
Attention: Genny McMath
Natural Resources Analyst

Dear Ms. McMath:

Thank you for your letter dated July 1, 1988, and the enclosed documents. Enclosed please find three executed Notice of Transfer documents signed by Mr. & Mrs. Bonham. In addition please find two checks which total \$7.50 for the transfer of the Water Permit.

Thank you very much.

Sincerely,


JANE M. FARRELL

jc

Enclosures



NO. 293-2

NOTICE OF TRANSFER OF



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

This is to notify you that the title to the lands described as follows:

43.1 acres - S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30, NW $\frac{1}{4}$, NE $\frac{1}{4}$ Section 31, T6 $\frac{1}{2}$, R1E

formerly owned by Barnard & Lowham Partners

has been transferred to O. Duane Bonham & Carol R. Bonham, joint tenants
HCR 59 Box 28, Edgemont, SD 57735

(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 293-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

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

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

I, Jane M. Farrell 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.

O. Duane Bonham & Carol R. Bonham
(Signed)

Subscribed and sworn to before me this 14th Day of August, 1988.

Jane M. Farrell
(Notary Public)

JANE M. FARRELL, Notary Public

WHR-820-9/83

Notice of Transfer of Water Permit

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

414651

Pierre, August 15, 1988

RECEIVED OF Barnard & Leithner Partners, PO Box 567, Casper, WY 82602
the following amount in fees for services rendered as provided for by law: (for Duane & Carol Bonham)

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____

Fee for Filing Transfer Form 293-2

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

John Hatch

Chief Engineer JOHN HATCH (ms)

**Department of
Water & Natural Resources**

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

WATER RIGHTS DIVISION
(605) 773-3352

August 16, 1988

Jane M. Farrell
Farrell, Farrell & Ginsbach
441 N. River Street
Hot Springs, South Dakota 57747

Dear Ms. Farrell:

Enclosed are receipt Nos. 411351, 411352 and 411353 in the amount of \$2.50 each which Barnard & Lowham Partners paid for the transfer of Water Right Nos. 293-2, 54-2 and 294-2.

Our records now show O. Duane and Carol R. Bonham as the owners of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms/

Enc. 3

cc: Barnard & Lowham Partners
Duane & Carol Bonham





Department of Water & Natural Resources

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

May 11, 1989

NOTICE

294-2, 293-2

TO: Duane & Carol Bonham
HCR 59, Box 28
Edgemont, SD 57735

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

SUBJECT: Shut Off Order for Junior Water Rights Upstream of
Angostura Irrigation District

Effective May 19, 1989, you are ordered to cease diversions of water under Water Right Nos. 293-2 and 294-2. The priority date for your water rights is junior to the April 11, 1941 priority date for Angostura Irrigation District Water Right No. 579-2.

The Angostura Irrigation District's water supply is as follows:

May 2, 1989	24,673 acre feet available for irrigation at elevation 3173.4 ft. msl
-------------	--

The Irrigation District needs 45,000 acre feet per year for irrigation.

One fill of Angostura reservoir is authorized per year. The District has agreed to allow junior priority irrigation upstream, if the reservoir fills to elevation 3,183.7 ft. msl, 3.5 feet below full elevation (3187.2 ft msl). If the reservoir fills to 3,183.7 ft. msl, the shutoff order will be rescinded. Any releases by the District for irrigation will be included in the 3183.7 ft. msl. calculation.

If you have any questions, please contact Jim Winkler (605 773-3352).



SOUTH DAKOTA
Department of
Water & Natural Resources

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

May 16, 1989

54-2
293-2
294-2

Jane Farrell
Farrell, Farrell & Ginsbach
441 N River
Hot Springs, SD 57747

Dear Ms. Farrell:

In response to our telephone conversation of May 15, 1989, enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 54-2, 293-2, and 294-2. The water rights are currently listed in the name of O Duane and Carol R Bonham.

The forms will need to be completed and signed in the presence of a notary public by the new owner. Upon completion of the forms, return them to our office with a required filing fee of \$2.50 each (total of \$7.50). The water rights will then be transferred to the proper names.

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

If you have any questions, please contact me.

Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosures



12345678910111213141516171819202122232425262728293031

JUN 1989
DIVISION OF
WATER RIGHTS
Pierre, SD

TO: Water Rights
Foss Building
Pierre, SD 57501

This is to notify you that the title to the lands described as follows:

formerly owned by O. Duane Bonham & Carol R. Bonham

has been transferred to Barnard & Lowham Partners, a Partnership, P. O. Box 567,
Casper, WY 82602 (please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right ~~XXXXX~~ No. 293-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

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

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

Paul Lowham, a partner of
!, Barnard & Lowham, Partners, 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 infor-
mation herein stated is true.

Barnard & Herbert Parsons
by Robert Parsons, Partner
(Signed)

Subscribed and sworn to before me this 6th Day of June, 1989.

James M. Tamm
(Notary Public)
My commission expires 9-17-90.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, June 12, 19 82

RECEIVED OF Farrell, Farrell, & Ginsbach, 441 N. River St., Hot Springs, SD 57747
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 294-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	2	50

By [Signature]
Chief Engineer

293-2

FARRELL, FARRELL & GINSBACH

LAWYERS

441 NORTH RIVER STREET

HOT SPRINGS, SOUTH DAKOTA 57747

Martin P. Farrell

Jane M. Farrell

Patrick M. Ginsbach

(605) 745-5161

June 8, 1989

South Dakota Dept. of Water
and Natural Resources
Joe Foss Bldg.
523 East Capitol
Pierre, SD 57501-3181

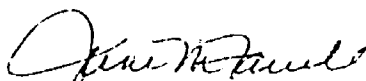
Attn: Jenny McMath
Natural Resources Analyst

Re: Water Rights 54-2, 293-2, and 294-2

Dear Ms. McMath:

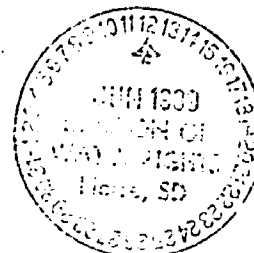
Enclosed please find the Notice of Transfer of Water Permit for the above set forth transfers. Also enclosed, please find the filing fee in the amount of \$7.50. Please let me know if I can be of further assistance.

Sincerely,



JANE M. FARRELL
JMF/bji

Enclosures



293-2

 **Department of
Water & Natural Resources**

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

July 14, 1989

Jane M. Farrell
Farrell, Farrell & Ginsbach
441 N. River St.
Hot Springs, SD 57747-1499

Dear Ms. Farrell:

Enclosed are Receipt Nos. 411792, 411793, & 411794 in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 293-2, 54-2, and 294-2 respectively.

Our records now reflect Barnard & Lawham, Partners as the owner of this Water Right.

Sincerely,



MARIE R. ARTHUR
Secretary
for Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352

cc: Barnard & Lowham, Partners, PO Box 567, Casper, WY
82602-0567





Department of Water & Natural Resources

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

September 7, 1989

54-2
293-2
294-2

Martin P Farrell
441 N River Street
Hot Springs, SD 57747

Dear Mr. Farrell:

In followup to our telephone conversation, enclosed are copies of the "Notice of Transfer" forms filed by Barnard & Lowham Partners. The transfers were filed with our office in June, 1989.

You indicated the land is in the process of being sold again. Enclosed are blank transfer forms for use in filing an ownership change on Water Right Nos. 54-2, 293-2 and 294-2. The forms need to be completed, signed and notarized before returning them to our office. A \$2.50 filing fee is required for each transfer (total of \$7.50) and must be submitted with the completed forms.

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

If you have any questions, please contact me.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosures



NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: September 14, 1989

This is to notify you that the title to the lands described as follows:

S1/2 SW1/4, NE1/4 SW1/4 Section 30, NW1/4 NW1/4 Section 31, T6S, R1E

formerly owned by Barnard & Lowham Partners, a Partnership, P.O. Box 567
Casper, Wyoming 82602

has been transferred to Chance and Neteri Keynolds c/o Beaver Creek Ranch
Dewey Route HCR Route 59-Box 28 Edgemont, SD 57735

(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 293-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

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

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

I, Barnard & Lowham Partners 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.

Barnard & Lowham Partners
by [Signature]
(Signed)

Subscribed and sworn to before me this 30 Day of OCTOBER, 1989.

[Signature]
(Notary Public)

NOT. PUBLIC NOTARY PUBLIC
MY COM. EXPIRES
1st 1, 1990

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411980

Pierre, November 2, 1939

RECEIVED OF Farrell, Farrell & Glnsbach, for Barnard & Lowham Partners, PO Box 567
the following amount in fees for services rendered as provided for by law: Casper WY

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>200-5</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	2	50

By _____
Chief Engineer

JOHN HATCH (ks)

SOUTH DAKOTA
Department of
Water & Natural Resources

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

November 8, 1989

54-2
293-2
294-2

Martin P Farrell
441 North River St
Hot Springs SD 57747

Dear Mr. Farrell:

Enclosed are receipts in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 54-2, 293-2 and 294-2.

Our records now show Chance & Meteri Reynolds as the owners of these Water Rights.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Senior Secretary
Water Rights Division
605 773-3352

enclosure

cc: Chance & Meteri Reynolds

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

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

March 19, 1990

293-2
294-2

NOTICE

TO: Duane & Carol Bonham
HCR 59, Box 28
Edgemont, SD 57735

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



SUBJECT: Shut Off Order for Junior Water Rights Upstream of
Angostura Irrigation District

This is a follow-up notice to the May 10, 1990 notice that you received ordering you to cease diversion of water under Water Right Nos. 293-2 and 294-2. You are reminded that the order is still in effect and will remain in effect until Angostura Reservoir has filled. The May 10, 1989 order stated that the order was effective until the reservoir had reached an elevation of 3183.7 feet above mean sea level (msl). This has been changed and the order will remain in effect until the reservoir has reached the full elevation of 3187.2 msl. On March 6, 1990 the reservoir elevation was 3171.1 msl.

All water rights above Angostura Reservoir will be monitored until the reservoir has filled. I am asking for your cooperation in complying with this order. The Water Management Board can suspend any water right that does not comply. The option also exists in that a water use control area can be established to enforce compliance.

If you have any questions, please contact Del Brosz (605 773-3352).

215-2

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 1, 1991

CHANCE/NETERI REYNOLDS
HCR 59 BOX 28
EDGEMONT SD 57735

NOTICE

RE: Violation of Requirement to Submit 1990 Irrigation Questionnaire

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 293-2, 294-2. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire 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 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

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

1. Amend Permit No(s) 293-2, 294-2 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.

If the questionnaire(s) is received in this office before the February 27th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

South Dakota
Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 5, 1991

(293-2)
294-2

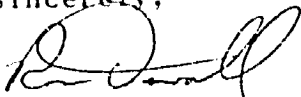
Chance & Neteri Reynolds
HCR 59 Box 28
Edgemont, SD 57735

Dear Mr. & Mrs. Reynolds:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for Water Right Nos. 293-2 and 294-2. You may disregard the February 1, 1991. Notice of failure to submit the 1990 irrigation questionnaire. The questionnaires were received prior to the Water Management Board meeting and your name was deleted from the agenda.

If you have any questions, please contact Genny McMath, at (605) 773-2352.

Sincerely,



Ron Duvall, Natural Resources Engineer IV
Water Rights Division

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

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

March 14, 1991

293-2
294-2

NOTICE

TO: Chance Reynolds
HCR 59, Box 28
Edgemont, SD 57735

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

Delvin D. Brosz

SUBJECT: Reminder of Shut Off Order for Junior Water
Rights Upstream of Angostura Reservoir

This is a reminder that the March 19, 1990 notice you received ordering you to cease diversion under your water right is still in effect and will remain in effect until Angostura Reservoir has filled. The elevation of Angostura Reservoir when full is 3187.2 feet above mean sea level (msl). On February 27, 1991 the reservoir elevation was 3170.25 msl.

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

If you have any questions, please contact Mark Rath or Del Brosz (605) 773-3352.



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 20, 1991

293-2
294-2

RESCISSION OF SHUTOFF ORDER

TO: Chance/Nettri Reynolds
HCR 59, Box 28
Edgemont, SD 57735

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

SUBJECT: Rescission of Shut Off Order for Junior Water
Rights Upstream of Angostura Reservoir for 1991
Irrigation Season.

The recent rains in the Upper Cheyenne River Basin have provided large inflows for Angostura Reservoir. Now that Angostura Reservoir has filled, the shutoff order for all junior water rights upstream of the reservoir is rescinded for the 1991 irrigation season.

If you have any questions, please contact Mark Rath or Del Brosz (605) 773-3352.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

CHANCE/NETERI REYNOLDS
HCR 59 BOX 28
EDGEMONT SD 57735

NOTICE

RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 293-2 & 294-2. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:15 am, March 4, 1992, 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 SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 293-2 & 294-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 before the March 4th hearing date, your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 5, 1992

293-2
294-2

Chance & Neteri Reynolds
HCR 59 Box 28
Edgemont, SD 57735

Dear Mr & Mrs. Reynolds:

I am writing to acknowledge receipt of your 1991 irrigation questionnaires for Water Right Nos. 293-2 and 294-2. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaires were received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

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

Genny McMath
Natural Resources Analyst
Water Rights Division

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- 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 Fee will provide you the signature of the person delivered to and the date of delivery.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

CHANCE/NETER1 REYNOLDS
HCR 59 BOX 28
EDGEMONT, SD 57735

4a. Article Number

P906 557 625

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

2-3-92 *SD*

5. Signature (Addressee)

Eric Neter

6. Signature (Agent)

2/3/92 SD

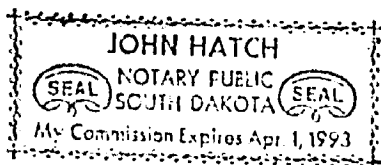
8. Addressee's Address (Only if requested and fee is paid)

7 ()

Chas. F. Frost

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

John G. Stach
Notary Public





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

March 25, 1992

293-2
294-2

NOTICE

TO: CHANCE/NETERI REYNOLDS
HCR 59 BOX 28
EDGEMONT, SD 57735

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

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

Please be advised that effective immediately no diversions of water will be allowed under your Water Right Nos. 293-2, 294-2 which are junior in priority to Water Right No. US579-2 held by the US Bureau of Reclamation for the Angostura Irrigation District.

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

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

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

PERMIT NO	FIRST NAME	LAST NAME	ADDRESS 1	ADDRESS 2	CITY	STATE	ZIPCODE	PERM2	PERM3
657 2		A & T CATTLE CO	1041 LANDERS	ST RT	HOT SPRINGS	SD	57747		
362 2	RICHARD	ANDERSON	A CHAP ANDERSON	HC 59 BOX 18	FICKMONT	SD	57735		
1516 2	IRENE R	ANDERSON		HC 59 BOX 20	FICKMONT	SD	57735		
391 2		B & H RANCH INC	B F CHILDERS	PO BOX 723	FICKMONT	SD	57735		
531 2		DALE TROES		BOX 617	FICKMONT	SD	57735		
1235 2	LESTER E	DARLEY		BOX 749	FICKMONT	SD	57735		
1602 2	NICK/MICHAEL	DECKER	AMICK DECKER JR	HC 45 BOX 24	OFFERTCHS	SD	57763	1134 2	
755 2		DRAINFIELD INDIAN SCHOOL			HOT SPRINGS	SD	57747		
651 2	WAYNE F	CHILDERS		HC 59 BOX 14	FICKMONT	SD	57735		
636 2	A L	CHILDERS		BOX 723	FICKMONT	SD	57735		
651 2	OSCAR	COFF			OFFERTCHS	SD	57763		
1221 2	JOHN	DICKERING		SR 1 BOX 136	LUCK	WY	82225		
561 2	HAROLD F	JACKSON		HC 59 BOX 54	FICKMONT	SD	57735	1416 2	
3052 2	LEROY/REXHA	JACKSON		HC 48 BOX 242	PROVO	SD	57774		
1295 2	DAVID M	PENDAR		PR BOX 37	OFFERTCHS	SD	57763		
748 2		HAUD BROTHERS, INC.	CARL P HAUD, PRES	HC 45 BOX 5	OFFERTCHS	SD	57763	1625 2	
421 2	HERMAN	HEER		BOX 441	FICKMONT	SD	57735		
549 2	DARRELL F	HELMAN		BOX 402	FICKMONT	SD	57735		
1273 2	LEOLA D	HENDERSON	ATT 265	5141 INDIAN RIVER	EAS VEGAS	NV	89103		
1280 2	LOU W	HENRY		BOX 276	ARIMORE	SD	57715		
373 2	HENRY C	HOLTHOFFER		PENNEY ROUTE	FICKMONT	SD	57735		
1523 2		HU RANCH INC	SD CORPORATION	HC 59 BOX 102	FICKMONT	SD	57735		
730 2	DARRELL Z	HUNTER		BOX D	ARIMORE	SD	57715		
1641 2	JAMES/PAULINA	JACKINSON		HC 68 BOX 7	FAIRFIDE	NE	68351		
12720 2	JIM	KANE		BOX 124	PROVO	SD	57774		
323 2	COLE	KANNOIT	ATT 207	PLANTIE HOTEL	CHADRON	NE	62332		
1656 2	JOHN W	KOLLER		BOX 715	FICKMONT	SD	57735		
656 2	A J	LANDERS	STAR CATTLE CO	BOX 1528 HC 52	HOT SPRINGS	SD	57747		
1210 2	R L ALLEN	LAMPSECE		BOX 150	YLOKA	ND	58752		
676 2	MELVIN	LUIF			HOT SPRINGS	SD	57747		
12295 2	JOHN D(JACK)	MANKE	(ESTATE)	PR #1 BOX 1720	HOT SPRINGS	SD	57747		
11447 2	KENNETH	MARTINSON		BOX 301	FICKMONT	SD	57735		
785 2	ADRIITH W	MCMAIN		BOX 184	OFFERTCHS	SD	57763		
410 2	PAUL L	MEFFERD, JR		HC 42 BOX 22	PROVO	SD	57774		
1271 2	A J	NEELSON		PROVIA'S STAGE	MILES CITY	MT	59301		
2015 2		NEELSON & SON, INC		HC 59 BOX 16	FICKMONT	SD	57735		
1016 2	PAUL A JEAN	NETTY	A NORRBY NETTY	HC 52 BOX 136	HOT SPRINGS	SG	577475F03		
1716 2	MELVIN	PORTER		W10 RT BOX 17	FICKMONT	SD	57735		
731 2	RONALD	PUTNAM		BOX 188	OFFERTCHS	SD	57763	2013 2	
1256 2	CLYD	FRASER		HC 45 BOX 48	OFFERTCHS	SD	57763		
422 2	EDWARD/WANDA	REUTTER		HC 59 BOX 90	FICKMONT	SD	57735	1789 2	
221 2	EDNACE/NEFREI	REYNOLDS		HC 59 BOX 28	FICKMONT	SD	57735	231 2	
662 2	OLIVER W	ROMBY		BOX 175	OFFERTCHS	SD	57763		
718 2	VERNON	SCHROSE		ST RT BOX 155	HOT SPRINGS	SD	57747	1700 2	
1612 2		SEYER RANCH INC		BOX 95	OFFERTCHS	SD	57763	671 2	1837 2
527 2	BARNARD D	SIMONS		BOX 381	FICKMONT	SD	57735		
1712 2	ROBERT/MARK	TURNS		BOX 563	FICKMONT	SD	57735		
1014 2		WAR POWNEY RANCH LTD	BOX 132	105 E 5TH ST	MURDO	SD	57552		
322 2	VINCENT M	WASSERFUTLER		BOX 83	ARIMORE	SD	57715	853 2	2115 2

293-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: CHANCE/NETERI REYNOLDS
HCR 59 BOX 28
EDGEMONT SD 57735

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Violation of Requirement to Submit 1992 Irrigation Questionnaire

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 293-2 & 294-2. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 3, 1993, 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 SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 293-2 & 294-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
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. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, your name will be deleted from the Board agenda.

Is your RETURN ADDRESS completed on the reverse side?

- Complete Items 1 and/or 2 for additional services.
- Complete Items 3, 4 and 4a & b.
- 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):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

293-2

4a. Article Number

4a. Article Number: P906-560069

CHANCE/NETERI REYNOLDS
HCR 59 BOX 28
EDGEMONT SD 57735

4b. Service Type:

- 4b. Service type: ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

Date of Delivery
2-6-93 WF

5. Signature (Addressed)

5. Signature (Addressee)
[Handwritten Signature]

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)	
--	--

PS Form 3817, December 1991 ★ U.S.G.I.O.: 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



293-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 1993

NOTICE OF AMENDMENT TO WATER PERMIT(S)

TO: CHANCE/NETERI REYNOLDS
HCR 59 BOX 28
EDGEMONT, SD 57735

FROM: Ron Duvall, Natural Resources Engineer IV
Water Rights Division
(605) 773-3352 *Ron Duvall*

SUBJECT: Amendment to Water Permit No(s). 293-2 & 294-2

Pursuant to the provisions of the Notice dated January 29 1993, and following the hearing March 3, 1993, the Water Management Board has amended Water Permit No(s). 293-2 & 294-2 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 future irrigation questionnaires could result in suspension of the water permit and no use of water for up to one year for the first violation.

CERTIFICATION

I hereby certify that on March 9, 1993, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 9, 1993, regarding NOTICE OF AMENDMENT TO WATER PERMIT(S) addressed as stated below:

- 2440-3: Gordon Blume, RR 2, Box 60, Redfield, SD 57469.
 3005-3, 4255-3: Dan Hanson, RR 1, Box 6A, Elk Point, SD 57025.
 2374-3: Mike Wurtz-Jamesville Colony, RR 1, Box 51, Utica, SD 57067.
 876-1: Hazel Johnson, SR 2, Box 394, Spearfish, SD 57783.
 1113-3: Mercer Brothers, RR 1, Box 9B, Blunt, SD 57522.
 293-2, 294-2: Chance/Neteri Reynolds, HCR 59, Box 28, Edgemont, SD 57735.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
 COUNTY OF HUGHES)

Sworn to, before me, this 10th day of March, 1993.



John Hatch
Notary Public



293-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 12, 1993

293-2
294-2

NOTICE

TO: CHANCE/NETERI REYNOLDS
HCR 59 BOX 28
EDGEMONT, SD 57735

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

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

Effective immediately no diversions of water under your Water Right Nos. 293-2 and 294-2 are authorized. Your water rights are junior in priority to the US Bureau of Reclamation Water Right No. 579-2 (April 11, 1941 priority date). The Bureau of Reclamation water right for the Angostura Irrigation District allows one annual fill of the reservoir.

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

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

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

cc: US Bureau of Reclamation
Angostura Irrigation District

293-2

CERTIFICATION

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

Copy Sent To:

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

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

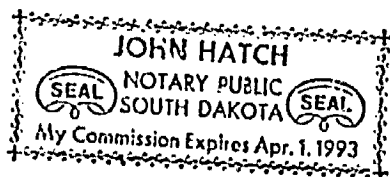
Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

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

John Hatch
Notary Public





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 14, 1993

293-2
294-2

RESCISSION OF SHUTOFF ORDER

TO: CHANCE/NETERI REYNOLDS
HCR 59 BOX 28
EDGEMONT, SD 57735

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

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

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

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

cc: US Bureau of Reclamation
Angostura Irrigation District



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

CHANCE/NETERI REYNOLDS
HCR 59 BOX 28
EDGEMONT SD 57735

NOTICE

RE: Violation of Water Permit No(s) 293-2 & 294-2.

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No(s) 293-2 & 294-2. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 293-2 & 294-2 qualification:

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

The hearing will be held at 9:30 am, March 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 S 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 SDCL 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) 293-2 & 294-2 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 3, 1995, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- 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):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: **293-2**

CHANCE/NETER REYNOLDS
HCR 59 BOX 28
EDGEMONT, SD 57735

4a. Article Number
9757566319

- 4b. Service Type
- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery
2-17-95

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

293-2

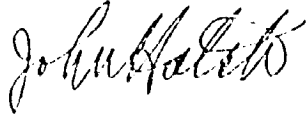


DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

March 14, 1995

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHTS

TO: Chance & Neteri Reynolds, HCR 59 Box 28, Edgemont, SD 57735

FROM: JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352 

SUBJECT: One Year Suspension of Water Right Nos. 293-2 and 294-2

Pursuant to the provisions of the notice dated February 7, 1995, and following the hearing of March 8, 1995, the Water Management Board has ordered:

That Water Right Nos. 293-2 and 294-2 be suspended until December 31, 1995. Suspension of the water rights does not excuse the water right holder from the requirement to submit the 1994 Irrigation Questionnaire.

Suspension of a water right or permit means water may not be pumped during the 1995 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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



293-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 15, 1995

293-2
294-2

NOTICE

TO: CHANCE/NETERI REYNOLDS
HCR 59 BOX 28
EDGEMONT, SD 57735

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

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

Effective immediately no diversions of water under your Water Right Nos. 293-2 and 294-2 are authorized. Your water right is junior in priority to the US Bureau of Reclamation Water Right No. US579-2 (April 11, 1941 priority date). Water Right No. US579-2 allows one annual fill of the reservoir.

On March 14, 1995, the water elevation in Angostura Reservoir was 7 feet and 30,000 acre feet below full. The Division of Water Rights, in cooperation with the Bureau of Reclamation, will closely monitor the reservoir storage level. If inflows increase and the reservoir will fill, this shutoff order will be rescinded. Any 1994 irrigation releases from the reservoir will be included in the inflow calculations.

The Division of Water Rights will monitor all water rights above Angostura Reservoir until the reservoir has filled. I am asking for your cooperation in complying with this order.

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

cc: US Bureau of Reclamation
Angostura Irrigation District



293-302

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 26, 1995

293-2
294-2

RESCISSION OF SHUTOFF ORDER

TO: CHANCE/NETERI REYNOLDS
HCR 59 BOX 28
EDGEMONT, SD 57735

FROM: *for* John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

Delvin D. Brosz

SUBJECT: Rescission of the Shutoff Order for Junior Water Right Holders Upstream of the Angostura Reservoir for 1995 Irrigation Season.

Recent wet conditions in the Upper Cheyenne River Basin have provided large inflows and the Angostura Reservoir is expected to fill shortly. The shutoff order for all junior water rights upstream of the reservoir is rescinded for the 1995 irrigation season.

If you have any questions, please contact Del Brosz or Rassool Ahadi, Division of Water Rights, 523 E. Capitol Ave., Pierre, SD 57501.

cc: US Bureau of Reclamation
Angostura Irrigation District



293-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 1997

293-2

294-2

Jerry DeFord
HC 59 Box 28
Edgemont, SD 57735

Dear Mr. DeFord:

I am contacting you in regard to Water Right Nos. 293-2 and 294-2, currently listed in the name of Chance and Neteri Reynolds. On January 21st, I spoke with Mrs. DeFord concerning any irrigation which may have occurred on the land during 1996. She indicated that you lease the property, but have not irrigated.

Enclosed are copies of the water rights for your review. I briefly explained to Mrs. DeFord what the water rights entail and what constitutes "legal excuse" for not irrigating. Under South Dakota Water Law, water must be placed to beneficial use at least once every three years in order for the water rights to remain valid. Legal excuse for nonuse of water suspends the three year period of nonuse. Legal excuses for nonuse of water include, but are not limited to the following:

- Unavailability of water to satisfy a permit or right;
- Legal proceedings which prevent the use of water; and
- Water use under existing climatic conditions would result in a waste of water.

Whether the water rights are subject to cancellation depends on if there was legal excuse for the three year period of nonuse. A review of our irrigation questionnaire records shows the last time the land was irrigated was in 1987. I, as a staff person, can not tell you whether or not a water right is valid. The Water Management Board is responsible for making these types of determinations.

Hopefully next summer, someone from our staff can stop out and visit with you regarding the water rights. We will also be in contact with Farm Credit Services in Pierre regarding ownership of the land. If I can answer any questions for you regarding the above information, please contact me.

Sincerely,

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

c: Marlin Norling, Farm Credit Services, PO Box 10, Pierre, SD 57501-0010 (w/copies)
Jeff Marvin, Receiver, PO Box 7713, Rapid City, SD 57709 (w/copies)

McMath, Genny

From: McMath, Genny
To: Grönlund, Eric
Subject: legal excuse/declaratory ruling
Date: Monday, April 21, 1997 4:09PM

When I get back to the office - I need to visit with you about the procedure for petitioning the WMB for a declaratory ruling.

I spoke with Martin w/Farm Credit Services about the Chance and Neteri Reynolds property. He inquired if the permits were in jeopardy of being cancelled. I told him it would depend on use and legal excuse for the years the land had not been irrigated. He said the reason it's not being irrigated now is because the current tenants are "short time" leasors and are not willing to spend the money to irrigate if they will not get any benefit out of it. I told him I did not know if that type of situation would be legal excuse or not. He said the land is in foreclosure and the Reynolds have a 180 day redemption period. At any rate - the land may be auctioned by this time in 1998.....

I told him to ensure water rights were intact for the land, he (or the new owner) would have to petition the WMB for a declaratory ruling. He said he would do this a couple months ahead of when they needed to know.

My thought is that we should write him now and let him know the process and the time frames involved for doing this. That way he wouldn't have any surprises close to auction time.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 26, 1997

Marlin Norling
Credit Services
PO Box 10
Pierre, SD 57501-0010

Dear Mr. Norling:

I am contacting you as a follow-up to our phone conversation last week on the status of Water Right Nos. 54-2, 293-2 & 294-2, currently in the name of Chance and Neteri Reynolds. I have compiled and enclosed the irrigation questionnaires for Water Right Nos. 293-2 & 294-2 that we have on file for the years 1982 to present.

Irrigation questionnaires are submitted each fall by irrigators to reflect that season's water use. You will note that there is not a questionnaire for each year. I believe this is because a questionnaire was not submitted the year that Mr. Reynolds took possession of the property and there was a period during 1994 and 1995 when the water rights were suspended for failure to submit previous year's questionnaire.

I encourage you to review the questionnaires. Specifically, make note of the comment section on the form. The comment section provides insight into whether legal excuse exists for nonuse of water in a given year (ie. adequate rainfall that year or insufficient stream flow).

Mr. Norling, I know you want a Water Rights Program determination on the validity of these water rights. However, only the Water Management Board can make this type of official determination. Unfortunately, it is not possible to get this type of Board determination prior to land being auctioned the first week in October. What I have attempted to do in our phone conversation is inform you of what might subject a water right to cancellation and what constitutes legal excuse for nonuse of water. Water Right No. 54-2, 293-2 & 294-2 are currently water rights on file with the Water Rights Program. If there has been three years of nonuse of water without legal excuse in the past history, the water rights may be subject to cancellation for nonuse.

Finally, I am enclosing some of the statutes that are pertinent to our discussion. Please feel free to contact me 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

FACSIMILE TRANSMITTAL COVER SHEET

TRANSMITTAL DATE: October 1, 1997

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: Jim Strain

PHONE: 605 342-2509

FAX: same

MESSAGE:

Jim: I am forwarding three letters in our files pertaining to the Chance and Neteri Reynolds property in Fall River County. I believe the letters address your questions concerning Water Right Nos. 54-2, 293-2 and 294-2.

To summarize the letters and our current position - we, as a staff, can not address validity issues. The Water Management Board is the entity making this type of determination. Whether or not the water rights are valid is dependent on past water use.

FROM: GENNY MCMATH **AGENCY:** DENR - WATER RIGHTS PROGRAM

ADDRESS: JOE FOSS BUILDING, 523 E CAPITOL, PIERRE, SD 57501-3181

PHONE: (605) 773-3352

FAX: (605) 773-4068

****THIS TRANSMISSION INCLUDES 4 PAGES INCLUDING THIS PAGE****

IF THERE IS ANY PROBLEM WITH THIS TRANSMITTAL, PLEASE CALL (605) 773-3352.

THANK YOU



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 14, 1997

54-2
293-2
294-2

Jim Strain
500½ W Blvd, Suite 3
Rapid City, SD 57701

Dear Mr. Strain:

Enclosed, as you requested, are copies of Water Right Nos. 54-2, 293-2 and 294-2. I included past copies of ownership changes and maps of the area.

Also enclosed, are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with each of the water rights. These forms should be reviewed for accuracy and completed as needed. Upon completion, they will need to be signed in the presence of a notary, by the new owner(s). A filing fee of \$2.50 is required for each transfer (total of \$7.50).

Please keep in mind that filing ownership changes on these water rights does not insure their validity. As we have discussed, whether or not the water rights are valid is dependent on past water use and subsequent legal excuse. The new owner(s) should be made aware of these issues.

If you have any questions, please give us a call.

Sincerely,

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

enclosures

JIM STRAIN & ASSOCIATES

500 1/2 West Blvd. - Suite 3
Rapid City, SD 57701
Phone (605) 342-0922

Agriculture Land Brokers

"We Know Ranches"

November 22, 1997



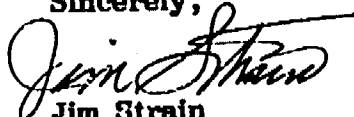
Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501 - 3181

Dear Sir/Madam:

Please find enclosed three Notice of Transfer of Ownership forms in connection with lands recently acquired by Allen L. Scovel, Trustee. Please process these transfers and you may either send them to Mr. Scovel or myself at the address on this letterhead. I am Mr. Scovel's ranch manager, which is why you are receiving the forms from me.

Thank you for your attention to this matter.

Sincerely,


Jim Strain
enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 9, 1997

54-2
293-2
294-2

Allen L. Scovel, Trustee
2902 West Main St
Rapid City, SD 57702

Dear Mr. Scovel:

Enclosed, as we discussed, are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with Water Right Nos. 54-2, 293-2 and 294-2. These water rights are currently listed in the name of Chance and Neteri Reynolds.

On November 24th, Jim Strain filed transfer notices for these water rights on your behalf. I am returning these documents to you. Ownership changes need to be signed by the new owner rather than the old owner.

Please review the transfer forms (new set) and make any necessary corrections. Upon completion, please sign the forms in the presence of a notary and return them to our office with a required filing fee of \$2.50 each (total of \$7.50). The set of transfer forms filed by Mr. Strain did not include filing fees.

Thank you for your assistance and if you have any questions, please contact me.

Sincerely,

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

encl

SCOVEL LAW OFFICE

DAKOTA PROFESSIONAL BUILDING
2902 WEST MAIN STREET
RAPID CITY, SOUTH DAKOTA 57702

AL SCOVEL
Attorney

Telephone (605) 343-6336
Fax (605) 343-5378

December 18, 1997

Genny McMath
Environmental Scientist
Department of Environment
and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

RE: Water Rights Transfers
My file No. 96-40

Dear Ms. McMath:

I have enclosed herewith pursuant to your request executed Notice of Transfer of Ownership No. 54-2, Notice of Transfer of Ownership No. 293-2, and Notice of Transfer of Ownership No. 294-2. I have also enclosed draft # 1195 in the amount of \$7.50 for the filing fee.

Kindest regards,



Al Scovel

AS:ljo
Enclosure



NOTICE OF TRANSFER OF OWNERSHIP

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

No. 293-2



Date: 12-18-97

I/We request that Water Right No. 293-2

formerly owned by: Chance & Neteri Reynolds (later owned by Farm Credit Services)

be transferred to: (name & address) Allen L Scovel, Trustee, 2902 West Main St., Rapid City, SD 57702

Telephone No. (605) 343-6336

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

S $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ W $\frac{1}{4}$ Section 30 and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, T6S, R1E

I/We understand that the validity of Water Right No. 293-2 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 attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Pennington)

I/We Allen L Scovel, Trustee 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.

Allen L Scovel, Trustee
(Signed)

Subscribed and sworn to before me this 18th day of December, 19 97.

Louetta J. Olson
(Notary Public)

My Commission Expires 10-3-2000

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

Water Rights Program

South Dakota Department of Environment and Natural Resources

415563

Pierre, December 19, 19 97

RECEIVED OF Allen L. Scovel, Trustee, 2902 West Main St., Rapid City, SD 57702
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form _____ Water Right No. 293-2

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By _____
Chief Engineer

Jed Hatch (S)

293-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 17, 1998

Nos. 54-2

293-2

294-2

Allen L. Scovel, Trustee
2902 West Main Street
Rapid City, SD 57702

Dear Mr. Scovel:

Enclosed are receipts in the amount of \$2.50 which you paid for the transfer of Water Right Nos. 54-2, 293-2 and 294-2.

Our records now show you as the owner of Water Right Nos. 54-2, 293-2 and 294-2.

Sincerely,

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

enclosure

293-2

SCOVEL LAW OFFICE
DAKOTA PROFESSIONAL CENTER
2902 WEST MAIN STREET, SUITE 1
RAPID CITY, SD 57702-8174

AL SCOVLL
ATTORNEY AT LAW

TELEPHONE (605) 343-6336
FAX (605) 343-5379

October 20, 1998

John Hatch, Chief Engineer
Water Rights Program
Dept. of Environment &
Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181



Re: Al Scovel, Trustee
My File No. A96040

Dear Mr. Hatch:

Please be advised that all future correspondence from your department should be directed to Steve Zellmer, Dakota Cement Plant, at P.O. Drawer 360, Rapid City, South Dakota 57702. The reason for this is that when I purchased this land I was acting as trustee on behalf of the Dakota Cement Plant.

Accordingly, as I say, please direct all future correspondence directly to Steven Zellmer at the Dakota Cement Plant as above designated.

If you have any questions in this regard, please feel free to give me or Steve Zellmer a call.

Kindest regards,

AL SCOVEL

AS/dmw

cc: Steve Zellmer
James S. Nelson



293-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3101
www.state.sd.us/denr

November 30, 1998

54-2
293-2
294-2

Jim Strain, Manager
Dakotah Cement Plant
500 1/2 W Blvd, Suite 3
Rapid City, SD 57701

Dear Mr. Strain:

Enclosed, as we discussed, are partially completed "Notice of Transfer of Ownership" forms for use in transferring Water Right Nos. 54-2, 293-2 and 294-2 to the Cement Plant.

Please review the forms and make any necessary corrections. You will need to fill in the portion titled "be transferred to: (name & address)....".

Upon completion, please sign the forms in the presence of a notary and return them to our office. A filing fee will not be required.

If you have any questions, please contact me.

Sincerely,

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

NOTICE OF TRANSFER OF OWNERSHIP

No. 293-2

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

Date: December 8, 1998



I/We request that Water Right No. 293-2

formerly owned by: Allen L Scevel, Trustee

be transferred to: (name & address) State of South Dakota, acting by and through the State Cement Plant

Telephone No. (605) 394-5200

Commission, d/b/a Dacotah Cement

PO Box 360, Rapid City, SD 57709

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

43.1 acres - S 1/4 SW 1/4 and NE 1/4 SW 1/4 Section 30 and NW 1/4 NW 1/4 Section 31, T6S, R1E

I/We understand that the validity of Water Right No. 293-2 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 Pennington)

I/We Steve Zellmer

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.

(Signed)

Subscribed and sworn to before me this 7th day of December, 19 98.

(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.



293-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 8, 1998

54-2
293-2
294-2

Steve Zellmer
Dakotah Cement
PO Box 369
Rapid City, SD 57709-0360

Dear Mr. Zellmer:

Thank you for sending in the transfer of ownership forms for Water Right Nos. 54-2, 293-2 and 294-2. The transfers have been completed and the water rights are now listed as "State of South Dakota, acting by and through the State Cement Plant Commission, dba Dakotah Cement".

All correspondence will be directed to "Dakotah Cement" in care of you. If you have any questions concerning the water rights or the transfers, please get in touch with me.

Sincerely,

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

Department of Environment and Natural Resources
Air and Surface Water Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181
Telephone: (605) 773-3351



STATE OF SOUTH DAKOTA
BEFORE THE SECRETARY OF
THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

IN THE MATTER OF THE	)	CERTIFICATION OF
APPLICATION OF <u>GCC DACOTAH, INC.</u>	)	
See Exhibit A attached hereto	)	APPLICANT
<u>(FACILITY NAME)</u>	)	
STATE OF _____	)	
COUNTY OF _____	) SS	

I, GCC DACOTAH, INC., the applicant in the above matter after being duly sworn upon oath hereby certify the following information in regard to this application:

South Dakota Codified Laws Section 1-40-27 provides:

"The secretary may reject an application for any permit filed pursuant to Titles 34A or 45, including any application by any concentrated swine feeding operation for authorization to operate under a general permit, upon making a specific finding that:

(1) The applicant is unsuited or unqualified to perform the obligations of a permit holder based upon a finding that the applicant, any officer, director, partner or resident general manager of the facility for which application has been made:

- (a) Has intentionally misrepresented a material fact in applying for a permit;*
- (b) Has been convicted of a felony or other crime involving moral turpitude;*
- (c) Has habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage;*
- (d) Has had any permit revoked under the environmental laws of any state or the United States; or*
- (e) Has otherwise demonstrated through clear and convincing evidence of previous actions that the applicant lacks the necessary good character and competency to reliably carry out the obligations imposed by law upon the permit holder; or*

(2) The application substantially duplicates an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Nothing in this subdivision may be construed to prohibit an applicant from submitting a new application for a permit previously denied, if the new application represents a good faith attempt by the applicant to correct the deficiencies that served as the basis for the denial in the original application.

All applications filed pursuant to Titles 34A and 45 shall include a certification, sworn to under oath and signed by the applicant, that he is not disqualified by reason of this section from obtaining a permit. In the absence of evidence to the contrary, that certification shall constitute a prima facie showing of the suitability and qualification of the applicant. If at any point in the application review, recommendation or hearing process, the secretary finds the applicant has intentionally made any material misrepresentation of fact in regard to this certification, consideration of the application may be suspended and the application may be rejected as provided for under this section.

Applications rejected pursuant to this section constitute final agency action upon that application and may be appealed to circuit court as provided for under chapter 1-26."

Pursuant to SDCL 1-40-27, I certify that I have read the forgoing provision of state law, and that I am not disqualified by reason of that provision from obtaining the permit for which application has been made.

Dated this 08 day of March, 192001

GCC DACOTAH, INC.

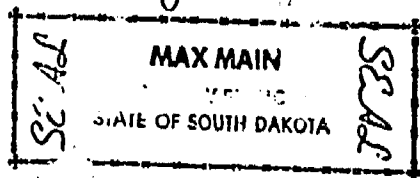
By: Martha Rodriguez
Applicant Martha Rodriguez, Treasurer

Subscribed and sworn before me this 13th day of March, 192001

Max Main
Notary Public

My commission expires: May 15, 2002

(SEAL)



PLEASE ATTACH SHEET DISCLOSING ALL FACTS PERTAINING TO
SDCL 1-40-27 (1) (a) THROUGH (c).
ALL VIOLATIONS MUST BE DISCLOSED, BUT WILL NOT
AUTOMATICALLY RESULT IN THE REJECTION OF AN APPLICATION.

LAW OFFICES OF
BENNETT, MAIN, BAILEY & GUBBRUD
A PROFESSIONAL CORPORATION
618 STATE STREET

BELLE FOURCHE, SOUTH DAKOTA 57717-1489

TEL (605) 892-2011

FAX (605) 892-4084

Email: bellelaw@bellelaw.com

MAX MAIN*
KEVIN S. BAILEY
DWIGHT A. GUBBRUD
*ALSO LICENSED IN WYOMING

RETIRED
DOHN BENNETT

March 20, 2001



Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3182

**RE: State Cement Plant Commission - GCC Dacotah, Inc. Water
Right Transfers.**

Dear Chief Engineer:

Enclosed are original NOTICES OF TRANSFER OF OWNERSHIP for the
following water rights:

1. Vested Water Right No. 815-2.
2. Water Right No. 54-2.
3. Water Right No. 293-2.
4. Water Right No. 294-2.

Also enclosed is a check payable to the order to SDDENR in the amount of \$10
as payment of the filing fees for the transfers. Please return confirmation of the
change in ownership to me at the above address.

Thank you for your assistance, and if you have any questions, please feel free
to contact me.

Sincerely,

BENNETT, MAIN, BAILEY & GUBBRUD, P.C.

Max Main

MM/njo

cc (via fax): Jim Nelson
Lori Anne Czepiel
Gene Nelson

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 293-2

Date: Mar. 16, 2001



I/We request that Water Right No. 293-2

formerly owned by: the State of South Dakota, acting by and through the State Cement Plant Commission, dba Dacotah Cement

be transferred to: (name & address) CCC Dacotah, Inc. d/b/a Dacotah Cement

PO Drawer 360, Rapid City, SD 57709-0360

Telephone No. (605) 394-5200

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

43.1 acres - S 1/2 SW 1/4 and NE 1/4 SW 1/4 Section 30; NW 1/4 NW 1/4 Section 31, T6S, R1E

I/We understand that the validity of Water Right No. 293-2 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 Pennington)

I/We Manuel A. Milan 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.

CCC Dacotah, Inc.

(Signature of new owner)

Manuel Milan
President

Subscribed and sworn to before me this 15 day of March, 2000.

(Notary Public)

Notary Public
Commission Expires April 7, 2000

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

Water Rights Program

South Dakota Department of Environment and Natural Resources

112 416808

Pierre, March 22, 20 01

RECEIVED OF Bennett, Main, Bailey & Gub, rd, 618 State St., Belle Fourche, SD 57717 (G.C. Dakota)
the following amount in fees for services rendered as provided for by law: (State Cement Plant)

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____ 293-2	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By

David Erbe

Chief Engineer

gm

LAW OFFICES OF
BENNETT, MAIN, BAILEY & GUBBRUD
A PROFESSIONAL CORPORATION
618 STATE STREET

BELLE FOURCHE, SOUTH DAKOTA 57717-1489

TEL (605) 892-2011

FAX (605) 892-4084

Email: bellelaw@bellelaw.com

MAX MAIN*

KEVIN S. BAILEY

DWIGHT A. GUBBRUD

*ALSO LICENSED IN WYOMING

RETIRED
DOHN BENNETT

March 27, 2001

S.D. Department of Environment & Natural Resources
Attn: Tim Tollefsrud
Joe Foss Bldg.
523 E. Capitol
Pierre, SD 57501-3181



RE: Sale of Dacotah Cement to GCC Dacotah, Inc.

Dear Tim:

As a followup to Talbot Wieczorek's March 2, 2001 letter to you, please be advised that the sale from the South Dakota State Cement Plant Commission to GCC Dacotah, Inc. closed Friday, March 16, 2001.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

BENNETT, MAIN, BAILEY & GUBBRUD, P.C.

A handwritten signature in cursive script that reads "Max Main".

Max Main

MM/ra

cc: Gene Nelson @ Dacotah Cement



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 5, 2001

Gene Nelson
Dacotah Cement
PO Drawer 360
Rapid City, SD 57709-0360

Dear Mr. Nelson:

Enclosed is a copy of the letter sent to Max Main verifying that the water rights and the vested water right once held by the State Cement Plant were transferred to GCC Dacotah, Inc., d/b/a Dacotah Cement.

Also enclosed is a sample copy of the yearly irrigation questionnaire. Two of the water rights (Nos. 293-2 and 294-2 -- in Custer County) contain a qualification that requires submission of the annual irrigation questionnaire. I am sending you the sample copy of the form as a reminder of what type of information to keep track of during the irrigation season. The actual forms that need completion will be mailed to you in October 2001.

If I can answer any questions for you, please get in touch with 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

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

April 5, 2001

Max Main
Bennett, Main, Bailey & Gubbrud, PC
618 State St
Belle Fourche, SD 57717-1489

RE: State Cement Plant – GCC Dacotah, Inc
Vested Water Right No. 815-2, Water Right Nos. 54-2, 293-2 & 294-2

Dear Mr. Main:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" forms and filing fees you submitted for Vested Water Right No. 815-2, and Water Right Nos. 54-2, 293-2 and 294-2.

The ownership changes have been completed. Vested Water Right No. 815-2 and Water Right Nos. 54-2, 293-2 and 294-2, once held by the State Cement Plant are now listed in the name of GCC Dacotah, Inc., d/b/a Dacotah Cement.

Enclosed are your Receipt Nos. 416806, 416807, 416808 and 416809 in the amount of \$2.50 each. If we can answer any questions for you concerning the ownership changes or the water rights in general, please get in touch with us.

Sincerely,

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

c: Gene Nelson



293-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2004

NOTICE

TO: GCC DACOTAH, INC, STEVE ZELLMER, PO BOX 360, RAPID CITY, SD 57709 0360

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 293-2 & 294-2. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 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) 293-2 & 294-2 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 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) 293-2 & 294-2 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 February 27, 2004, 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.



293-2

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 9104

Your item was delivered at 6:46 am on January 15, 2004 in RAPID CITY, SD 57709. The item was signed for by C EVANS.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email

[What is this?](#)

[Go >](#)

▶ Request Proof of Delivery

[What is this?](#)

[Go >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)



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SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 9104

GCC DACOTAH, INC
STEVE ZELLMER
PO BOX 360
RAPID CITY SD 57709 0360

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

Keep this receipt. For inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

☐ Priority Mail®
☐ Package Services

293-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 2004

293-2

294-2

Steve Zellmer
GCC Dacotah, Inc
PO Box 360
Rapid City SD 57709 0360

Dear Mr. Zellmer:

I am writing to acknowledge receipt of your 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right Nos. 293-2 and 294-2.

I completed questionnaires for you based on a January 20th telephone conversation between Jim Strain and Ron Duvall with our program. The questionnaires reflect that no irrigation took place in 2003. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you and if you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 30, 2004

NOTICE OF SHUTOFF ORDER

TO: GCC DACOTAH, INC
STEVE ZELLMER
DBA DACOTAH CEMENT
PO DRAWER 360
RAPID CITY SD 57709

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. 293-2, 294-2

To protect the US Bureau of Reclamation's Water Right No. US579-2 for Angostura Reservoir with a senior priority date of April 11, 1941, the Bureau of Reclamation has asked that we issue shutoff orders for junior water right holders. Effective immediately no diversions of water from the Cheyenne River and tributaries by holders of junior water rights upstream of Angostura Dam will be allowed. On April 30, 2004, the water elevation in Angostura Reservoir was 3179.1 feet, a little over 8 feet below the full elevation of 3187.2 feet. Current storage is at 96,912 acre-feet, about 33,850 acre-feet below full and inflows are only about 38 acre-feet per day.

The Angostura Reservoir storage level will be closely monitored and if the Cheyenne River flows upstream of dam increase such that the reservoir will fill, this shutoff order will be rescinded at that time. If conditions do not improve, this order will remain in effect until December 31, 2004.

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



293-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 15, 2005

NOTICE OF SHUTOFF ORDER

TO: GCC DACOTAH, INC
STEVE ZELLMER
DBA DACOTAH CEMENT
PO DRAWER 360
RAPID CITY SD 57709

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

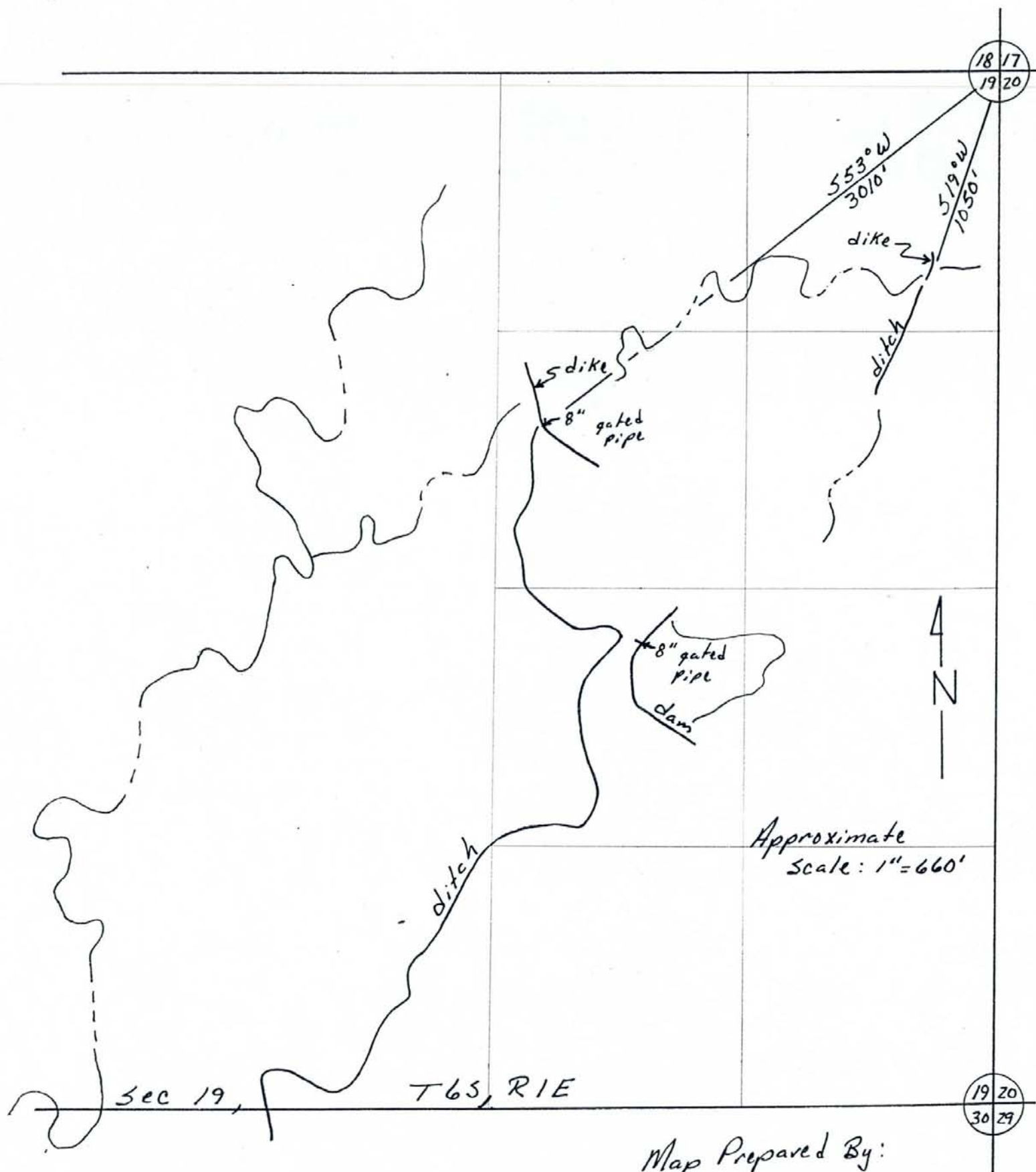
SUBJECT: Shutoff Order for Junior Priority Date Water Rights Upstream of
Angostura Dam

Shutoff Order for Water Right Nos. 293-2, 294-2

To protect the US Bureau of Reclamation's Water Right No. US579-2 for Angostura Reservoir with a senior priority date of April 11, 1941, the Bureau of Reclamation has asked that we issue shutoff orders for junior water right holders. Effective immediately no diversions of water from the Cheyenne River and tributaries by holders of junior water rights upstream of Angostura Dam will be allowed. On March 8, 2005, the water elevation in Angostura Reservoir was 3169.5 feet, almost 18-feet below the full elevation of 3187.2 feet. Storage is at 65,521 acre-feet, about 73,240 acre-feet below full and inflows are 14.9 acre-feet per day.

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

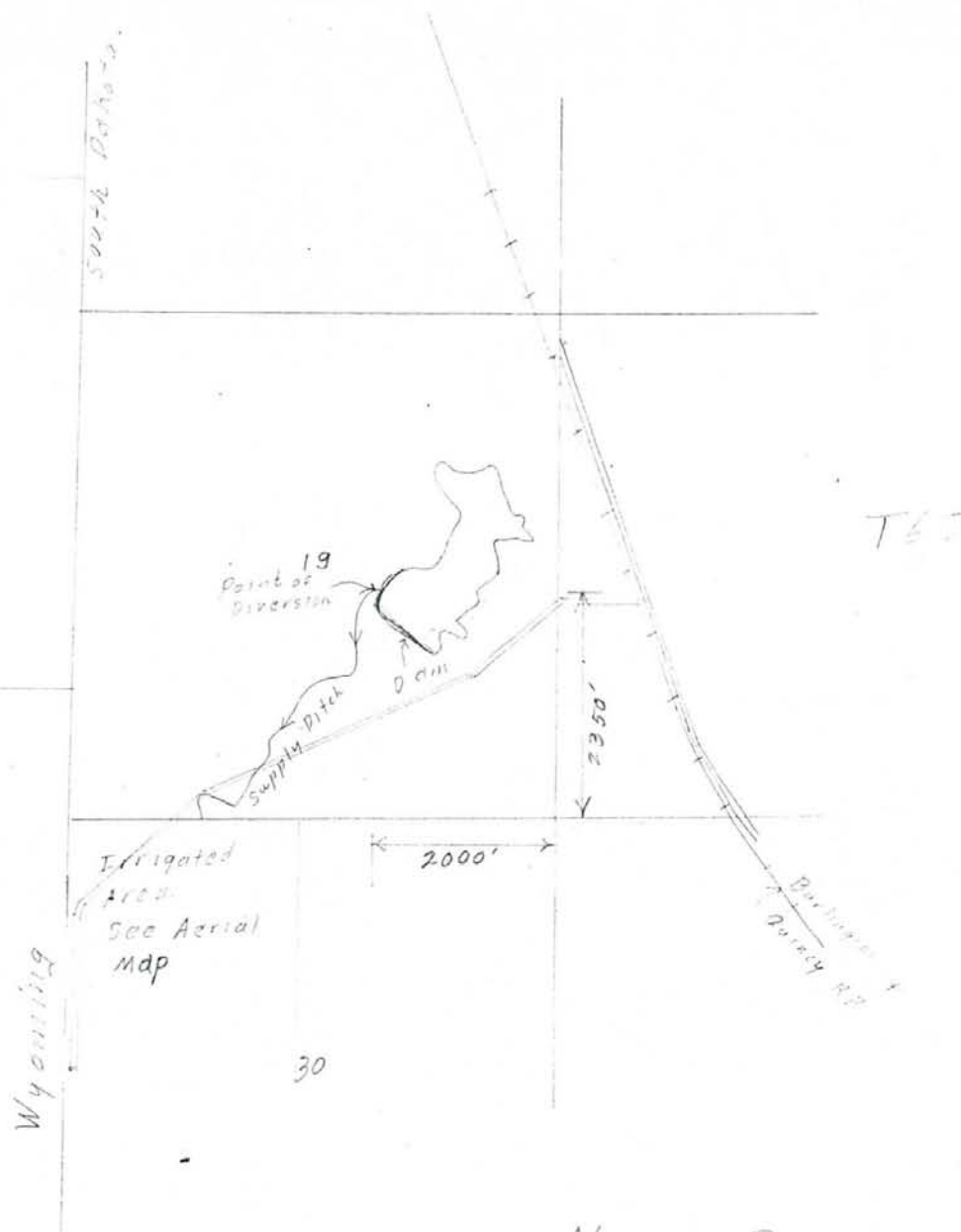
I am asking for your cooperation in complying with this shutoff order. If you have any questions, please contact Mark Rath or Don Stroup with the Water Rights Program at (605) 773-3352. Thank you.



Map Prepared By:
Delvin W. Brong, P.E.
Hydrologist
Division of Water
Rights

293-2 License No. 54-2

R I E

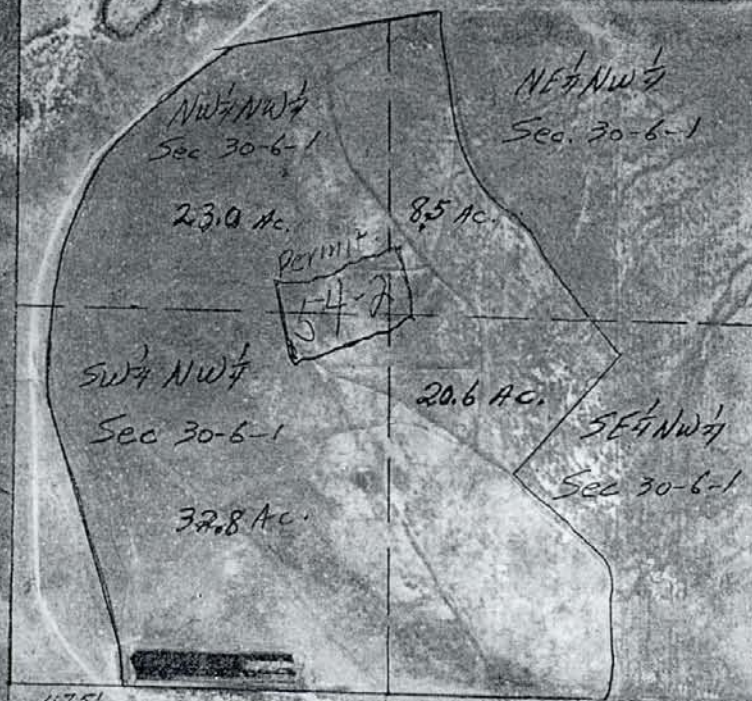


Norris Darrow
Permit # 54-2

Overlay of USGS Map
scale 1" = 2000 ft

K 1 E.

Norris Darrow



T 6 S

30



293-2



United States Department of the Interior



IN REPLY REFER TO:

DK-700
PRJ 13.00

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

FEB 24 2006

RECEIVED
FEB 27 2006
WATER RIGHTS
PROGRAM

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

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

Dear Mr. Erbele:

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

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

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

Sincerely,

For Jeffrey L. Nettleton
Rapid City Field Office Manager

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 10, 2006

NOTICE OF SHUTOFF ORDER

TO: GCC DACOTAH, INC
STEVE ZELLMER
DBA DACOTAH CEMENT
PO DRAWER 360
RAPID CITY SD 57709

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. (293-2) 294-2

To protect the US Bureau of Reclamation's Water Right No. US579-2 for Angostura Reservoir with a senior priority date of April 11, 1941, the Bureau of Reclamation has asked that we issue shutoff orders for junior water right holders. Effective immediately no diversions of water from the Cheyenne River and tributaries by holders of junior water rights upstream of Angostura Dam will be allowed. On March 7, 2006, the water elevation in Angostura Reservoir was 3170.3-feet, almost 17-feet below the full elevation of 3187.2-feet. Storage is at 64,524 acre-feet, about 74,237 acre-feet below full. Angostura Reservoir is not expected to fill with the current low inflows.

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 9, 2007

NOTICE OF SHUTOFF ORDER

TO: GCC DACOTAH, INC
PO DRAWER 360
RAPID CITY, SD 57709

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. 293-2294-2

To protect the US Bureau of Reclamation's Water Right No. US579-2 for Angostura Reservoir with a senior priority date of April 11, 1941, the Bureau of Reclamation has asked that we issue shutoff orders for junior water right holders. Effective immediately no diversions of water from the Cheyenne River and tributaries by holders of junior water rights upstream of Angostura Dam will be allowed. On March 9, 2007, the water elevation in Angostura Reservoir was 3166.9-feet, 20.3-feet below the full elevation of 3187.2-feet. Storage is at 51652 acre-feet, about 87109 acre-feet below full. Angostura Reservoir is not expected to fill with the current low inflows.

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 19, 2008

NOTICE OF SHUTOFF ORDER

TO: GCC DACOTAH, INC
DBA DACOTAH CEMENT
PO DRAWER 360
RAPID CITY SD 57709

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. 293-2, 294-2

The US Bureau of Reclamation holds Water Right No. US579-2 for Angostura Reservoir with a senior priority date of April 11, 1941. To protect this right, the Bureau of Reclamation has asked that we issue shutoff orders for junior water right holders. Effective immediately no diversions of water from the Cheyenne River and tributaries by holders of water rights junior to the priority date of April 11, 1941 upstream of Angostura Dam will be allowed. On March 17, 2008, the water elevation in Angostura Reservoir was 3168.8-feet, 18.4-feet below the full elevation of 3187.2-feet. Storage is at 56785 acre-feet, about 66263 acre-feet below full. Angostura Reservoir is not expected to fill with the current low inflows.

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 19, 2009

NOTICE OF SHUTOFF ORDER

TO: STEVE ZELLMER
GCC DACOTAH, INC
PO DRAWER 360
RAPID CITY SD 57709

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. 293-2, 294-2

The US Bureau of Reclamation holds Water Right No. US579-2 for Angostura Reservoir with a senior priority date of April 11, 1941. To protect this right, the Bureau of Reclamation has asked that we issue shutoff orders for junior water right holders. Effective immediately no diversions of water from the Cheyenne River and tributaries by holders of water rights junior to the priority date of April 11, 1941 upstream of Angostura Dam will be allowed. On March 18, 2009, the water elevation in Angostura Reservoir was 3176.7-feet, 10.5-feet below the full elevation of 3187.2-feet. Storage is at 80792 acre-feet, about 42256 acre-feet below full. Angostura Reservoir is not expected to fill with the current low inflows.

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 06, 2013

NOTICE OF SHUTOFF ORDER

TO: GCC DACOTAH INC
STEVE ZELLMER
DBA DACOTAH CEMENT
PO DRAWER 360
RAPID CITY SD 57709

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. 294-2 (293-2)**

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

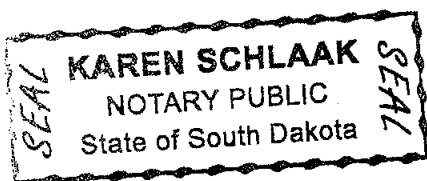
SCHNOSE	VERNON	12685 MAITLAND RD	HOT SPRINGS	SD	57747
SEABECK	DORIS SEABECK &	2533 PARK AVE	LARAMIE	WY	82070
SIMONS	THOMAS	BOX 381	EDGEMONT	SD	57735
TUBBS LAND & CATTLE LLC	BERNARD D	10891 RIVER RD	EDGEMONT	SD	57735
WALKER	FRED S & CYNTHIA K	30301 CASCADE RD	ARDMORE	SD	57735
WYOMING DAKOTA RAILROAD	WAYNE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



File No. 293-2
294-2

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Eric W/ GCC Dacotah Inc (DBA Dakotah Cemnet)

DATE: 12-12-2023

TELEPHONE: 605.721.7033

RE: Status of irrigation system

COMMENTS:

293-2 & 294-2 had irrigation system that washed away years ago. Fields have been producing alfalfa w/o the assistance of an irrigation system claiming "sufficient moisture". Looking to rebuild system for 2025 season. Planning to follow up in December 2024. If no system is going to be constructed, the owners understand that 293-2 & 294-2 will be subject to cancellation.



Amanda Dewell
Water Rights Program

Dewell, Amanda

293-2 / 294-2

From: Hoon Erick <ehoon@gcc.com>
Sent: Monday, December 1, 2025 10:26 AM
To: Dewell, Amanda
Subject: Re: [EXT] GCC Dacotah Water Rights

Amanda,

Looking at previous years, it has either been 'system not constructed' or 'sufficient moisture' and I can't define the last time it was used.

With that being said, I would say that we can apply for it again, if needed, in the future if a future tenant of the land would like to do irrigation again.

Thanks,



Erick Hoon
Environmental Engineer – Dacotah

C: 605-252-0411

GCC.com

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Monday, November 24, 2025 12:25 PM
To: Hoon Erick <ehoon@gcc.com>
Subject: RE: GCC Dacotah Water Rights

CAUTION: EXTERNAL SENDER. Please do not click on links or open attachments from senders you do not trust.
PRECAUCIÓN: REMITENTE EXTERNO. Por favor, no abra links o archivos adjuntos de remitentes que no conozca.

Erick,

I appreciate you reaching out and understand that you need to take some time to discuss things. To answer your question, if the Water Management Board moved to cancel this water right, there would be nothing preventing you or future owners from applying for a new permit.

Amanda Dewell
DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



From: Hoon Erick <ehoon@gcc.com>
Sent: Friday, November 21, 2025 12:55 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: [EXT] GCC Dacotah Water Rights

Amanda,

I received your letter regarding the possible cancellation of rights for our Custer Property due to non-use.

I would like to verify a few things after Thanksgiving and will get back to you regarding this matter.

One question I had was if it were to get cancelled, is it something that could easily be obtained again in the future if we would like to pursue irrigation again?

Regards,

Erick Hoon

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 05, 2026

TO: GCC DACOTAH INC
PO BOX 360
RAPID CITY, SD 57709

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

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

Shutoff Order for Water Permit No(s). 293-2 and 294-2

The US Bureau of Reclamation holds Water Right No. US579-2 for Angostura Reservoir with a senior priority date of April 11, 1941. To protect this right, the Water Rights Program is issuing shutoff orders for junior water right holders. Effective immediately no diversions of water from the Cheyenne River or its tributaries, by holders of water rights junior to the priority date of April 11, 1941, upstream of Angostura Dam will be allowed. On June 03, 2026, the water elevation in Angostura Reservoir was 3173.87-feet, 13.3-feet below the fill elevation of 3187.2-feet (top of the conservation pool). Storage was at 71,519.0 acre-feet, which is approximately 51,529 acre-feet below full. At this time, Angostura Reservoir is not expected to fill with the current low inflows.

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

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

We would appreciate it if you would call Nakaila in our Rapid City office and provide an up-to-date phone number and email for faster communication on this matter. Thank you.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

September 4, 2026

NOTICE OF CANCELLATION

TO: GCC Dacotah Inc. (dba Dacotah Cement), c/o Steve Zellmer
PO Box 360, Rapid City SD 57709

FROM: Amanda Dewell, Permitting Administrator
SD DANR - Water Rights Program

SUBJECT: Cancellation of Water Right Nos. 293-2 & 294-2

Water Right No. 293-2 authorizes the diversion of 0.61 cubic feet of water per second from Beaver Creek, for the irrigation of 43.1 acres location in portions of the SW ¼ Section 30 & NW ¼ NW ¼ Section 31; all in T6S-R1E, Custer County, South Dakota. Water Right No. 294-2 authorizes the diversion of 14.8 cubic feet of water per second from Beaver Creek, for flood irrigation of 35 acres located in the SW ¼ Section 30-T6S-R1E, Custer County, South Dakota. Water Rights Program staff had an email correspondence with Erick Hoon (Dacotah - Environmental Engineer), who stated that the irrigation systems washed away years ago, and there are no plans to rebuild at this time. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Right Nos. 293-2 & 294-2 due to abandonment, or forfeiture, or both.

The Water Management Board will consider cancellation of Water Right Nos. 293-2 & 294-2 at **9:30 am, Wednesday, October 7, 2026 (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate, and the actual time of hearing may be later*).

The recommendation of the acting 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 Nos. 293-2 & 294-2 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by these water rights. If you wish to oppose the cancellations 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 acting Chief Engineer by September 14, 2026. 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 hearing 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-8; 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.

September 4, 2026
Water Right Nos. 293-2 & 294-2

This hearing is an adversarial proceeding. 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 acting 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 acting Chief Engineer by September 14, 2026.

Prior to September 14, 2026, 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.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by September 14, 2026.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF ACTING CHIEF ENGINEER
FOR WATER RIGHT NOS. 293-2 & 294-2, GCC DACOTAH INC.**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Right Nos. 293-2 & 294-2.

When Water Rights Program staff contacted GCC Dacotah Inc. (dba Dacotah Cement) regarding the extended period of non-use under Water Right Nos. 293-2 & 294-2, it was reported that the corresponding systems had washed out many years ago. The water right holder was understanding and agreeable to the cancellation.

The acting Chief Engineer is recommending cancellation of the above water rights due abandonment, or forfeiture, or both.

Adam Mathiowetz, PE, Acting Chief Engineer
September 4, 2026

Note:

Cancellation of Water Right Nos. 293-2 & 294-2 does not prohibit a new application for this project in the future.

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally deposited a true and correct NOTICE OF CANCELLATION & RECOMMENDATION dated September 4, 2026, into the United States Mail in Pierre, South Dakota, first class postage prepaid to the following Water Permit and Right holders on September 4, 2026.

WP No. 8165-3

Silver Lake Hutterian Brethren
c/o John Grosz
17354 430th Ave
Clark SD 57225

WP No. 6468-3

Town of Alpena
c/o Finance Officer
PO Box 75
Alpena SD 57312

WR Nos. 293-2 & 294-2

GCC Dacotah Inc
c/o Steve Zellmer
PO Box 360
Rapid City SD 57709

WR No. 5577-3

Curtis Foster
42430 116th St
Britton SD 57430

WR No. 881-2

Ryan Edwards
749 W 5th St
Winner SD 57580

WP No. 2800-2

Janice Tetherow
105 W 2nd St
Valentine NE 69201

WR No. 2482-3 & WP No. 6789-3

Allen & Becky Walth
13640 Walth Bay Rd
Glenham SD 57631

WP No. 7846A-3

Marvin Czech
45848 176th St
Watertown SD 57201

WR No. 950-2

Malon Burtz
30310 Pahapesto Buttes Rd
Winner SD 57580

WR No. 2370-2

KW Holding LLC
c/o Kory Weisbeck
2453 S Plaza Dr
Rapid City SD 57702

WR No. 5579-3

Nels J Sorensen
c/o Grant Sorensen
200 Mickelson Ave
Vermillion SD 57069

WP No. 7429-3

Sorensen Family Farm LLC
c/o Grant Sorensen
2903 Sorensen Ave
Vermillion SD 57069

WP Nos. 6363-3 & 6692-3

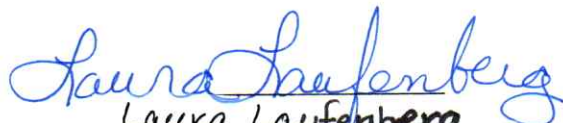
Hillside Colony
c/o Timothy Glanzer
18248 Hillside Ln
Doland SD 57436

WP No. 8886-3

Pronghorn Land LLC
c/o Brian Top
2132 32nd Ave
Brookings SD 57706

WR No. 2130-2

Sandee & Tom Yordy
21436 297th St
Martin SD 57551

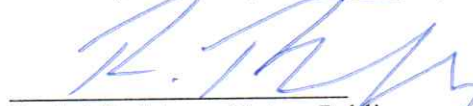

Laura Laufenberg
Senior Secretary

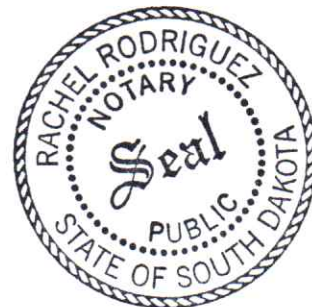
STATE OF SOUTH DAKOTA)

) SS

COUNTY OF HUGHES)

Sworn to, before me, this 4th day of September, 2026.


Rachel Rodriguez Notary Public
My Commission expires May 16, 2029





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 8, 2026

No. 293-2 & 294-2

NOTICE OF ENTRY OF ORDER

GCC Dacotah Inc. (dba Dacotah Cement), c/o Steve Zellmer
PO Box 360
Rapid City, SD 57709

Dear Mr. Zellmer:

This will notify you that on October 7, 2026, the Water Management Board cancelled your Water Right Nos. 293-2 & 294-2. This action was taken under the conditions outlined in our notice to you dated September 4, 2026.

If you have any questions concerning the Board action, please contact Amanda Dewell, with our program, at (605) 773-3352.

Sincerely,

Adam Mathiowetz, PE, Chief Engineer
SD DANR – Water Rights

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally deposited a true and correct NOTICE OF ENTRY OF ORDER dated October 8, 2026, into the United States Mail in Pierre, South Dakota, first class postage prepaid to the following Water Permit and Right holders on October 8, 2026.

WP No. 8165-3

Silver Lake Hutterian Brethren
c/o John Grosz
17354 430th Ave
Clark SD 57225

WP No. 6468-3

Town of Alpena
c/o Finance Officer
PO Box 75
Alpena SD 57312

WR Nos. 293-2 & 294-2

GCC Dacotah Inc
c/o Steve Zellmer
PO Box 360
Rapid City SD 57709

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Britton SD 57430

WR No. 881-2

Ryan Edwards
749 W 5th St
Winner SD 57580

WP No. 2800-2

Janice Tetherow
105 W 2nd St
Valentine NE 69201

WR No. 2482-3 & WP No. 6789-3

Allen & Becky Walth
13640 Walth Bay Rd
Glenham SD 57631

WP No. 7846A-3

Marvin Czech
45848 176th St
Watertown SD 57201

WR No. 950-2

Malon Burtz
30310 Pahapesto Buttes Rd
Winner SD 57580

WR No. 2370-2

KW Holding LLC
c/o Kory Weisbeck
2453 S Plaza Dr
Rapid City SD 57702

WR No. 5579-3

Nels J Sorensen
c/o Grant Sorensen
200 Mickelson Ave
Vermillion SD 57069

WP No. 7429-3

Sorensen Family Farm LLC
c/o Grant Sorensen
2903 Sorensen Ave
Vermillion SD 57069

WP Nos. 6363-3 & 6692-3

Hillside Colony
c/o Timothy Glanzer
18248 Hillside Ln
Doland SD 57436

WP No. 8886-3

Pronghorn Land LLC
c/o Brian Top
2132 32nd Ave
Brookings SD 57706

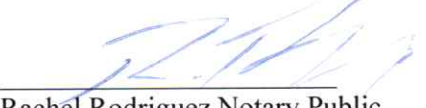
WR No. 2130-2

Sandee & Tom Yordy
21436 297th St
Martin SD 57551


Alyce McGhee
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of Oct, 2026


Rachel Rodriguez Notary Public
My Commission expires May 16, 2029

