

No.

410-2

Office of State Engineer
DOCUMENT FILE

K. A. Helsel
Edgemont, So. Dak.

Sec. 24-9 S-3 E
Fall River County
South Cheyenne District
Source: Cheyenne River

Engineer: Gardner Hartz
Box 892
Custer, So. Dak.

Map # 436-2

No. **410-2**Division No. **2****South Cheyenne River** District**PERMIT**

to appropriate water from

Cheyenne River**Fall River** County, **South Dakota**

Name of applicant

K. A. Helsel

Name of diversion works

Helsel Diversion

Date of first receipt at office of State

Engineer **March 24,** 19**55**

Returned to applicant for Correction

----- 19

Corrected application received

----- 19

Date of water right

March 24, 19**55**Recorded in Book **3** Page **79**

One-fifth of work to be completed

June 2, 19**56**

Whole work to be completed

June 2, 19**57**

Final proof of use of water

June 2, 19**57**Approved **June 2** 19**55**

DEAN W. LOOKS State Engineer.

NO. 410-2

Water Division No. 2 South Choyenne River District
(Blanks to be filled by the State Engineer.)**APPLICATION FOR PERMIT**
To Appropriate Water within the State of South Dakota**RECEIVED**
8:45 AM**MAR 24 1955**OFFICE OF STATE ENGINEER
PIERRE, SOUTH DAKOTA1. Name of applicar Ralph Mefferd
Edgemont, SD 57735Postoffice address Edgemont, County Fall River State South Dakota

I. If a corporation

- (a) Name of same _____
- (b) Date and place of incorporation _____
- (c) Amount of capital stock _____
- (d) Amount paid in _____
- (e) Names and 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) Contract and direct labor.

(b) Cash on hand, \$ adequate (c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Helsel Diversion3. Quantity of water claimed 1.15 cubic feet per second.4. Source of water supply Choyenne River5. Location of point of diversion 1 1/4 cor. of Section 24; T. 9 S.; R. 3 E. of B. H. M.
bears N. 60° 50' E. 1436.06 ft. dist. left Fall River County.6. Annual periods during which water is to be used period of flood water March to November

7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? pumping and sprinkling

(a) Number of acres to be irrigated 80.56 acres.(b) Legal subdivisions to be irrigated Sec. 24-9-3

(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.) _____

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

(a) Nature of use _____
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 work:

(a) Head gates, \$ none (b) Pumping plant, \$ 500.00
 (c) Fluming, \$ none (d) Canal-earth, \$ 250.00 Rock, \$ ---
 (e) Other structures 2.11 \$ 10.00 Total, \$ 760.00

9. Description of diversion works:

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.....FEET DEPTH AT OUTLET--ACRES	ACRE-FOOT CAPACITY

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

(d) Canal: Total length 0.93 all canals --- miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
AtMile	feet	feet	feet	feet
AtMile	feet	feet	feet	feet
AtMile	feet	feet	feet	feet
AtMile	feet	feet	feet	feet
AtMile	feet	feet	feet	feet
AtMile	feet	feet	feet	feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work two years.

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

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

STATE OF SOUTH DAKOTA

County of Fall River } ss.

I, K. A. Helsel, 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, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed K. A. Helsel

Subscribed and sworn to before me this 17th day of March, 1935.

Com. of 6/3/57

Notary Public (or other qualified officer.) [Signature]

HELSEL DIVERSION

I, Gardner Gantz, a Registered Professional Engineer, being so authorized by the owner, did survey and delimit a portion of Section 24, T.9S, R.3E. of the B.H.M. in Fall River County, South Dakota, in the amount of 80.56 acres. I also established a point of diversion on the CHEYENNE RIVER for purposes of irrigation of said tract of land. I tied said point of diversion to the North $\frac{1}{2}$ corner of Section 24 and certify all of the above is correctly described and plotted.

Gardner Gantz
Registered Professional Engineer

ACKNOWLEDGEMENT:
STATE OF SOUTH DAKOTA } ss.
County of Custer

On this 16th day of March in the year 1955, before me, J.P. Gantz a Notary Public within and for said County and State, personally appeared Gardner Gantz, known to me to be the person who is described in and who executed the within and foregoing instrument and acknowledged to me that he executed the same

J. P. Gantz
NOTARY PUBLIC

My commission expires June 21, 1958

OWNER'S CERTIFICATE

I, K.A. Helsel, hereby certify that I am the owner of Section 24, T.9S, R.3E. of the B.H.M. in Fall River County, South Dakota and am the applicant for an appropriation of 115 second feet from the flood waters of the Cheyenne River and that I approve of the survey, plat and plan thereof as here shown.

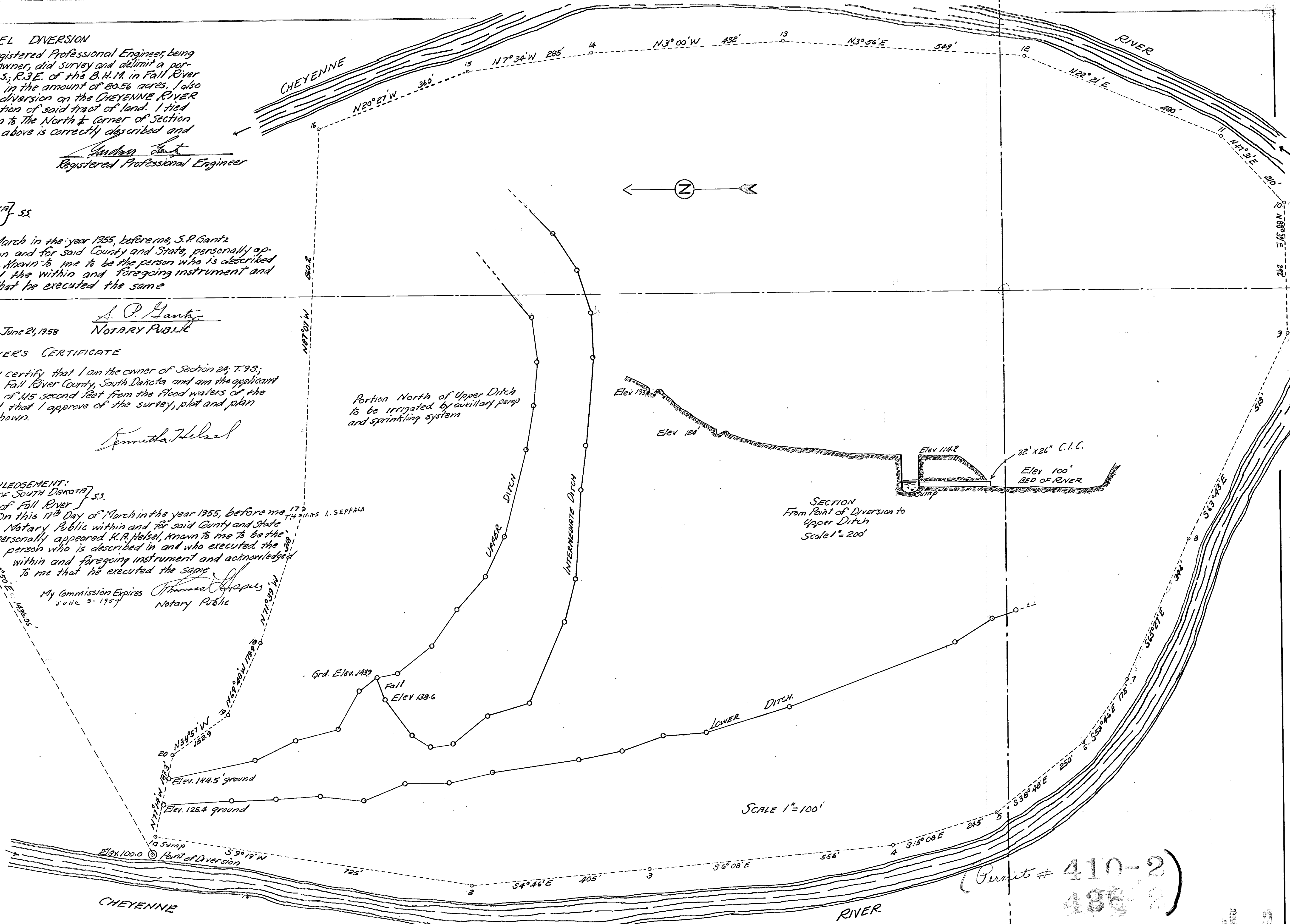
Kenneth A. Helsel

ACKNOWLEDGEMENT:
STATE OF SOUTH DAKOTA } ss.
County of Fall River

On this 17th Day of March in the year 1955, before me, 17th THOMAS A. SEPPALA a Notary Public within and for said County and State, personally appeared K.A. Helsel, known to me to be the person who is described in and who executed the within and foregoing instrument and acknowledged to me that he executed the same

My Commission Expires
JUNE 2 - 1957

Thomas A. Seppala
Notary Public



Permit # 410-2
436-2

Map # 436-2

RECEIVED
FALL RIVER COUNTY
SOUTH DAKOTA
MAY 16 1955

Remarks by State Engineer:

STATE OF SOUTH DAKOTA

County of Hughes } ss.

Pierre, South Dakota, June 2, 1955

This is to certify that the foregoing application was received at this office at 8:45 o'clock
a. m. upon the 24th day of March, 1955 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 410-2

Dean W. Loucks
DEAN W. LOUCKS

State Engineer.

Date of first receipt of application March 24, 1955

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

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

Date from which applicant may claim right March 24, 1955

Approved June 2, 1955, Recorded in Book 3 Page 79

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 June 2, 1956

2nd. The whole of said work is to be completed on or before June 2, 1957

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith
is June 2, 1957

4th. The water appropriated shall be used for the purpose of Sprinkler Irrigation

5th. The prior right of all persons who, by compliance with the laws of the State of South Da-
kota, 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 1.15
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 24, 1957; said water to be used during the following described annual
period:

Period of flood waters, March to November

Witness my hand this 2nd. day of June, 1955

Dean W. Loucks
DEAN W. LOUCKS

State Engineer.

Certificate of Construction issued JUNE 4, 1955

Water License issued JUNE 4, 1955

Form 15.

Permit No. 410-2

Water Diversion No. 2 SOUTH CHEYENNE RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That K. A. Helsel

_____ the holder _____ of
Permit No. 410-2, issued upon Application No. 410-2, bearing date of priority of March 24,
1955 authorizing the diversion of 1.15 cu. ft. per second of the waters of
The Cheyenne River County of Fall River, State of South Dakota at
a point North 60° 50' East, 1436.06 feet from the N $\frac{1}{2}$ Corner,
Section 24, T9S, R3E
_____, for irrigation

purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 5.06 cu. ft. per second of water.

Date June 4, 1974

WATER RIGHTS COMMISSION

By:

DONALD DRISCOLL, Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 410-2

(1) WHEREAS, On the 24th day of March A. D. 19 55

K. A. Helmsel

made Water Right Application No. 410-2 for a permit to use 1.15 cubic feet per second of the waters of the Cheyenne River

County of Fall River, State of South Dakota, for Irrigation

purposes; and

(2) WHEREAS, On the 2nd day of June A. D. 19 55

Permit No. 410-2, with a date of priority of March 24, 1955

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 2nd day of June A. D. 19 59 and for the application to beneficial use of said water on or before the 2nd day of June A. D. 19 59

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 .85 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 Section 24, T 5, R3E

SE 1/4 NW 1/4 30 acres

SW 1/4 NE 1/4 30 acres

Total 60 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 K. A. Helsel

_____ of Edgemont, S.D.

the holder _____ and owner _____ of said permit No. 410-2 a water right, dating from March 24, 1955

_____ to use of .85 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 North 60° 50' East, 1436.06 feet from the N $\frac{1}{2}$ Corner,

Section 24, T9S, R3E

and conduct to and upon portions of Section 24, T9S, R3E, more fully described
on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 410-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 4th day of June A. D.
Nineteen Hundred and Seventy-four

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer DONALD DRISCOLL

(First Publication _____, 19____)

APPROPRIATION OF WATER

Office of State Engineer,

Pierre, S. Dak., **April 20**, 19**55**

Notice is hereby given that **K. A. Helsel** whose postoffice address is **Edgemont** 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 **1.15** cubic feet of water per second of time from the **Cheyenne River** through the **Helsel Diversion**, the point of diversion of which is to be located on the **left** bank of said stream in the **98** $\frac{1}{4}$ of the **3E** $\frac{1}{4}$ of Section **24** Twp. Range. Said water to be used for the purpose of providing irrigation on the following described land:

80.56 acres in Sec. 24-T 98 -- R 3E as described on the map accompanying the application by meander lines & bearings
and for _____

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the **26th** day of **May**, 19**55**, at **2:00 P.M. (CST)**. 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. LOUCES
State Engineer

cc: Gantz

ps

PROOF OF PUBLICATION

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

L. K. Kopriwa being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Edgemont Tribune a newspaper which during the whole time of publication of said notice herein-after stated, has been and is printed and published in the city of Edgemont County of Fall River and State of South Dakota; that the said notice was published in said newspaper on the following dates:

April 27, 1955; May 4, 11, 18, 1955

in each and every issue of the full number thereof, the first publication being made on the 27 day of April 1955, and the last publication on the 18th day of May 1955, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was the printer and publisher of the said newspaper.

Subscribed and sworn to before me this 19 day of May A. D. 1955.

Anna Kopriwa
 Notary Public Fall River County, S. D.

NOTICE OF INTENTION TO APPROPRIATE WATER

(First Publication April 27, 1955)
 OFFICE OF STATE ENGINEER,
 PIERRE, SOUTH DAKOTA,
 April 20, 1955

Notice is hereby given that K. A. Helsel whose postoffice address is Edgemont, 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 1.13 cubic feet of water per second of time from the Cheyenne River through the Helsel Diversion, the point of diversion of which is to be located on the left bank of said stream in the NW 1/4 of Section 24 Twp. 9S Range 3E. Said water to be used for the purpose of providing irrigation on the following described land:

80.56 acres in Sec. 24-T9S--R 3E as described on the map accompanying the application by meander lines and bearings.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 28th day of May, 1955, at 2:00 P. M. (CST). 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.
 PIERRE, MAY 11, 1955

RECEIVED

MAY 24 1955

OFFICE OF STATE ENGINEER
 PIERRE, SOUTH DAKOTA

Not approved June 2, 1959

APPLICATION FOR EXTENSION OF TIME FOR COMPLETING WORKS

To the State Water Resources Commission
Pierre, South Dakota

February 10, 1959
(date)

Dear Sirs:

I hereby request that an extension of time from June 2, 1957
to June 2, 1959 be granted me for the completion of works to be done under Permit No.
410-2 and that the time for proof of beneficial use of water be extended to June 2, 1959

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

Location of headworks: In the NW 1/4 8/9 XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
of Section 24 Township 2S Range 3E
E., B.H.M.

The water is to be used for the purpose of irrigation of 80.56 acres in Sec. 24,
T9S, R3E

The extension of time for the completion of these works is requested for the following reasons:
Shortage of technical help from SCS and 2 years was not enough time
to complete the land leveling and ditching program. Also to cover
the extra time necessary before the inspection of my project
came be accomplished. I finally hired a private engineer to help out
with the development work.

APPROVED:

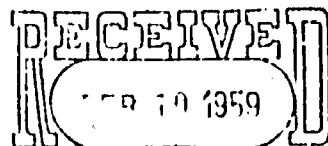
State Water Resources Commission

By: *Lee W. Humphrey*

Chief Engineer, Executive Officer

Water Right Eng.

Holder of Permit No. 410-2



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Permit No. 410-2Water Division 2 SOUTH CHEYENNE Water District
RIVERREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

WATER RIGHTS COMMISSION

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 K. A.
HELSEL of EDGEMONT, S. D. holder
of Permit No. 410-2, bearing date of priority of MARCH 24, 1955
authorizing the diversion of 1.15 cu. ft. per second of the waters of CHEYENNE RIVER
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:

25 H.P. DAYTON INDUSTRIAL ELECTRIC MOTOR
NO. 6 - 6" IDAHO PARMA WATER LIFT

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

144 FEET OF 12 INCH - 18 GAGE STEEL IRRIGATION
PIPE

C. Works used to apply water to beneficial use.

1400' OF TYPE "A" DITCH 4 FOOT DEEP, 12 FOOT WIDE
1500' OF TYPE "B" DITCH 3 FOOT DEEP, 5 FOOT WIDE

The system is in the following condition: GOOD

The point of diversion is located N 60° 50' E Dist. 1436.06 FEET FROM
N 1/4 CORNER OF SECTION 24, T 9 S, R 3 E, B.H.M.

The works are capable of diverting and conveying to the place of use 5.06cu. 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:

AS SHOWN ON WATER RIGHTS MAP NO. 436-2
SE 1/4 NW 1/4 SEC. 24 T 9 S R 3 E 30 ACRES
SW 1/4 NE 1/4 SEC. 24 T 9 S R 3 E 30 ACRES

comprising a total of 60 acres of land.

SEND TO: K. A. HELSEL
EDGEMONT, S.D.

DO NOT CHARGE INSPECTION FEE, AS
THIS HAS BEEN PAID

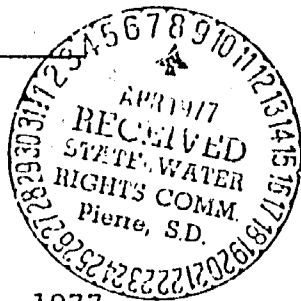
Date 5-22-74

Thomas A. Gardner
(Signature)

THOMAS A GARDNER
WATER RESOURCES ENGINEER

Form 20.

No. 410-2



NOTICE OF TRANSFER OF WATER PERMIT

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

Date April 4, 1977

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

SE $\frac{1}{4}$ NW $\frac{1}{4}$ & SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 24, T9S, R3E for a total of 60 acres

formerly owned by K. A. Helsel

has been transferred to Ralph Mefferd, Edgemont, SD

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

Water Right Permit No. 410-2 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 ~~xxxxxxx~~ \$2.50 is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA)
County of Jankin Co.) ss.

I, Ralph Mefferd 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.

Ralph L. Mefferd Jr.
(Signed)

Subscribed and sworn to before me this 7th day of April

19 77

David P. Russell
(Notary Public)

 **Department of
Water & Natural Resources**

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

May 26, 1988

Ralph L Mefford Jr
Edgemont, SD 57735

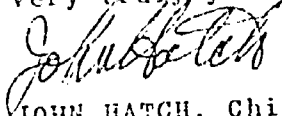
Dear Mr. Mefford:

I am writing in regard of our review of irrigation questionnaire records. No irrigation has been reported for the last five irrigation seasons under Permit No(s). 410-2.

South Dakota Codified Laws state that when any person fails to use water for the purpose for which it was appropriated for a period of three years, or abandons the use of the water, such unused water shall revert to the public. An exception to the law is when there is legal excuse for nonuse of water. Examples of legal excuse for nonuse of water are when water is not available or legal proceedings which prevent the use of water.

Since your permit(s) has (have) not been used for five years, the permit(s) may be subject to cancellation by the Water Management Board unless there is a legal reason for not using water. Please advise by June 17, 1988 if you still want to keep your water right and if there is a reason why water has not been used. Let us know, if you have any questions.

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 57501-3181

May 11, 1989

410-2

NOTICE

TO: Ralph L. Mefferd, Jr.
HCR 48, Box 22
Provo, SD 57774

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

John Hatch

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

Effective May 19, 1989, you are ordered to cease diversions of water under Water Right No. 410-2. 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).





Department of Water & Natural Resources

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

March 19, 1990

410-2

NOTICE

TO: Ralph L. Mefferd, Jr.
HCR 48, Box 22
Provo, SD 57774

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. 410-2. 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 Natural Resources

410-2

NOTICE

Philip L. Mefferd, Jr.
Box 48, Box 22
Sioux Falls, SD 57774

W. HATCH, CHIEF ENGINEER
Water Rights Division
Phone 773-3352

Delvin D. Brown

Under of Shut Off Order for Junior Water
Rights Upstream of Angostura Reservoir

Reminder that the March 19, 1990 notice you
requiring you to cease diversion under your water
right is in effect and will remain in effect until
the reservoir has filled. The elevation of
the reservoir when full is 3187.2 feet above mean
sea level. On February 27, 1991 the reservoir
was at 3170.25 msl.

Water rights above Angostura Reservoir will be
suspended until the reservoir has filled. I am again
requesting your cooperation in complying with this order.

For any questions, please contact Mark Rath or Delvin
Brown 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

410-2

RESCISSION OF SHUTOFF ORDER

TO: Ralph L. Mefferd, Jr.
HCR 48, Box 22
Provo, SD 57774

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

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

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

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

CERTIFICATION

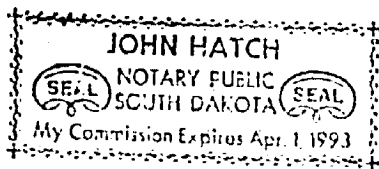
I hereby certify that on March 25, 1992, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 25, 1992, regarding Shut Off Order for Junior Water Right Holders Upstream of the Angostura Irrigation District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

410-2

NOTICE

TO: RALPH L MEFFERD, JR
HCR 48 BOX 22
PROVO, SD 57774

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. 410-2 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
557-1		A & T CATTLE CO	TOM LANDERS	ST RT	HOT SPRINGS	SD	57147		
395-2	RICHARD	ANDERSON	A CHAR ANDERSON	ROR 59 BOX 18	ELK MOUNT	SD	57735		
1811-2	ERNEST	ANDERSON		ROR 59 BOX 20	ELK MOUNT	SD	57735		
394-2		B & H RANCH INC	B F CHILDERS	RD BOX 723	ELK MOUNT	SD	57735		
534-2		BALL FARMS		BOX 617	ELK MOUNT	SD	57735		
1895-2	LESTER L	BARRETT		BOX 749	ELK MOUNT	SD	57735		
1893-2	NICK/MICHAEL	BOONER	ANNE BOONER JR	RD 45 BOX 24	OTTERBURN	SD	57762	1734-2	
355-2		BRANDED INDIAN SCHOOL			HOT SPRINGS	SD	57147		
535-2	WAYNE F	CHILDERS		ROR 59 BOX 14	ELK MOUNT	SD	57735		
536-2	V L	CHILDERS		BOX 713	ELK MOUNT	SD	57735		
534-2	OSCAR	COFF			OTTERBURN	SD	57763		
1994-2	JOHN	FRIDERING		SR 1 BOX 136	ELK	WY	83225		
567-2	HAROLD F	INDSON		ROR 59 BOX 54	ELK MOUNT	SD	57735	1410-2	
2058-2	LEROY/BERTHA	JOHNSON		RD 48 BOX 245	PRIMO	SD	57774		
1985-2	DAVID M	KNOBAR		RR BOX 32	OTTERBURN	SD	57763		
788-2		RAID BROTHERS, INC.	CARL F RAID, PRES	ROR 48 BOX 5	OTTERBURN	SD	57761	1835-2	
421-2	HEFMAN	HECK		BOX 441	ELK MOUNT	SD	57735		
540-2	DAPHNE E	HELMAN		BOX 402	ELK MOUNT	SD	57735		
1879-2	MORA P	HENDERSON	ATT 265	STATE INDIAN RIVER	LAS VEGAS	NV	89103		
1990-2	JOHN W	HENRY		BOX 246	ARMOUR	SD	57715		
324-2	HENRY C	HOLLINGSHEAD		HENRY RANCH	ELK MOUNT	SD	57735		
1593-2		HU RANCH INC	SD CORPORATION	ROR 52 BOX 102	ELK MOUNT	SD	57735		
290-2	DARREL D	HUNTER		BOX D	ARMOUR	SD	57715		
1831-2	JAMES/PATRICIA	JOHNSTON		RD 68 BOX 7	LAVESIDE	NE	68351		
18770-2	JIM	KANE		BOX 124	PRIMO	SD	57774		
763-2	CARL	KANSOLA	ATT 207	PLANT HOTEL	CHATHAM	NE	68337		
1896-2	JOHN W	KUTTER		BOX 715	ELK MOUNT	SD	57735		
806-2	A J	LANDERS	STAR CATTLE CO	BOX 1558 ROR 52	HOT SPRINGS	SD	57147		
1340-2	B L/ALLEN	LANDENCE		BOX 759	TIOGA	SD	57752		
675-2	MELVIN	LEE			HOT SPRINGS	SD	57147		
1925-2	JENN DEJACK	MANK	(ESTATE)	RR 41 BOX 1730	HOT SPRINGS	SD	57147		
11407-2	KENNETH	MORTINSON		BOX 341	ELK MOUNT	SD	57735		
785-2	ARLIDE W	MULLEN		BOX 184	OTTERBURN	SD	57763		
410-2	RAITH L	MURFORD, JR		ROR 48 BOX 22	PRIMO	SD	57774		
1973-2	A J	NELSON		FRANK'S STAGE	WILES CITY	MT	59301		
2015-2		PETERSON & SON, INC		ROR 59 BOX 18	ELK MOUNT	SD	57735		
1016-2	PAUL A JEAN	PETTY	A NORSEN PETTY	ROR 52 BOX 136	HOT SPRINGS	SD	571473603		
1716-2	MELVIN	PORTER		NIO RT BOX 47	ELK MOUNT	SD	57735		
711-2	DONALD	REINAM		BOX 188	OTTERBURN	SD	57763	2943-2	
1937-2	CLAN	REASER		RD 45 BOX 48	OTTERBURN	SD	57761		
422-2	EDWARD/MANDA	REUTTER		RD 52 BOX 84	ELK MOUNT	SD	57735	1722-2	
223-2	CHARLES/NETTEL	REYNOLDS		ROR 52 BOX 28	ELK MOUNT	SD	57735	234-2	
662-2	OLIVER M	ROMBY		BOX 175	OTTERBURN	SD	57763		
718-2	VERNON	SCHULSE		ST RT BOX 155	HOT SPRINGS	SD	57147	1700-2	
1842-2		SEGER RANCH INC		BOX 95	OTTERBURN	SD	57763	671-2	1837-2
667-2	BERNARD D	SIMONS		BOX 281	ELK MOUNT	SD	57735		
1737-2	ROBERT/MARK	TIERS		BOX 363	ELK MOUNT	SD	57735		
1013-2		VAR BOWNET RANCH LTD	BOX 132	105 E 5TH ST	ARMOUR	SD	57559		
322-2	VINCENT M	WASSERBURGER		BOX 83	ARMOUR	SD	57715	853-2	2115-2



410-2

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

January 29, 1993

NOTICE

TO: RALPH L. MEFFORD JR.
HCR 48 BOX 260
PROVO SD 57774

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

RE: Violation of Requirement to Submit 1992 Irrigation Questionnaire

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 410-2. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 410-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

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

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

Consult postmaster for fee.

3. Article Addressed to:

410-2

RALPH L MEFFORD JR
HCR 48 BOX 260
PROVO SD 57774

4a. Article Number

PC 9106 560 074

4b. Service Type

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

7. Date of Delivery

5. Signature (Addressee)

Ralph L Mefford Jr

6. Signature (Agent)

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

Thank you for using Return Receipt Service.



410-2

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

February 17, 1993

410-2

Ken Cassens
Box 205
Gregory, SD 57533

Dear Mr. Cassens:

I am writing to acknowledge receipt of the 1992 irrigation questionnaire for Water Right No. 410-2. You indicated during our telephone conversation that you now own the land described in the water right and that the land was not irrigated during 1992.

The January 29, 1993, Notice of Violation of the Requirement to Submit the 1992 Irrigation Questionnaire was originally sent to Ralph L. Hefford, Jr. Since the questionnaire information was received in our office prior to the Water Management Board meeting, the matter has been deleted from the agenda.

I have enclosed a partially completed "Notice of Transfer of Ownership". Since you now own the land, the water right should be transferred to your name. Please complete the enclosed form, and sign in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352



410-2

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

March 12, 1993

410-2

NOTICE

TO: RALPH L. MEFFERD, JR
HCR 48 BOX 22
PROVO, SD 57774

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.

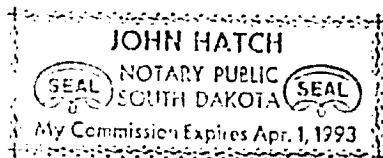
Effective immediately no diversions of water under your Water Right No. 410-2 are authorized. Your water right is junior in priority to the US Bureau of Reclamation Water Right No. 579-2 (April 11, 1941 priority date). The Bureau of Reclamation water right for the Angostura Irrigation District allows 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



NOTICE OF TRANSFER OF OWNERSHIP

410-2

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



No. 410-2

Date: 12 Mar 93

I/We request that Water Right No. 410-2

formerly owned by: Ralph L. Mefford, Jr., HCR 48 Box 22, Provo, SD 57774

be transferred to: (name & address) Ted and Gail Hinesley
10 Box 215 Edgemont SD 57735 (Telephone No) (605) 662-7353

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

60 acres - SE 1/4 NW 1/4 and SW 1/4 NE 1/4 Section 24, T9S, R3E

I/We understand that the validity of Water Right No. 410-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)
County of _____)

I/We Ted and Gail Hinesley being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Ted W. Hinesley
(Signed)

Subscribed and sworn to before me this 12 day of March, 19 93.

Jamelia J. Lancaster
(Notary Public)

JAMELIA J. LANCASTER
Notary Public for the State of Texas
My Commission expires on 12/31/93

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:
1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

410-2
413688

Pierre, _____ March 22, 19 93

RECEIVED OF Paul H. Hinesley, RECEIPT TO Box 215, 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 and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years. _____		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		2 50
Fee for Filing Transfer Form _____ Water Right No. 410-2 _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hald
Chief Engineer



410-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 22, 1993

410-2

Ted and Gail Hinesley
PO Box 215
Edgemont, SD 57735

Dear Mr. and Ms. Hinesley:

This letter is in regard to Water Right No. 410-2 which was recently transferred to you. On March 12, 1993 the Chief Engineer of the Division of Water Rights sent out a shutoff notice to all upstream water rights with priority dates junior to the water right for Angostura Reservoir. I am enclosing a copy of the shutoff notice that was sent to Mr. Mefferd. Your water right, priority of March 24, 1955, is still subject to this same shutoff order.

The water right for Angostura Reservoir allows for one annual fill of the reservoir. On January 1, 1993 it was calculated that the amount required for an annual fill was 45,402 ac-ft. As of March 21, the amount of water in storage has increased by 12,100 ac-ft. We will continue to monitor the reservoir storage levels, if the inflows increase and the reservoir will fill, the shutoff order will be rescinded.

If you have any questions, feel free to contact me.

Sincerely,

Mark D. Rath
Natural Resources Engineer
Division of Water Rights
(605) 772-3252

enclosure



410-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 23, 1993

No. 410-2

Ted and Gail Hinesley
P.O. Box 215
Edgemont, SD 57735

Dear Mr. and Ms. Hinesley:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 410-2.

Our records now show you as the owner of Water Right No. 410-2.

Sincerely,

A handwritten signature in cursive script, which appears to read "Cheryl F. Frost".

Cheryl F. Frost
Secretary
Water Rights Division
(505) 773-3352

enclosure



410-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 14, 1993

410-2

RESCISSION OF SHUTOFF ORDER

TO: TED & GAIL HINESLEY
PO BOX 215
EDGEMONT, SD 577350215

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



410-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 15, 1995

410-2

NOTICE

TO: TED & GAIL HINESLEY
PO BOX 215
EDGEMONT, SD 57735

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

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

Effective immediately no diversions of water under your Water Right No. 410-2 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) 773-3252.

cc: US Bureau of Reclamation
Angostura Irrigation District



410-2

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

May 26, 1995

410-2

RESCISSION OF SHUTOFF ORDER

TO: TED AND GAIL HINESLEY
PO BOX 215
EDGEMONT, SD 57735 0215

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: TED AND GAIL HINESLEY
PO BOX 215
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. 410-2

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.



410-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 15, 2005

NOTICE OF SHUTOFF ORDER

TO: TED AND GAIL HINESLEY
PO BOX 215
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. 410-2

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.

410-2



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: TED AND GAIL HINESLEY
PO BOX 215
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. 410-2

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: TED & GAIL HINESLEY
PO BOX 215
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. 410-2

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: TED AND GAIL HINESLEY
PO BOX 215
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. 410-2

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:

TED AND GAIL HINESLEY
PO BOX 215
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. 410-2

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

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 06, 2013

NOTICE OF SHUTOFF ORDER

TO: TED AND GAIL HINESLEY
103 W AVE A
BISMARCK ND 58501

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. (410-2)**

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:

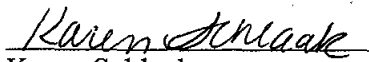
LAST_NAME	FIRST_NAME	ADDRESS2	CITY	STATE	ZIP
INDIAN CREEK CATTLE LLP		32296 190TH ST	SLEEPY EYE	MN	56085
INDIAN CREEK LAND & CATTLE LLC		PO BOX 538	EDGEMONT	SD	57735
WEINREIS BROTHERS		230908 HIGHLAND RD	SCOTTSBLUFF	NE	69361
SEGER RANCH INC		RR 1 BOX 100A1	HOT SPRINGS	SD	57747
REUTTER	EDWARD/WANDA	HCR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

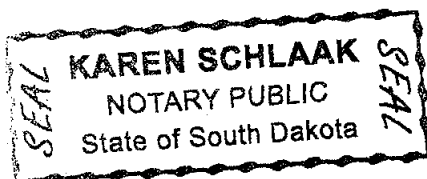
SCHNOSE	VERNON	12685 MAITLAND RD	HOT SPRINGS	SD	57747
SEABECK	DORIS SEABECK &	2533 PARK AVE	LARAMIE	WY	82070
SIMONS	THOMAS	BOX 381	EDGEMONT	SD	57735
TUBBS LAND & CATTLE LLC	BERNARD D	10891 RIVER RD	EDGEMONT	SD	57735
WALKER	FRED S & CYNTHIA K	30301 CASCADE RD	ARDMORE	SD	57735
WYOMING DAKOTA RAILROAD PROPERTIES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


 Garl 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





RECEIVED
OCT 27 2014
WATER RIGHTS
PROGRAM

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 17, 2014

TED AND GAIL HINESLEY
103 W AVE A
BISMARCK ND 58501

*We sold our ranch in 2013 and
transferred the water rights. The
new owner is: J. Anthony DeRungs
210 Governors Dr.*

NOTICE TO SUBMIT THE 2014 IRRIGATION QUESTIONNAIRE *Pierre SD 57501*

Please complete and return the enclosed 2014 irrigation questionnaire form(s) by **December 1, 2014**. Submission of the questionnaire(s) is required whether or not you irrigated; otherwise, your water permit or right may be suspended or cancelled.

Ted Hinesley
If you complete the online questionnaire available at <http://denr.sd.gov/iq.aspx> you can save a copy for your own records and be notified by email when we receive your questionnaire(s). To complete the online questionnaire, you need a PC that is able to send and receive email and uses the free Adobe Reader software.

Some items to be aware of when completing the questionnaires(s):

- Completion of the form(s) does NOT protect a water right from being subject to cancellation for periods of nonuse greater than three years unless legal excuse exists. Legal excuse includes unavailability of water to satisfy a permit, excessive precipitation causing flooding, or participation in a federal acreage set aside program (e.g. Conservation Reserve Program – CRP provided the water source is not fully appropriated, participating in CRP does not prevent approval of new permits and water was used prior to entering CRP).
- If you have multiple permits, do not combine the permits onto a single questionnaire form if the water sources are not the same for each permit. The water source for each permit is shown in No. 4 on your questionnaire.

If you have questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352 or by email at genny.mcmath@state.sd.us. Additional copies of the questionnaire can also be printed by following the "Available forms" link at "<http://denr.sd.gov/wr>."

For the Water Management Board

Jeanne Goodman, Chief Engineer
Water Rights Program

enclosures

3 easy options to return your irrigation questionnaire(s)	1. Online (preferred method),	2. Mail, or	3. Fax
	http://denr.sd.gov/iq.aspx	Use the enclosed postage paid return envelope	Fax the completed form(s) to 605 773-4068
For assistance completing your form(s), contact Genny McMath at 605 773-3352 or by email: genny.mcmath@state.sd.us			
Note: Examples of how to complete questionnaires are available on the reverse side of this page.			



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



October 29, 2014

410-2

J Anthony DeRungs
210 Governors Dr
Pierre SD 57501

Dear Sir:

I am contacting you in regard to ownership of land described in Water Right No. 410-2. Upon mailing out the 2014 irrigation questionnaire to Ted and Gail Hinesley, they notified us they had sold their ranch to you in 2013.

The water right will need to be transferred to you to reflect current ownership. Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

I have included a copy of the water right for your records. For informational purposes this water right is junior in priority to the US Bureau of Reclamation Water Right and is often times subject to shutoff orders. If this occurs, junior water right holders are notified in writing if they need to cease diversions.

Also enclosed is the 2014 irrigation questionnaire pertaining to this water right and a copy of the cover letter that accompanied the questionnaire to irrigators this fall. Please complete and return the form to us no later than **December 1st**.

If you have any questions concerning the water right, the transfer of ownership or completion of the irrigation questionnaire, please contact me.

Sincerely,

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

enclosures: Copy of Water Right, transfer of ownership form, irrigation questionnaire, postage paid envelope



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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

March 26, 2015

410-2

J Anthony DeRungs
210 Governors Dr
Pierre SD 57501

Dear Mr. DeRungs:

On **October 29, 2014**, I forwarded a form to you for filing an ownership change on Water Right No. 410-2, currently held by Ted and Gail Hinesley. To date, I have not received anything back from you.

In the event you no longer have the original form, I am enclosing an additional partially completed "Notice of Transfer of Ownership" form for filing the ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

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

enclosure



440-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 15, 2016

NOTICE

TO: J ANTHONY DERUNGS, LEASOR, 11684 INDIAN CANYON RD, EDGEMONT, SD 57735

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire has not been submitted for Permit No(s) 410-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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 **Thursday, March 3, 2016 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) 410-2 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, 2016** 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. 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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/25, 20 16

RECEIVED OF John A DeRungs 11684 Indian Canyon Rd 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 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 _____ 410-2		
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. **07767**

By *John DeRungs*
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

FEB 25 2016

WATER RIGHTS
PROGRAM

No. 410-2

Date: 24 February 2016

I/We request that Water Right No. 410-2

formerly owned by: Ted and Gail Hinesley

be transferred to: (name & address)

John Anthony DeRungs
11684 Indian Canyon Road
Edgemont, SD 57735 Telephone No. (605) 662-5028

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

60 acres – SE ¼ NW ¼ and SW ¼ NE ¼ Section 24, T9S, R3E

I/We understand that the validity of Water Right No. 410-2 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 John Anthony DeRungs the new owner, certify that the above information is true and correct.

Anthony DeRungs
(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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 29, 2016

410-2

Tony DeRungs
11684 Indian Canyon Rd
Edgemont SD 57735

Dear Mr. DeRungs:

I am writing to acknowledge receipt of your 2015 irrigation questionnaire, the transfer of ownership form and filing fee.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right No. 410-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

The ownership change has also been completed. Water Right No. 410-2 formerly held by Ted and Gail Hinesley is now listed under "John Anthony DeRungs". Enclosed for your records is Receipt No. 07767 in the amount of \$50 which you paid for filing the ownership change.

If you have any questions, please contact me.

Sincerely,

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

enclosure



410-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2018

NOTICE

TO: JOHN ANTHONY DERUNGS, 11684 INDIAN CANYON RD, EDGEMONT, SD 57735

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) 410-2 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) 410-2 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. 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

RETURN SERVICE REQUESTED

1/29
2-8-18 BO
2-15-18

JOHN ANTHONY DERUNGS
11684 INDIAN CANYON RD
EDGEWATER

WIXIE

553 DE 1

0002/15/18

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 57501318299

*0935-11555-26-43

5773587010 *4198

CERTIFIED MAIL™



POSTAGE >> PITNEY BOWES



7013 2250 0001534945492W ZIP 57501 \$003.92⁰
0000350462 JAN 26 2018

RECEIVED

FEB 20 2018

WATER RIGHTS
PROGRAM

410-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 22, 2018

NOTICE

TO: John Anthony Derungs
11684 Indian Canyon Rd
Edgemont SD 57735

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

SUBJECT: Unclaimed Certified Mail Concerning Violation of Water Permit No. 410-2

The attached notice was sent certified mail, return-receipt requested. The post office has returned the certified mail return-receipt requested envelope to our office marked "unclaimed". The envelope indicated the post office notified you January 29 and February 8, 2018 to pick up and sign for the certified mail.

If you have any questions, please contact Genny McMath, (605) 773-3352.

CERTIFICATION

I hereby certify that on February 22, 2018, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated February 22, 2018 regarding Unclaimed Certified Mail addressed as stated on the attached list.

Eric Gronlund

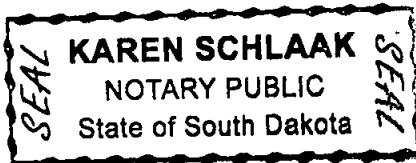
Eric Gronlund
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 22nd day of February, 2018.

Karen Schlaak

Karen Schlaak
Notary Public
My Commission expires April 1, 2019



STUART RICE
2300 SKYLINE RANCH ROAD
RAPID CITY SD 57701

LANE TEKRONY
47840 180TH ST
CLEAR LAKE SD 57226-5405

PRAIRIE GARDENS INC.
TAMARA ROGERS, PRESIDENT
13979 COBB RD
HERMOSA SD 57744-5415

JOHN ANTHONY DERUNGS
11684 INDIAN CANYON RD
EDGEMONT SD 57735

TERRILL WHEELER
16645 416TH AVE
RAYMOND SD 57258

MARK MCCLOUD
33670 183RD ST
HIGHMORE SD 57345

VIOLA KESZLER, OPERATOR
30317 289TH ST
CLEARFIELD SD 57580

BARB & RON CLINE
CLINT & RANDI KRAMBECK
10340 UPPER REDWATER RD
SPEARFISH SD 57783

TROI D ANDERNACHT, OPERATOR
45835 284TH ST
HURLEY SD 57036-6100

PRAIRIE WINDS GOLF CLUB
BRANDON VOSTAD
555 S LAKE DR
WATERTOWN SD 57201

STEVE OLINGER
12241 VALLERY RD
NISLAND SD 57762-7600

FREEMAN AREA GOLF COURSE
DOUG MCCUNE
PO BOX 610
FREEMAN SD 57029-0610



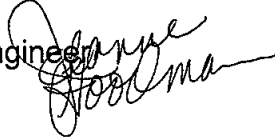
410-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 8, 2018

NOTICE OF ENTRY OF ORDER TO AMEND WATER RIGHT

TO: John Anthony DeRungs, 11684 Indian Canyon Rd, Edgemont SD 57735
FROM: Jeanne Goodman, Chief Engineer, Water Rights Program 
SUBJECT: Amendment to Water Right No. 410-2

On March 7, 2018, the Water Management Board amended Water Right No. 410-2 to add the following qualification:

"This water right is subject to the Irrigation Water Use Questionnaire being submitted each year."

This action was taken for your failure to return the 2017 irrigation questionnaire. The addition of this qualification to your water right means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water right with no use of water for up to one year for the first violation.

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

CERTIFICATION

410-2

I hereby certify that on March 8, 2018, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 8, 2018 regarding Water Management Board action taken March 7, 2018 for Irrigation Questionnaire violations addressed as stated below:

Amendments:

Water Right No. 410-2: John Anthony DeRungs, 11684 Indian Canyon Rd, Edgemont SD 57735
Water Right No. 4309B-3: Ronald J Gorder, PO Box 185, Estelline SD 57234-0185
Water Right No. 394-1: Larry B Reinhold, Lonetree Ranch, 14666 Lonetree, Sturgis SD 57785
Water Right No. 2350-3: Bill Boyer, River Valley Farms, PO Box 486, Alcester SD 57001

One Year Suspensions:

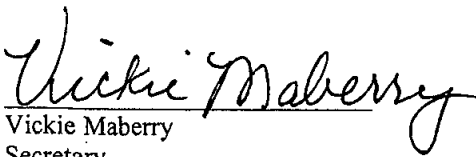
Water Right No. 4472-3, Darrell Biddle, 37461 287th St, Geddes SD 57342
Water Right No. 635-2: Tom Lauing, Dakota Hills Inc., 14129 Ringneck Rd, Oral SD 57766
Water Permit No. 8019-3: Mark Hohn 40455 266th St, Ethan SD 57334
Water Right No. 1213B-1: Charles & Cathy Kimbril, 19027 137th Ave, Vale SD 57788
Water Right No. 1233-1: Ed & Kathy Kling, 12345 Vallery Rd, Nisland SD 57762-9717
Water Permit Nos. 6961-3, 6962-3, 6963-3 & 7233-3, Norman Kramer, 31105 436th Ave., Yankton SD 57078
Water Permit Nos. 7265-3 & 7265A-3: Leigh Leesman, Leesman Ranch, 30729 206th St, Pierre SD 57501
Water Right No. 5441-3, Water Permit Nos. 6408A-3 & 7118-3: Barry Little, 45696 SD Hwy 22, Castlewood SD 57223-5220
Water Right No. 5735-3: Mark McCloud, 33670 183rd St, Highmore SD 57345
Water Permit No. 1923-1: Jim Montieth, PO Box 1238, Spearfish SD 57783 8502
Water Right No. 962B-1: Steve Olinger, 12241 Vallery Rd, Nisland SD 57762-7600
Water Right No. 2074-2: Tamara Rogers, Prairie Gardens Inc., 13979 Cobb Rd, Hermosa SD 57744-5415
Water Right Nos. 1612-3 & 1997-3: Brandon Vostad, Prairie Winds Golf Club, 555 S Lake Dr, Watertown SD 57201
Water Right No. 2106-2: Stuart Rice, 2300 Skyline Ranch Rd., Rapid City SD 57701
Water Right No. 2696-3A: Danny Schmidt, 18684 421st Ave., Willow Lake SD 57278
Helen M Schmidt, 19053 427th Ave., Willow Lake SD 57278
Water Right No. 4292-3: Stanley S Schulz, 41300 SD Hwy 20, Conde SD 57434
Water Right No. 1554A-1/Water Permit No. 1935-1: Donald J Stange, 2807 Gamble Ct, Mitchell SD 57301-6411
Water Permit Nos. 8164-3, 8165-3 & 8166-3: Todd Swenson, 38770 235th St., Wessington Springs SD 57382
Water Right No. 2954-3: Lane Tekrony, 47840 180th St, Clear Lake SD 57226-5405

Second violation - Three year suspensions:

Water Right No. 495-2: Harlan Eisenbraun, 21362 Creighton Rd, Wall SD 57790
Water Right No. 1530-2, Viola Keszler, 30317 289th St, Clearfield SD 57580

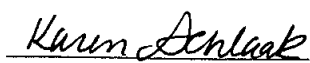
Third violation - Cancellation:

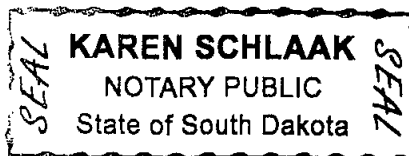
Water Right No. 3937-3: Wendell Schubloom, 20608 Hwy 25, DeSmet SD 57231


Vickie Maberry
Secretary
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of March, 20 18.


Karen Schlaak
Notary Public
My Commission expires April 1, 2019



FILE DOCUMENTATION FOR WATER RIGHT NO. 410-2

Water Right No. 410-2, with a priority date of March 24, 1955 authorizes diversion of 0.85 cfs from the Cheyenne River to irrigate 60 acres located in the SE ¼ NW ¼ & SW ¼ NE ¼ Section 24, T9S, R3E in Fall River County.

On September 7, 2018 and October 19, 2018, ownership changes were filed for the land described in the water right. At the time the ownership changes were filed, Water Right No. 410-2 was held by John Anthony DeRungs.

Based on the ownership changes, Water Right No. 410-2 has been divided and reissued to reflect separate ownership as follows:

- **No. 410A-2, Cynthia L Tolle, dba Evergreen Ranching & Livestock LLC, 12134 Mountain Goat Lane, Custer SD 57730** authorizing diversion of 0.57 cfs (approximately 256 gpm) from the Cheyenne River to irrigate 40 acres in the SE ¼ NW ¼ Section 24, T9S, R3E;
- **No. 410B-2, Matthew Hespen & Kathi Koester, PO Box 206, Custer SD 57730** authorizing diversion of 0.28 cfs (approximately 126 gpm) from the Cheyenne River to irrigate 20 acres in the SW ¼ NE ¼ Section 24, T9S, R3E.

Note: The original application and subsequent licensing of Water Right No. 410-2 described the diversion point location to be **N60°50'E, distance 1436.06 feet from the N ¼ corner of Section 24, T9S, R3E.** Taken literally, that description puts the point of diversion from the Cheyenne River in the SW ¼ SE ¼ Section 13, T9S, R3E. The river does not flow through the SE ¼ of Section 13. The map submitted with the application and used for licensing purposes shows the diversion point location to be in the NW ¼ Section 24, T9S, R3E.

Reissued Water License Nos. 410A-2 and 410B-2 reflect the diversion point from the Cheyenne River to be in the NW ¼ Section 24, T9S, R3E.