

NO. 727-10

Water Division No. \_\_\_\_\_

(Blank to be filled by the State Engineer.)

DISTRICT  
7:15 a.m.

## APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota  
ENGINEER  
PIERRE, S. DAK.

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

1. Name of applicant Mr. B. F. ChildersPostoffice address Edgemont (City) \_\_\_\_\_, County Fall River \_\_\_\_\_, State South DakotaI. ~~If a corporation~~(a) ~~Name of same~~ \_\_\_\_\_(b) ~~Date and place of incorporation~~ \_\_\_\_\_(c) ~~Amount of capital stock~~ \_\_\_\_\_(d) ~~Amount paid in~~ \_\_\_\_\_(e) ~~Name 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, \$ Adequate

(c) Treasury stock, \$ \_\_\_\_\_

(d) Bonds to be issued, \$ \_\_\_\_\_

(e) Other resources, \$ \_\_\_\_\_

2. Name of diversion work B. F. Childers Diversion3. Quantity of water claimed 2.05 cubic feet per second.4. Source of water supply Chayenne River5. Location of point of diversion In Sec. 27, T. 8S, R. 2E, BHM, at a point 2826.5 ft N. 14° 42' W. from the SE corner of Sec. 27Right

bank.

(Right or left bank looking down stream.)

6. Annual periods during which water is to be used March to October

7. To be used for:

## I. Irrigation or domestic use:

(a) Number of acres to be irrigated 143.8 acres.

Sec 27 - 6.94

Sec 26 - 94.94

Sec 35 - 42.04

(b) Legal subdivisions to be irrigated T. 8S, R. 2E, BHM

(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 \_\_\_\_\_

8. Estimated cost of works:

(a) Head gates, \$1,000.00 (b) Pumping plant, \$2,000.00  
(c) Flaming, \$None (d) Canal-earth, \$2,500.00 Rock, \$  
(e) Other structures \$ Total, \$5,500.00

9. Description of diversion works:

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

Pumping Plant:

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<br>OUTLET-Feet | SURFACE AREA AT EACH FEET OF<br>DEPTH AT OUTLET-ACRES | CAPACITY<br>ACRE-Feet |
|-------------------------|-------------------------------------------------------|-----------------------|
|                         |                                                       |                       |
|                         |                                                       |                       |
|                         |                                                       |                       |
|                         |                                                       |                       |
|                         |                                                       |                       |
|                         |                                                       |                       |
|                         |                                                       |                       |
|                         |                                                       |                       |
|                         |                                                       |                       |

(c) Head gate: Width 4'-0" feet; height 1'-6" feet; Material

(d) Canal: Total length 1.14 miles.

| LOCATION BELOW<br>HEADGATE | DEPTH | BOTTOM<br>WIDTH | WIDTH AT<br>WATER LINE | GRADE<br>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 Hot Springs Star, Hot Springs, South Dakota

STATE OF SOUTH DAKOTA

County of Fall River

ss.

I, B. F. Childers

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

Owner

(Owner, manager, engineer.)

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

Signed

B. F. Childers

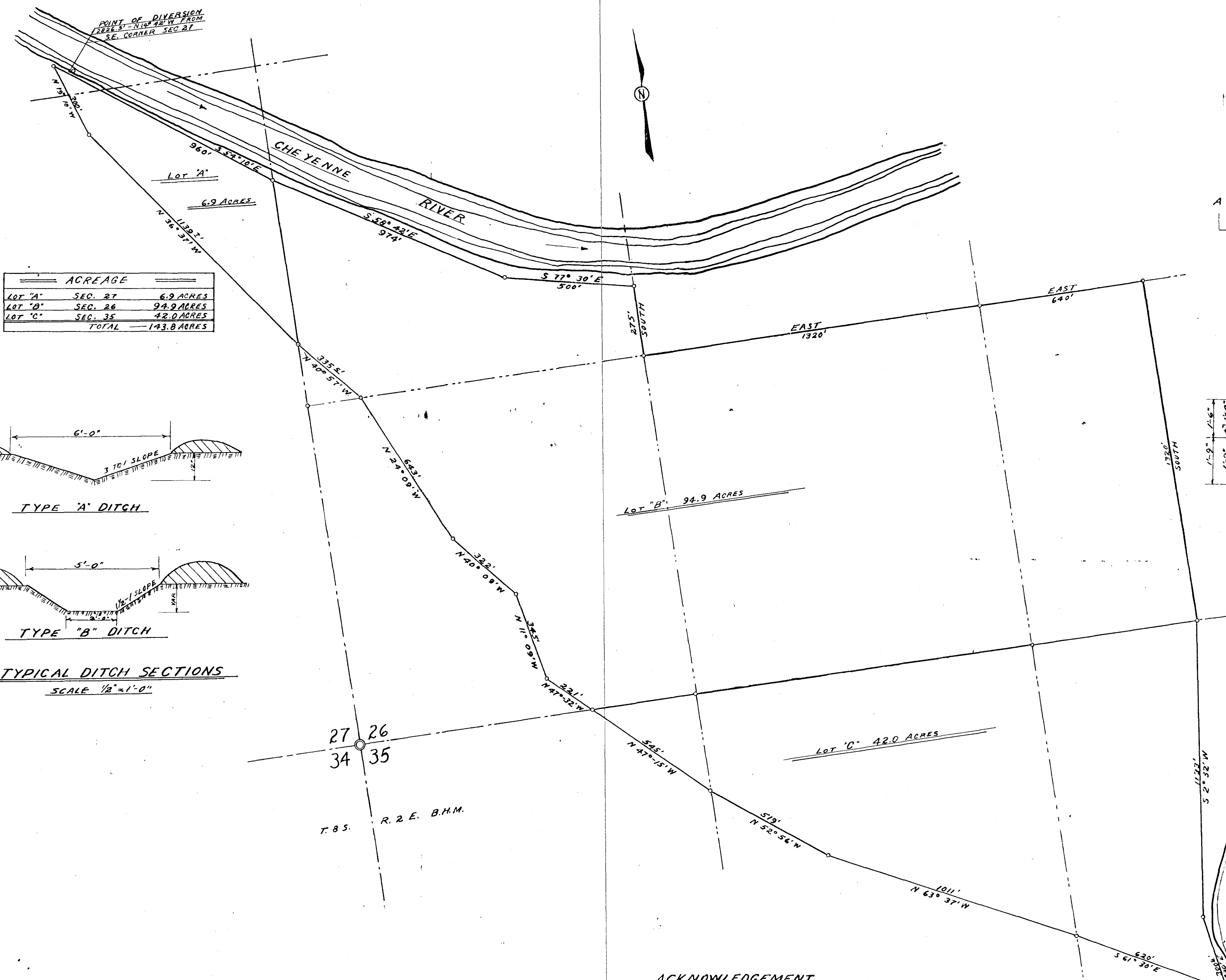
Subscribed and sworn to before me this

27 day of

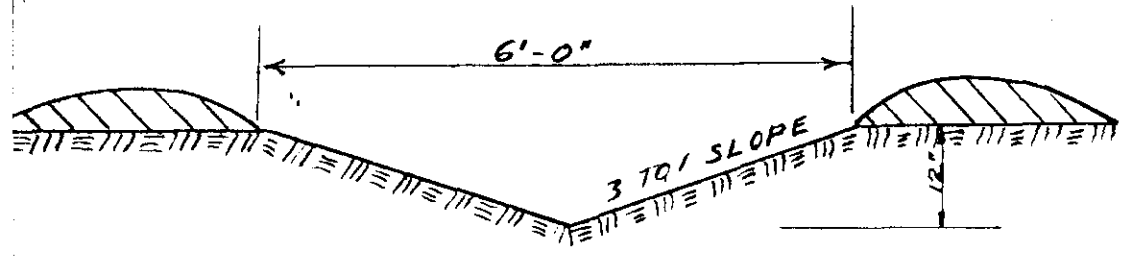
October

1945

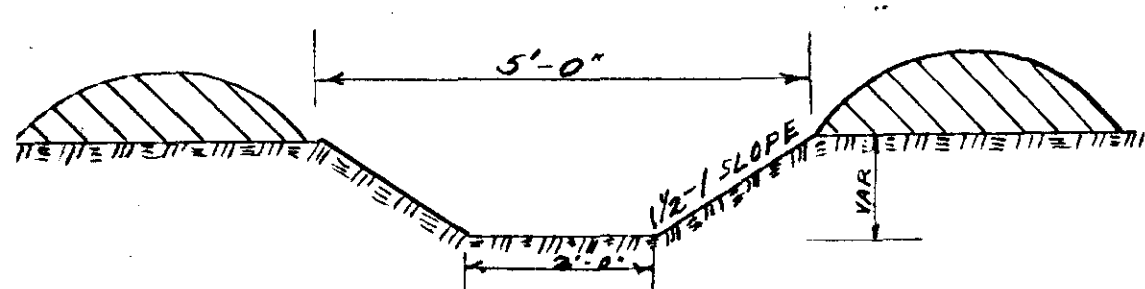
Notary Public (or other qualified officer.)



| ACREAGE |         |             |  |
|---------|---------|-------------|--|
| LOT "A" | SEC. 27 | 6.9 ACRES   |  |
| LOT "B" | SEC. 26 | 94.9 ACRES  |  |
| LOT "C" | SEC. 35 | 42.0 ACRES  |  |
| TOTAL   |         | 143.8 ACRES |  |

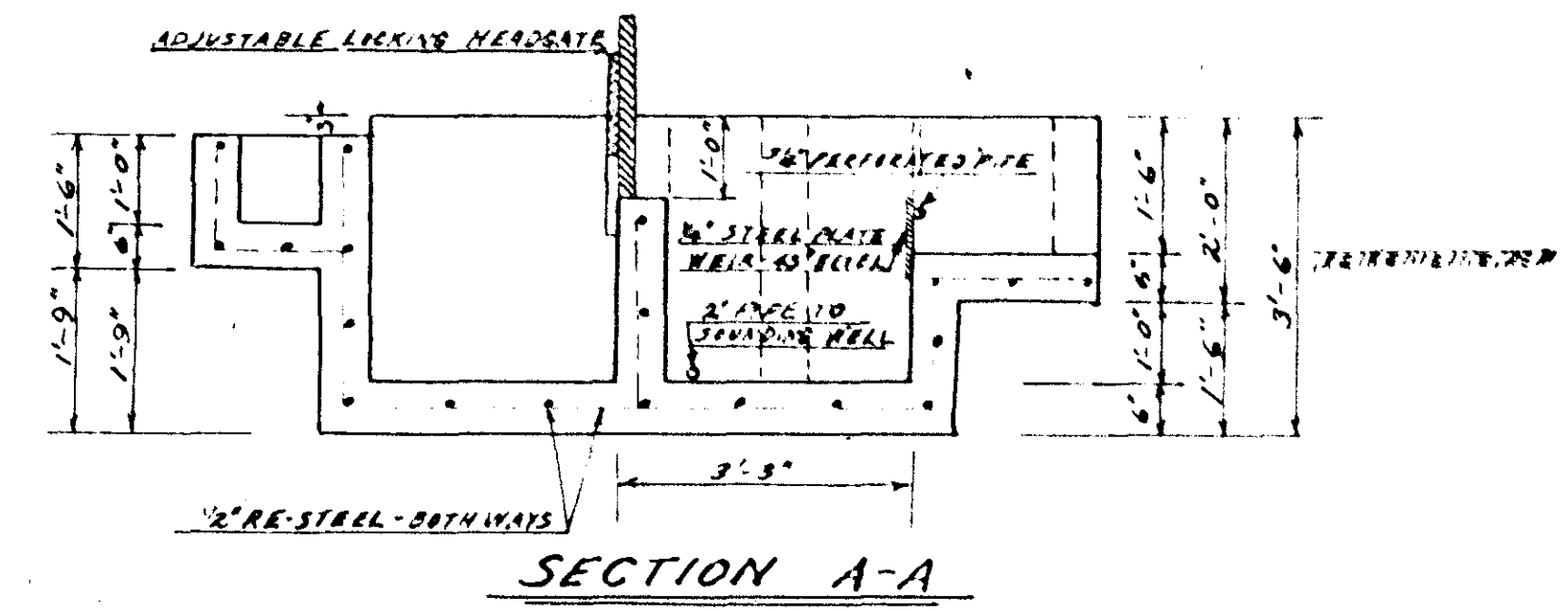
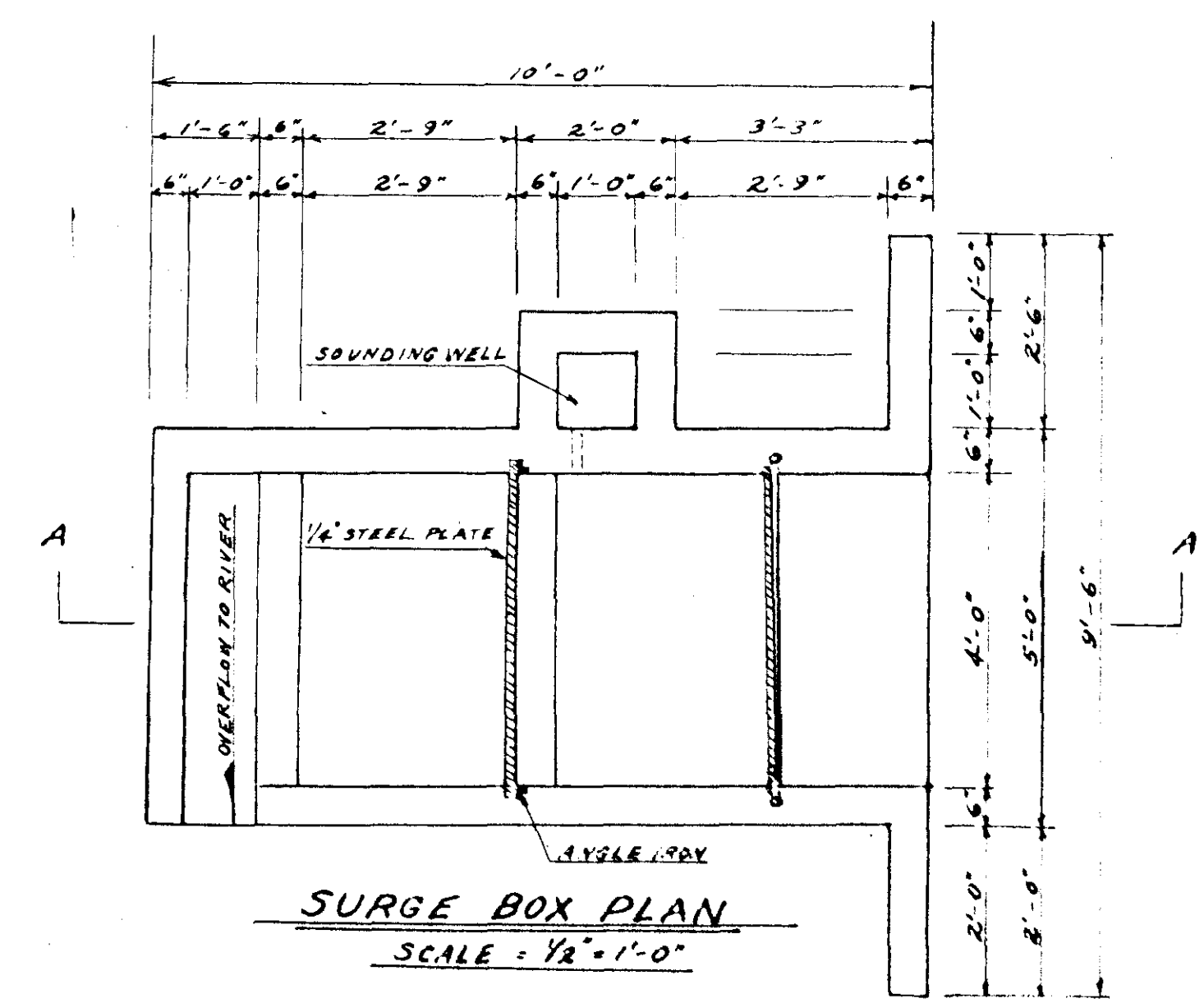


TYPE "A" DITCH



TYPE "B" DITCH

TYPICAL DITCH SECTIONS  
SCALE 1/2" = 1'-0"



SURVEYOR'S CERTIFICATE

I, JULIAN STAVEN, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT AT THE REQUEST OF B.F. CHILDERS, I SURVEYED THE TRACT OF LAND SHOWN IN THE ABOVE MAP. THE LOCATION WITH REFERENCE TO U.S. LAND SURVEY CORNERS, OF THE PROPOSED WATER DIVERSION POINT, PRINCIPAL DITCHES AND AREAS TO BE IRRIGATED ARE AS SHOWN IN THE ABOVE MAP. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL THIS 6<sup>TH</sup> DAY OF July A.D. 1948.

*Julian Staven*  
REGISTERED LAND SURVEYOR

ACKNOWLEDGEMENT

COUNTY OF PENNINGTON SS  
STATE OF SOUTH DAKOTA

BE IT REMEMBERED THAT ON THIS 6<sup>TH</sup> DAY OF JULY 1948, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR THE COUNTY AND STATE AFORESAID, PERSONALLY APPEARED JULIAN STAVEN, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE WITHIN AND FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED SAME.  
MY COMMISSION EXPIRES JUNE 26, 1952.

*V.L. Rupp*  
NOTARY PUBLIC

B.F. CHILDERS DIVERSION  
PROPOSED LAYOUT FOR IRRIGATION  
IN SECS. 26-27 & 35 T. 8 S. R. 2 E. B.M.  
SCALE - 1" = 200'  
B.F. CHILDERS - OWNER

*Map No. 357-2*  
Water Right 324-2

JULIAN STAVEN  
CONSULTING ENGINEER  
RAPID CITY, S. DAK.

Remarks by State Engineer:

STATE OF SOUTH DAKOTA  
County of Hughes } ss.

Pierre, South Dakota, January 28, 1949

This is to certify that the foregoing application was received at this office at 8:15 o'clock  
a. m. upon the 2th day of November, 1948 and that after examination it  
was found to conform to the South Dakota Water Code, was regularly advertised, no  
objections were received and is hereby approved.

Dean W. Loucks  
DEAN W. LOUCKS, State Engineer.

Number of permit 324-2

Date of first receipt of application November 9, 1948

Date of return to applicant for correction - - -, 19    

Date of receipt of corrected application - - -, 19    

Date from which applicant may claim right November 9, 1948

Approved January 28, 1949 Recorded in Book 2 Page 598-599

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 July 28, 1949

2nd. The whole of said work is to be completed on or before January 28, 1950

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is January 28, 1950

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 2.0 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 January 28, 1950; said water to be used during the following described annual period:

March to October, Inc.

Witness my hand this 28th day of January, 1949.

Dean W. Loucks  
DEAN W. LOUCKS, State Engineer.

No. 2  
Division No. 324

District

**PERMIT**

to appropriate water from

Chayenne River

Fall River County, South Dakota.

Name of applicant

B. F. Childers

Name of diversion works

B. F. Childers Diversion

Date of first receipt at office of State

Engincer November 9, 1948

Returned to applicant for Correction

- - - - - 19

Corrected application received

- - - - - 19

Date of water right

November 9, 1948

Recorded in Book 2 Page 598-599

One-fifth of work to be completed

July 28, 1949

Whole work to be completed

January 28, 1950

Final proof of use of water

January 28, 1950

Approved January 28, 1949

*Dean W. Loucks*  
DEAN W. LOUCKS, State Engineer.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 324-2

WHEREAS, On the 9 day of November A. D. 1948

D. F. CHILDERS

of Edgemont County of Fall River and State of South Dakota duly made application (No. 324-2) to me for a permit to use 2.05 cubic feet per second of the waters of the Cheyenne River County of Fall River State of South Dakota, for irrigation purposes; and

WHEREAS, On the 28 day of January A. D. 1949

Permit No. 324-2 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 28 day of January A. D. 1950 and for the application to beneficial use of said water on or before the 28 day of January A. D. 1950 and,

WHEREAS, On the 28 day of November A. D. 1950

the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.0 cubic feet per second of said waters, as evidenced by my Certificate No. 324-2 dated November 28, 1950 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 2.0 cubic feet per second of water, with date of priority of November 9, 1948 and,

WHEREAS, On the 23 day of December A. D. 1950

proof was duly made of the application to beneficial use of 2.0 cubic feet per second of said water;

The right hereby granted is subject to and shall not interfere with prior rights to the use of water from the Cheyenne River and including any rights held by the United States Government in connection with the Angostura Project, all as provided for in the South Dakota Code.

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 B. F. Childers

of Edgemont, South Dakota the holder... and owner... of said permit No. 324-2

a water right, dating from November 9, 1948 to the use of 2.0

cubic feet per second of the waters of the Cheyenne River

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

necessary for the purposes hereinbelow mentioned, to be diverted at a point 2826, 5' N. 14°42' W.

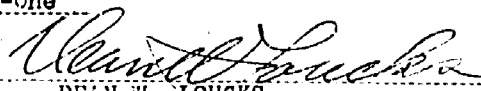
from the SE Corner of Sec. 27, T. 8S., R. 2E.

and conducted to and upon Sec. 26, Sec 27 and Sec 35, T. 8S., R. 2E.

for the purpose... of providing 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 26 day of January A. D. Nineteen  
Hundred and Fifty-One

  
DEAN W. LOUCKS State Engineer.

STATE OF SOUTH DAKOTA

Water License No. 324-2

To B. F. Childers  
Edgemont, S. Dak.

Source of Supply

Cheyenne River

Fall River

County

Am't 2.0

Sec. Feet

Point of Diversion 2826, 5' N. 14°42' W.  
from SE Cor. of Sec. 27, T. 8S., R. 2E.

Place of Use Sections 26, 27 and

35, T. 8S., R. 2E.

Purpose irrigation

Date of Priority November 8, 1948

Recorded January 23, 1949

Book 2 of W.R. Page 598-599

Permit No. 324-2

Water Division No. 2

Cheyenne  
River Water District

## Certificate of Construction of Works.

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That D. F. CHIDERS

of Edgemont, County of Fall River, and State of

South Dakota

the holder of Permit No. 324-2, issued upon Application No. 324-2, bearing date of priority of November 9, 1948, authorizing the diversion of

2.0

second-feet of the waters of the Cheyenne River

County of Fall River, State of South Dakota, at a point 2826.5' E. 14° 42' W. from the SE Corner of Section 27, T. 8S., R. 2E.

for irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the piece of intended use 2.0

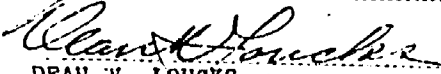
second-feet of water; and that the lands proposed to be irrigated by the use of said water are described as follows.

to-wit: Sec. 27, T. 8S., R. 2E.

Sec. 26, T. 8S., R. 2E.

Sec. 35, T. 8S., R. 2E.

Witness my hand this 26 day of January, A. D. 1951

  
 DEAN W. LOUCKS State Engineer of South Dakota.

(First Publication ..... 194.....)

## APPROPRIATION OF WATER

Office of State Engineer,

Pierre, So. Dak., December 3, 1948

Notice is hereby given that, H. F. Childers whose postoffice address is Edgemont, 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 2.05 cubic feet of water per second of time from the Choyanne River through the H. F. Childers' Diversion, the point of diversion of which is to be located on the Right bank of said stream in the S.E. 1/4 of the N.E. 1/4 of Section 27 Twp. 38 Range 2E. Said water to be used for the purpose of providing irrigation.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 15th day of January, 1949, at 2:00 P. 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.

DWJ:RW  
cc: Julian Staven

DAN W. LOUCKS  
State Engineer

# **PROOF OF PUBLICATION**

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

Charles T. Leonard being duly  
 sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was

The Hot Springs Star

during the whole time of publication

after stated, has been and is printed

City of Hot Springs

Fall River and S

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

December 16

December 23

December 30

January 6

in each and every issue of the full number thereof, the first  
 publication being made on the 16th day of December

1948 and the last publication on the 6th day of

January 1949, upon which days or times

of publication aforesaid the newspaper was regularly pub-

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

was editor the printer and publisher of

the said newspaper.

*Charles T. Leonard*

Subscribed and sworn to before me this 6th day of January A. D. 1949.

*Notary Public*  
 Notary Public Fall River County, S. D.

293  
 (First Publication Dec. 16, 1948)  
**APPROPRIATION OF WATER**  
 Office of State Engineer  
 Pierre, S. D., Dec. 2, 1948  
 Notice is hereby given that R. E. Childers whose postoffice address is Edgemont, 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 2.05 cubic feet of water per second of time from the Cheyenne River through the R. E. Childers Diversion, the point of diversion of which is to be located on the Right bank of said stream in the S.E. 1/4 of the N.E. 1 of Section 27 Twp

55 Range 2E. Said water to be used for the purpose of providing irrigation.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 17th day of January, 1949, at 2:00 p.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  
 Dec. 16-23-30-Jan 6

RECEIVED

OFFICE OF STATE ENGINEER  
 PIERRE, S. DAK.

Form No. 25

RECEIVED

APPLICATION FOR EXTENSION OF TIME FOR COMPLETING WORKS DEC 15 1949

To the State Engineer,  
Pierre, South Dakota.

OFFICE OF STATE ENGINEER  
PIERRE, S. DAK.

Dear Sir:-

I hereby request that an extension of time of one year  
be granted me for the completion of works to be done  
under permit No. 324-2.

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

Location of headworks: In the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$   
of Section 27 Township 08 Range 2E

E., B.H.M.

The water is to be used for the purpose of irrigation of lands in  
Sec. 26, 27 and 35, T 8S, R 2E

The extension of time for the completion of these works is requested  
for the following reasons: It has not been found practical to make a final  
installation of the pump.

B. J. Childers  
Holder of Permit No. 324-2

APPROVED:-

Dean W. Loucks  
DEAN W. LOUCKS  
State Engineer.

Permit No. 324-2

Water Division No. 2

Choyonno River

Water District

DEC 27 1950

# Notice of Completion of Works

STATE ENGINEER  
PIERRE, S. DAK.

(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. C.) Edgmont, South Dakota

(Date) November 28, 1950

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of 2.0

second feet of the waters of the state from the Choyonno River

through the B. F. Childers Diversion

for irrigation

purposes

Has been completed 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 E. F. Childers

2. The postoffice address of such person or the place of business of such corporation is Edgmont

County of Fall River State of South Dakota

3. The number of such permit is 324-2 and the date set for the completion of such work is January 28, 1951

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 2.0 cubic feet per second.

6. The amount of land for which said water is available is 143.6 acres, particularly described as follows: Sec. 26, 27 & 35, T 8S, R 2E

(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.

103121

Engineer.

(Signature)

B. F. Childers  
 Division Engineer

Permit No. 324-2

RECEIVED

DEC 27 1950

Water Division No. 2 Choyenne River Water District STATE ENGINEER  
PIERRE, S. DAK.

## Notice of Application of Water to Beneficial Use

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

(P. O.) Edgemont, South Dakota

(Date) November 23, 1950

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the 23 day of December 1950 at Edgemont County of Fall River State of South Dakota, before Mr. Gardner Gantz (Examining Engineer or Officer) proof will be submitted of the application to beneficial use of 2.0 cubic feet per second of the waters of the Choyenne River in accordance with the terms and conditions of Permit No. 324-2 heretofore issued by the State Engineer of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are:

B. F. Childers

Edgemont, South Dakota

2. The use to which said water has been applied is irrigation

3. The amount applied to beneficial use is 2.0 cu. ft. sec.

4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) Sec. 26, 27 &amp; 35, T 8S, R 2E.

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is

B. F. Childers Diversion

6. The right to take the water from such works is based upon permit No. 324-2

7. The source of supply from which such water is diverted is Choyenne River

8. The date of priority which said user is prepared to establish is November 9, 1948

NCS:RW  
cc: Gantz

(Sign)

B. F. Childers

Gantz

Gantz

Permit No. ....

Water Division No. ....

Water District

RECEIVED  
8:30 A.M.  
JAN 24 1951

# Certificate of Examination of Works

STATE ENGINEER  
PIERRE, S. DAK.

## 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 December 27/50 1950, I have this day made a thorough examination of the diversion works constructed by B. F. Childers of Edgemont, South Dakota Fall River County, South Dakota, holder of permit No. 324-2 issued upon application No. 324-2 bearing date of priority of November 9, 1948, authorizing the diversion of two--second feet of the waters of Cheyenne river for Irrigation purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Wooden Piping type inlet connected through a twelve inch pipe line to a 8" centrifical type pump (powered by a 10HP electric motor), and thence through a locking type control valve into a measuring weir into the main ditch (A) which extends the full length of the project.

and the system is in the following condition: Now

The point of diversion is located at a point 2826.5' N. xx 14° W. 42' W from the SE Corner Sec 27 - 85 - 2E on the south bank of the Cheyenne River.

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

The legal sub-divisions to be irrigated are: Sec 27 6.9 acres, Sec 26 94.9 Acres, Sec 25 42.0 acres. Township 8, Range 2, B, N, E,

comprising a total of 143.8 acres of land.

The domestic use intended comprises None

The utilization for power, mining, or other beneficial uses comprises: None

Witness my hand, this 21<sup>st</sup> day of January, A. D. 1951

Gardner Gantz, Examining Engineer.

Permit No. \_\_\_\_\_

Water Division No. \_\_\_\_\_

Water District \_\_\_\_\_

RECEIVED  
8:30 a.m.  
JAN 24 1951

## CERTIFICATE OF APPLICATION OF WATER TO BENEFICIAL USE

OFFICE OF STATE ENGINEER  
PIERCE & FENNER

### DEPOSITION OF HOLDER

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

Ans. B. F. Childers (Rancher) P.O. Box 723 Edgemont, 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. Not a Corporation

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit No. 324-2 January 28, 1948<sup>9</sup> date of priority Permit  
November 9, 1948 date of permit Priority

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

Ans. Cheyenne River at a point 2826.5' N xx 14° 42' W from the SE  
corner of Sec 27- 83 - 2E

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. Diversion works consists of a pumping plant with a 2" centrifical  
type pump powered by a ten hourse power electric motor. Designed to  
divert two second feet of water trough a locking type weir into  
"A" ditch extending through the intire length of the project.

Ques. 6. State for what purpost 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 within the legel subdivisions of 6.9 acers Sec 27  
94.9 acers Sec 26 and 42.0 acers Sec 35 T-8, R-2, BLM.

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

Ans. None

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

Ans. Two 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. No change B. F. Childers owner

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

Ans. Full amount was used at alternate intervals through the irrigation period from March to October of the season of 1950

(Sign.)

B. F. Childers

**D. F. Childers**

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Edgemoor, County of Fall River, State of South Dakota, on this 22nd day of January, A.D., 1951

[Signature]

NOTARY PUBLIC, FALL RIVER COUNTY, S. DAK.  
My Commission Expires Apr. 2-1953

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 \_\_\_\_\_

0555-2  
329-2  
324-2 ✓  
337-2  
637-2  
858-2

June 30, 1967

Mr. M. F. Childers  
Box 431  
Edgemont, S.D.

Dear Mr. Childers:

This is in reply to your letter of June 15th in which you inquire about all the water rights on file for the J. R. Johnston property near Edgemont, South Dakota. Following is a description of all the water rights in our files for this particular property.

Water Right 0555-2. This filing was made by Lyda Ward and has a priority date of December 29, 1906. She claimed 6 cfs from "Ward's Draw" for the irrigation of a portion of Sections 34 and 35, T8S, R2E. This location notice is not exact as to which legal subdivisions were to be irrigated. The diversion point was to be located in the NE¼ SE¼, Section 34, T8S, R2E.

As was stated in an earlier letter to you, these old filings are valid only to the extent and continuity of beneficial use through the years. Non-use or abandonment may constitute ground for the forfeiture of the water right.

Water Right 324-2. This water right was filed by B. F. Childers and has a priority date of November 9, 1948. On January 26, 1951, the State Engineer issued water license 324-2 for this filing. This license authorizes the diversion of 2.0 cfs from the Cheyenne River for irrigation on portions of Sections 26, 27, and 35, T8S, R2E. The diversion point for this license is in the SE¼ NE¼, Section 27, T8S, R2E.

Water Right Application 329-2. An application for a water right was submitted by B. F. Childers which proposed irrigation on portions of Sections 25, 26, and 36, T8S, R2E. However, this application was rejected by the State Engineer on May 26, 1949.

Water Permit 337-2. This water right was filed by yourself and was cancelled by the Water Resources Commission when they approved Water Permit 858-2, also in your name.

Water Permit 637-2. This permit was also cancelled when your Permit 858-2 was issued.

Mr. M. F. Childers

(continued)

June 30, 1967

Water Permit 858-2. This permit was issued to you and authorized the withdrawal of 9.3 cfs from the Cheyenne River and a total of 4.0 cfs from ground water sources. The water is to be used to irrigate portions of the SW $\frac{1}{4}$ , Section 24; N $\frac{1}{2}$  and SW $\frac{1}{4}$ , Section 25; and E $\frac{1}{2}$ , Section 26; all in T8S, R2E. The necessary diversion works were to have been completed on or before May 10, 1966 and the water put to beneficial use on or before May 10, 1970.

These water rights are all that we have on file for the land you describe in your letter. Since most of these water rights are in your or your father's name, you would know better than we their status as to the extent and continuity of beneficial use.

Sincerely,

RICHARD D. SCIMGYER  
Water Right Specialist

RDs:mf



**Department of  
Water & Natural Resources**

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501

Division of Water Rights  
605 773-3352

No. 324-2

May 11, 1987

B & H Ranch, Inc.  
PO Box 723  
Edgemont, South Dakota 57735

Dear Sir:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. 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.

Please advise if you have any questions.

Sincerely,

Maxine Stirling  
Secretary

ms/  
Enc.



# Department of Water & Natural Resources

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

March 23, 1987

B F CHILDERS  
EDGEMONT, SD 57735

## NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation  
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 324-2. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 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 2:00 pm. May 6, 1987 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). 324-2 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 hearing date, your name will be deleted from the agenda for the hearing.

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

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

May 11, 1987

324-2

B F Childers  
PO Box 723  
Edgemont, SD 57735

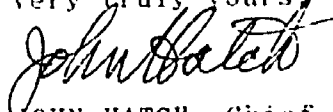
Dear Mr. Childers:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaire. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Right No. 324-2 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Your questionnaire was received prior to the May 6, 1987 Water Management Board Meeting and was no longer considered to be in violation. Your name was deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



JOHN HATCH, 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

Division of Water Rights  
605 773-3352

No. 324-2

May 11, 1987

B & H Ranch, Inc.  
PO Box 723  
Edgemont, South Dakota 57735

Dear Sir:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. 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.

Please advise if you have any questions.

Sincerely,

*Maxine Stirling*

Maxine Stirling  
Secretary

ms/  
Enc.

*UJL*  
*5/21/87*

DWHR-820A-8/83



NO. 324-2

NOTICE OF TRANSFER OF WATER

TO: Water Rights  
Foss Building  
Pierre, SD 57501

Date: 5/1/87

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

143.8 acres in portions of Sections 26, 27 and 35, T8S-R2E

formerly owned by B. F. Childers

has been transferred to B & H Ranch, Inc., PO Box 723, Edgemont, South Dakota 57735  
(Please include complete mailing address)  
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 324-2 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, VINCENT L. CHILDERS 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.

Vincent L. Childers  
(Signed)

Subscribed and sworn to before me this 2/17 Day of May, 1987.

William H. Hildebrand  
(Notary Public)

*Commission expires 4-16-94*

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, May 23, 1907, 19    

RECEIVED OF B & H Ranch, Inc., Box 723, Edgemont, SD 57735

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

|                                                                                                                            |       |      |
|----------------------------------------------------------------------------------------------------------------------------|-------|------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct 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>324-2</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 (135)

No. 324-2

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

Joe Foss Building Water Rights Division  
Pierre, South Dakota 57501 Phone (605) 773-3352

June 3, 1987

B & H Ranch, Inc.  
Box 723  
Edgemont, South Dakota 57735

Dear Sir:

Enclosed is receipt No. 410898 in the amount of \$ 2.50 which you  
paid for transfer of Water Right No. 324-2.

Our records now show you as the owner of this Water Right.

Sincerely,

Maxine Stirling  
Secretary

ms/  
Enc.



# Department of Water & Natural Resources

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

May 11, 1989

636-2, 324-2

## NOTICE

TO: V.L. Childers  
PO Box 723  
Edgemont, SD 57735

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

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

Effective May 19, 1989, you are ordered to cease diversions of water under Water Right Nos. 324-2 and 636-2. 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<br>irrigation at elevation 3173.4 ft. msl |
|-------------|--------------------------------------------------------------------------|

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

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

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





# Department of Water & Natural Resources

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

March 19, 1990

324-2  
636-2

## NOTICE

TO: Vincent L. Childers  
B & H Ranch, Inc.  
PO Box 723  
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. 324-2 and 636-2. 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).



# Department of Water & Natural Resources

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

March 14, 1991

324-2  
636-2

## NOTICE

TO: Vincent L. Childers  
B & H Ranch, Inc.  
PO Box 723  
Edgemont, SD 57735

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

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

(324-2)  
636-2

RESCISSION OF SHUTOFF ORDER

TO: Vincent L. Childers  
B & H Ranch, Inc.  
PO Box 723  
Edgemont, SD 57735

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

*Delvin D. Brosz*

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.

## CERTIFICATION

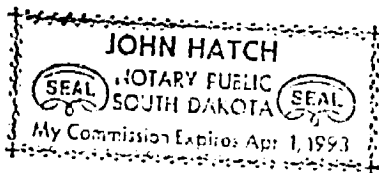
I hereby certify that on March 25, 1992, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 25, 1992, regarding Shut Off Order for Junior Water Right Holders Upstream of the Angostura Irrigation District addressed as stated on the attached list:

Chas. A. Frost

Cheryl F. Frost  
Secretary

STATE OF SOUTH DAKOTA )  
 ) SS  
COUNTY OF HUGHES )

Sworn to, before me, this 26<sup>th</sup> day of March, 1992.



John J. [Signature]  
Notary Public



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

March 25, 1992

324-2

NOTICE

TO: B & H RANCH INC  
B F CHILDERS  
PO BOX 723  
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 No. 324-2 which is junior in priority to Water Right No. US579-2 held by the US Bureau of Reclamation for the Angostura Irrigation District.

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

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

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

| PERMIT NO | FIRST NAME     | LAST NAME             | ADDRESS 1         | ADDRESS 2         | CITY        | STATE | ZIP CODE  | PERM1  | PERM2  |
|-----------|----------------|-----------------------|-------------------|-------------------|-------------|-------|-----------|--------|--------|
| 452-2     |                | A & T CATTLE CO       | TOU LANDERS       | ST RT             | WET SPRINGS | SD    | 57747     |        |        |
| 306-2     | RICHARD        | ANDERSON              | A CHAR ANDERSON   | BOX 59 BOX 18     | STICKMONT   | SD    | 57735     |        |        |
| 1011-2    | IRENE R        | ANDERSON              |                   | BOX 59 BOX 20     | STICKMONT   | SD    | 57735     |        |        |
| 396-2     |                | B & H RANCH INC       | B F CHILDERS      | PO BOX 723        | STICKMONT   | SD    | 57735     |        |        |
| 534-2     |                | BAILEY EGGS           |                   | BOX 417           | STICKMONT   | SD    | 57735     |        |        |
| 1005-2    | EDGAR E        | BARTLEY               |                   | BOX 740           | STICKMONT   | SD    | 57735     |        |        |
| 1003-2    | NICK/MICHAEL   | BOSNER                | ANICE BOSNER JR   | HC 45 BOX 24      | CELESTICH   | SD    | 57763     | 1734-2 |        |
| 755-2     |                | BRANDED INDIAN SCHOOL |                   |                   | WET SPRINGS | SD    | 57747     |        |        |
| 453-2     | WAYNE F        | CHILDERS              |                   | BOX 52 BOX 14     | STICKMONT   | SD    | 57735     |        |        |
| 634-2     | V L            | CHILDERS              |                   | BOX 723           | STICKMONT   | SD    | 57735     |        |        |
| 654-2     | OSCAR          | COFF                  |                   |                   | CELESTICH   | SD    | 57763     |        |        |
| 1004-2    | JACIN          | DUFFRING              |                   | SR 1 BOX 136      | LUCK        | WY    | 82225     |        |        |
| 507-2     | HAROLD F       | EDGSON                |                   | BOX 59 BOX 54     | STICKMONT   | SD    | 57735     | 1410-2 |        |
| 2053-2    | LEROY/BERNHA   | EDGSON                |                   | HC 48 BOX 243     | PRIMO       | SD    | 57774     |        |        |
| 1005-2    | DAVID M        | EDGAR                 |                   | RR BOX 32         | CELESTICH   | SD    | 57763     |        |        |
| 743-2     |                | HAID PROPERTIES, INC. | CARL P HAID, PRES | BOX 45 BOX 5      | CELESTICH   | SD    | 57763     | 1695-2 |        |
| 421-2     | HESMAN         | HECK                  |                   | BOX 441           | STICKMONT   | SD    | 57735     |        |        |
| 540-2     | DURRELL E      | HELMAN                |                   | BOX 402           | STICKMONT   | SD    | 57735     |        |        |
| 1070-2    | DORA R         | HENDERSON             | ATT 265           | 5141 INDIAN RIVER | LAS VEGAS   | NV    | 89103     |        |        |
| 1000-2    | DON W          | HENRY                 |                   | BOX 274           | ARMORE      | SD    | 57715     |        |        |
| 370-2     | HENRY C        | HOLLENBECK            |                   | LANEY ROUTE       | STICKMONT   | SD    | 57735     |        |        |
| 1590-2    |                | HU RANCH INC          | SD CORPORATION    | BOX 59 BOX 102    | STICKMONT   | SD    | 57735     |        |        |
| 350-2     | DARREL D       | HUNTER                |                   | BOX D             | ARMORE      | SD    | 57715     |        |        |
| 1041-2    | JAMES/PATRICIA | JOHNSTON              |                   | HC 43 BOX 7       | LAKEVIEW    | NE    | 68351     |        |        |
| 10770-2   | TH             | KANE                  |                   | BOX 124           | PRIMO       | SD    | 57774     |        |        |
| 703-2     | CARL           | KANSOLT               | ATT 207           | PLAINS HOTEL      | CHADRON     | NE    | 68317     |        |        |
| 1000-2    | JOHN W         | KOLLER                |                   | BOX 715           | STICKMONT   | SD    | 57735     |        |        |
| 604-2     | A J            | LANDERS               | STAR CATTLE CO    | BOX 1508 BOX 52   | WET SPRINGS | SD    | 57747     |        |        |
| 1040-2    | B L/ALLEN      | LAWRENCE              |                   | BOX 750           | TILOA       | SD    | 58752     |        |        |
| 576-2     | MELVIN         | LIFE                  |                   |                   | WET SPRINGS | SD    | 57747     |        |        |
| 17225-2   | JOHN D(JACK)   | MANKE                 | (ESTATE)          | PR 41 BOX 1720    | WET SPRINGS | SD    | 57747     |        |        |
| 11447-2   | KENNETH        | MARTINSON             |                   | BOX 241           | STICKMONT   | SD    | 57735     |        |        |
| 745-2     | ARLITH W       | MCLAIN                |                   | BOX 164           | CELESTICH   | SD    | 57763     |        |        |
| 410-2     | PAUL L         | MEFFORD, JR           |                   | BOX 48 BOX 22     | PRIMO       | SD    | 57774     |        |        |
| 1013-2    | A J            | NELSON                |                   | FRANK'S STAGE     | WILES CITY  | MT    | 59301     |        |        |
| 2015-2    |                | PETERSON & SON, INC   |                   | BOX 53 BOX 14     | STICKMONT   | SD    | 57735     |        |        |
| 1010-2    | PAUL A JEAN    | PETTY                 | A NORMAN PETTY    | BOX 52 BOX 130    | WET SPRINGS | SD    | 577473003 |        |        |
| 1214-2    | MELVIN         | PORTER                |                   | WYO RT BOX 17     | STICKMONT   | SD    | 57735     |        |        |
| 711-2     | DONALD         | PUTNAM                |                   | BOX 124           | CELESTICH   | SD    | 57763     | 2043-2 |        |
| 1030-2    | GLENN          | REASER                |                   | HC 45 BOX 43      | CELESTICH   | SD    | 57763     |        |        |
| 422-2     | EDWARD/ANDIA   | REUTTER               |                   | BOX 53 BOX 90     | STICKMONT   | SD    | 57735     | 1740-2 |        |
| 743-2     | CHANCE/NETER   | REYNOLDS              |                   | BOX 53 BOX 18     | STICKMONT   | SD    | 57735     | 224-2  |        |
| 609-2     | OLIVER M       | ROMPY                 |                   | BOX 175           | CELESTICH   | SD    | 57763     |        |        |
| 718-2     | VERNON         | SCHROSE               |                   | ST RT BOX 155     | WET SPRINGS | SD    | 57747     | 1700-2 |        |
| 1040-2    |                | SEGER RANCH INC       |                   | BOX 95            | CELESTICH   | SD    | 57763     | 671-2  | 1032-2 |
| 007-2     | BERNARD D      | SIMONS                |                   | BOX 381           | STICKMONT   | SD    | 57735     |        |        |
| 1032-2    | ROBERT/MARK    | TUBBS                 |                   | BOX 563           | STICKMONT   | SD    | 57735     |        |        |
| 1010-2    |                | WAR BONNET RANCH LTD  | BOX 132           | 105 F 5TH ST      | ARMORE      | SD    | 57553     |        |        |
| 102-2     | VINCENT M      | WASSERBURGER          |                   | BOX 43            | ARMORE      | SD    | 57715     | 253-2  | 2115-2 |



December 1, 1992

V L Childers  
PO Box 723  
Edgemont, SD 57735

Dear Mr. Childers:

I am writing this letter in reference to the comments you made on your 1992 Irrigation Questionnaires. South Dakota Water Law is based on the priority date system, that is water rights with older priority dates have the first right to use the water. The US Bureau of Reclamation has the water right for storage in Angostura Reservoir with a priority date of April 11, 1941. In the past three years, shut off orders have been issued to junior water right holders located above Angostura Reservoir. The water right for Angostura Reservoir allows for one annual fill of the reservoir before junior upstream water rights are allowed to divert. The proposal you have made, allowing irrigation by junior water rights during May and June, would not protect the senior Angostura water right for storage as required by law.

The Division of Water Rights continuously monitors the storage, the inflow and outflow for Angostura Reservoir. At the beginning of the calendar year a determination is made of the required volume of water that would be needed to fill the reservoir. When sufficient water flows into the reservoir to meet this requirement, a notice rescinding the shutoff order is issued. In early 1991, the water level in Angostura Reservoir was several feet below the full level. Heavy rain fell in the river basin in middle part of May 1991, with significant river flow into the reservoir starting on May 12. On May 20 the US Bureau of Reclamation contacted this office and stated Angostura Reservoir would fill and begin to spill sometime on May 23. On May 20, I issued a notice rescinding the shutoff order for junior water rights above Angostura.

If you have other questions, feel free to contact Mark Rath or Del Brosz with the Division of Water Rights, phone 773-3352.

Very Truly Yours

John Hatch, Chief Engineer  
Division of Water Rights

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

636-2  
324-2

324-2



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

March 12, 1993

324-2

NOTICE

TO: B & H RANCH INC  
B F CHILDERS  
PO BOX 723  
EDGEMONT, SD 57735

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

*Delvin D. Brosz*

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

Effective immediately no diversions of water under your Water Right No. 324-2 are authorized. Your water right is 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

3.24.2

CERTIFICATION

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

Copy Sent To:

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

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

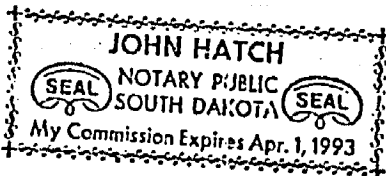
*Cheryl F. Frost*

Cheryl F. Frost  
Secretary

STATE OF SOUTH DAKOTA )  
COUNTY OF HUGHES ) SS  
)

Sworn to, before me, this 15<sup>th</sup> day of March, 1993.

*John Hatch*  
Notary Public





324-2

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

April 14, 1993

324-2

RESCISSION OF SHUTOFF ORDER

TO: B & H RANCH INC  
B F CHILDERS  
PO BOX 723  
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



324-2

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 4, 1994

324-2  
636-2

V L Childers  
B & H Ranch, Inc  
P O Box 723  
Edgemont, SD 57735

Dear Mr. Childers:

This letter is in response to your comments on the 1993 Water Management Board Irrigation Questionnaire. You stated that no irrigation was done in 1993 due to a shutoff order.

You were issued a shutoff order on March 12, 1993. At that time Angostura Reservoir was 10 feet and 41,000 acre feet below full.

On April 14, 1993 you were issued a rescission of the shutoff order. Angostura Reservoir was still 1.6 feet and 7,000 acre feet below full but was anticipated to fill. Therefore, on April 14, 1993 you had the right to irrigate for the remainder of 1993.

I have enclosed copies of the rescission order. If you have any other questions, please contact me.

Sincerely,

Delvin D. Brosz, PE  
Natural Resources Engineer IV  
for John Hatch, Chief Engineer  
(605) 773-3352

enclosures

cc: US Bureau of Reclamation  
Angostura Irrigation District



324-2

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

May 26, 1995

324-2

**RESCISSION OF SHUTOFF ORDER**

TO: V L CHILDERS  
B & H RANCH INC  
PO BOX 723  
EDGEMONT, SD 57735 0723

FROM: *for* 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 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**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

April 30, 2004

**NOTICE OF SHUTOFF ORDER**

**TO:** B & H RANCH INC  
V L CHILDERS  
PO BOX 723  
EDGEMONT SD 57735

**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. 324-2**

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.



324-2

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

March 15, 2005

**NOTICE OF SHUTOFF ORDER**

**TO:** B & H RANCH INC  
V L CHILDERS  
PO BOX 723  
EDGEMONT SD 57735

**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. 324-2, 636-2**

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.



IN REPLY REFER TO:

DK-700  
PRJ 13.00

324-2  
United States Department of the Interior

BUREAU OF RECLAMATION  
Dakotas Area Office  
Rapid City Field Office  
515 9<sup>th</sup> 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](http://www.state.sd.us/denr)

March 10, 2006

**NOTICE OF SHUTOFF ORDER**

**TO:** B & H RANCH INC  
V L CHILDERS  
PO BOX 723  
EDGEMONT SD 57735

**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. 324-2, 636-2**

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.



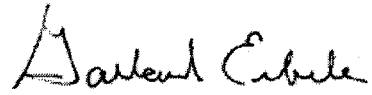
**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

March 9, 2007

**NOTICE OF SHUTOFF ORDER**

**TO:** B & H RANCH INC  
PO BOX 723  
EDGEMONT, SD 57735

**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. 324-2**

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](http://www.state.sd.us/denr)

March 19, 2008

**NOTICE OF SHUTOFF ORDER**

**TO:** B & H RANCH INC  
PO BOX 723  
EDGEMONT SD 57735

**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. 324-2, 636-2**

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](http://www.state.sd.us/denr)

March 19, 2009

**NOTICE OF SHUTOFF ORDER**

**TO:** V L CHILDERS  
B & H RANCH INC  
PO BOX 723  
EDGEMONT SD 57735

**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. 324-2, 636-2**

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**

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
<http://denr.sd.gov>

October 18, 2012

324-2  
636-2

V L Childers  
B & H Ranch Inc  
900 W 7<sup>th</sup> St  
Chadron NE 69337 2874

Dear Mr. Childers:

Enclosed is a "Notice" dated October 12, 2012 concerning the 2012 irrigation questionnaire.

The notice was originally mailed to PO Box 723, Edgemont SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

March 06, 2013

**NOTICE OF SHUTOFF ORDER**

**TO:** B & H RANCH INC  
V L CHILDERS  
900 W 7TH ST  
CHADRON NE 69337

**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. 324-2**

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:

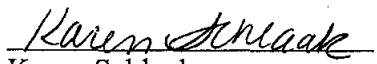
| LAST_NAME                      | FIRST_NAME            | ADDRESS2               | CITY        | STATE | ZIP   |
|--------------------------------|-----------------------|------------------------|-------------|-------|-------|
| INDIAN CREEK CATTLE LLP        |                       | 32296 190TH ST         | 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 |

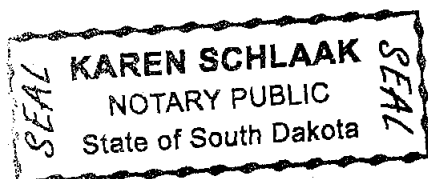
|                         |                    |                          |             |    |       |
|-------------------------|--------------------|--------------------------|-------------|----|-------|
| SCHNOSE                 | VERNON             | 12685 MAITLAND RD        | HOT SPRINGS | SD | 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 6<sup>th</sup> day of March, 2013.

  
 Karen Schlaak  
 Notary Public  
 My Commission expires April 1, 2013





DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
<http://denr.sd.gov>

November 2, 2015

324-2  
636-2

V L Childers  
B & H Ranch Inc  
PO Box 222  
Edgemont SD 57735-0222

Dear Mr. Childers:

Enclosed is a "Notice" dated October 23, 2015 concerning the 2015 irrigation questionnaires.

The notice was originally mailed to 900 W 7<sup>th</sup> St, Chadron NE. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



324-2  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 26, 2018

NOTICE

TO: V L CHILDERS, B & H RANCH, INC, PO BOX 222, EDGEMONT, SD 57735 0222

FROM: Ron Duvall, Natural Resources Engineer  
for Jeanne Goodman, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire has not been submitted for Permit No(s) 324-2 & 636-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 324-2 & 636-2 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 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us). If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

**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

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

February 16, 2018

324-2  
636-2

V L Childers  
B & H Ranch Inc  
PO Box 222  
Edgemont SD 57735-0222

Dear Sir:

I am writing to acknowledge receipt of your 2017 irrigation questionnaires.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right Nos. 324-2 and 636-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



324-2  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 25, 2019

NOTICE

TO: B & H RANCH, INC, PO BOX 222, EDGEMONT, SD 57735 0222

FROM: Ron Duvall, Natural Resources Engineer  
for Jeanne Goodman, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire has not been submitted for Permit No(s) 324-2 & 636-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

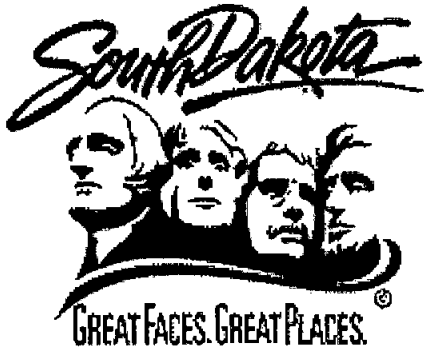
1. Amend Permit No(s) 324-2 & 636-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us). If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

**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.

324-2



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

February 8, 2019

324-2  
636-2

B & H Ranch Inc  
PO Box 222  
Edgemont SD 57735-0222

Dear Sirs:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right Nos. 324-2 and 636-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

For informational purposes, Water Right No. 324-2 is listed under B & H Ranch Inc., and Water Right No. 636-2 is listed in the name of V L Childers. It is our understanding that Mr. Childers passed away last fall. When you are ready, Water Right No. 636-2 should be transferred to reflect current ownership. Enclosed is a partially completed form.

If you have any questions, please contact me.

Sincerely,

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

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

enclosure

324-2

**CAMPBELL LAW OFFICE**  
**2630 JACKSON BLVD., SUITE 201**  
**RAPID CITY, SD 57702-3467**  
(605) 348-7763  
FAX (605) 348-9721  
EMAIL [ken@taxcrew.com](mailto:ken@taxcrew.com)

**KENNETH G. CAMPBELL**  
Attorney at Law

November 20, 2019

**CYNDI GOETZE**  
Office Manager

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

Re: Water Right No. 324-2

Dear Chief Engineer:

Enclosed please find the Notice of Transfer of Ownership from B & H Ranch, Inc. to -C- Ranch, LLC along with my check in the amount of \$50.00 to over the filing fee.

Please let me know if you need anything further.

Once recorded, please return confirmation of the transfer to me at the above address.

Thank you for your assistance.

Sincerely yours,

  
Kenneth G. Campbell

KGC/cg  
Enclosures

water-rights11-20-19.childers

PAID

NOV 22 2019

Ck# 13081

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 324-2

Date: Oct 22, 2019

I/We request that Water Right No. 324-2

formerly owned by: B & H Ranch, Inc.

be transferred to: (name & address) -C- Ranch, LLC, PO Box 222, Edgemont, SD 57735

Telephone No. 605-891-1931

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

NE1/4 of Section 35, T8S, R2E - 42 acres

NE1/4 of Section 26, T8S, R2E - 94.90 acres

NE1/4 of Section 27, T8S, R2E - 6.90 acres

I/We understand that the validity of Water Right No. 324-2 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 Brian L. Childers, the new owner, certify that the above information is true and correct.

-C- RANCH, LLC

By:   
(Signed by new owner)

Brian L. Childers, Manager

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.



# OFFICE OF THE SECRETARY OF STATE

STEVEN J. BARNETT, SECRETARY OF STATE

JASON LUTZ, DEPUTY SECRETARY OF STATE

## Filing Information

Name: **-C- RANCH, L.L.C.**

### General Information

**SOS Business ID** DL172086  
**Filing Type:** Limited Liability Company - Domestic  
10/23/2019  
**Status:** Good Standing  
**Duration Term:** Perpetual  
**Managed By:** Manager-Managed

#### Registered Agent Address

BRIAN L CHILDERS  
28221 HOMESTEAD ROAD  
EDGEMONT, SD 57735

#### Principal Address

28221 HOMESTEAD ROAD  
EDGEMONT, SD 57735

The following document(s) was/were filed in this office on the date(s) indicated below:

| <u>Date Filed</u> | <u>Filing Description</u> | <u>Image #</u> |
|-------------------|---------------------------|----------------|
| 10/23/2019        | Initial Filing            | B0118-0662     |

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 22, 20 19

RECEIVED OF Kenneth G. Campbell 2260 Jackson Blvd, Ste. 201 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 | 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>324-2</u>                                                                      |       |       |
| Fee for _____                                                                                                  | 50    | 00    |
| 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. **09256**

By Jeanne Goodman  
Chief Engineer  
Zgm



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

November 25, 2019

324-2

Brian L Childers, Mgr  
-C- Ranch LLC  
PO Box 222  
Edgemont SD 57735

Dear Mr. Childers:

I am writing to acknowledge receipt of the transfer form and filing fee submitted by Campbell Law Office on your behalf for changing ownership on Water Right No. 324-2.

The ownership change has been completed. Water Right No. 324-2, formerly held by B & H Ranch Inc., is now listed under -C- Ranch LLC.

The receipt for the filing fee is being forwarded by copy of this letter to Kenneth G Campbell with Campbell Law Office in Rapid City.

With respect to the annual reporting requirement, we have not yet received the 2019 irrigation questionnaire from you for this property. The form is due by December 2<sup>nd</sup>.

If I can answer any questions for you, please let me know.

Sincerely,

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

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

encl

c: Kenneth G Campbell, Campbell Law Office



**DENR**  
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 22, 2021

**NOTICE**

TO: -C- RANCH LLC, BRIAN L CHILDERS, MGR, PO BOX 222, EDGEMONT, SD 57735 0222

FROM: Ron Duvall, Natural Resources Engineer  
for Jeanne Goodman, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire has not been submitted for Permit No(s) 324-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 324-2 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 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us). **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: RFLPTL**

**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.

324-2



**DENR**  
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

February 2, 2021

324-2  
636-2

Brian L Childers  
PO Box 222  
Edgemont SD 57735-0222

Dear Mr. Childers:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires for BLC Land LLC and -C- Ranch LLC.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right Nos. 324-2 and 636-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath".

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

3242



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

January 20, 2022

**NOTICE**

TO: -C- RANCH LLC, BRIAN L CHILDERS, MGR, PO BOX 222, EDMONT, SD 57735 0222

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire has not been submitted for Permit No(s) 324-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 324-2 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 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us). **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: PKOOFF**

**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.

324-2



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

February 1, 2022

324-2  
636-2

Brian Childers  
PO Box 222  
Edgemont SD 57735-0222

RE: Irrigation Questionnaires for BLC Land LLC and -C- Ranch LLC

Dear Mr. Childers:

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

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 324-2 and 636-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

324-2



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

January 20, 2023

**NOTICE**

TO: -C- RANCH LLC, BRIAN L CHILDERS, MGR, PO BOX 222, EDMONT, SD 57735 0222

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire has not been submitted for Permit No(s) 324-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 324-2 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 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us). **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: AJCCBP**

**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.

324-2



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

January 23, 2023

324-2  
636-2

Brian Childers  
PO Box 222  
Edgemont SD 57735-0222

Dear Mr. Childers:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right Nos. 324-2 and 636-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

-C- RANCH LLC  
PO BOX 222  
EDGEMONT, SD 57735

324-2

April 09, 2026

Dear Cheyenne River Water Right Holder:

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

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

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

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

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

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

Sincerely,

Adam Mathiowetz, PE  
Acting Chief Engineer  
Water Rights Program



**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:** -C- RANCH LLC  
PO BOX 222  
EDGEMONT, SD 57735

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

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

**Shutoff Order for Water Permit No(s). 324-2**

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.