

No. 294-2

Division No. 2

Fall River District.

PERMIT

to appropriate water from

Main Beaver Creek

Custer County South Dakota.

Name of applicant

George Darrow

Name of diversion works

Darrow No. 1 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 Pages 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 1942

State Engineer.

NO. 294-2

Water Division No. 2 Fall River District.
(Books to be filled by the State Engineer.)RECEIVED
8.30 a.m.OFFICE OF STATE ENGINEER
PIERRE, S. DAK.APPLICATION FOR A PERMIT
To appropriate Water within the State of South Dakota

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

1. Name of applicant George Darrow, a partnership
824 W. Yellowstone, Casper, WY 82601
Postoffice address Casper, County Carbon, 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. 1 ditch
3. Quantity of water claimed 14.88 cubic feet per second.
4. Source of water supply Main Beaver Creek
5. Location of point of diversion N. 470 W. from S. 1/4 corner Sec. 30
T. 6 S. R. 1 E. B. H. M. on right bank.
(Right or left bank looking down stream.)
6. Annual periods during which water is to be used 34 hrs. during flood stages occurring during April 1 to Nov. 1
7. To be used for: Average of 84 hrs of flood stage

1. Irrigation or domestic use:

- (a) Number of acres to be irrigated 35 acres. SW 1/4 SW 1/4; 4 acres, NE 1/4 SW 1/4 7 acres, NW 1/4 SW 1/4; 18.5 acres Sec 1 SW 1/4 5.5 acres Sec. 30
- (b) Legal subdivisions to be irrigated T. 6 S. R. 1 E. B. H. M.

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

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

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

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

VIAP No 359-25

3. Estimated cost of works:

(a) Head gates, \$ Pumps \$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 DEPTH AT OUTLET—ACRES	CAPACITY ACRE-FEET

(c) Head gate: Width 4 feet; height 2 feet;
 Material Earth

(d) Canal: Total length 0.10 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 one years.

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

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

STATE OF Wyoming
 COUNTY OF Wheat ss.
 I, George Barrow, being first duly sworn
 on my oath 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 Barrow

Subscribed and sworn to before me this 22 day of May, 1941

My Commission expires February 21, 1944

Notary Public (or other qualified officer.)

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, 1941

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, 1941 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.

Dean W. Loucks

State Engineer.

Number of permit 294-2

Date of first receipt of application May 29, 1941

Date of return to applicant for correction _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right May 29, 1941

Approved July 16, 1941, Recorded in Book _____ Pages 510-511

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, 1941

2nd. The whole of said work is to be completed on or before July 16, 1942

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is July 16, 1942

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, 1942; said water to be used during the following described annual period: occurring
8 1/2 hrs. during flood stages April 1 to Nov. 1

Witness my hand this 16th day of July, 1941

Dean W. Loucks

State Engineer.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 294-2

WHEREAS, On the 22nd day of May A. D. 1941

GEORGE DARROW

of Dewey County of Custer and State of

South Dakota duly made application (No. 294-2) to me for a permit to use 14.88

cubic feet per second of the waters of Main Beaver Creek

County of Custer State of South Dakota, for Flood Irrigation

purposes; and

WHEREAS, On the 16th day of July A. D. 1941

Permit No. 294-2 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 16th

July A. D. 1942 and for this application to beneficial use of said

water on or before the 16th day of July A. D. 1942

and,

WHEREAS, On the 22nd day of March A. D. 1946

the holder of said permit duly made proof of the completion of adequate works for the diversion of 14.88

cubic feet per second of said waters, as evidenced by my Certificate No. 294-2

dated March 22, 1946 confirming the completion of works of sufficient capacity for

diverting and conveying to the place of intended use 14.88 cubic feet per second of water,

with date of priority of May 29, 1941 and,

WHEREAS, On the 12th day of March A. D. 1946

proof was duly made of the application to beneficial use of flood water

~~and~~

Extension of time for completion issued January 14, 1946

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of South Dakota, I hereby grant and confirm to George Darrow of Dewey, South Dakota the holder... and owner... of said permit No. 294-2 a water right, dating from May 29, 1941 to the use of 14.8 cubic feet per second of the waters of Main Beaver Creek in the County of Custer and State of South Dakota, or so much thereof as may be necessary for the purposes hereinafter mentioned, to be diverted at a point North 47° West 2800 feet from the S $\frac{1}{4}$ corner of Sec. 30, T.6 S, R.1 E. B. H. M. and conducted to and upon the following described land:- NE $\frac{1}{4}$ SW $\frac{1}{4}$ 7 A. - NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 18.5 A. - NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 4 A. - SE $\frac{1}{4}$ SW $\frac{1}{4}$ 5.5 A; all in Sec. 30, T.6 S, R.1 E, B. H. M.

for the purpose... of Flood Irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Pierre, South Dakota, this 29th day of March A. D. Nineteen forty-six Hundred and...

Dean W. Lorick, State Engineer.

OFFICE OF STATE ENGINEER
FILE COPY

STATE OF SOUTH DAKOTA

Water License No. 294-2

Darrow No. 1 Ditch

To George Darrow

Dewey, South Dakota

Source of Supply Main Beaver Creek

County Custer

Am't 14.8 Sec. Feet

Point of Diversion North 47° W. 2800 feet from S $\frac{1}{4}$ Cor. Sec. 30, T.6 S, R.1 E.

Place of Use Sec. 30-6-1

Purpose Flood Irrigation

Date of Priority 5-29-41

Recorded

in Book 2 of Page 510

1979 FEB 1979
H. C. M. S. D.
STATE WATER
RIGHTS COMM
Pierre, S.D.

Date: Feb. 8, 1970

NE $\frac{1}{4}$ SW $\frac{1}{4}$ (7 A); NW $\frac{1}{4}$ SW $\frac{1}{4}$ (18.5 A) SW $\frac{1}{4}$ SW $\frac{1}{4}$ (4 A); SE $\frac{1}{4}$ SW $\frac{1}{4}$ (5.5 A),
all in Section 30, Township 6 South Range 1, EBHM, Custer Co, S. D.

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

Water Right Permit No. 294-2 as provided for in SDCL 46-5-32 and 46-5-33.

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
Beryl R. Darrow, 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.

Henry J. Dawson
Edward P. Barrett
(Signed)

Subscribed and sworn to before me this 8 Day of FEBRUARY 1979.

M. P. Farrell
(Notary Public)
M. P. FARRELL, Notary Public
My commission expires:
April 1, 1932

MARTIN P. FARRELL
LAWYER
441 NORTH RIVER STREET
HOT SPRINGS, SOUTH DAKOTA
57747

TELEPHONE
(605) 745 5161

January 22, 1979

Dept. of Natural Resource Development
Water Rights Commission
Joe Foss Bldg.
Pierre, SD 57501

RE: Norris J. Darrow & Beryl R. Darrow, husband & wife

Owners of:

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

Gentlemen:

In the near future Norris J. Darrow and Beryl R. Darrow plan to sell their ranch in Custer County, South Dakota.

This ranch carries with it the above three water rights.

Please send me such instruments as you may require so that, upon the sale, the owners may transfer the right, title and interest in and to their water licenses and permits to the buyers.

Please let me know the fees for this.

Thank you very much.

Sincerely,

Martin P. Farrell

MARTIN P. FARRELL

NPF/ra



**OVERSIZE
DOCUMENT IS
SUPPLEMENTARY
TO MICROFILM FILE**

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:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ -7 acres; NW $\frac{1}{4}$ SW $\frac{1}{4}$ 18.5 acres; SW $\frac{1}{4}$ SW $\frac{1}{4}$ -4.0 acres; SE $\frac{1}{4}$ SW $\frac{1}{4}$ 5.5 acres

all in Section 30, T6S, 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. 294-2 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 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.

Norris Darrow
(Signed)

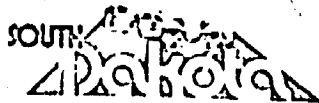
Subscribed and sworn to before me this 3rd day of May

19 78

Gara M. Clay
(Notary Public)



294-2



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 been 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 update 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,

Leroy J. Merbaugh
LEROY J. MERBAUGH

Water Resources Engineer

LJM/gy

encl

Location No. 290

Water Division No.

Water District.

Proof of Application of Water to Beneficial Use

Petition of Holder

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

Ans. *George Darrow of Devery, South Dakota.*

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

Ans. *No*

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

Ans.

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

Ans. *Main Beaver Creek - North 47° 24' 2800 ft from
1st corner Sec 30 R 1 - E - T 6 S - B. N. M.*

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

Ans. *Two - 8 in Centrifugal pumps, with tractor
power for each pump
Darrow No 1 Ditch - Dull, completed*

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

Ans. *NE 1/4 Sec 12 - 7 a. NW 1/4 Sec 12 - 18.5 a. SE 1/4 Sec 12 - 4 a.
S 1/4 Sec 12 - 5.5 a. Sec 30 R 1. E. T 6 S. B. N. M.*

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

Ans. *No*

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

Ans. *14.88 second feet*

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

Ans.

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

Ans. The land was irrigated in the fall of 1945

(Sign) George Varron

I hereby certify that the foregoing testimony was read to the above subscriber before its signing. That I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Newcastle, County of Weston, State of Wyoming, on this 12th day of March, A. D. 1946.

Geo. Putnam
Bryan Clark Witnesses.

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

Miles Spencer

Location No.	
Purpose of Application of Water to Beneficial Use	
PETITION OF HOLDER	
Amount of water second feet	
Source	
County	
Purpose	
Place of use	
Date of recording	
Received and filed	

Permit No.....

Water Division No.....

Water District

Notice of Completion of Works

(This blank must be filled out by the holder of permit and forwarded to the State Engineer at least 60 days before the time set for completion of works.)

(P. O.) Dewey, South Dakota

(Date) March 22, 1942

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of

14.88 second feet of the waters of the state from
through the Darrow No 1 Ditch
for Irrigation purposes

in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of South Dakota.

1. The name of the person or corporation holding said permit is George Darrow
2. The postoffice address of such person or the place of business of such corporation is Dewey
County of Custer State of South Dakota
3. The number of such permit is 2932 and the date set for the completion of such work is Has been completed
4. Said water to be used for Irrigation purposes.
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 14.88 cubic feet per second.
6. The amount of land for which said water is available is 35 Acres acres,
particularly described as follows: NE¹SW¹-7A. - NW¹SW¹-18.5A. - SW¹SW¹-4A. - SE¹SW¹-5.5A. - Sec 30 R.1.E. T.6. S. B.N.M.

(In case of all canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the above notice are true.

James M. Lawrence
Engineer.

(Signature.)

Permit No. 294-2

Water Division No. 2 Fall River Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Engineer, Pierre, South Dakota:

Dear Sir: I hereby certify that in accordance with your letter of authorization dated Jan. 7-1946, 1946, I have this day made a thorough examination of the diversion works constructed by George Darrow of Dewey, Custer County, South Dakota, holder of permit No. 293-2 issued upon application No. bearing date of priority of May 29, 1941, authorizing the diversion of 14.88 second feet of the waters of Main Beaver Creek for irrigation purposes. I have to report on the condition of the same as follows:

The diversion works comprise: ~~two~~ Two 8-inch centrifugal pumps, with tractor power for each pump. The Darrow No. 1 Ditch is fully completed, and in splendid condition. The land is leveled off in fine shape and planted to alfalfa and the system is in the following condition: Excellent

The point of diversion is located North 47° 24' 2800 ft. from the S. corner Sec 30 R. 1 E. T. 6 S. B. 2 N. M.

The works are capable of diverting and conveying to the place of use 14.88 second-feet of water, which is to be used for Irrigation

The legal sub-divisions to be irrigated are: NE 1/4 7 A. - NW 1/4 18.5 A. SE 1/4 4 A. - SE 1/4 5.5 A. Sec 30 R. 1 E. T. 6 S. B. 2 N. M.

comprising a total of 35 acres of land.

The domestic use intended comprises

The utilization for power, mining, or other beneficial uses comprises:

Witness my hand, this 22 day of March, A. D. 1946

James M. Horne
Examining Engineer.

OFFICE OF STATE ENGINEER
FIRST COPY

Form No. 25

APPLICATION FOR EXTENSION OF TIME FOR COMPLETING WORKS.

To the State Engineer,
Pierre, South Dakota.

Dear Sir:-

I hereby request that an extension of time of two (2) years
be granted me for the completion of works to
done under permit No. 294-2.

Said works are located in Custer County and
are described as follows:-

Location of headworks: In the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$
of Section 30 Township 6 S. Range 1 E.
E., B. H. M.

The water is to be used for the purpose of
Irrigation

The extension of time for the completion of these works is requested
for the following reasons: Labor shortage during War period.

George W. Harrow
Holder of Permit No. 294-2

APPROVED:-

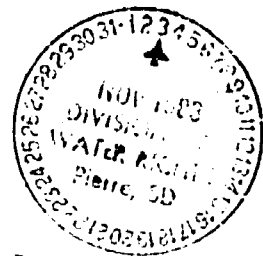
Dean Y. Loucks

Dean Y. Loucks,
State Engineer.

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:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ (7 A); NW $\frac{1}{4}$ SW $\frac{1}{4}$ (18.5 A) SW $\frac{1}{4}$ SW $\frac{1}{4}$ (4 A); SE $\frac{1}{4}$ SW $\frac{1}{4}$ (5.5 A),
all in Section 30, 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. 294-2 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)

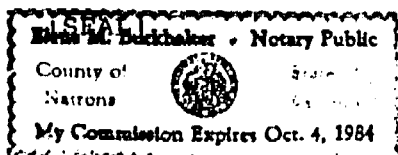
We, Francis X. Jozwik and Paul Jozwik, being first duly sworn on our oath, depose and say: That our relation to the above described undertaking is that of Owner, that we have read the above and foregoing statement, and we know of our own personal knowledge that the information herein stated is true.

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.



My Commission expires:

Elmer M. Buckhalter
Notary Public

RECEIPT

Division of Water Rights

No 4 9389

South Dakota Department of Water and Natural Resources

Pierre,

November 3, 1983

Kelth Tyler, PO Box 2671, Capper WY 82602 for Barnard & Lowham Partners.

RECEIVED OF

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. 294-2 _____	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



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

November 3, 1983

2/14/84

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.



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 HATCE, Chief Engineer
Water Rights Division
605 773-3352

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

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

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.



241.2

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 30, 1988



S. D. Dept. of Water & Natural Resources
Anderson Building
Pierre, SD 57501

Dear Sir/Madam:

Enclosed please a Notice of Transfer of Water Permit and a fee in the amount of \$2.50.

If you have any questions, please don't hesitate to get in touch with me.

Thank you very much.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jane M. Farrell'.

JANE M. FARRELL

jc

Enclosures

**South Dakota 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

Genny McMath
Natural Resources Analyst
(605) 773-3352

GM:ms
Enc.



NO. 294-2

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:

35 acres - SW 1/4 Section 30, T6S, 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. 294-2 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, John 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 14 Day of August, 1988.

[Signature]
(Notary Public)

Notary Public
Expires
12, 1990

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

444053

Pierre, August 15, 1971

RECEIVED OF Barnard & Lowham Partners, PO Box 367, 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 <u>Permit 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 John Hatch
Chief Engineer- JOHN HATCH (MS.)

**South Dakota 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



South Dakota
Department of
Water & Natural Resources

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

May 11, 1989

294-2, 293-2

NOTICE

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

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

John Hatch

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, 3.3 feet below full elevation (3187.2 ft msl). If the reservoir fills to 3,183.7 ft. msl, the shutoff order will be rescinded. Any releases by the District for irrigation will be included in the 3183.7 ft. msl. calculation.

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





Department of Water & Natural Resources

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

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
Natural Resources Analyst
605 773-3352

enclosures



94-2

JUN 1999
DIVISION OF
WATER RIGHTS
Pierre, SD

Date: June 6, 1989

SW $\frac{1}{4}$ Section 30, T6S, R1E BHM

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

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.

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

Paul Lowham, a partner of
1, 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 & Arthur Parker
by Paul Arthur Parker
(Signed)

John M. Kunkel
(Notary Public)

WNR-820-9/83
Notice of Transfer of Water Permit

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, June 12, 1989

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. _____	2	50
Fee for Filing Transfer Form <u>Water Right No. 293-2</u>		
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

294-2

FARRELL, FARRELL & GINSBACH

LAWYERS

441 NORTH RIVER STREET
HOT SPRINGS, SOUTH DAKOTA 57747

(505) 745-5161

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

June 8, 1989

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

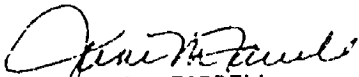
Attn: Jenny McMath
Natural Resources Analyst

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



294-2



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,

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

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
605 773-2352

enclosures



NO. 294-2

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:

SW1/4 Section 30, T6S, R1E BHM

formerly owned by Barnard Lowham Partners, a Partnership, P.O. Box 567
Casper, Wyoming 82652

has been transferred to Chance and Neteri Reynolds 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. 294-2 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 10 Day of OCTOBER, 1989.

[Signature]
(Notary Public)

NOTARY PUBLIC
MY COMMISSION EXPIRES
APR 1, 1990

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411961

Pierre, _____ November 2, 1939

RECEIVED OF Farrell, Farrell & Glasbach, for Barnard & Landon 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>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 John Hater
Chief Engineer JOHN HATER (Ks)



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 SCHLAAK
Senior Secretary
Water Rights Division
605 773-3352

enclosure

cc: Chance & Meteri Reynolds



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).

South Dakota

DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

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.

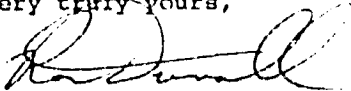
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

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

SENDER 1. Name and address of sender 2. Return to: Name and address of sender (if different from 1) 3. Date of delivery (if known)		4. Article Number P694 057 380	
5. Signature of Addressee X <i>[Signature]</i>		Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise	
6. Signature of Agent X		Always obtain signature of addressee or agent and DATE DELIVERED	
7. Date of Delivery 2/6/91		8. Addressee's Address (if not requested and fee paid)	

PS Form 3811, Apr. 1989

U.S. GPO 1989-230-515

DOMESTIC RETURN RECEIPT



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) 773-3352.

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division



DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

GREAT FACES. GREAT PLACES

March 14, 1991

293-2
294-2

NOTICE

TO: Chance Reynolds
ECR 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 12, 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.

4.

SOUTH DAKOTA 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: Duane & Carol Bonham
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.

South Dakota

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 H. 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.

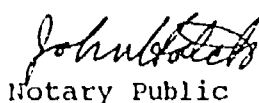
If you have any questions, please contact Mark Rath or Del Brosz (605) 773-3352.

100

Chas F Frost

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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





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.

REPORT NO	FIRST NAME	LAST NAME	ADDRESS 1	ADDRESS 2	CITY	STATE	ZIPCODE	TERMS	EXPIRY
652 2		A A T CATTLE CO	TCM LANDERS	ST RT	HOT SPRINGS	SD	57747		
1069 2	EDWARD	ANDERSON	A CHAR ANDERSON	HER 59 BOX 14	FICKMON	SD	57735		
1011 2	EDWARD	ANDERSON		HER 59 BOX 20	FICKMON	SD	57735		
101 2		B A H RANCH INC	B F CHILDERS	PO BOX 723	FICKMON	SD	57735		
514 2		BALL PROS		BOX 417	FICKMON	SD	57735		
1095 2	ERSTER E	BARTLEY		BOX 740	FICKMON	SD	57735		
1097 2	NICHOLAS	BOONER	ANTH BOONER JR	HC 40 BOX 24	OFIRICHS	SD	57763	1734 2	
755 2		BRANKERD INDIAN SCHOOL			HOT SPRINGS	SD	57747		
858 2	WAYNE E	CHILDERS		HER 59 BOX 14	FICKMON	SD	57735		
616 2	V L	CHILDERS		BOX 723	FICKMON	SD	57735		
654 2	OSCAR	COFF			OFIRICHS	SD	57763		
1294 2	JIMM	DEGERING		SR 1 BOX 130	LUKE	WY	82225		
507 2	HAROLD E	JOHNSON		HER 59 BOX 54	FICKMON	SD	57735	1410 2	
7058 2	ERROY/BERTHA	JOHNSON		HC 40 BOX 246	PROVO	SD	57774		
1085 2	DAVID M	JOHNSON		RR BOX 32	OFIRICHS	SD	57763		
100 2		RAID BROTHERS, INC.	CARL D RAID, PRES	HER 40 BOX 5	OFIRICHS	SD	57763	1695 2	
471 2	HERMAN	NECK		BOX 441	FICKMON	SD	57735		
549 2	DARRELL E	PELTMAN		BOX 402	FICKMON	SD	57735		
1013 2	LENA E	HENDERSON	AGE 295	5141 INDIAN RIVER	LAS VEGAS	NV	89103		
1000 2	LENA W	HENDRY		BOX 276	APIMORE	SD	57715		
129 2	HENDRY C	POLEMECKER		POKEY FOUNT	FICKMON	SD	57735		
1531 2		HU RANCH INC	SD CORPORATION	HER 59 BOX 102	FICKMON	SD	57735		
750 2	DARRELL D	HUNTER		BOX D	APIMORE	SD	57715		
1011 2	JAMES/PATRICIA	JACKSON		HC 40 BOX 7	LAKEVIEW	NE	68351		
10170 2	JIM	KANE		BOX 124	PROVO	SD	57774		
701 2	CARL	KANNOLE	AGE 207	PLANET HOTEL	CHADRON	NE	68317		
1050 2	JIMMY W	KOLLER		BOX 715	FICKMON	SD	57735		
806 2	A J	LANDERS	STAR CATTLE CO	BOX 1508 HER 52	HOT SPRINGS	SD	57747		
1010 2	B L ALLEN	LAMBERS		BOX 759	TIPOGA	ND	58859		
676 2	MELVIN	LIFE			HOT SPRINGS	SD	57747		
11295 2	JOHN D(JACK)	MANKS	(ESTATE)	RR #1 BOX 1720	HOT SPRINGS	SD	57747		
11447 2	KEVIN	MARTINSON		BOX 361	FICKMON	SD	57735		
285 2	ARLIS W	MULLEN		BOX 124	OFIRICHS	SD	57763		
410 2	DAITH L	NEFFERD, JR		HER 48 BOX 22	PROVO	SD	57774		
1071 2	A J	NEIGHA		FRONIS STAGE	WILKS CITY	WV	26001		
2015 2		PETERSON & SON, INC		HER 59 BOX 16	FICKMON	SD	57735		
1014 2	PAUL A JEAN	PETTY	A NORMEN PETTY	HER 52 BOX 136	HOT SPRINGS	SD	5774739003		
1716 2	MELVIN	PORTER		WYO RT BOX 17	FICKMON	SD	57735		
711 2	EDWARD	QUINN		BOX 109	OFIRICHS	SD	57763	2011 2	
1014 2	LENA	REASER		HC 46 BOX 48	OFIRICHS	SD	57763		
422 2	EDWARD/MARIA	REUTER		HER 59 BOX 20	FICKMON	SD	57735	1700 2	
223 2	CHANCE/NETER	REYNOLDS		HER 59 BOX 28	FICKMON	SD	57735	224 2	
609 2	OLIVER W	ROBERT		BOX 175	OFIRICHS	SD	57763		
714 2	VERNON	SCHNOSE		ST RT BOX 155	HOT SPRINGS	SD	57747	1700 2	
1012 2		SEGER RANCH INC		BOX 95	OFIRICHS	SD	57763	411 2	1931 2
227 2	EDWARD D	SIMONS		BOX 381	FICKMON	SD	57735		
1712 2	ROBERT/MARK	TURNER		BOX 563	FICKMON	SD	57735		
1010 2		WAL BONNET RANCH LTD	BOX 132	105 E 5TH ST	MURDOCK	SD	57559		
122 2	VINCENT M	WASSERMEIER		BOX 83	APIMORE	SD	57715	853 2	2115 2



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 & Meteri 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,

Genny McMath
Natural Resources Analyst
Water Rights Division



294-2

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
EDGEHONT 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.



294-2

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 

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.

294-2

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.

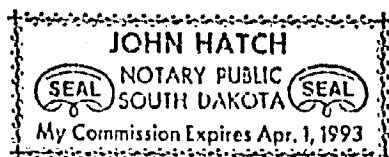
293-2, 294-2: Chance/Neteri Reynolds, HCR 59, Box 28, Edgemont, SD 57735.

Cheryl F. Frost

Cheryl F. Frost
Secretary

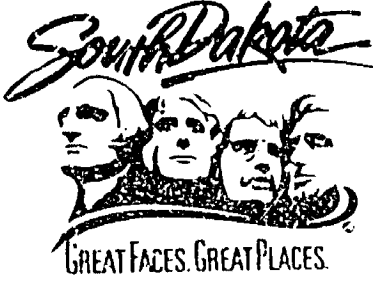
STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

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



John Hatch
Notary Public

294-2



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 D. 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

CERTIFICATION

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

Copy Sent To:

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

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

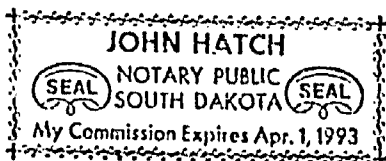
Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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

John Hatch
Notary Public





294-2

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



294-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 25, 1994

54-2
293-2
294-2

Jim Hollenbeck
Farm Credit Services
PO Box 3130
Rapid City, SD 57709-3130

Dear Jim:

Enclosed, as we discussed, are copies of Water Right Nos. 54-2, 293-2 and 294-2. These water rights were transferred to Chance and Neterl Reynolds in November, 1989.

If you have any questions, please contact me.

Sincerely,

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

enclosures



294-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 1995

CHANCE/NETER 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



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.



294-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE LOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3101

March 15, 1995

293-2

294-2

NOTICE

TO: CHANCE/NETER1 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



294-2

**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/NETEPI REYNOLDS
HCR 59 BOX 28
EDGEMONT, SD 57735

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

Delvin H. 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



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,

Genny 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: Gronlund, 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" leasers 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 for closure 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 be sure 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
Farm 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 (i.e. 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
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. The 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,

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

enclosures

JIM STRAIN & ASSOCIATES

500½ 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
enclosurers



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, 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

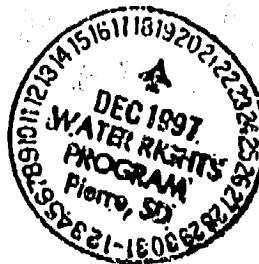
DAKOTA PROFESSIONAL BUILDING
2902 WEST MAIN STREET
RAPID CITY, SOUTH DAKOTA 57702

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,

A handwritten signature in dark ink, appearing to read "Al Scovel".

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. 294-2

Date: 12-18-97

I/We request that Water Right No. 294-2

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:

SW 1/4 Section 30, T6S, R1E

I/We understand that the validity of Water Right No. 294-2 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, 1997.

Loretta 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

NO 415570

Pierre, December 19, 1997

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. 294-2

Fee for Filing Extension Request _____

Fee for _____

2 50

(Any Other Work Provided by Law)

Total

2 50

By _____
Chief Engineer

J. Allen Hatcher (signature)

294-2



**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,

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

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

enclosure

294-2

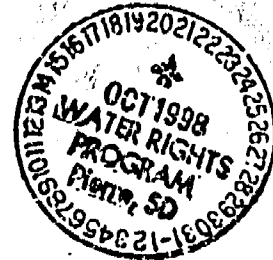
SCOVEL LAW OFFICE
DAKOTA PROFESSIONAL CENTER
2902 WEST MAIN STREET, SUITE 1
RAPID CITY, SD 57702-8174

AL SCOVEL
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,

A handwritten signature in cursive script, appearing to read "Al Scovel".

AL SCOVEL

AS/dmv

cc: Steve Zellmer
James S. Nelson



294-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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

No. 294-2

Date: December 8, 1998



I/We request that Water Right No. 294-2

formerly owned by: Allen L Scovel, Trustee

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

Commission, d/b/a Dacotah Cement

Telephone No. (605) 394-5200

PO Box 360, Rapid City, SD 57709

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

35 acres - SW 1/4 Section 30, T6S, R1E

I/We understand that the validity of Water Right No. 294-2 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).

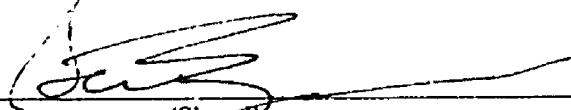
You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

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, 1998.


(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.



294-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 2, 1998

54-2

293-2

294-2

Steve Zellmer
Dakotah Cement
PO Box 360
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

294-2



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

IN THE MATTER OF THE)
APPLICATION OF GCC DACOTAH, INC.)
See Exhibit A attached hereto)
(FACILITY NAME))
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, 2001
GCC DACOTAH, INC.

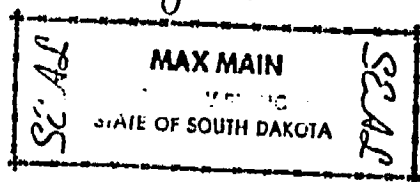
By: Martha Rodriguez
Applicant Martha Rodriguez Rizzo, Treasurer

Subscribed and sworn before me this 13th day of March, 2001

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 (e).
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
DWAYNE 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. 294-2

Date: Mar. 16, 2001



I/We request that Water Right No. 294-2

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) GCC 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:

35 acres - SW 1/4 Section 30, T6S, R1E

I/We understand that the validity of Water Right No. 294-2 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 Brown

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.

GCC Dacotah, Inc.

(Signature of new owner)

Manuel Milan
President

Subscribed and sworn to before me this 15 day of March, 2001

JAMES S. NELSON
Notary Public, South Dakota
My Commission Expires April 7, 2004

(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.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 416803

Pierre, March 22, 2001

RECEIVED OF Bennett, Main, Bailey & Gubbrud, 618 State St., Belle Fourche, SD 57717--(GCC Dacotah)
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 294-7

Fee for Filing Extension Request _____

Fee for _____

2 50

(Any Other Work Provided by Law)

Total

2 50

By

Darland 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.memath@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 & Gabbrud, 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



294-2

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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.



**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

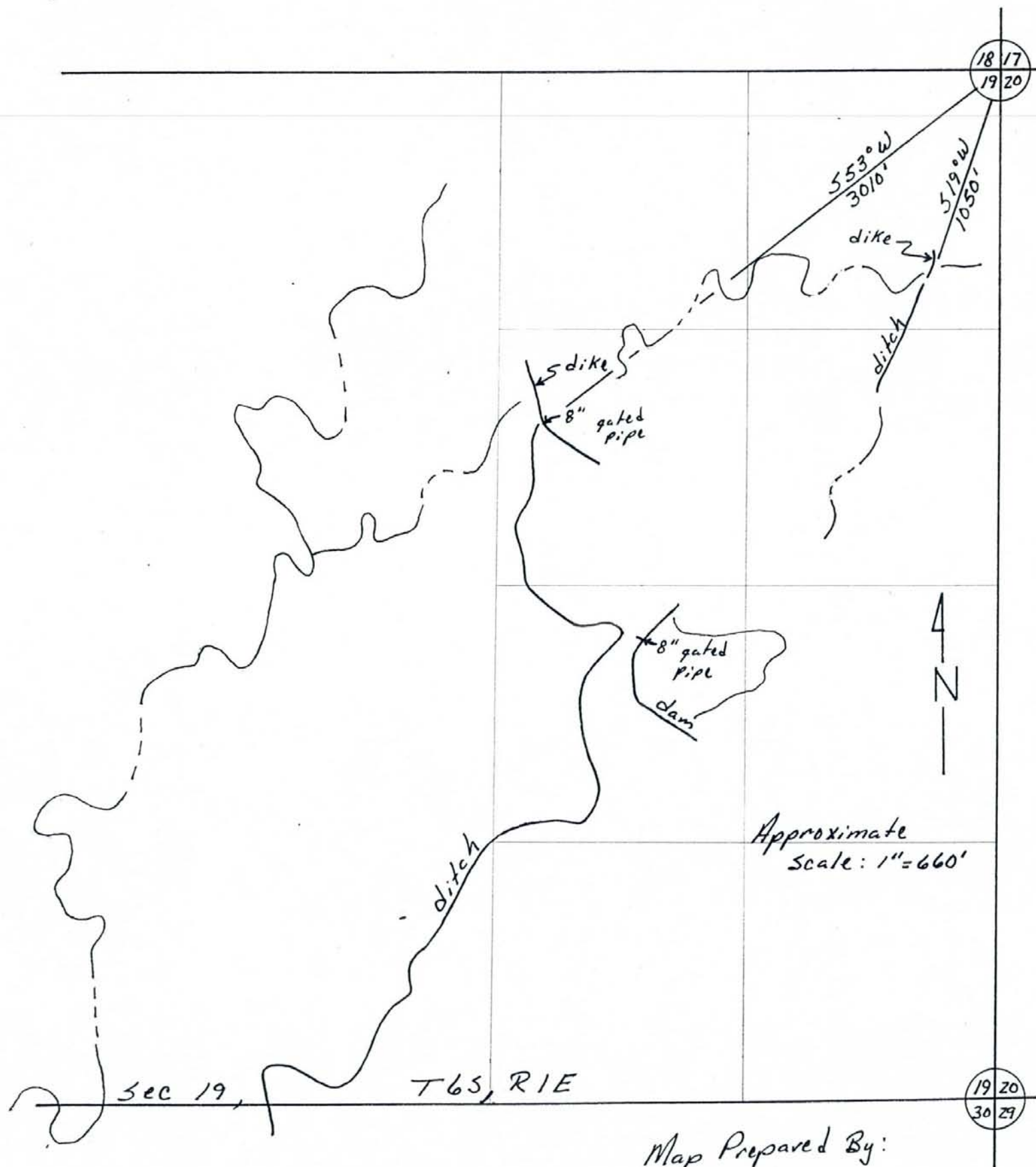
SUBJECT: Shutoff Order for Junior Priority Date Water Rights Upstream of
Angostura Dam

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.

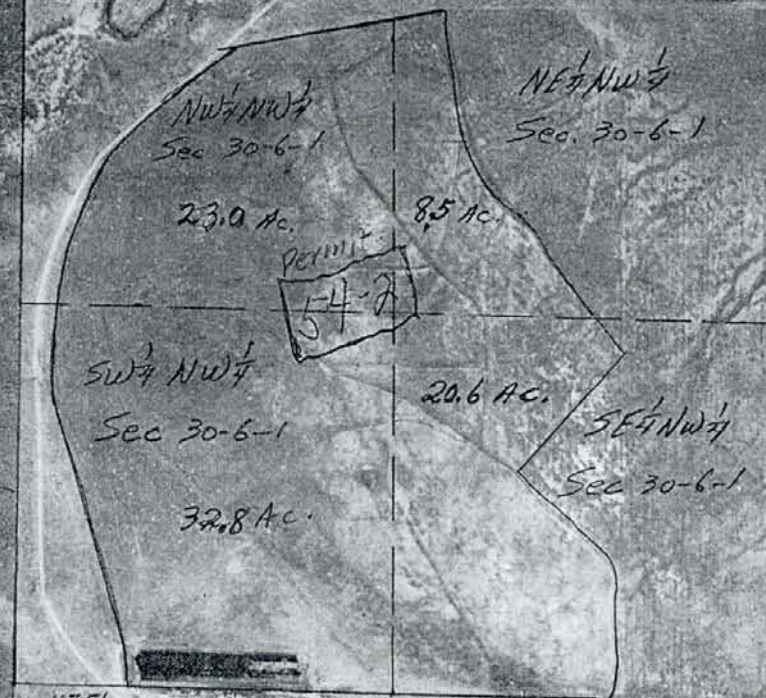


Map Prepared By:
Delvin D. Brong, P.E.
Hydrologist
Division of Water
Rights

294-2 License No. 54-2

R 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. 293-2 294-2

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 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.



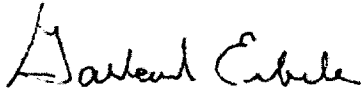
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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:

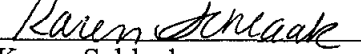
LAST_NAME	FIRST_NAME	ADDRESS2	CITY	STATE	ZIP
INDIAN CREEK CATTLE LLP		32296 190TH ST	SLEEPY EYE	MN	56085
INDIAN CREEK LAND & CATTLE LLC		PO BOX 538	EDGEMONT	SD	57735
WEINREIS BROTHERS		230908 HIGHLAND RD	SCOTTSBLUFF	NE	69361
SEGER RANCH INC		RR 1 BOX 100A1	HOT SPRINGS	SD	57747
REUTTER	EDWARD/WANDA	HCR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

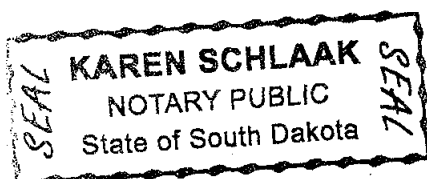
SCHNOSE	VERNON	12685 MAITLAND RD	HOT SPRINGS	SD	57747
SEABECK	DORIS SEABECK &	2533 PARK AVE	LARAMIE	WY	82070
SIMONS	THOMAS	BOX 381	EDGEMONT	SD	57735
TUBBS LAND & CATTLE LLC	BERNARD D	10891 RIVER RD	EDGEMONT	SD	57735
WALKER	FRED S & CYNTHIA K	30301 CASCADE RD	ARDMORE	SD	57735
WYOMING DAKOTA RAILROAD	WAYNE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

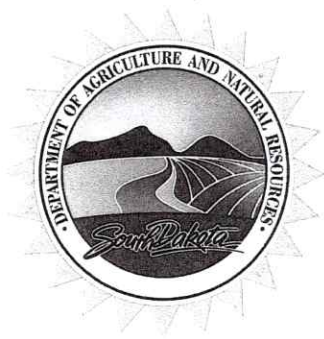
RE: Status of irrigation system

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 14, 2025

294-2

Dacotah Cement
c/o Jim Anderson
PO Box 360
Rapid City SD 57709

Dear Mr. Anderson:

I write to you today in response to the 2025 Irrigation Questionnaire information submitted for Water Right No. 294-2.

Water Right No. 294-2 authorizes diversion of 14.8 cubic feet of water per second (approx. 6650 gpm) from Bever Creek for flood irrigation of 35 acres located in the SW ¼ Section 30-T6N-R1E, Custer County.

On this year's report and reports from the past four years, the selection of "System Not Constructed" has been made, with irrigation last reported in 2012. Pursuant to SDCL 46-5-37, water appropriated under a permit/right that is not placed to beneficial use for a period of three (3) or more years, is subject to cancellation for abandonment, or forfeiture, or both. However, AR 74:02:01:37.1 allows for certain legal excuses for non-use.

Please contact me via email or telephone to discuss the possible cancellation of Water Right No. 294-2.

Sincerely,

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

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

Get [Outlook for iOS](#)



**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 DACOTA 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

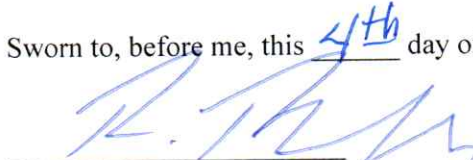

Laura Laufenberg
Senior Secretary

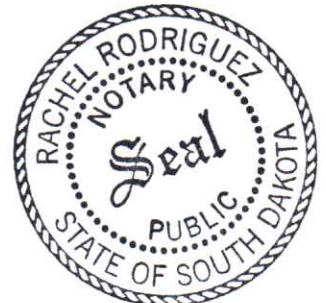
STATE OF SOUTH DAKOTA)

) 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

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


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

