

392-2

Office of State Engineer
DOCUMENT FILE

J. S. Van Loan
Armon, S. Dak.

Sec. 8 - T. 12 S. - R. 4 E
Fall River County

South Cheyenne District
Source: Hot Creek

Engineer: Julian Stover
Stover Engineering Co.
Rapid City, S. Dak.

Map No. 432-2

Permit No. 392-2

No. 392-2

Division No. 2

South Cheyenne District

PERMIT

to appropriate water from

Hot Creek

Fall River County, South Dakota.

Name of applicant

J. S. Van Loan

Name of diversion works

J. S. Van Loan Diversion

Date of first receipt at office of State
Engineer January 5, 1953

Returned to applicant for Correction

19

Corrected application received

19

Date of water right

January 5, 1953

Recorded in Book 3 Page 36

One-fifth of work to be completed

September 5, 1953

Whole work to be completed

March 5, 1954

Final proof of use of water

March 5, 1954

Approved March 5, 1953

DEAN W. LOUCKS State Engineer.

NO. 392-2

Water Division No. 2 South Cheyenne River District
(Planks to be filled by the State Engineer.)

APPLICATION FOR PERMIT

9:54 A.M.

To appropriate Water within the State of South Dakota

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

1. Name of applicant

Ray Lautenschlager

Fall River Road, Hot Springs, SD

Postoffice address Ardmore

County Fall River, State So. Dak.

I. If a corporation

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and address of directors:

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor) Direct Labor

(b) Cash on hand, \$ sufficient (c) Treasury stock, \$ none

(d) Bonds to be issued, \$ none (e) Other resources, \$ adequate

2. Name of diversion work J.S. Van Loan Diversion

3. Quantity of water claimed 3.25 cubic feet per second.

4. Source of water supply Hat Creek

5. Location of point of diversion 1,721.5 Ft. N. 52° 32' E. from the S.W. corner of NE 1/4 Sec. 8, T. 12S., R. 4E, BHM on Right bank.

6. Annual periods during which water is to be used Spring and Fall

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity, irrigation by Flooding

(a) Number of acres to be irrigated 227.3 acres. NE 1/4 Sec. 8, T. 12S., R. 4E - 98.0A

(b) Legal subdivisions to be irrigated SE 1/4 Sec. 5, T. 12S., R. 4E - 129.3A

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage 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.) Not intended

for household use

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use none

Name any of the above uses claimed

(b) Amount of power to be generated horse power.

Amount claimed for engine cooling

(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, \$..... 50.00 crossed wooden plank (b) Pumping plant, \$..... 15.00
 (c) Fluming, \$..... 10.00 (d) Canal-earth, \$..... 50.00 Rock, \$..... 50
 (e) Other structures, \$..... 0.00 Total, \$..... 7.600

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

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

(c) * Head gate: Width..... Four.....feet; height..... One and a half.....feet;

Material..... Concrete and Steel (crossed wooden plank).....

(d) Canal: Total length..... 6 mi.....miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work..... one..... years.

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

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

Hot Springs Star, Hot Springs, S. D.

STATE OF SOUTH DAKOTA

County of Fall River ss.

I, Joe Van Linn, 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 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 Joe Van Linn

Subscribed and sworn to before me this 3 day of January, 1953

Robert P. Magister
 Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

Remarks by State Engineer:

Attention is here called to the requirements that all rights below that have a date of priority earlier than this application must be satisfied before any water is diverted for this permit. This will include the Jack Hunter and A. J. Landers permits. Also water must be passed for stock water when and as required.

STATE OF SOUTH DAKOTA

County of Hughes

ss.

Pierre, South Dakota, March 5, 1953

This is to certify that the foregoing application was received at this office at 9:15 o'clock A. m. upon the 5 day of January, 1953 and that after examination it was found to comply with the South Dakota water laws, was published in accordance with the provisions thereof and consideration given to any and all information presented.

Number of permit 392-2

Date of first receipt of application January 5, 1953

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

Date of receipt of corrected application -----, 19-----

Date from which applicant may claim right January 5, 1953

Approved March 5, 1953, Recorded in Book 3 Page 36

This is to certify that I have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and I hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth, of the work above specified is to be completed on or before September 5, 1953

2nd. The whole of said work is to be completed on or before March 5, 1954

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is March 5, 1954

4th. The water appropriated shall be used for the purpose of providing flood irrigation

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 1.5 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before March 5, 1954; said water to be used during the following described annual period:

March, April, and May only except other times when flood waters will more than satisfy other permits and rights.

Witness my hand this 5 day of March, 1953

Certificate of Construction issued SEPTEMBER 30, 1970 DEAN W. LOUCKS State Engineer.

Water License issued SEPTEMBER 30, 1970

Permit No. 392-2Water Diversion No. 2 SOUTH CHEYENNE RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That J.S. Van Loan

_____ the holder _____ of
 Permit No. 392-2, issued upon Application No. 392-2, bearing date of priority of January 5,
1953 authorizing the diversion of 3.25 cu. ft. per second of the waters _____
Hat Creek County of Fall River State of South Dakota at _____
a point North 52° 32' West, 1721.5 feet from the Et Corner, Section 8, T12S, R4E

_____, for irrigation

_____, has 8 complied with the provisions of the laws of the State of South Dakota relating to proof of
 completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
 condition for diverting and conveying to the place of intended use 4.4 cu. ft. per second of water.

Date September 30, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 392-2

(1) WHEREAS, On the 5th day of January A. D. 1953
J.S. Van Loan

made Water Right Application No. 392-2 for a permit to use 3.25 cubic feet per second of the waters
of Hat Creek
County of Fall River, State of South Dakota, for irrigation

purposes; and
(2) WHEREAS, On the 5th day of March A. D. 1953

Permit No. 392-2, with a date of priority of January 5, 1953
was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 5th day of March A. D. 1954 and for the
application to beneficial use of said water on or before the 5th day of March A. D. 1954

and;

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert 3.25 cubic feet
per second of water for beneficial use and

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the application of water to beneficial use of the following extent,
for irrigating the following land in T12S, R4E

Section 8, NE $\frac{1}{4}$ 120.0 acres

Section 5, SE $\frac{1}{4}$ 129.3 acres

Total 227.3 acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to J.B. Van Loan

of Ardmore, South Dakota

the holder of and owner of said permit No. 392-2 a water right, dating from January 5, 1953
to use of 3.25 cubic feet per second of the waters
of Hot Creek

In the County of Fall River and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinafter mentioned, to be diverted at a point North 52° 32' West, 1721.5 feet from the
E $\frac{1}{2}$ Corner, Section 8, T12S, R4E

and conduct to and upon portions of Sections 5 and 8, T12S, R4E, described on the face
of this License

for the purpose of irrigation

subject to any limitations listed in Water Right Permit No. 392-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 30th day of September A. D.

Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer - J.W. GRIMES

December 19, 1952

J. S. Van Loan
Ardmore, S. Dak.

Re: Water Application
Ardmore

Dear Mr. Van Loan:

In your reply to our letter of December 9, you wish to know if it is permissible to use creosote planks as a measuring device.

Creosote planks properly installed in grooves in a measuring box would be permissible as far as this Office is concerned.

Yours very truly,

D.M.L.R.

DEAN W. LOUCKS
State Engineer

(First Publication _____, 19____)

APPROPRIATION OF WATER

Pierre, S. Dak., January 9, 1953

Notice is hereby given that J. S. Van Loan whose postoffice address is Ardmore, S. 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 3.25 cubic feet of water per second of time from xxx Hat Creek through the J. S. Van Loan Diversion, the point of diversion of which is to be located on the right bank of said stream in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 8 Twp. 12S Range 4E. Said water to be used for the purpose of providing irrigation on the following described land:

NE 1/4 SEC. 8, SE 1/4 SEC. 5, T. 125, R. 15

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 20 day of February, 1953, at 3:00 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

FEB 23 1953

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

County of Fall River ss.

J. S. Van Loan being, duly sworn, deposes and says the annexed printed copy of Notice of Intention to appropriate water was taken from the.....

The Hot Springs State newspaper which during the whole time of publication of said notice herein-after stated, has been and is printed and published in the City of Hot Springs County of Fall River and State of South Dakota;

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

Jan. 29 - 1953
Feb. 5 - 1953
Feb. 12 - 1953
Feb. 19 - 1953

in each and every issue of the full number thereof, the first publication being made on the 29 day of January 1953 and the last publication on the 19 day of February 1953 upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Charles Dean Leonard the printer.... and publisher.... of the said newspaper.

J. S. Van Loan

Subscribed and sworn to before me this 20 day of February A. D. 1953

John S. Maylor
Notary Public Fall River County, S. D.

Legal Notices

First Publication Jan. 29, 1953
APPROPRIATION OF WATER
Office of State Engineer
Pierre, S. Dak., January 5, 1953
Notice is hereby given that J. S. Van Loan whose postoffice address is Ardmore, S. 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 3.25 cubic feet of water per second of time from Mat Creek through the J. S. Van Loan Diversion, the point of diversion of which is to be located on the right bank of said stream in the SW1/4 of the NE1/4 of Section 6 Township 12S, Range 14E. Said water to be used for the purpose of providing irrigation on the following described land:
NE1/4 SEC. 8, S1/2 SEC. 5, T. 12S, R. 14E, S. D.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 20th day of February, 1953, at 3:00 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
Jan. 29, Feb. 5-12-19

WATER LAW
ADMINISTRATION

OFFICE OF STATE ENGINEER
STATE OF SOUTH DAKOTA
DEAN W. LOUCKS, STATE ENGINEER
PIERRE

STATE BUILDINGS
DESIGN AND CONSTRUCTION

December 9, 1952

DEC 11 1952

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

J. S. Van Loan
Ardmore, S. Dak.

Re: Water Application
Ardmore

Dear Mr. Van Loan:

We have your letter of September 15 enclosing a fee of \$5.00 for reviewing a water application which you stated that you would submit as soon as you are able to get a Registered Surveyor to make the survey and map.

We are still holding the fee and have not yet received the application. What disposition do you wish us to make of this \$5.00 fee.

Yours very truly,

Dean W. Loucks
DEAN W. LOUCKS
State Engineer

DNL:RW

Dear Sir:

We have our surveying all finished but are having a little trouble getting the necessary information to complete the application but should have it completed and ready to send in within the next few days. We would like to know if it is permissible to use cross-pieces as a measuring device. Please let us know. Sincerely, J. S. Van Loan

Mr. Loucks

Jan 19, 1953

A complete review was made of all water rights on Hot Creek and the following notations made.

#069-2
#0610-2 - folder contains only the old certified copies of the water right as was originally recorded.

#34-2 - folder contains application & petition of time but no completion or water license - this water right was transferred on 12/5/49 to L.R. Madison.

#264-2 folder contains application which was protested by ranchers due to stock water needs etc, permit was granted over protest but never completed - no license issued.

#255-2 U.S. Wickham in good order - transferred to R.H. Anderson on 1/14/50.

#350-2 water right granted - no protests - still under construction.

Note: From the above information are indications that the two larger water rights on Hot Creek are possible not valid due to no license being issued to same.

McS

Water Application 392-2
Called 2-18-3

Jack Hunter
and Levi Madson
of Ardenmore

They state that
there is not water
available except
in March, April
and May and
then not ~~on~~
every season
They do not think

should be station
on permit stating
that water must
be passed to
satisfy all rights
below including
1.67 cu ft/sec to J. H. B. B. B.
2.00 cu ft/sec to J. H. B. B. B.
and for stock water
below

hot water should
be pumped in fall
Also should not
be granted the
3.25 cu ft/sec.
requested.

Probably should
not be more
than the 1.67
as granted to
Jack Hunter.

Permit No. 392-2
 Water Division 2 SOUTH CHEYENNE Water District
RIVER

REPORT OF EXAMINATION OF WORKS
 AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by J.S.
VAN LOAN of ARDMORE holder
 of Permit No. 392-2, bearing date of priority of JANUARY 5, 1953
 authorizing the diversion of 3.25 cu. ft. per second of the waters of HAT CREEK
 for IRRIGATION purposes, in FALL RIVER County.

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

The Water Use System consists of,

A. Works used to divert the water:

PEERLESS 10" PUMP, POWERED BY 30H.P U.S.
ELECTRIC MOTOR

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

1000' OF 12" STEEL PIPE

C. Works used to apply water to beneficial use:

APPROXIMATELY 2 MILES OF MAIN DITCHES W/
SERIES OF LEVEL DITCHES AND LEVELLED
LAND

The system is in the following condition: GOOD

The point of diversion is located N 52° 32' W 1721.5 FEET FROM THE
E 1/4 CORNER, SECTION 8, T12S, R4E

The works are capable of diverting and conveying to the place of use 4.4

cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows: ALL IN T12S, R4E

<u>SECTION 8</u>	<u>NE⁴</u>	<u>980 AC.</u>
<u>SECTION 5</u>	<u>SE⁴</u>	<u>129.3 AC.</u>

comprising a total of 227.3 acres of land.

Date SEPTEMBER 16, 1970

Burton Jones
 (Signature)

WATER RIGHT SPECIALIST
 WATER RESOURCES COMMISSION

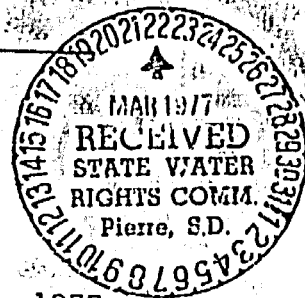
Form 20.

No. 392-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Joe Ross Building
Pierre, South Dakota 57501

Date March 18, 1977



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

NE 1/4, Section 8, T12S, R4E 98 acres

SE 1/4, Section 5, T12S, R4E 129.3 acres

formerly owned by J. S. Van Loan

has been transferred to Ray Lautenschlager

together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 392-2 as provided for in Section 61.0127 of the 1960
Supplement to the South Dakota Code of 1939.

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

A fee of one dollar is hereto attached to cover filing fees as required
under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA

County of Hall River } ss.

I, Ray Lautenschlager 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.

Ray Lautenschlager
(Signed)

Subscribed and sworn to before me this 21 day of March
19 77.

R. F. Noley
(Notary Public)

FARRELL, FARRELL & GINSBACH

LAWYERS
441 NORTH RIVER STREET
HOT SPRINGS, SOUTH DAKOTA 57747

(805) 745-5181

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

392-2

April 26, 1985

Chief Engineer - Executive Officer
Water Management Board
State of South Dakota
500 E. Capital Ave.
Pierre, SD 57501

RE: Water permit belonging to Ray and Donna G. Lautenschlager

Dear Sir/Madam:

I represent Donna and Ray Lautenschlager who own property in Fall River County, South Dakota and it is their understanding that they have some type of water permit for their irrigation system. The Lautenschlagers are in the process of selling their property and wish to know what documents would be necessary to transfer their water permit to the new owner.

Thank you for your cooperation. If you have any questions please contact me.

Yours Truly,

Patrick M. Ginsbach
PATRICK M. GINSBACH

PMG/bc

OK Kevin



392-2

FARRELL, FARRELL & GINSBACH

LAWYERS

441 NORTH RIVER STREET
HOT SPRINGS, SOUTH DAKOTA 57747

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

(605) 745-5181

July 10, 1985

South Dakota Department of Water &
Natural Resources
Joe Foss Bldg.
523 E. Capitol
Pierre, SD 57501-3181

RE: Permit #392-2

Attention: John Hatch

Dear Mr. Hatch:

I am in receipt of your letter dated July 8, 1985. I am not the owner of the land covered by water permit #392-2. I have obtained the permit transfer so that Mr. Lautenschlager, the current owner, could transfer the permit to any potential buyer. As of this date, Mr. Lautenschlager is still the owner of the land covered by the permit.

Yours truly,

Patrick M. Ginsbach
PATRICK M. GINSBACH

PMG/jm



**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. 392-2

November 27, 1985

Craig Hunter
Ardmore SD 57715

Dear Mr. Hunter:

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,

KAREN SCHLAACK
Administrative Aide

NO. 392-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 1-6-86

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

227.3 acres NE $\frac{1}{4}$ Section 8; SE $\frac{1}{4}$ Section 5; T12S, R4E

formerly owned by Ray Lautenschlager

has been transferred to Craig Hunter Box D Ardmore SD 57715

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

Water Right Permit No. 392-2 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, CRAIG HUNTER, 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.

Craig Hunter
(Signed)

Subscribed and sworn to before me this 6th Day of January, 1986.

Sydney J. Anderson
(Notary Public)



RECEIPT

Division of Water Rights

No 4-10282

South Dakota Department of Water and Natural Resources

Pierre, January 8, 1936

RECEIVED OF Craig Hunter, Box D, Ardmore, SD 57715

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 from 392-2 _____	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By

Chief Engineer

JOHN HATCH

No. 392-2

SOUTH DAKOTA
Department of
Water & Natural Resources

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

January 9, 1986

Craig Hunter
Box D
Ardmore, South Dakota 57715

Dear Mr. Hunter:

Enclosed is receipt No. 10282 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 392-2.

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

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

South Dakota
Department of
Water & Natural Resources

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

March 31, 1988

Larry Gruenwald
Box 10
Hill City SD 57745

Dear Mr. Gruenwald:

Enclosed are the 1985, 1986 and 1987 irrigation questionnaires
you requested for Craig Hunter.

If you have any questions, please contact me.

Sincerely,

Genny McNath

GENNY MCNATH
Natural Resources Analyst
605 773-3352

enclosures

SOUTH DAKOTA Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
April 21, 1988

Ray Lautenschlager
1670 Centre Street
Rapid City SD 57701

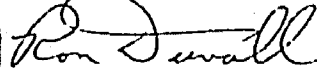
Dear Mr. Lautenschlager:

This letter is in response to our phone conversation on April 20, 1988 regarding the irrigation questionnaires and map for Water Right No. 392-2. Enclosed are the following:

- 1) A copy of the original map submitted with Application No. 392-2.
- 2) Copies of all the irrigation questionnaires on file from 1969 through 1978. No questionnaires were returned in 1969, 1970 and 1973 and the questionnaire information for 1972 could not be located. The questionnaires were returned in 1971, 1974-1975. I believe the questionnaire information from 1979 to the present was sent to you at an earlier date.
- 3) A copy of the file for Water Right No. 392-2.

Please contact me if you have any further questions.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enc.

FARRELL, FARRELL & GINSBACH

LAWYERS

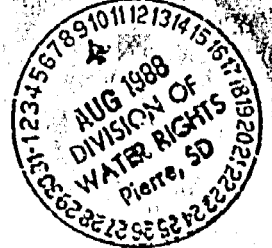
441 NORTH RIVER STREET
HOT SPRINGS, SOUTH DAKOTA 57747

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

(605) 745-5161

August 5, 1988

Water Rights
Foss Building
Pierre, SD 57501



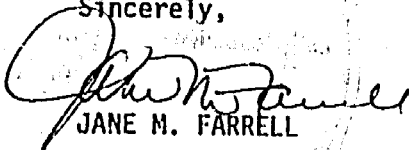
Dear Sir/Madam:

Enclosed please find a Notice of Transfer of Water Permit for Water Right Permit No. 392-2. This Water Permit was formerly owned by Ray Lautenschlager who sold his property on a Contract for Deed to Craig Hunter. Unfortunately, it was necessary to foreclose on the Contract and a Judgment of Foreclosure was entered against Mr. Hunter. The period of redemption has expired and legal title is now held by Ray and Donna Lautenschlager.

If you have any questions or if I can be of further assistance, please don't hesitate to get in touch with me.

Thank you very much.

Sincerely,


JANE M. FARRELL

jc

cc: Ray Lautenschlager

 **Department of
Water & Natural Resources**

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

392-2

August 10, 1988

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

Dear Ms. Farrell:

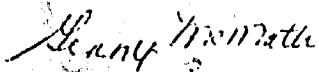
I am contacting you with regard to the "Notice of Transfer" you submitted for filing of an ownership change on Water Right No. 392-2. Before the "Notice of Transfer" can be properly recorded with our office, the form will need to be notarized.

Enclosed is a partially completed "Notice Of Transfer". The form will need to be signed by Ray and Donna Lautenschlager in the presence of a notary public. I am returning the original form to you.

Upon completion of the form, return it to our office for processing. The receipt for the \$2.50 filing fee is on file in our office and will be forwarded to you as soon as the transfer is completed.

If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst

enclosures



DATE MICROFILMED



Department of Water & Natural Resources

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

392-2

August 17, 1988

Wedmore Law Office
PO Box 2183
Rapid City, SD 57709

Attention: Marge

Dear Marge:

Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Right No. 392-2. The form should be completed and then signed by the new owner in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50. The water right will then 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.

If you have any questions, please contact us.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



FARRELL, FARRELL & GINSBACH

LAWYERS

441 NORTH RIVER STREET

HOT SPRINGS, SOUTH DAKOTA 57747

(605) 745-5161

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

August 18, 1988

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

Attention: Jenny McMath
Natural Resources Analyst

Re: Water Permit #392-2

Dear Ms. McMath:

Thank you for your letter dated August 10, 1988. Enclosed please find a resubmitted water permit for Mr. & Mrs. Lautenschlager.

Thank you very much.

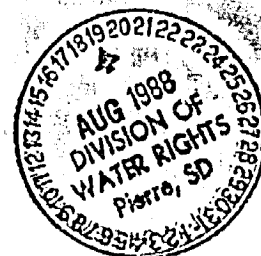
Sincerely,

Jane M. Farrell

JANE M. FARRELL

(jc)

Enclosure



NO. 392-2

NOTICE OF TRANSFER



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 8-16-88

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

227.3 acres: NE $\frac{1}{4}$ Section 8, SE $\frac{1}{4}$ Section 5, T12S, R4E

formerly owned by Craig Hunter, Box D, Ardmore, SD 57715

Ray and Donna G Lautenschlager
has been transferred to 1617 Centre, Rapid City, SD 57701

(please include complete mailing address)

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

Water Right Permit No. 392-2 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, Ray Lautenschlager + Donna Lautenschlager 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.

Ray Lautenschlager
Donna Lautenschlager
(Signed)

Subscribed and sworn to before me this 16th Day of August, 1988.

Jane M. Farrell
(Notary Public)

JANE M. FARRELL, Notary Public
My Commission Expires
September 17, 1990

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411347

Pierre, August 9, 19 88

RECEIVED OF Jane Farrell, 441 North River St., Hot Springs, SD 57747

the following amount in fees for services rendered as provided for by law: FOR: Ray & Donna G. Lautenschlager
1617 Centre Rapid City SD
57701

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 Permit No. 392-2	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH (MS)

SOUTH



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

August 23, 1988

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

Dear Ms. Farrell:

Enclosed is receipt No. 411347 in the amount of \$2.50 which you paid for transfer of Water Right No. 392-2.

Our records now show Ray and Donna Lautenschlager as the owners of this Water Right.

Sincerely,

Maxine Stirling
Secretary

ms/

Enc.

cc: Ray & Donna Lautenschlager



MFJVIN D. WEDMORE

ATTORNEY AT LAW

P. O. BOX 2183

RAPID CITY, SOUTH DAKOTA 57709

304B CLOCK TOWER PLAZA
2525 WEST MAIN STREET

AREA CODE 605

TELEPHONE

343-9040

August 25, 1988

Genny McMath
Natural Resources Analyst
Department of Water & Natural Resources
Joe Foss Bldg.
523 East Capitol
Pierre, SD 57501

RE: Water Right No. 392-2
Lautenschlager/
Wasserburger

Dear Genny:

Enclosed herewith please find Notice of Transfer of Water Permit for Water Permit No. 392-2 from Ray and Donna Lautenschlager to Vincent M. Wasserburger, along with my office draft in the amount of \$2.50 to cover the filing fee of said Notice.

Thanking you for your assistance, and with best regards,
I am,

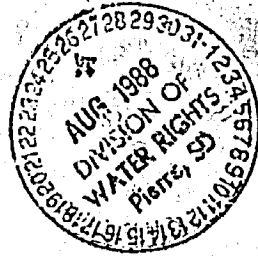
Very truly yours,

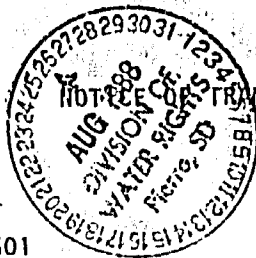
Malvin D. Wedmore

Melvin D. Wedmore

MDW/mh

Enclosures





TO: Water Rights
Foss Building
Pierre, SD 57501

Date: August 24, 1988

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

227.3 acres - NE $\frac{1}{4}$ Section 8, SE $\frac{1}{4}$ Section 5, T12S, R4E

formerly owned by Ray and Donna G. Lautenschlager, also known as Donna Lautenschlager
has been transferred to Vincent M. Wasserburger, Box 83, Ardmore, SD 57715

(please include complete mailing address)

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

Water Right Permit No. 392-2 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.

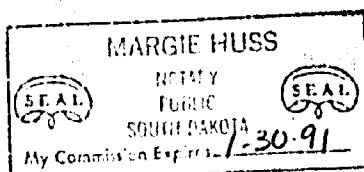
STATE OF SOUTH DAKOTA)
County of Pennington) ss.

I, Vincent M. Wasserburger 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.

Thermit W. Warringer
(Signed)

Subscribed and sworn to before me this 24th Day of August, 1988.

Charge Huss
(Notary Public)



RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

411375

Pierre, August 26, 1988, 19

RECEIVED OF Melvin Wedmore, PO Box 2183, Rapid City, SD 57709 FOR: Vincent Wassarburger
the following amount in fees for services rendered as provided for by law: Box 83, Ardmore SD

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 _____ Permit No. 392-2		2 50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH (HS)

 **Department of
Water & Natural Resources**

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

WATER RIGHTS DIVISION
(605) 773-3352

August 29, 1988

Melvin Wedmore, Attorney
PO Box 2183
Rapid City, South Dakota 57709

Dear Mr. Wedmore:

Enclosed is receipt No. 411376 in the amount of \$2.50 which you paid for transfer of Water Right No. 392-2.

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

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.
cc: Vincent Wasserburger





Department of Water & Natural Resources

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

May 11, 1989

392-2

NOTICE

TO: Vincent M. Wasserburger
Box 83
Ardmore, SD 57715

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 No. 392-2. The priority date for your water right is junior to the April 11, 1941 priority date for Angostura Irrigation District Water Right No. 579-2.

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

May 2, 1989

24,673 acre feet available for
irrigation at elevation 3173.4 ft. msl

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

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

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



SOUTH DAKOTA
Department of
Water & Natural Resources

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

November 3, 1989

392-2

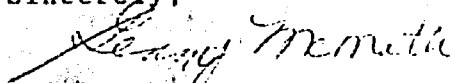
Les Englund
2693 Commerce Drive
Rapid City, SD 57702

Dear Mr. Englund:

Enclosed, as you requested, is a copy of Water Right No. 392-2.
The water right is currently listed in the name of Vincent
Wasserburger.

If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosure





Department of Water & Natural Resources

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

December 1, 1989

392-2
31-2

Leslie J England
Attorney at Law
2693 Commerce Drive
Rapid City, SD 57702

Dear Mr. England:

Enclosed, as you requested, are copies of the 1986, 1987 and 1988 irrigation questionnaires for Water Right No. 392-2. If you need questionnaires prior to that time, they are available.

Also enclosed is a copy of Water Right No. 31-2 listed in the name of Heppner Company. You indicated your client may own the land described in this water right. I have included a blank "Notice of Transfer" in the event an ownership change is needed.

If you have any questions, please contact me.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosures

SOUTH DAKOTA
Department of
Water & Natural Resources

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

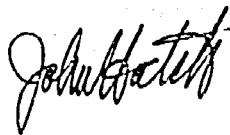
March 19, 1990

392-2

NOTICE

TO: Vincent M. Wasserburger
Box 83
Ardmore, SD 57715

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 No. 392-2. 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

392-2

NOTICE

TO: Vincent M. Wasserburger
Box 83
Ardmore, SD 57715

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

392-2

RESCISSION OF SHUTOFF ORDER

TO: Vincent M. Wasserburger
Box 83
Ardmore, SD 57715

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

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

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

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

392-2

CERTIFICATION

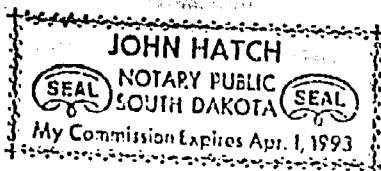
I hereby certify that on March 25, 1992, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 25, 1992, regarding Shut Off Order for Junior Water Right Holders Upstream of the Angostura Irrigation District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

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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



John Hatch
Notary Public



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 25, 1992

392-2
853-2
2115-2

NOTICE

TO: VINCENT M WASSERBURGER
BOX 83
ARDMORE, SD 57715

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

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

Please be advised that effective immediately no diversions of water will be allowed under your Water Right Nos. 392-2, 853-2, 2115-2 which are junior in priority to Water Right No. US579-2 held by the US Bureau of Reclamation for the Angostura Irrigation District.

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

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

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

REPORT NO	FIRST NAME	LAST NAME	ADDRESS 1	ADDRESS 2	CITY	STATE	ZIP CODE	REPORT	REPORT
651 2		A & T CATTLE CO	TCM LANDERS	ST RT	HOT SPRINGS	SD	57747		
102 2	RICHARD	ANDERSON	A CHAR ANDERSON	HER 59 BOX 18	EDGE MONT	SD	57735		
1614 2	EDENE R	ANDERSON		HER 59 BOX 20	EDGE MONT	SD	57735		
334 2		B A H RANCH INC	B F CHILDERS	PO BOX 723	EDGE MONT	SD	57735		
534 2		BALL BROS		BOX 417	EDGE MONT	SD	57735		
1935 2	LESTER I	BARTLEY		BOX 740	EDGE MONT	SD	57735		
1939 2	NICK/MICHAEL	BOGNER	ANTER BOGNER JR	HC 46 BOX 24	OFIRICHS	SD	57763	1734 2	
755 2		BRANKFORD INDIAN SCHOOL			HOT SPRINGS	SD	57747		
854 2	WAYNE F	CHILDERS		HER 59 BOX 1A	EDGE MONT	SD	57735		
636 2	V L	CHILDERS		BOX 723	EDGE MONT	SD	57735		
654 2	OSCAR	COFF			OFIRICHS	SD	57763		
1974 2	JOHN	DECFRING		SR 1 BOX 136	ELSK	MT	82225		
567 2	DAVID F	DODSON		HER 59 BOX 5A	EDGE MONT	SD	57735	1410 2	
7052 2	EDDY/REXHA	EDERSON		HC 48 BOX 248	PROVO	SD	57774		
1985 2	DAVID M	EMMAR		RR BOX 37	OFIRICHS	SD	57763		
788 2		HAID BROTHERS, INC.	CARL P HAID, PRES	HER 46 BOX 5	OFIRICHS	SD	57763	1635 2	
121 2	HIPMAN	HECK		BOX 441	EDGE MONT	SD	57735		
510 2	DARRELL E	HEITMAN		BOX 402	EDGE MONT	SD	57735		
1879 2	JOHN 2	HENDERSON	ATT 265	5141 INDIAN RIVER	LAS VEGAS	NY	89103		
1989 2	JOHN W	HENRY		BOX 276	ARIZONA	SD	57715		
179 2	HENRY C	HOLLENDORF		DUNFEE ROUTE	EDGE MONT	SD	57735		
1593 2		HU RANCH 274	SD CORPORATION	HER 59 BOX 102	EDGE MONT	SD	57735		
750 2	DARREL D	HUNTER		BOX D	ARIZONA	SD	57715		
1641 2	JAMES/PATRICIA	JACKSON		HC 68 BOX 7	LANESIDE	NE	69351		
18710 2	JIM	KANE		BOX 134	PROVO	SD	57774		
761 2	CAPEL	KANSOLT	ATT 207	PLANT HOTEL	CHAUDRON	NE	69337		
1206 2	JOHN M	KOLTER		BOX 715	EDGE MONT	SD	57735		
166 2	A J	LANDERS	STAR CATTLE CO	BOX 153B HER 52	HOT SPRINGS	SD	57747		
1810 2	R I/ALLEN	LANDRECH		BOX 759	TIOGA	ND	58852		
676 2	MELVIN	LUFF			HOT SPRINGS	SD	57747		
17295 2	JOHN D(JACK)	MANKE	(ESTATE)	PR 81 BOX 175C	HOT SPRINGS	SD	57747		
11447 2	BENNETH	MARTINSON		BOX 361	EDGE MONT	SD	57735		
785 2	ARLITH W	MCCAIN		BOX 164	OFIRICHS	SD	57763		
610 2	RAITH L	MEEFERD, JR		HER 48 BOX 22	PROVO	SD	57774		
1973 2	A J	MELSON		PRONIS STAGE	WILKS CITY	MT	59301		
1015 2		PETERSON & SON, INC		HER 59 BOX 16	EDGE MONT	SD	57735		
1145 2	PAUL & JEAN	TETTY	A NORTHEN TETTY	HER 52 BOX 136	HOT SPRINGS	SD	577479603		
1716 2	MELVIN	PORTER		W10 RT BOX 17	EDGE MONT	SD	57735		
711 2	DONALD	QUINAM		BOX 188	OFIRICHS	SD	57763	2043 2	
1916 2	CLYD	REASER		HC 45 BOX 48	OFIRICHS	SD	57763		
122 2	EDWARD/MANDA	REUTER		HER 59 BOX 90	EDGE MONT	SD	57735	1789 2	
293 2	CHANCE/RETERE	REYNOLDS		HER 59 BOX 24	EDGE MONT	SD	57735	294 2	
669 2	OLIVER W	REMY		BOX 175	OFIRICHS	SD	57763		
718 2	JOHN	SCHNOSE		ST RT BOX 155	HOT SPRINGS	SD	57747	1700 2	
1640 2		SEUER RANCH INC		BOX 95	OFIRICHS	SD	57763	611 2	1837 2
1613 2		SIMONS		BOX 381	EDGE MONT	SD	57735		
1613 2		THURS		BOX 561	EDGE MONT	SD	57735		
1613 2		WAR BONNET RANCH LTD	BOX 132	105 E 5TH ST	MURDO	SD	57559	253 2	2115 2
192 2	VINCE L	WASSERBURGER		BOX 83	ARIZONA	SD	57715		

392-2

LAW FIRM OF

LESLIE JAMES ENGLAND

LESLIE J. ENGLAND
(ALSO ADMITTED IN COLORADO)

SUITE 102, RUSHMORE PROFESSIONAL BUILDING
731 ST. JOSEPH STREET
RAPID CITY, SOUTH DAKOTA 57701

TELEPHONE (605) 341-7800
FAX (605) 341-7321

April 17, 1992



Mr. John Hatch, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: Wasserburger Water Permit Nos. 392-2, 853-2, 2115-2; Angostura
Shut Off Order

Dear John:

On behalf of the Wasserburger ranch, this acknowledges your
Shut Off Order until it appears that Angostura Reservoir will fill.
Since water needs on the ranch are critical, please advise as soon
as possible, when it appears based upon precipitation and run-off
that Angostura will fill. Even a small amount of water as soon as
possible will benefit Wasserburger's irrigation use.

Thank you for your kind attention to this matter.

Yours very truly,

Leslie J. England

LJE/kmr

cc: Vincent M. Wasserburger
E. Dallas Wasserburger

392-2

April 18, 1992

Mr. Del Bray
Water Rights Division
533 E Capitol Ave
Pierre S.D. 57501



Subject: Shut off order on Permit Nos
(392-2), 853-2, 2115-2

Dear Sir:

We will comply with your order.
Please advise us as soon as possible
when the order is lifted. Even a
small amount of water will help
our hay crops.

Thank you for any help.

Yours truly

Vincent Wasserbarger

Box 83

Redmont, SD 57715



June 29, 1992

39-2-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Vincent M. Wasserburger
Box 83
Ardmore, SD 57715

Dear Mr. Wasserburger:

I am writing in response to a telephone call from Senator James Emery. Senator Emery advised that you wanted to know if the law concerning priorities for water rights could be changed. Since water rights are similar to property rights, and the value of a water right is based upon the priority date, it would be difficult to change the priority law without compensating affected senior priority water right owners.

I understand that you would like to be able to pump from Hat Creek until June 30, each year. Unless Angostura Reservoir has filled, allowing junior priority water right owners to pump would have to be subject to some type of an agreement with the Bureau of Reclamation and the Angostura Irrigation District. Your Water Right No. 392-2, priority of January 5, 1953, and Water Right No. 2115-2, priority of January 1, 1950, for diversions from Hat Creek are junior to a number of other water rights, including the water right for Angostura Reservoir.

The US Bureau of Reclamation holds the water right for storage in Angostura Reservoir and contracts to supply the Angostura Irrigation District with water for District members. The priority date for Angostura's water right is April 11, 1941. This water right authorizes storage of the water needed for one annual fill of Angostura Reservoir. The amount of water needed to fill the reservoir is the amount required to fill the empty storage space. Releases during 1992 for irrigation and seepage losses at the control gates are subtracted from the amount required in 1992 to fill the empty storage.

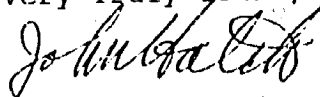
On March 25, 1992, I issued a shutoff order to water rights owners located in the drainage basin upstream of the reservoir with priority dates junior to that of the Angostura Reservoir water right. Upstream water rights with priority dates senior to Angostura Reservoir, including some on Hat Creek, are not subject to this shutoff order. The shutoff order will remain in effect until enough water has flowed into the reservoir to fill the empty storage. We are closely monitoring the inflows into the

reservoir. When, and if the reservoir fills in 1992, I will be able to rescind the shutoff order.

I am sorry that we cannot help you to obtain irrigation water. I realize that shutoff of a junior water right can be costly to the owner. At the same time during a water short year, water becomes very beneficial and valuable to a senior water right owner.

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

Very Truly Yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

John Hatch, Chief Engineer
Division of Water Rights

cc: Senator James Emery



392-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 12, 1993

392-2
853-2
2115-2

NOTICE

TO: VINCENT M WASSERBURGER
BOX 83
ARDMORE, SD 57715

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 Nos. 392-2, 853-2 and 2115-2 are authorized. Your water rights are junior in priority to the US Bureau of Reclamation Water Right No. 579-2, April 11, 1941 priority date. The Bureau of Reclamation water right for the Angostura Irrigation District allows one annual fill of the reservoir.

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

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

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

cc: US Bureau of Reclamation
Angostura Irrigation District

392-2

CERTIFICATION

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

Copy Sent To:

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

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

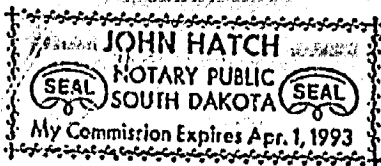
Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

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

John Hatch
Notary Public





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 14, 1993

192-2
853-2
2115-2

RESCISSION OF SHUTOFF ORDER

TO: VINCENT M WASSERBURGER
BOX 83
ARDMORE, SD 57715

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

392-2



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

December 29, 1993

392-2
2115-2

Vincent Wasserburger
HC 48 Box 226
Ardmore, SD 57735

Dear Mr. Wasserburger:

Enclosed are your 1993 Irrigation questionnaires. You indicated at the top of each of the forms that you did irrigate, however, the remainder of the forms were left blank.

Water Management Board Rule 74:02:01:14.02 states that all Irrigation permit owners except water spreading permit owners shall submit completed Irrigation questionnaires on the forms mailed to them each year by the chief engineer. With the information you included on your questionnaires, it is not possible for us to calculate how much water you used during 1993.

You will need to make an estimate of how many days and hours per day you pumped for each of the months. If the days, hours per day and the pump rate is known, the amount of water used can be completed and filled in by our office. I realize obtaining this information may be difficult, but without the information the forms can not be considered complete.

Please complete and return them to our office by January 14, 1994. If you have any questions, please contact me at (605) 773-3352.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division

392-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 15, 1995

392-2
853-2
2115-2

NOTICE

TO: VINCENT M WASSERBURGER
HC 48 BOX 226
ARDMORE, SD 57715

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

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

Effective immediately no diversions of water under your Water Right Nos. 392-2, 853-2 and 2115-2 are authorized. Your water right is junior in priority to the US Bureau of Reclamation Water Right No. US579-2 (April 11, 1941 priority date). Water Right No. US579-2 allows one annual fill of the reservoir.

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

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

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

cc: US Bureau of Reclamation
Angostura Irrigation District



392-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 26, 1995

392-2
853-2
2115-2

RESCISSION OF SHUTOFF ORDER

TO: VINCENT M WASSERBURGER
HC 48 BOX 226
ARDMORE, SD 57715

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

April 30, 2004

NOTICE OF SHUTOFF ORDER

TO: VINCENT M WASSERBURGER
HC 48 BOX 226
ARDMORE 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. 392-2

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 15, 2005

NOTICE OF SHUTOFF ORDER

TO: VINCENT M WASSERBURGER
HC 48 BOX 226
ARDMORE 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. 392-2

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.

392-2



IN REPLY REFER TO:

DK-700
PRJ 13.00

United States Department of the Interior

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

FEB 24 2006



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

RECEIVED
FEB 27 2006
WATER RIGHTS
PROGRAM

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

Dear Mr. Erbele:

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

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

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

Sincerely,

For Jeffrey L. Nettleton
Rapid City Field Office Manager

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 10, 2006

NOTICE OF SHUTOFF ORDER

TO: VINCENT M WASSERBURGER
HC 48 BOX 226
ARDMORE 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. 392-2

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 9, 2007

NOTICE OF SHUTOFF ORDER

TO: VINCENT M WASSERBURGER
HC 48 BOX 226
ARDMORE, 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. 392-2

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

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 19, 2008

NOTICE OF SHUTOFF ORDER

TO: VINCENT M WASSERBURGER
30131 CASCADE RD
ARDMORE 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. 392-2

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 19, 2009

NOTICE OF SHUTOFF ORDER

TO:

VINCENT M WASSERBURGER
29999 CASCADE RD
ARDMORE 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. 392-2

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
www.state.sd.us/denr

October 19, 2010

392-2
2115-2

Herbert & Vincent Wasserburger
30131 Cascade Rd
Edgemont SD 57735-7325

Dear Sirs:

Enclosed is a "Notice" dated October 15, 2010 concerning the 2010 irrigation questionnaire.

The notice was originally mailed to 29999 Cascade Rd, Ardmore 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,

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

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 18, 2010

Martin Wasserburger
30131 Cascade Rd
Ardmore SD 57735

RE: Location Notice No. 31-2, Water Right No. 392-2 and Vested Water Right Nos. 853-2
and 2115-2

Dear Mr. Wasserburger:

Thank you for returning the annual irrigation questionnaires and also the note concerning the ownership changes needed for the above water rights.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing ownership changes. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (total of \$200.00). The check or money order for the fee can be made payable to the Water Rights Program.

Sincerely,

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

enclosures

RECEIVED

DEC - 2 2010

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 392-2

Date: Nov 29, 2010

I/We request that Water Right No. 392-2

formerly owned by: Vincent M Wasserburger

be transferred to: (name & address) Martin W. Wasserburger
30131 Cascade Rd
Ardmore SD 57735 Telephone No. 605-459-2431

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

227.3 acres - NE ¼ Section 8 and SE ¼ Section 5, T12S, R4E

I/We understand that the validity of Water Right No. 392-2 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 Martin W. Wasserburger the new owner, certify that the above information is true and correct.

Martin W. Wasserburger
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/2, 2010

RECEIVED OF MX Ranch LLC 30131 Cascade Rd Ardmore SD 57735

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	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 _____ 392-2		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50 00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No.

04685

By

Garland Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 18, 2010

Martin Wasserburger
30131 Cascade Rd
Ardmore SD 57735

RE: Location Notice No. 31-2, Water Right No. 392-2 and Vested Water Right Nos. 853-2 and 2115-2

Dear Mr. Wasserburger:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" forms and filing fees you submitted for the above water rights.

The ownership changes have been completed. The above listed water rights are now listed as follows:

- LN 31-2: Martin W Wasserburger & E Dallas Wasserburger et al;
- 392-2: Martin W Wasserburger
- 853-2: Martin W Wasserburger & E Dallas Wasserburger
- 2115-2: Martin W Wasserburger & E Dallas Wasserburger

Enclosed for your records are Receipt Nos. 04685, 04586, 04687 and 04688 in the amounts of \$50.00 each. If you have any questions, please contact me.

Sincerely,

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

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

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: MARTIN W & E DALLAS WASSERBURGER
30131 CASCADE RD
ARDMORE 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. 2115-2 853-2(392-2)**

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

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

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

CERTIFICATION

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

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

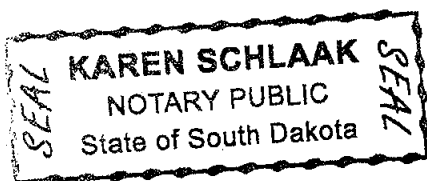
SCHNOSE	VERNON	12685 MAITLAND RD	HOT SPRINGS	SD	57747
SEABECK	DORIS SEABECK &	2533 PARK AVE	LARAMIE	WY	82070
SIMONS	THOMAS	BOX 381	EDGEMONT	SD	57735
TUBBS LAND & CATTLE LLC	BERNARD D	10891 RIVER RD	EDGEMONT	SD	57735
WALKER	FRED S & CYNTHIA K	30301 CASCADE RD	ARDMORE	SD	57735
WYOMING DAKOTA RAILROAD	WAYNE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


 Gail Jacobson
 Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
 COUNTY OF HUGHES)

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


 Karen Schlaak
 Notary Public
 My Commission expires April 1, 2013





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 22, 2013

392-2
2115-2

Martin Wasserburger
5117 Chalkstone Dr
Rapid City SD 57701 4708

Dear Mr. Wasserburger:

Enclosed is a "Notice" dated October 18, 2013 concerning the 2013 irrigation questionnaire.

The notice was originally mailed to 30131 Cascade Rd, 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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

NOV 20 2013

WATER RIGHTS
PROGRAM

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 392-2

Date: _____

I/We request that Water Right/Permit No. 392-2 formerly owned by:
Martin W. Wasserburger be transferred to:

New Owner Name: A & O Farming and Harvesting
Address: 14199 South Dakota Highway 40
City, State, Zip Hermosa SD 57744 Telephone No. (605) 390-4804

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

227.3 acres - NE1/4 Section 8 and SE1/4 Section 5, T12S, R4E

☒ I understand that the validity of Water Right/Permit No. 392-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 included to cover the filing fee as required by SDCL 46-2-13.

I, A + O FARMING + HARVESTING, the new owner, certify that the above information is true and correct.

Mark A. Neugebauer
Dug O Neugebauer
Jennifer L. Neugebauer
(signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/20, 20 13

RECEIVED OF Pennington Title 725 Kansas City St Rapid City SD 57701

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>392-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____	50	00
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **06489**

By Jeanne Goodman *JS*
Chief Engineer

392-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 17, 2013

LN31-2
392-2
853-2
2115-2

Mark A Neugebauer
A & O Farming & Harvesting
14199 SD Hwy 40
Hermosa SD 57744

Dear Mr. Neugebauer:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted for changing ownership on Location Notice No. 31-2, Water Right No. 392-2 and Vested Water Right Nos. 853-2 and 2115-2.

The ownership changes have been completed. All of the above listed water rights, formerly held by Martin and Dallas Wasserburger are now listed in the name of "A & O Farming and Harvesting" in care of Mark A, Greg O and Jennifer L Neugebauer.

The receipts for the filing fees are being forwarded by copy of this letter to Pennington Title in Rapid City.

Sincerely,

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

c: Pennington Title, 725 Kansas City St, Rapid City SD w/receipts