

NO. 312-2

Water Division No. 2

White River

District

(Blanks to be filled by the State Engineer.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

8:30 AM

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

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

1. Name of applicant H. E. Caylor Bros
 Postoffice address Argentine, S. Dak., County Fall River, State South Dak.

I. If a corporation No

- (a) Name of same _____
 (b) Date and place of incorporation _____
 (c) Amount of capital stock _____
 (d) Amount paid in _____
 (e) Names and address 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
 (b) Cash on hand, \$ Sufficient (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Caylor Ditch
 3. Quantity of water claimed 14.88 cubic feet per second.
 4. Source of water supply Indian Creek
 5. Location of point of diversion N. 59° E. 16.50 ft. from NW Corner Sec. 14
T. 12 S. R. 26 E. B. 74 M on Left bank.
 (Right or left bank looking down stream.)

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

7. To be used for:

I. Irrigation or domestic use:

- (a) Number of acres to be irrigated 83 acres.
 (b) Legal subdivisions to be irrigated 22A NE SE, 12A SE SE, Sec. 14, T. 12 S. R. 26 E
 (c) Statement as to domestic use (giving location, etc.) No

(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.)

B. 74 M. 29A SW NW, 29A NW SW, 5A SW SW, Sec. 13 T. 12 S. R. 26 E. B. 74 M

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

- (a) Nature of use No
 (b) Amount of power to be generated No horse power.
 (c) Location of plant No
 (d) Method of developing power No
 (e) Point where water will be returned to stream No

Map No 345-2

8. Estimated cost of works:

(a) Head gates \$ 50.00
 (c) Fluming, \$ X X
 (e) Other structures none
 Pumping plant \$ 100.00
 (d) Canal-earth, 0.00
 Rock, \$ X
 T. I., \$ 1550.00

9. Description of diversion works:

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

2-10 inch Centrifugal pumps, powered by farm tractor

II. Dimensions of works:

(a) Dam: Height feet; length at bottom feet; length at top feet; thickness at bottom feet; thickness at top feet; slope of front (water) face; slope of back face; material used in construction
 (b) Reservoir: Capacity when filled acre feet. Surface area at highwater mark acres.

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

(c) Head gate: Width feet; height feet;
 Material

(d) Canal: Total length 08 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
At 0 Mile	2 feet	4 feet	8 feet	0.01 feet
At 1 Mile	feet	feet	feet	feet
At 2 Mile	feet	feet	feet	feet
At 3 Mile	feet	feet	feet	feet
At 4 Mile	feet	feet	feet	feet
At 5 Mile	feet	feet	feet	feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work years.

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

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

STATE OF SOUTH DAKOTA
 County of Wagon ss.

I, Bernard A. Howell, being first duly sworn
 on my oath depose and say: That my relation to the above described, undertaking is that of
 that I have read the above and
 (Owner, manager, engineer.)
 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.

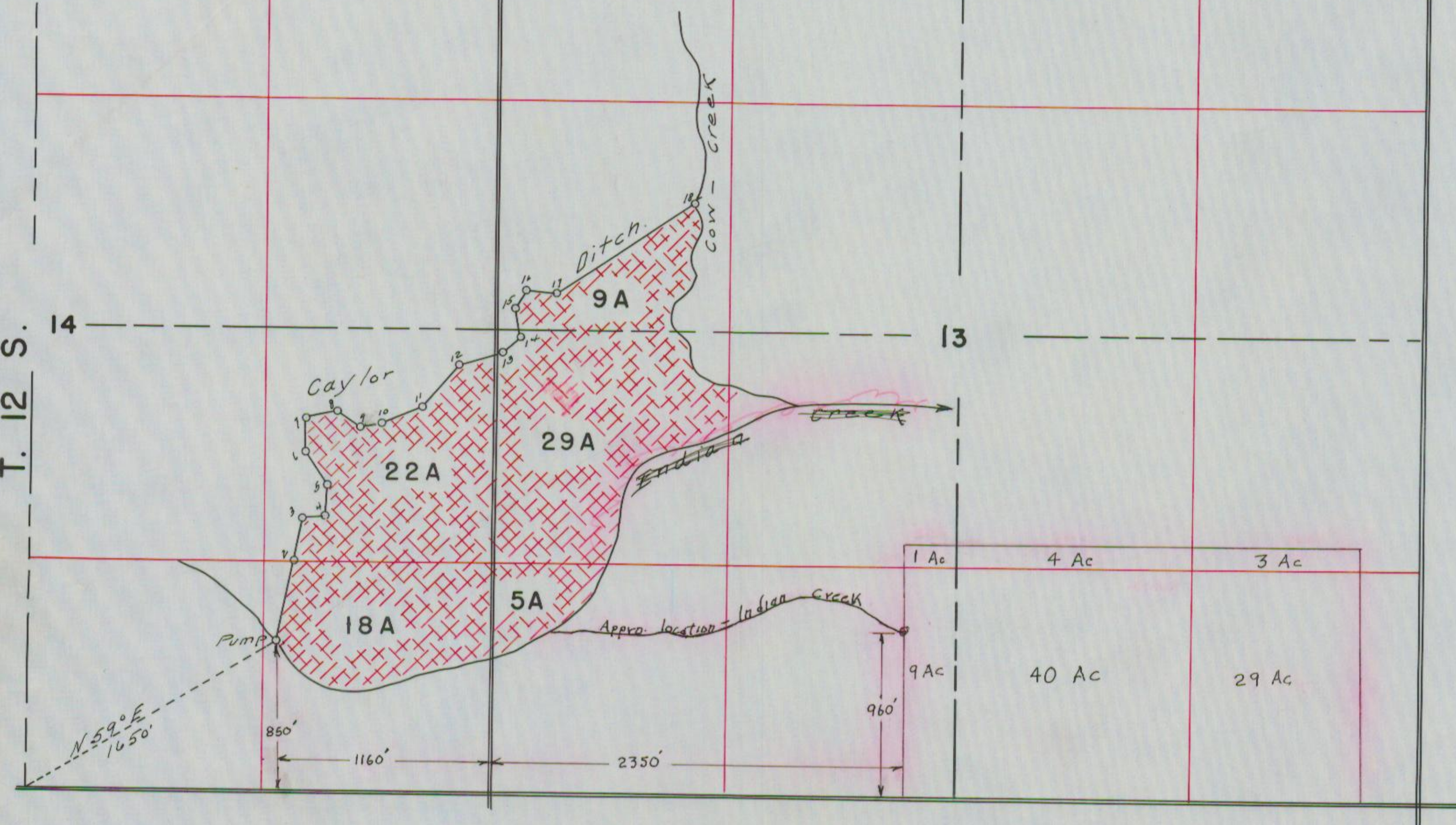
Signed Bernard A. Howell

Subscribed and sworn to before me this 10 day of June, 1947

Notary Public (or other qualified officer.)

T. 12 S.

R 2 E B.H.M.



CERTIFICATE SURVEYOR

STATE OF WYOMING
COUNTY OF WESTON S.S.

I, BERNARD A. HOWELL OF NEWCASTLE WYOMING HEREBY CERTIFY THAT THIS MAP WAS MADE FROM NOTES TAKEN DURING AN ACTUAL SURVEY MADE BY ME ON DECEMBER 27, 1946, AND THAT IT CORRECTLY REPRESENTS THE IRRIGATION WORKS DESCRIBED IN THE ACCOMPANYING APPLICATION, TOGETHER WITH A MEANDER OF STREAMS AND SHOWS ACCURATELY THE LOCATION AND AREA OF THE LANDS PROPOSED TO BE IRRIGATED IN EACH SUBDIVISION

Bernard A. Howell

REGISTRATION NO 2022

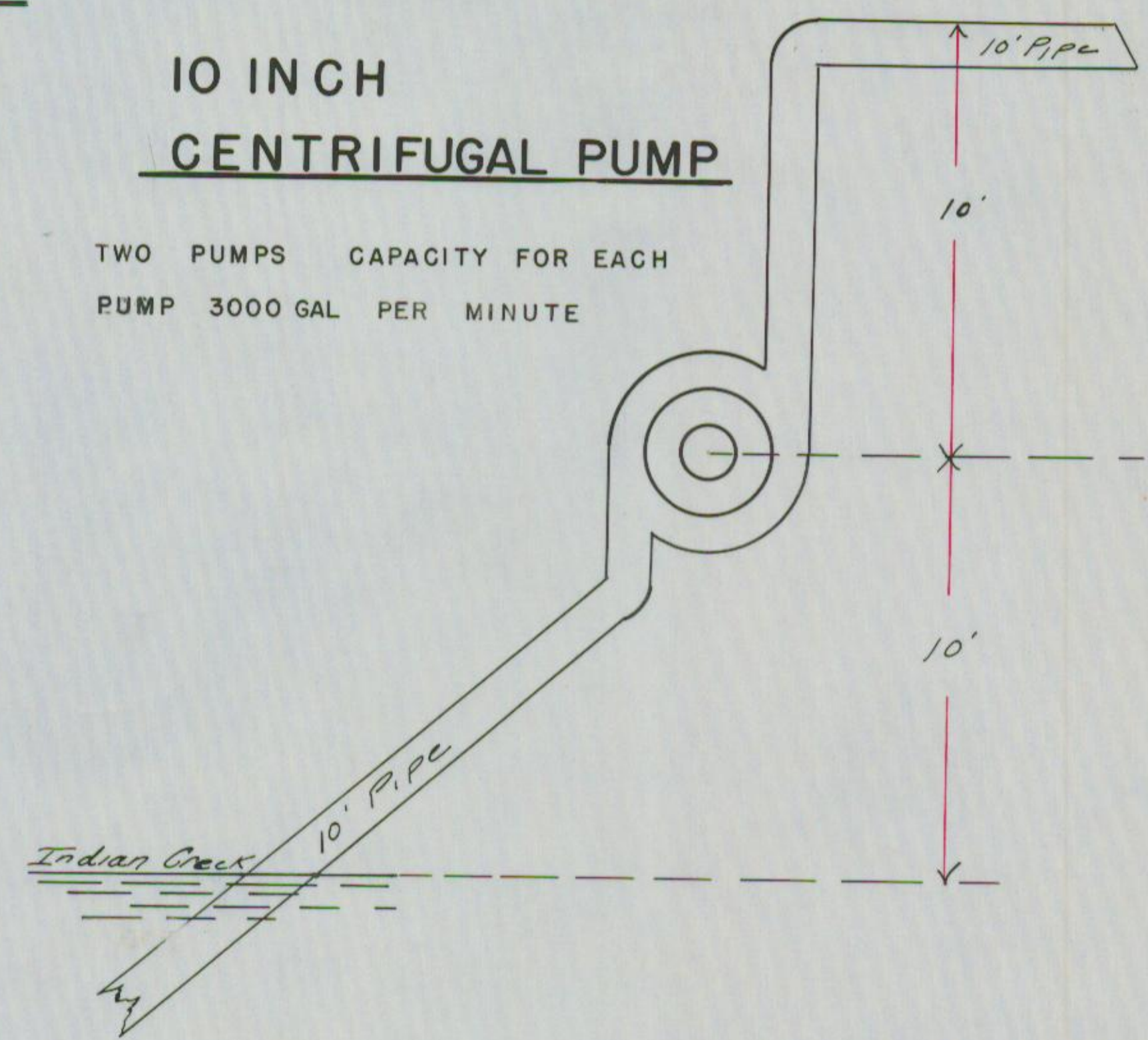
SURVEYOR

SUBSCRIBED AND SWORN TO BEFORE ME THIS 8TH DAY OF JANUARY 1947

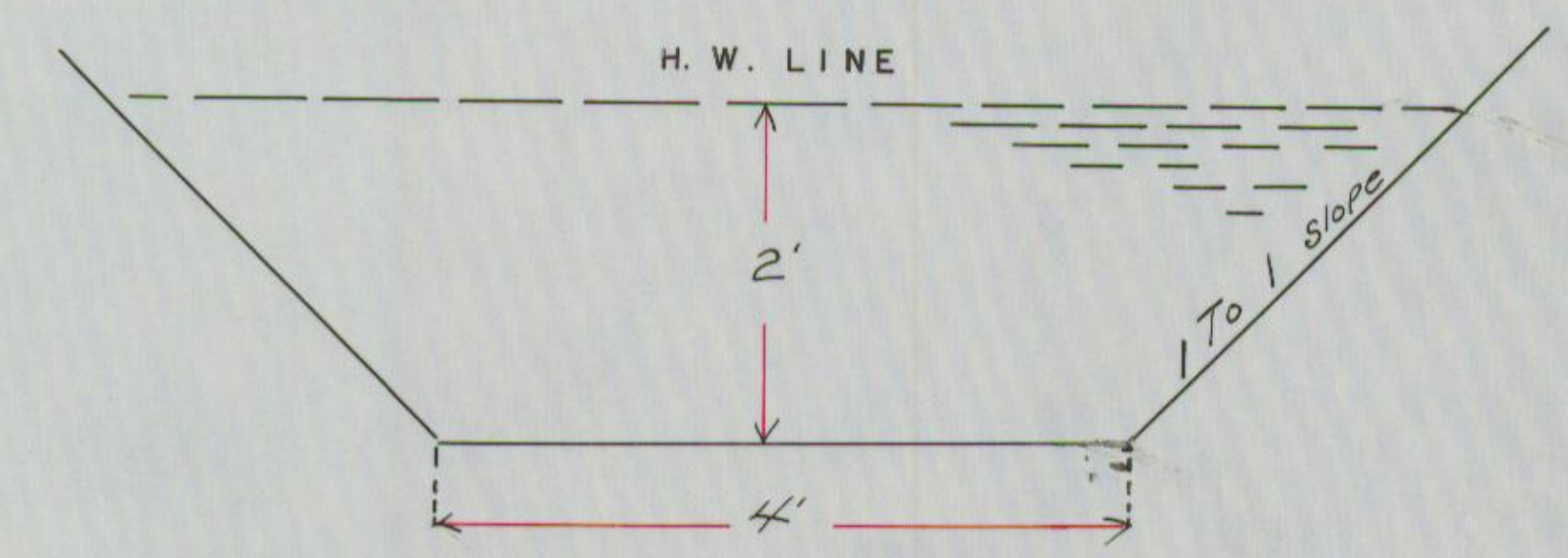
Bryan Clark
NOTARY PUBLIC

10 INCH
CENTRIFUGAL PUMP

TWO PUMPS CAPACITY FOR EACH
PUMP 3000 GAL PER MINUTE



CAYLOR-DITCH



N = 30 R = 1.24 S = .001
V = 1.72 FEET PER SECOND
CAPACITY = 1488 CUBIC FEET PER SECOND

MAP

TO ACCOMPANY APPLICATION FOR

CAYLOR DITCH

APPLICANT

W. E. CAYLOR

ARDMORE S. DAKOTA

SCALE 1" = 500

LEGEND

 LANDS IRRIGABLE UNDER CAYLOR DITCH

(W.R. #312-2)
Map # 345-2

RECEIVED
JAN 10 1947
COUNTY CLERK
WESTON COUNTY

Remarks by State Engineer:

STATE OF SOUTH DAKOTA

County of **HUGHES**

gg

Pierre, South Dakota, March 18, 1947

This is to certify that the foregoing application was received at this office at 8:30 o'clock a. m. upon the 17th day of January, 1947, and that after examination it was found to comply with the South Dakota Water Laws, was duly advertised, and taken up at the State Engineers Office on March 15, 1947. No objections were filed.

Walter Zwick

Dear W. Jenkins State Engineer

Number of permit 312-2

Date of first receipt of application January 17, 1947

Date of return to applicant for correction 19.....

Dated of receipt of corrected application 19.....

Date from which applicant may claim right January 17, 1947

Approved March 18, 1947 Recorded in Book 2 Page 568-9

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 September 18, 1947.

2nd. The whole of said work is to be completed on or before March 18, 1948.

3rd. The limit of time for purpose of beneficial use of water appropriated in accordance herewith

March 18 1948

4th. The water appropriated shall be used for the purpose of FLOOD 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 318 A. Ft./yr. 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 March 18, 1948; said water to be used during the following described annual period:

When flood water is available

Witness my hand this 18th day of March, 1947.

North Street

Dean W. Loucks, State Engineer.

No. 312

Division No. 2

White River

District

PERMIT

to appropriate water from

Indian Creek

Fall River, County, South Dakota.

Name of applicant

W. E. Caylor

Name of diversion works

Caylor Ditch

Date of first receipt at office of State

Engineer Jan. 17 1917

Returned to applicant for Correction

19

Corrected application received

19

Date of water right

Jan. 17 1917

Recorded in Book 2 Page 568-9

One-fifth of work to be completed

Sept. 18 1917

Whole work to be completed

March 18 1918

Final proof of use of water

March 18 1918

Approved March 18 1917

Dean W. Loucks, State Engineer.

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 312-2

WHEREAS, On the 10th day of January A. D. 1947

W. E. OAYLOR

of Ardmore County of Fall River and State of South Dakota duly made application (No. 312-2) to me for a permit to use 14.88 flood cubic feet per second of the waters of Indian Creek County of Fall River State of South Dakota, for flood irrigation purposes; and

WHEREAS, On the 18th day of March A. D. 1947

Permit No. 312-2 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion herein described on or before the 18th day of

March A. D. 1947 and for the application to beneficial use of said water on or before the 18th day of March A. D. 1947

and,

WHEREAS, On the 7th day of June A. D. 1947

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. 312-2

dated March 18, 1947 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 14.88 flood cubic feet per second of water, with date of priority of January 17, 1947 and,

WHEREAS, On the 7th day of June A. D. 1947

proof was duly made of the application to beneficial use of 14.88 cubic feet per second of said water;

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 W. F. OAYLOR

of Ardmore the holder... and owner... of said permit No. 312-2

a water right, dating from January 17, 1917 to the use of 14.88

cubic feet per second of the waters of Indian Creek

in the County of Fall River and State of South Dakota, or so much thereof as may be

necessary for the purposes hereinafter mentioned, to be diverted at a point N. 59° E., 1650 ft.

from S $\frac{1}{2}$ corner of Sec. 14, T.12S, R.1E.

and conducted to and upon 22 A. in the NE $\frac{1}{4}$ Sec. 14, T.12S, R.1E.

9 A. in the SW $\frac{1}{4}$, 29 A. in the NW $\frac{1}{4}$, 5 A. in the SW $\frac{1}{4}$ of Sec. 13, T.12S, R.1E.

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 16th day of July A. D. Nineteen

Hundred and forty-seven.

Dean W. Loucks, State Engineer

STATE OF SOUTH DAKOTA

Water License No. 312-2

W. F. OAYLOR

Source of Supply Indian Creek

Fall River County

Am't 14.88 Cu. Feet

Point of Diversion N. 59° E., 1650 ft.

from S $\frac{1}{2}$ Cor. Sec. 14, T.12S, R.1E

Place of Use NE $\frac{1}{4}$ Sec. 14, T.12S, R.1E; SW $\frac{1}{4}$ Sec. 13, T.12S, R.1E

Purpose flood irrigation

Date of Priority January 17, 1917

Recorded in Book 2 of Page 568-9

(First Publication 194.....)

APPROPRIATION OF WATER

Office of State Engineer,

Pierre, So. Dak., January 2, 1947

Notice is hereby given that W. E. Caylor whose postoffice address is Ardmore, So. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 14.88 cubic feet of water per second of time from the Indian Creek through the Caylor Ditch, the point of diversion of which is to be located on the left bank of said stream in the S.E. $\frac{1}{4}$ of the S.E. $\frac{1}{4}$ of Section 11, Twp. 12 Range 1 E. Said water to be used for the purpose of providing flood irrigation

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 15th day of March, 1947, at 10:00 A. M. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented.

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

Dean H. Loucks,
State Engineer

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA,
COUNTY OF FALL RIVER

I. K. Kopriva, of Edgemont, South Dakota, being duly sworn, upon his oath says: That he is publisher of THE EDGE MONT TRIBUNE, a Legal Newspaper published weekly at Edgemont, Fall River County, South Dakota; that the Advertisement headed Notice of Intention to Appropriate Water a printed copy of which is hereunto attached, was published in THE EDGE MONT TRIBUNE in the regular and entire issue of every number of said newspaper and in the paper proper, on Wednesday of each week, for, four successive issues, beginning with the issue dated Jan. 29, 1947 and ending with the issue dated Feb. 19, 1947, that the full amount of the fee charged for the publication of said Notice is \$ 11.50 and that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any person whomsoever, and that the whole amount of said fee inures to the benefit of the publisher of said newspaper.

Subscribed and sworn to before me this 20 day of Feb., 1947

Notary Public

NOTICE OF INTENTION TO APPROPRIATE WATER

Office of State Engineer, Pierre So. Dak. January 23, 1947.
Notice is hereby given that W. E. Caylor whose postoffice address is Ardmore, So. Dak. has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 14.88 cubic feet of water per second of time from the Indian Creek through the Caylor Ditch, the point of diversion of which is to be located on the left bank of said stream in the SE 1/4 of the SE 1/4 of Sec. 14, Twp. 12S, Rge. 1E. Said water to be used for the purpose of providing flood irrigation.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 15th day of March, 1947, at 10:30 A. M. All persons who believe that their prior rights would be injuriously affected or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further the information presented.

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

DEAN W. LOUCKS,

State Engineer.
Pub. Jan. 29; Feb. 5, 12, 19.

Permit No. 312-2

Water Division No. Water District

RECEIVED

JUN 13 1947

4:15 P.M.

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

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 May 8th

1947, I have this day made a thorough examination of the diversion works constructed by

W.E. Caylor, of Ardmore S.D.

Fall River County, South Dakota, holder of permit No. 312-2, issued

upon application No. bearing date of priority of Mar-17, 1947, authorizing the

diversion of 14.88 second feet of the waters of Indian Creek for Irrigation

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

The diversion works comprise:

Tractor and Centrifugal pump
with Capacity of 3000 gal per Min. also Caylor
Ditch Capacity of 14.88 Cu ft Per Sec. Complete
from Headgate to Station 18 as shown on
Map

and the system is in the following condition:

Very Good -

The point of diversion is located

N 59° E 1650 ft from S 1/4
Corner Section 14 T12S R2E B.H.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:

SW 1/4 NW 1/4, 9A; NW 1/4 SW 1/4 29A
SW 1/4 SW 1/4 5A Section 13 T12S R2E;
NE 1/4 SE 1/4 22A
SE 1/4 SE 1/4 18A Section 14 T12S, R2E B.H.M.

comprising a total of

83

acres of land.

The domestic use intended comprises

None

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

None

Witness my hand, this

7th

day of

June

A. D. 19

47

Bernard A. Howell

Examining Engineer.

FORM

RECEIVED

JUN 13 1947

4:25 p.m.

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.Permit No. 312-2
Water Division No. _____ Water District _____

Certificate of Application of Water to Beneficial Use.

Deposition of Holder

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

Ans. W. E. Caylor, Ardmore S.D. Rancher.

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 number and date of permit, and date of priority you propose to establish under the permit.

Ans. 312-2 - January 17, 1947

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

Ans. Indian Creek - N 59° E, 16.50 ft. from S 1/4
Corner Sec. 14; T. 12 S., R. 2 E. B. 2 M.

Ques. 5. Describe your works of diversion, 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.

Ans. Tractor and centrifugal pump, with capacity of 3000 gal. per min. also Caylor Ditch with a capacity of 1488 cu. ft. per sec.

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. For irrigation: S 1/4 NW 1/4, 9 a. NW 1/4 SW 1/4, 29 a. -
S 1/4 NW 1/4, 5 a. Sec. 13; NE 1/4 SE 1/4, 22 a.; SE 1/4 SE 1/4, 18 a., Sec. 14
T. 12 S., R. 2 E. B. 2 M.

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

Ans. No.

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

Ans. 1488 cu. ft. per sec.

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. Same.

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

Ans. April 27, 1947 pumped at full capacity for 32 hours
May 25, 26, 27, 1947, pumped at full capacity for 72 hours -

~~William Hanna~~ (Sign.) W. E. Caylor
Witness, S. Oak

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 Wyoming State of South Dakota, on this 7th day of June A. D., 1947

Bryan Clark
Notary Public

Permit No. _____

Proof of Application of Water to

Beneficial Use.

DEPOSITION OF HOLDER.

Amount of water _____ second feet

Source _____

County _____

Purpose _____

Place of Use _____

Date of priority _____

Received and filed _____

July 17, 1917

W. E. Gaylor,
Ardmore, So. Dak.

Re: Water License 312-2.

Dear Mr. Gaylor:

We are, herewith, enclosing your Water License
No. 312-2 which entitles you to the use of 14.50 cu. ft.
per. sec. of the flood waters of Indian Creek, subject to
any prior appropriators.

Very truly yours,

DEAN W. LOUCKE,
State Engineer.

DWL/ep

Encl.

317.2

RECEIVED
JAN 27 1970

STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

Provo So. Dak.

Jan 26, 1970.

Sirs,

I am writing you in regard to applying for a water right. This project would consist of a 12" pump pumping out of Indian Creek. This location would be approximately $\frac{1}{2}$ mile straight east of the pump established by W. E. Caylor several years ago. This water right is No. 312-2. This water right became almost useless to us due to the fact that three Nebraska fellows took out a ditch ahead of it.

I am wondering if this pumping right could be changed to this new location some way.

This new project would irrigate over 100 acres. The pump will be located in So. Dak. However about

half of the land to be irrigated
will cross the state line.

The land is in a long stripe
with the state line cutting it
about in the middle.

Would we have to get any water
rights or anything from the
State of Nebv.?

Also there is a pump and another
flood irrigation project below us,
these water rights being in the
state of Nebv. If ours is a So.
Dak. water right, must we honor
the Nebv. water rights? and to
what extent?

When the ditch went in above
our pumps, they said they didn't
need to let any water by. Due
to the fact they had a Nebv. right
and ours was a So. Dak. right.
Even though our pump was
established several years before

the idea of the ditch was even conceived. Now ever we want to be fair to the two fellows below us. Would sure like this situation explained if you can.

Also what is a "vested" water right? Could this apply here?

Ans. yet we have not acquired the pump, nor any work. The So. Ark soil conservation service has made a topog map of it.

Can we obtain this water right and about how long will it take? If we can obtain this new water right, the old water right No. 312-2 wouldn't ever be used again, as we have a flood system from another creek doing a good job.

One last question, my brother C. Clinton and I have a partnership on the W. E. Caylor ranch. He lives on the home place, while I live in

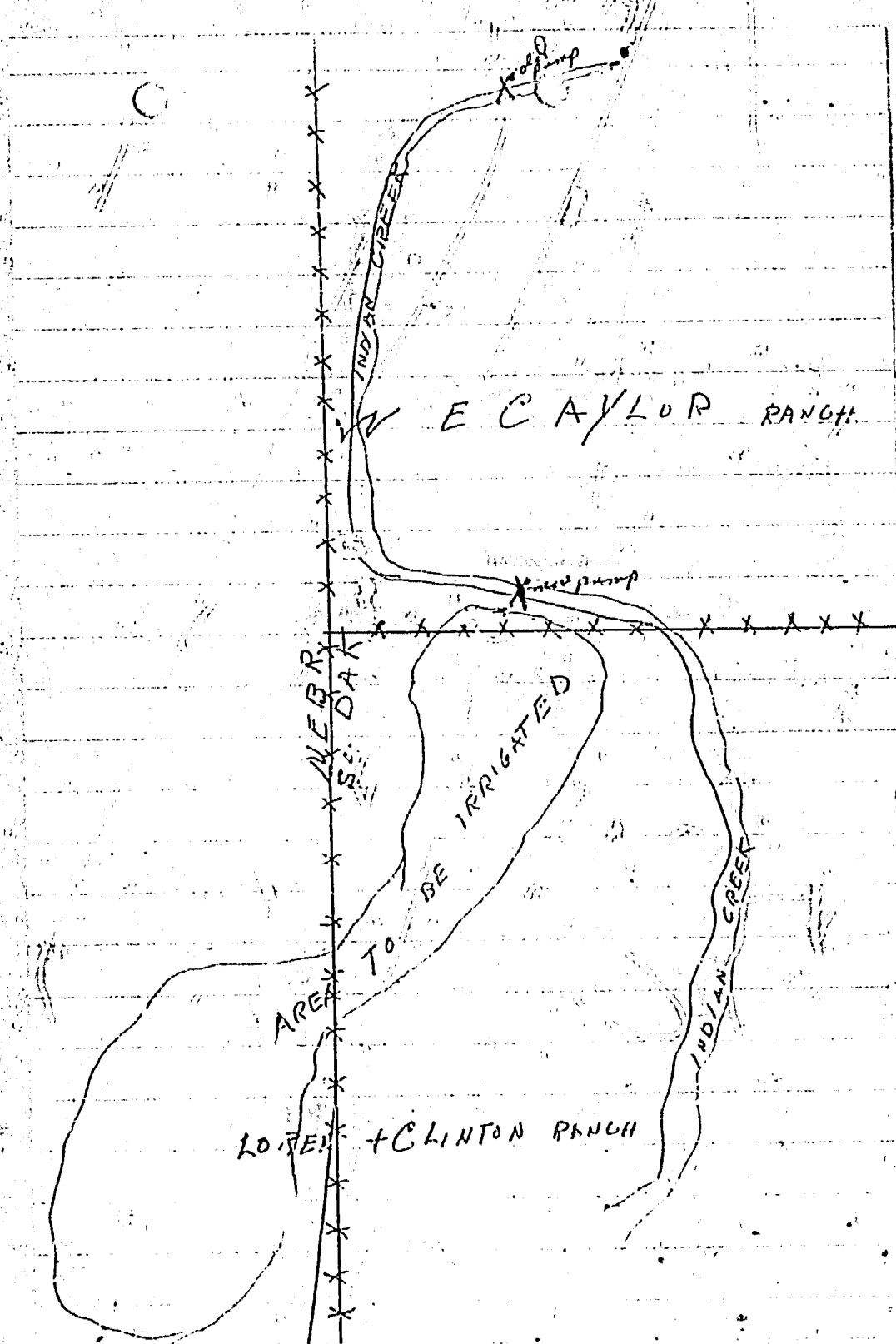
II

Nebr. I'm a resident here. I am
living on a quarter section in Nebr.,
adjoining the home place on the east.
Him and I also are partners on this
place where I live. The pump will
be on the W. E. Caylor line but
practically all the land to be irrigated
is on this place where I live. Will
the fact that I'm a Nebr. resident
have any bearing on a So. Dak.
water right?

If you could set me straight
on this, we will certainly
appreciate it. We would like to
get the pump ordered as soon
as we can.

I have drawn a sketch of the
layout on the other side of this
sheet to make it a little more
understandable.

Hope to hear from you soon
(over) Sincerely
Loew Caylor



March 5, 1970

Mr. Loren Caylor
Provo, South Dakota 57774

Dear Mr. Caylor:

Reference is made to your letter regarding your irrigation from Indian Creek.

Section 61.0129 of the enclosed water laws provides for change in the point of diversion and/or lands to be irrigated. It appears that your proposal falls under this category.

Procedures for such an application are about the same as for a new application; ie, submission of the map, application forms, \$8.00 fee and advertising of the intent. The main difference is that the priority of the old water right is retained.

In effect this is a "vested water right" as defined under Paragraph 7, Section 61.0102 of the water laws. Please complete the enclosed Form 2B verifying your water use under Water Right No. 312-2.

We can consider only the land in South Dakota. Application for the land in Nebraska should be made to the Water Resources Department in Nebraska.

South Dakota cannot regulate water use in Nebraska and vice-versa. If a controversy arises it would be handled in Federal court. Because of the similarity in the appropriative water laws of the two states, we would think the court would consider the question on a priority basis among the water rights involved. Water users whose activities cross state lines must be more cooperative among themselves than may be necessary within one state. This is because neither state water agency (only federal courts) can settle serious controversies.

Mr. Loren Caylor

Page 2.

Water Right 312-2

Your residency in Nebraska will have no bearing on acquiring a water right in South Dakota.

Because the intent to appropriate water must be advertised once a week for four weeks prior to hearing by the Commission, the earliest date your application could be considered is May 20th. To allow time for the advertising, the application should be in this office by April 15, 1970.

I am enclosing the necessary forms and instructions for making the application. Should you have further questions, feel free to contact this office.

Sincerely,

J.W. GRIMES
Executive Officer
Water Resources Commission

JWG/BFJ/bw
Encl: Form 2 (2)
Form 2B (2)
Instruction sheet
Water Laws

April 26, 1971

Mr. Loren Caylor
Provo
South Dakota 57774

Dear Mr. Caylor:

Reference is made to your letter regarding your water rights on Indian Creek.

Checking our files, I find the following:

Water Right 312-2 is for irrigating 83 acres from Indian Creek,
with a priority of January 17, 1947.

Permit No. 1020-2 is for irrigating 86 acres from Indian Creek,
with a priority of April 8, 1970.

Water Right 806-2 (referred to in your letter) is for irrigating
322.9 acres from Camp Creek, with a priority of August 26, 1963.

Water Right 670-2 is for irrigating 192.5 acres from Cow Creek,
with a priority of March 31, 1961.

As approved, Permit No. 1020-2 does not authorize the 1947 priority date.

Existing water rights on Indian Creek are as follows:

Water Right 457-2 to Robert Wallace for irrigating 65.39 acres,
with a priority of May 21, 1957.

Water Right 712-2 to Lester Barkley for irrigating 291.8 acres,
with a priority of May 18, 1961.

Should you have further questions, feel free to contact this office.

Sincerely,

BURTON F. JONES
Water Rights Specialist

BFJ/bw

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

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

312-2
1020-2

November 3, 1981

Gale Henry
Harrison,
Nebraska 69346

Dear Mr. Henry:

During an investigation of Indian Creek Water Rights, this office has found that there is a dam located on the creek which contains a culvert which is blocked with a steel plate. It appears to be located in Section 14, of Township 12 North, Range 2 East. This office was informed that you are the owner of the structure.

When I looked at the structure, it appeared that you plan on using the dam to spread water over some ground which has been leveled for irrigation. The State of South Dakota required permits for the appropriation of water for any beneficial use other than for domestic use such as stockwatering. However, for stockwatering a location notice would be required for the construction of the dam.

Any prior existing water rights downstream would have preference or first priority to the water of this creek. Without a permit for the construction of the dam, you are presently in violation of the South Dakota Water Laws and are subject to the remedies provided by law.

Please advise this office of the actions you plan to take to remedy the problem within 10 days. If you have any questions regarding this matter, do not hesitate to contact this office.

Very truly yours,

JAMES WINTERTON
Water Resources Engineer

JW:ks

bcc: Caylor Bros.

Equal Opportunity Employer

Nov. 3, 1981

Caylor Bros. on Indian Creek

Water License No. 312-2

Right to Use 14.88 cfs of the flood waters of Indian Cr. to irrigate the E¹/₄ SE¹/₄ of Sec. 14; SW¹/₄ NW¹/₄ and W²/₄ SW¹/₄ of Sec. 13; all in T12S R2E

diversion pt. N59°E, 1650 ft. from S¹/₄ corner of Sec. 14; T12S, R2E.

Water License No. 1020-2

Right to use 0.51 cfs to irrigate portions of the following described lands SE¹/₄ of Sec. 13, T12S, R2E.

diversion pt. 1630'W and 1050'S of E¹/₄ corner of Section 13, T12S, R2E.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 8, 1992

312-2 670-2
806-2 1020-2
1641-2

Jerry Wyatt
Wyatt Real Estate
309 N River
Hot Springs, SD 57747

Dear Mr. Wyatt:

Enclosed, as we discussed, are partially completed "Notice of Transfer" forms for use in filing ownership changes on Water Right Nos. 312-2, 670-2, 806-2, 1020-2 and 1641-2. Also enclosed are copies of the water rights for your review.

The transfer forms should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (total of \$12.50).

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

If you have any questions, please contact me.

Sincerely,

Genny McMath

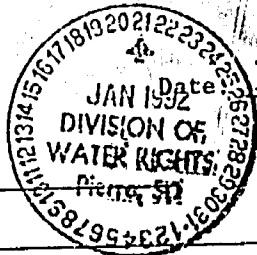
Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 312-2



Date January 15, 1992

I/We request that Water Right No. 312-2

formerly owned by: W E Caylor

be transferred to: (name & address) James and Patricia Johnston

HC68 Box 7 Lakeside, Ne 69351 (Telephone No.) 308-762-5134

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

E 1/2 SE 1/4 Section 14 and SW 1/4 NW 1/4, W 1/2 SW 1/4 Section 13, T12S, R1E

I/We understand that the validity of Water Right No. 312-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Fall River)

I/We James & Patricia Johnston 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.

James Johnston
(Signed)

Subscribed and sworn to before me this 15th day of January, 19 92.

George Wyatt
(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

Division of Water Rights

South Dakota Department of Water and Natural Resources

413079

Pierre, January 21, 1992

RECEIVED OF Russell Wyatt Real Estate Trust Account, Hot Springs, SD 57747

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____ Water Right No. 312-2	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 H. Hotal
Chief Engineer



January 29, 1992

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

No. 312-2, 670-2,
806-2, 1020-2,
1641-2

Jerry Wyatt
Wyatt Real Estate
309 N. River
Hot Springs, SD 57747

Dear Mr. Wyatt:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 312-2, 670-2, 806-2, 1020-2, and 1641-2.

Our records now show James and Patricia Johnston as the owner of Water Right Nos. 312-2, 670-2, 806-2, 1020-2, and 1641-2.

Sincerely,

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

enclosure

cc: James and Patricia Johnston



312-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 25, 1998

James E and Patricia Johnston
Box 722
Edgemont SD 57735

Dear Mr. & Mrs. Johnston:

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

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

If you have any questions, please contact us.

Sincerely,

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

Eric Gronlund
Natural Resources Engineer
605 773-3352

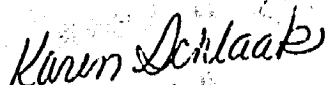
enclosures

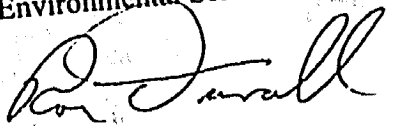
Report on Water Right No. 312-2
James E and Patricia Johnston
March 3, 1998

Water Right No. 312-2 appropriated 14.88 cubic feet of water per second from Indian Creek to irrigate 83 acres. In 1993, an investigation was conducted of the water use system described in Water Right No. 312-2. Upon reviewing the original water permit, public notice, water license and investigation report, errors were found in the legal description of the diversion point and acreage irrigated. Readvertisement of this water right is necessary to correct the errors. The diversion point is located in the SE 1/4 SE 1/4 Section 14-T12S-R2E. The 62.5 acres currently being irrigated are located in the SW 1/4 NW 1/4, W 1/2 SW 1/4 Section 13 and E 1/2 SE 1/4 Section 14; all in T12S-R2E. The original water permit, public notice, water license and investigation described the diversion point and acreage as being located in R1E and should have been R2E. This readvertisement does not authorize any increase in the developed water appropriation or irrigated acreage.

Conclusions

1. This is a readvertisement of the Notice to Appropriate Water for Water Right No. 312-2 which was originally published on 1947 in the Edgemont Tribune.
2. This readvertisement is necessary to correct the legal description of the diversion point and acreage irrigated prior to reissuance of the water license.
3. The correct legal description of the diversion point is the SE 1/4 SE 1/4 Section 14-T12S-R2E. The 62.5 acres currently being irrigated are located in the SW 1/4 NW 1/4, W 1/2 SW 1/4 Section 13 and E 1/2 SE 1/4 Section 14; all in T12S-R2E.


Karen Schlaak
Environmental Scientist

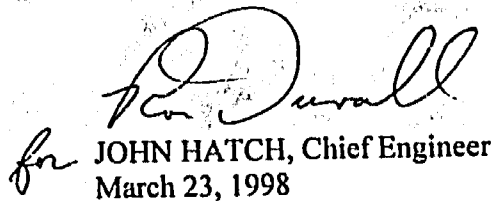

Ron Duvall
Natural Resources Engineer IV

**RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED WATER
PERMIT APPLICATION NO. 312-2, James E. and Patricia Johnston**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning readvertised Water Permit Application No. 312-2, James E. and Patricia Johnston, Box 722, Edgemont, SD 57735.

The Chief Engineer is recommending APPROVAL of readvertised Application No. 312-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest.

See report on application for additional information.


for JOHN HATCH, Chief Engineer
March 23, 1998



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 25, 1998

Edgemont Herald-Tribune
Box 660
Edgemont SD 57735-0660

Dear Sir:

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

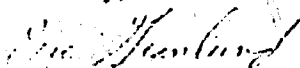
Please bill Notice of Application No. 2401-2 to Appropriate Water to James and Patricia Johnston, Box 722, Edgemont SD 57735.

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

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

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

Name

Newspaper

Instruction to Newspaper - Publish first Notice on April 1, 1998, with the second publication 7 days later.

READVERTISEMENT OF APPLICATION NO. 312-2 to Appropriate Water

Notice is given of readvertisement of Water Right No. 312-2 held by James E and Patricia Johnston, Box 722, Edgemont SD 57735. The water right was originally applied for in 1947. Upon reviewing the original water permit, public notice, water license and investigation report, errors were found in the legal description of the diversion point and acreage irrigated. Readvertisement of this water right is necessary to correct the errors. The Indian Creek diversion point is located in the SE 1/4 SE 1/4 Section 14-T12S-R2E. The 62.5 acres currently being irrigated are located in the SW 1/4 NW 1/4, W 1/2 SW 1/4 Section 13 and E 1/2 SE 1/4 Section 14; all in T12S-R2E. The original water permit, public notice, water license and investigation described the diversion point and acreage as being located in R1E and should have been R2E. This readvertisement does not authorize any increase in the developed water appropriation or irrigated acreage.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Readvertised Water Right No. 312-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Free River) SSI, Barb Bryan

certify that the attached printed Notice was taken

from the EdgemontHerald - Tribuneprinted and published in EdgemontCounty of Free River and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

April 1, 1998April 8, 1998

Cost of Printing _____

Barb Bryan
(Signature)Publisher
(Title)April 8, 1998
(Date Signed)

NOTICE OF APPLICATION NO. 312-2
to Appropriate Water Right
Notice is given of readvertisement of Water Right No. 312-2 held by James E. and Patricia Johnston, Box 722, Edgemont SD 57735. The water right was originally applied for in 1947. Upon reviewing the original water permit, public notice, water license and investigation report, errors were found in the legal description of the diversion point and acreage irrigated. Readvertisement of this water right is necessary to correct the errors. The Indian Creek diversion point is located in the SE 1/4 SE 1/4 Section 14-T12S-R2E. The 62.5 acres currently being irrigated are located in the SW 1/4 NW 1/4, W 1/2 SW 1/4 Section 13 and E 1/2 SE 1/4 Section 14, all in T12S-R2E. The original water permit, public notice, water license and investigation described the diversion point and acreage as being located in R1E and should have been R2E. This advertisement does not authorize any increase in the developed water appropriation or irrigated acreage.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Readvertised Water Right No. 312-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Nettie H. Myers, Secretary
Department of Environment and Natural Resources
(Apr. 1-8) (13-14)



PAYMENT REQUEST FORM

PAYEE: Edgemont Herald-Tribune
P.O. Box 660
Edgemont, SD 57735

FROM: Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Publication of Notice of Application No. 312-2 to Appropriate Water,
published on April 1 and 8, 1998.

AMOUNT: \$42.78

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION: _____

John Hatlett

4-13-98

I declare and affirm under the penalties of perjury that this claim is
in all things, true and correct. I further agree to comply with the
provisions of the Civil Rights Act of 1964 and regulations issued
thereunder relating to nondiscrimination in federal assisted programs.

Water Right No. 312-2
Upper Cheyenne River - Water District

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

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

During October, 1993, M. Rassool Ahadi made a re-examination of the water use system constructed by James E. and Patricia Johnston of Box 722, Edgemont, SD 57735 holder of Water Right No. 312-2, bearing the priority of January 17, 1947 authorizing the diversion of 14.88 cu. ft. per second of the waters of Indian Creek for irrigation purposes, in Fall River County.

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

A. Works used to divert the water:

A tractor-powered Crisafulli pump with a capacity of 3500 gallons per minute.

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

8-inch aluminum pipe and earthen irrigation ditches.

C. Works used to apply water to beneficial use:

Flood irrigation.

The system is in the following condition good. The point of diversion is located 1220 feet west and 360 feet north from the SE corner of Section 14, T12S-R2E. The works are capable of diverting and conveying to the place of use 7.8 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All in T12S-R2E

Section 13:

SW1/4NW1/4 - 1.7 acres
NW1/4SW1/4 - 24.0 acres
SW1/4SW1/4 - 1.5 acres

Section 14:

SE1/4SE1/4 - 10.3 acres
NE1/4SE1/4 - 25.0 acres

comprising a total of 62.5 acres of land and the license should be issued for 0.9 cfs.

Applicable permit qualifications have been complied with: Y

Exceptions to compliance are: None


Delvin D. Brosz, PE

Natural Resources Engineer
DENR, Water Rights Program

2-4-98
Date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 12 1998

James E and Patricia Johnston
Box 722
Edgemont SD 57735

Dear Mr. & Mrs. Johnston:

Enclosed for your records are the following:

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

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

Very truly yours,

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

ks

enclosures

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 312-2

(1) W.E. Caylor, Ardmore, SD was issued Water License No. 312-2, July 16, 1947 for a water right to divert 14.88 cubic feet of water per second from Indian Creek, Fall River County, South Dakota for irrigation purposes. Water License No. 312-2, with a priority date of January 17, 1947 was issued to the permit holder for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed. On January 21, 1992, Water Right No. 312-2 was transferred to James E and Patricia Johnston.

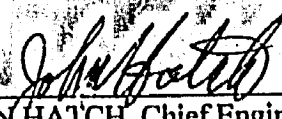
In 1993, an investigation was conducted of the water use system described in Water Right No. 312-2. The investigation found a total of 62.5 acres being irrigated. Upon reviewing the original water permit, water license and investigation report, an error was found in the legal description of the diversion point and acreage irrigated. They were described as being in R1E and should have been described as being in R2E. No. 312-2 was readvertised to correct the error. Water License No. 312-2 is being reissued to reflect what is actually being irrigated and to specify the corrected legal description.

(2) It is certified that the water right holders complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and are entitled to divert 0.90 cubic feet of water per second for beneficial use. The location of the diversion point is 1220'W and 360'N of the SE corner of Section 14, T12S, R2E (SE¼ SE¼).

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

Section 13-T12S-R2E		Section 14-T12S-R2E	
SW¼ NW¼	1.7 acres	SE¼ SE¼	10.3 acres
NW¼ SW¼	24.0 acres	NE¼ SE¼	25.0 acres
SW¼ SW¼	1.5 acres		
Total acres irrigated: 62.5			

(4) Pursuant to South Dakota Water Law 46-5-30.1 James E & Patricia Johnston, Box 722, Edgemont, SD 57735 the holders and/or owners of Water Right No. 312-2 are reissued a license to appropriate water, the right to use 0.90 cubic feet of water per second from Indian Creek with a priority date of January 17, 1947 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 312-2 and subject to South Dakota State Law.


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

JUN 12 1998

date





312-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 30, 1996

NOTICE

TO: JAMES & PATRICIA JOHNSTON, BOX 722, EDMONT, SD 57735

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

SUBJECT: Violation of Requirement to Submit 1995 Irrigation Questionnaire

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 1020-2, 312-2. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 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 9:45 am, March 6, 1996, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1020-2, 312-2 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 on/or before March 1, 1996 your name will be deleted from the Board agenda. If you have any questions or need assistance with 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.



312-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 13, 1996

312-2

1020-2

James & Patricia Johnston
Box 722
Edgemont, SD 57735

Dear Mr. & Mrs. Johnston:

I am writing to acknowledge receipt of your 1995 irrigation questionnaires. You may disregard the January 30, 1996, Notice of Violation of the Requirement to Submit the 1995 Irrigation Questionnaires.

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

If you have any questions, please contact me.

Sincerely,

Genny McMath

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



312-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 15, 2005

NOTICE OF SHUTOFF ORDER

TO: LEONARD/OONAGH WOOD
PO BOX 166
PRINGLE SD 57773

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

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

Shutoff Order for Water Right Nos. 1641-2, 312-2, 670-2, 806-2, 2310-2

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.

312-2 248
G

248-L

G 21

Map Prepared By:

Welman U. Brong, PE
Natural Resources Engineer
Water Rights Program

Trans
NE

14

806-2

670-2

13

~~670-2~~

312-2

25.0

24.0

6.5

10.3

1.7

160

125-2

312-2



IN REPLY REFER TO:

DK-700
PRJ 13.00

312-2
United States Department of the Interior

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

FEB 24 2006



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

RECEIVED
FEB 27 2006
WATER RIGHTS
PROGRAM

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

Dear Mr. Erbele:

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

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

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

Sincerely,

For Jeffrey L. Nettleton
Rapid City Field Office Manager

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 10, 2006

NOTICE OF SHUTOFF ORDER

TO: LEONARD/OONAGH WOOD
PO BOX 166
PRINGLE SD 57773

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

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

Shutoff Order for Water Right Nos. 1641-2, 312-2, 670-2, 806-2, 2310-2

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 19, 2008

NOTICE OF SHUTOFF ORDER

TO: LEONARD/OONAGH WOOD
PO BOX 166
PRINGLE SD 57773

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

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

Shutoff Order for Water Right Nos. 1641-2, 312-2, 670-2, 806-2, 2310-2

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:

LEONARD/OONAGH WOOD
PO BOX 166
PRINGLE SD 57773

FROM:

GARLAND ERBELE, Chief Engineer
Water Rights Program

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

Shutoff Order for Water Right Nos. 1641-2, 2310-2, 312-2, 670-2, 806-2, 2401-2

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

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

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

RECEIVED
JAN - 3 2012
WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 312-2

Date: _____

I/We request that Water Right No. 312-2

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

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

32296 190th St

Sleepy Eye MN 56085 Telephone No. 507-794-5779

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

62.5 acres – SW ¼ NW ¼ and W ½ SW ¼ Section 13, E ½ SE ¼ Section 14, T12S, R2E

I/We understand that the validity of Water Right No. 312-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

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

Indian Creek Cattle LLP
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/3, 2012

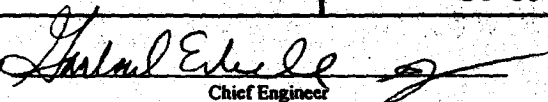
RECEIVED OF Indian Creek Cattle LLP 32296 190th St Sleepy Eye MN 56085

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>312-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **05194**

By


Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 12, 2012

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

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

Dear Mr. Schwartz:

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

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

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

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

Sincerely,

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 06, 2013

NOTICE OF SHUTOFF ORDER

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

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program *Garland Erbele*

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

**Shutoff Order for
Water Right Nos. 2401-2 2310-2 1641-2 806-2 670-2 (312-2)**

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

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

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

CERTIFICATION

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

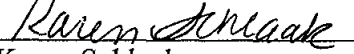
LAST_NAME	FIRST_NAME	ADDRESS2	CITY	STATE	ZIP
INDIAN CREEK CATTLE LLP		32296 190TH ST	SLEEPY EYE	MN	56085
INDIAN CREEK LAND & CATTLE LLC		PO BOX 538	EDGEMONT	SD	57735
WEINREIS BROTHERS,		230908 HIGHLAND RD	SCOTTSBLUFF	NE	69361
SEGER RANCH INC		RR 1 BOX 100A1	HOT SPRINGS	SD	57747
REUTTER	EDWARD/WANDA	HCR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

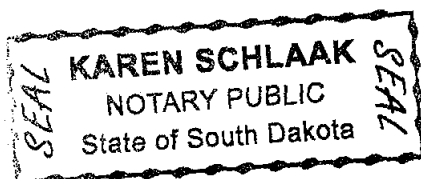
SCHNOSE	VERNON	12685 MAITLAND RD	HOT SPRINGS	SD	57747
SEABECK	DORIS SEABECK &	2533 PARK AVE	LARAMIE	WY	82070
SIMONS	THOMAS	BOX 381	EDGEMONT	SD	57735
TUBBS LAND & CATTLE LLC	BERNARD D	10891 RIVER RD	EDGEMONT	SD	57735
WALKER	FRED S & CYNTHIA K	30301 CASCADE RD	ARDMORE	SD	57735
WYOMING DAKOTA RAILROAD	WAYNE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


 Gail Jacobson
 Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
 COUNTY OF HUGHES)

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


 Karen Schlaak
 Notary Public
 My Commission expires April 1, 2013



2014 Water Management Board Irrigation Questionnaire

Please fill out and return before **December 1, 2014**

REMEMBER! Return of this questionnaire is required whether or not you irrigated this year.

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501 3181 ph. (605) 773 3352
or send your form(s) electronically over the internet at <http://denr.sd.gov/iq.aspx>

Permit No. 312-2

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

Any address/ownership corrections?

Email

Phone

Joe@SchwartzFarms.net
507-794-5779

1. Did you irrigate in 2014? *yes ☒ **no ☐

*If yes, number of acres irrigated? 63

**If no, check reason(s) for not irrigating acres covered by Permit No. 312-2

sufficient moisture ☐ no water available ☐
system not constructed ☐ use abandoned ☐
enrolled in CRP ☐, through what year? _____
other ☐, please explain in the Comment Box:

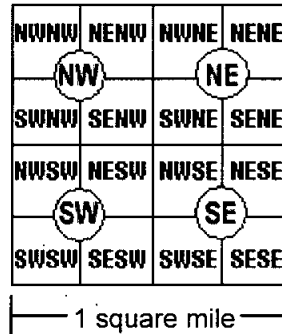
Comment Box

2. If your answer to question No. 1 is "no," you are done!
If you answered "yes," please complete Nos. 3, 4 & 5.

3. Did you apply chemicals or fertilizer through the system in 2014? yes ☐ no ☒

4. If more than one water source is listed below, circle each source used. A. INDIAN CREEK

5. Provide your water use on the back of this form.



Office use only

RECEIVED
JAN 05 2015
WATER RIGHTS
PROGRAM

Acreage permitted for irrigation under No. 312-2

(see above section map for help reading legal descriptions)

sec 13-T012S-R01E, SW1/4SW1/4 - 1.50 acres
sec 13-T012S-R01E, NW1/4SW1/4 - 24.00 acres
sec 13-T012S-R01E, SW1/4NW1/4 - 1.70 acres
sec 14-T012S-R01E, SE1/4SE1/4 - 10.30 acres
sec 14-T012S-R01E, NE1/4SE1/4 - 25.00 acres

R2E

Please provide your 2014 water use to irrigate the above acreage on the REVERSE side of this form.

Type of system used: center pivot ☐ towline ☐ big gun ☐ flood ☐ sprinklers ☐ other _____
(check all that apply)

If more room is needed, copies of this page may be made or complete blank pages and attach to this form.

MONTH IRRIGATED	CROP TYPE	*NUMBER OF ACRES IRRIGATED	PUMP RATE IN GALLONS PER MINUTE	DAYS PER MONTH WATER WAS APPLIED	AVERAGE HOURS PER DAY
MARCH					
APRIL					
MAY	Alfalfa Grass	63	?		
JUNE	Alfalfa Grass		?		
JULY					
AUGUST					
SEPTEMBER					
OCTOBER					

*Total number of acres irrigated should be the same as your answer in question No. 1 on reverse side of this form.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

April 20, 2015

312-2
2310-2

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

Dear Mr. Schwartz:

I am writing in follow-up to our phone conversation concerning the water use systems utilized under Right Nos. 312-2 and 2310-2.

The water rights collectively authorize irrigation of land in Section 13 and 14, T12S, R2E with diversion of water from Indian Creek and dry draws. The original inspection of these systems found water being diverted at a rate of 3500 gpm into ditches and then gravity applied to the acreage. Based on a pump being used from the dam for irrigation purposes, both of these water rights were required to report annually how much water was diverted for irrigation.

During our phone conversation you indicated that over time the system has changed and a pump is no longer utilized. It is my understanding the dam has a gate valve in place which diverts water to canals and then onto the acreage.

Under Water Management Board Rule 74:02:01:14.02, all irrigation permit owners except those with water spreading systems shall submit completed irrigation questionnaires on the forms mailed to them each year by the chief engineer. Since the irrigation systems authorized by Water Right Nos. 312-2 and 2310-2 no longer utilize pumping equipment and operate solely as spreader type systems, you will no longer be required to submit annual irrigation questionnaires.

If in the future you convert back to pumping equipment, please contact us so we can include you once again on the list of irrigators receiving irrigation questionnaires. If you have any questions, please get in touch with me.

Sincerely,

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