

No. 416-2Water Division No. 2 South Cheyenne River District
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant A. J. Barta
RPM 1, Box 136
 Postoffice address Buffalo Gap, County Custer, 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 addresses of directors _____

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

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

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

Direct Labor

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

(d) Bonds to be issued, \$ _____ (e) Other resources, \$ Adequate2. Name of diversion work A. J. Barta No. 13. Amount of water claimed 11.68 cubic feet per second4. Source of water supply Cheyenne River5. Location of point of diversion see appended sheet_____ on right bank Custer County.6. Annual period or periods during which water is to be used April to October, inclusive7. To be used for: _____ FloodingI. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? by pumping(a) Number of acres to be irrigated 217.7 acres.(b) Legal subdivisions to be irrigated see appended sheet

(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.) no domestic use

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 _____

Map No. 440-12

8. Estimated cost of work:

(a) Head Gates, \$ 3600

(b) Pumping plant, \$ 6600

(c) Flumling, \$ 1200

(d) Canal-earth, \$ 5500

Rock, \$

(e) Other structures Intake Structures \$ 1600

Total, \$ 18,500

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 at 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 4'-00" feet; height 3.5 feet;

Material Concrete

(d) Canal: Total length 3 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 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 Custer Chronicle

STATE OF SOUTH DAKOTA

County of Pennington } ss.

I, A. J. Barta, 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

Subscribed and sworn to before me this 29th day of September 1955

Notary Public (or other qualified officer.)

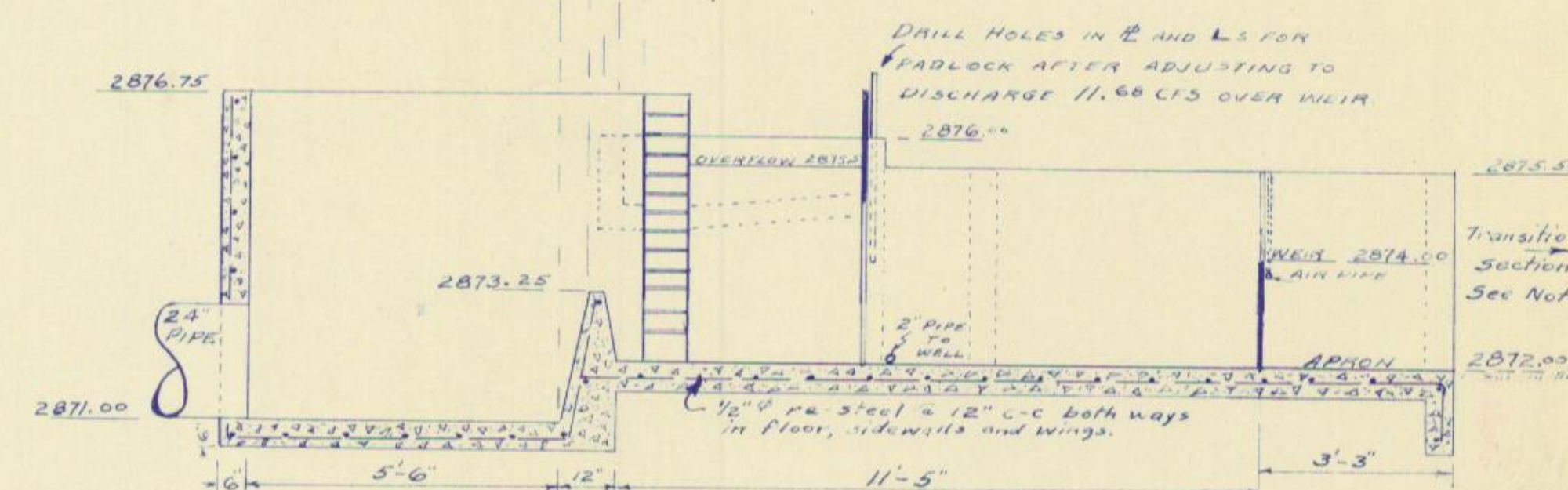
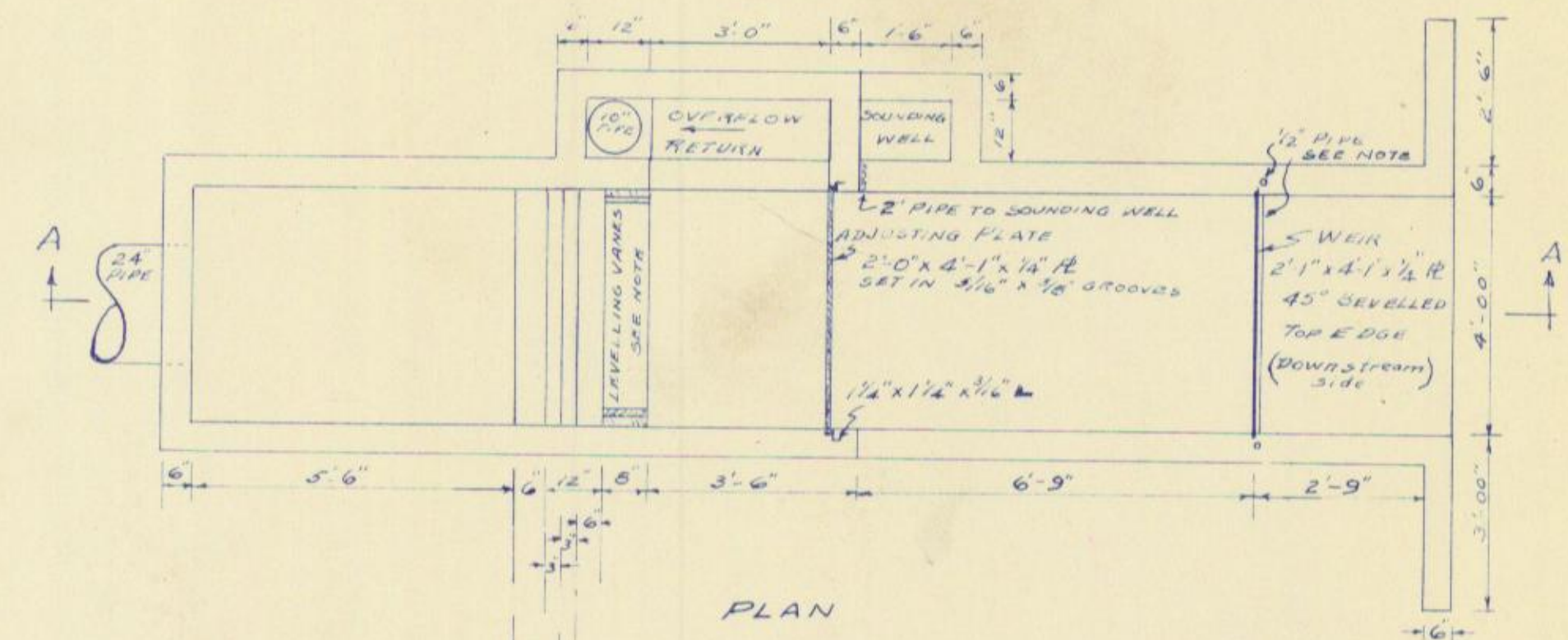
*Each diversion must have a headgate or measuring device.

MAP OF AREA TO BE IRRIGATED SHOWING POINT OF DIVERSION

SCALE: 1" = 600 FT.

TYPICAL DETAILS OF HEAD GATE

SCALE: 3/8" = 1 FT.



CONSTRUCTION NOTES:

Weir plate to have 45° bevelled top edge, downstream side. Grout in place with top edge level.
 Levelling vanes, metal or wood, 8" wide, spaced 4' apart, full depth of channel.
 Transition section, lined with concrete or grouted stone riprap, minimum 20' long, to effect transition from a rectangular flume section to typical ditch cross section.
 Air pipe, 12", with one row of 1/8" holes drilled 2" c-c. Install on downstream side of weir, 2" below top edge to admit air under water over fall. Turn holes downward. Vent thru top of sidewalls.

PROPOSED IRRIGATION LAYOUT

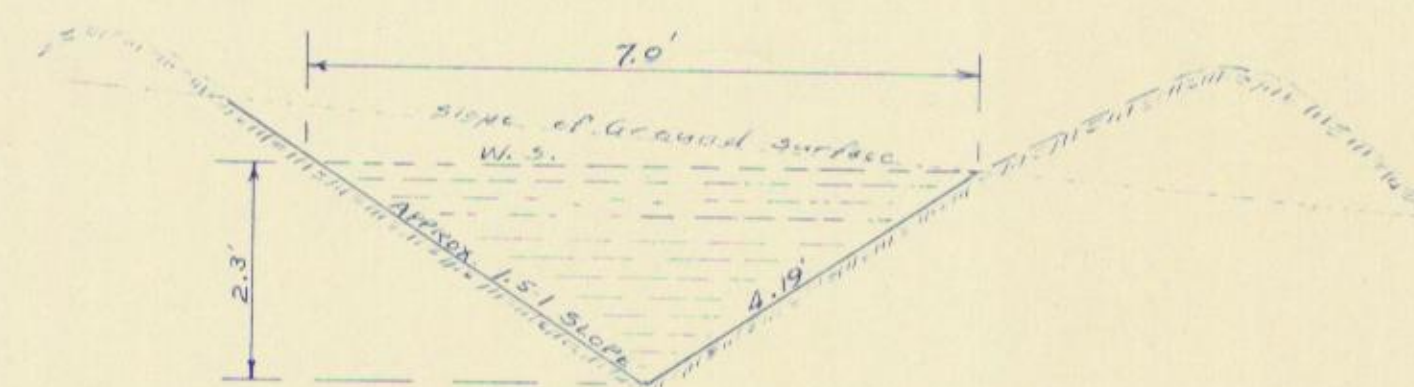
TO ACCOMPANY APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR

A. J. BARTA DIVERSION No. 1

IN SECS. 21-28-29-30-31-32, T.6S, R.9E, 8WM

MR. A. J. BARTA, APPLICANT

SECTION	FRACTION	ACRES
21	SE 1/4 SW 1/4	11.0
28	NW 1/4	95.8
	SW 1/4	18.3
29	NW 1/4	1.5
	NE 1/4	107.6
	SE 1/4	44.4
	SW 1/4	84.8
30	SE 1/4	17.6
31	NW 1/4	48.8
	NE 1/4	147.3
	SE 1/4	97.1
	SW 1/4	64.2
32	NW 1/4	50.4
	SW 1/4	25.8
TOTAL ACREAGE		817.7



MIN. SLOPE - .00055
SCALE: 1" = 2 FT.

SURVEYOR'S CERTIFICATE

I, V.L. Rugg, a Registered Land Surveyor, do hereby certify that, at the request of A.J. Barta, a survey of the above tract of land was made and the above map of the same prepared under my supervision. I further certify that the points of diversion and the areas to be irrigated are located, with reference to U.S. Land Survey corners, as shown in the above map.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of September, 1955.

V.L. Rugg
Registered Land Surveyor.

ACKNOWLEDGMENT OF SURVEYOR

State of South Dakota
County of Pennington

ON THIS DAY, before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared V.L. Rugg, known to me to be the person who executed the within Surveyor's Certificate and acknowledged to me that he executed the same.

WITNESS my hand and seal this 29th day of September, 1955.

Lorraine Albesta
Notary Public

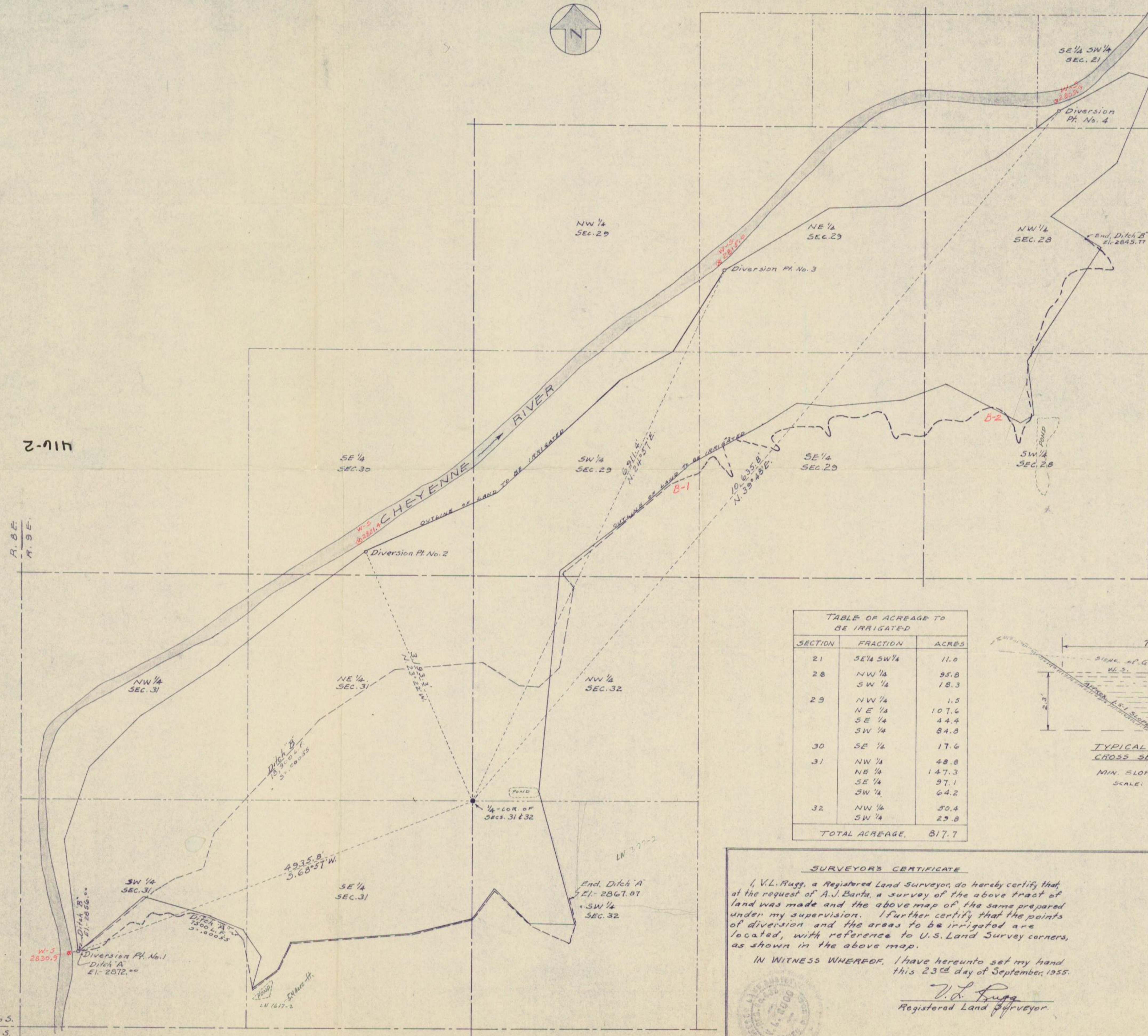
My Commission Expires Jan. 12 - 1959

PREPARED FOR
MR. A. J. BARTA
BY
STAVEN ENGINEERING CO.
RAPID CITY, S.DAK.
SEPT. 1955

Map No. 440-2A
(Appl. No. 416-2)

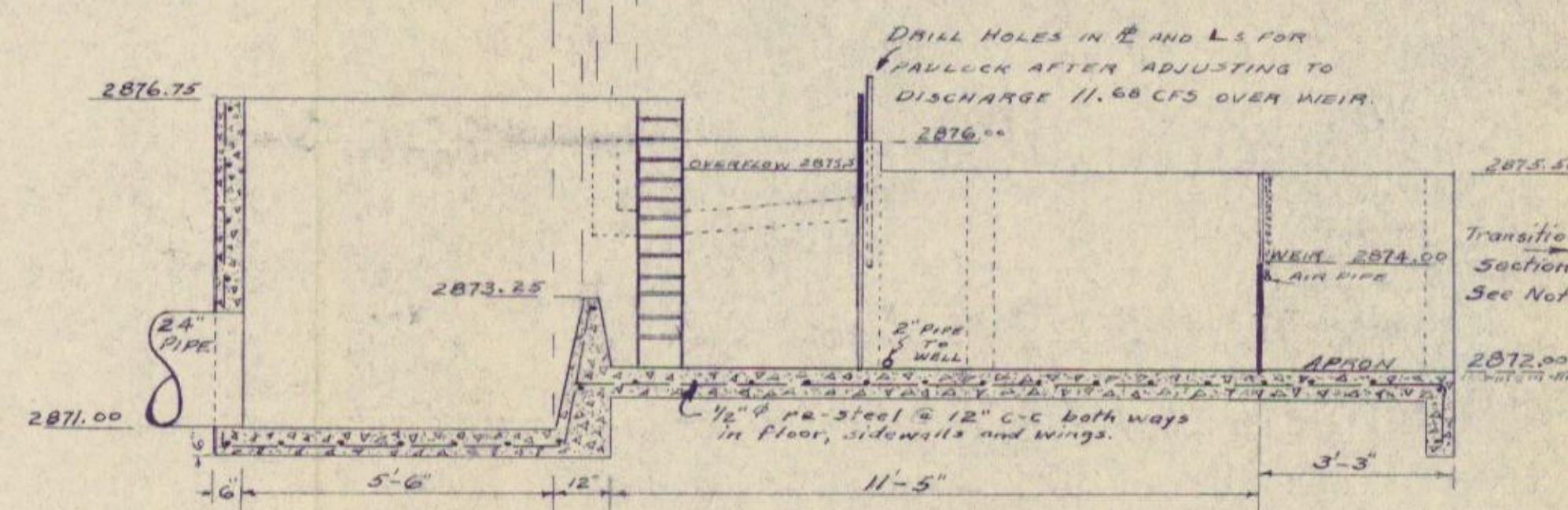
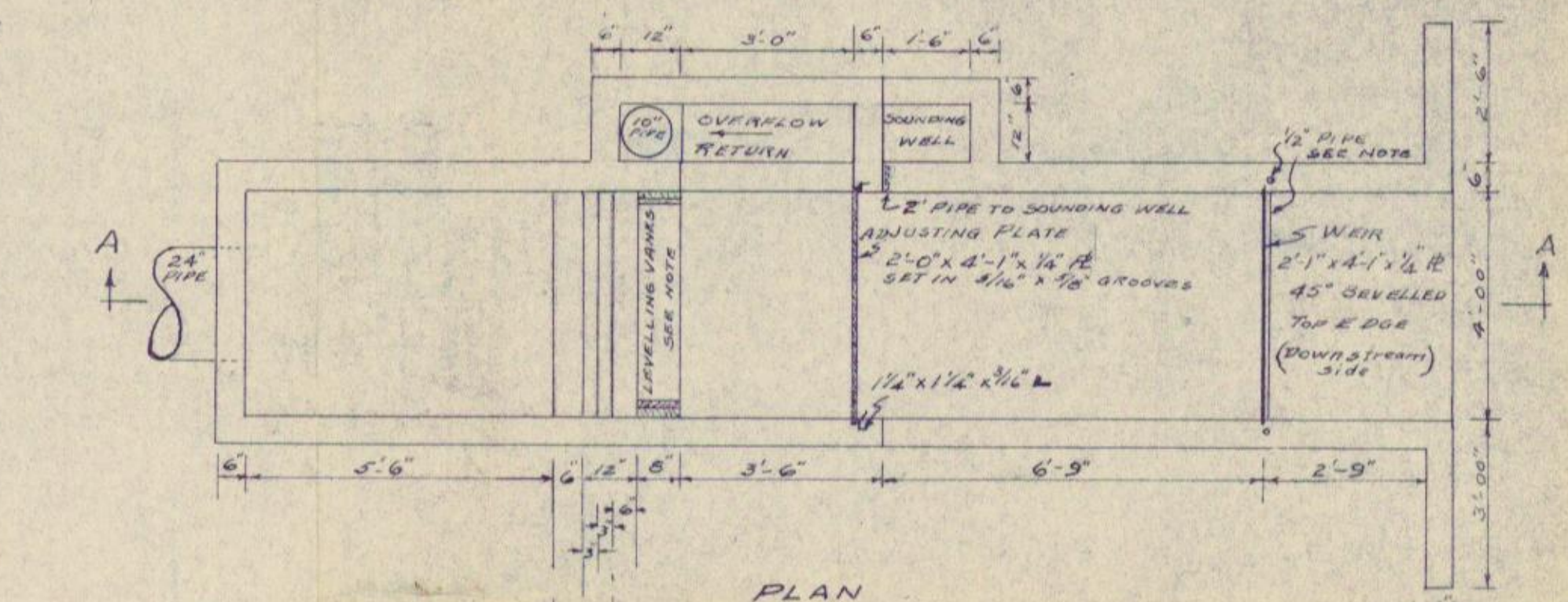
MAP OF AREA TO BE IRRIGATED SHOWING POINT OF DIVERSION

SCALE: 1" = 600 FT.



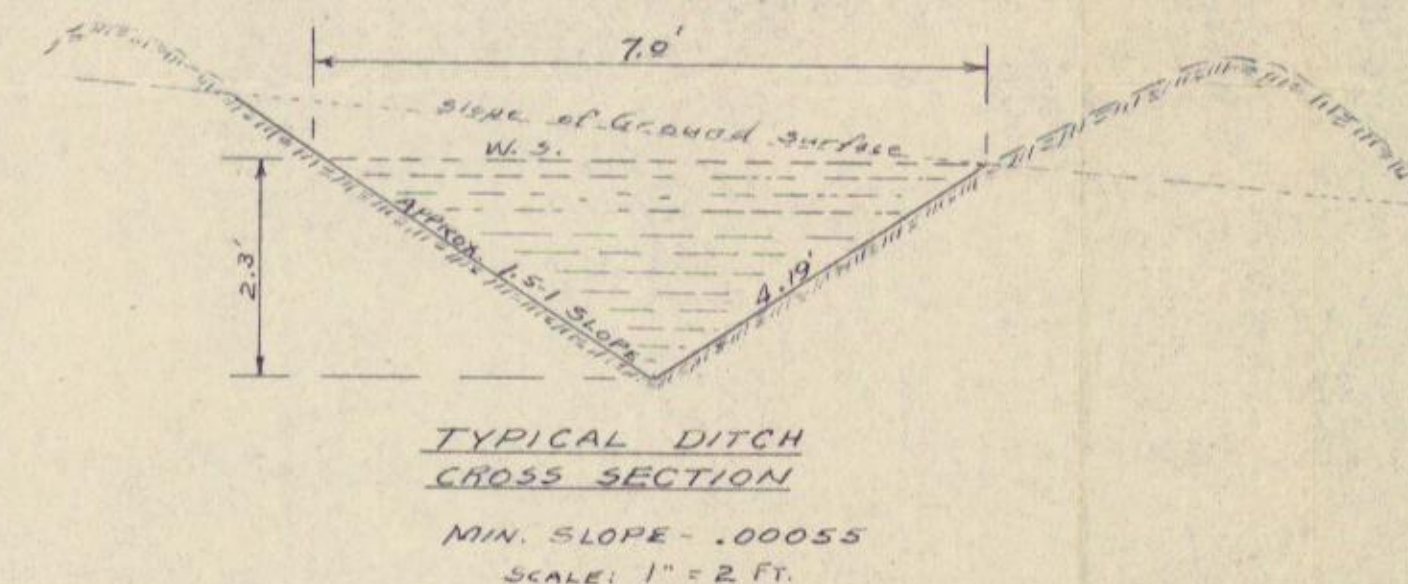
TYPICAL DETAILS OF HEAD GATE

SCALE: 3/8" = 1 FT.



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	NE 1/4	147.3
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PROPOSED IRRIGATION LAYOUT

TO ACCOMPANY APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR

A. J. BARTA DIVERSION No. 1

IN SECS. 21-28-29-30-31-32, T.6S, R.3E, B.1M

MR. A. J. BARTA, APPLICANT

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IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of September, 1955.

V. L. Rugg
Registered Land Surveyor.

ACKNOWLEDGMENT OF SURVEYOR

State of South Dakota
County of Pennington

ON THIS DAY, before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared V. L. Rugg, known to me to be the person who executed the within Surveyor's Certificate and acknowledged to me that he executed the same.

WITNESS my hand and seal this 29th day of September, 1955.

Lorraine Alberto
Notary Public

My Commission Expires Jan. 12-1959

PREPARED FOR
MR. A. J. BARTA
BY
STAVEN ENGINEERING CO.
RAPID CITY, S. DAK. SEPT. 1955

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA

County of

Hughes

} ss.

Pierre, South Dakota,

October 14

1955

This is to certify that the foregoing application was received by the Commission at 2:30 o'clock

2 p.m. upon the

14th

day of

October

1955

State Water Resources Commission

By:

W. O. Grimes

Chief Engineer, Executive Officer

Number of permit 416-2

Date of first receipt of application

October 14

1955

Date of return to applicant for correction, amendments or changes required as follows:

November 16, 1955

Date of receipt of corrected application

December 29

1955

Date from which applicant may claim right

October 14

1955

Approved

May 7

1956

Recorded in Book

3

Page

119

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we 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

May 17, 1957

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

May 17

1958

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

May 17

1960

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

Irrigation

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

6th. The amount of the appropriation herein granted shall not exceed 11.68 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 is 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 May 17, 1960; said water to be used during the following described annual period:

April 9 October inclusive

Witness my hand this

17

day of

May

1956

State Water Resources Commission

By:

W. O. Grimes
Chief Engineer, Executive Officer

Certificate of Construction Issued

January 29

1958

Water License Issued

January 29

1958

APPENDED SHEET OF SUPPLEMENTARY DATA - APPLICATION FOR
PERMIT TO APPROPRIATE WATER FOR A. J. BARTA DIVERSION
NO. 1 - A. J. BARTA, APPLICANT.

ITEM 5. Location of Point of Diversion:

Diversion Point No. 1: 4,935.8' S. 68° 57' W. from east
quarter-corner of Sec. 31, T.6S.,
R.9E., BHM

Diversion Point No. 2: 3,193.3' N. 23° 22' W. from above
corner.

Diversion Point No. 3: 6,911.4' N. 24° 57' E. from above
corner.

Diversion Point No. 4: 10,035.8' N. 39° 48' E. from above
corner.

ITEM 6(h). Legal Subdivisions to be irrigated.

All the following are in T.6S., R.9E., BHM

Section	Fraction	Acres to be Irrigated
21	SE 1/4	11.0
28	NW 1/4	95.8
	SW 1/4	18.3
29	NE 1/4	14.5
	SE 1/4	107.6
	SW 1/4	11.1
	SW 1/4	61.8
30	SE 1/4	17.6
31	NW 1/4	15.3
	NE 1/4	117.3
	SE 1/4	97.1
	SW 1/4	61.8
	NW 1/4	30.1
	SE 1/4	20.8

TOTAL 619.7 ACRES

977.4

Permit No. 416-2
 South Cheyenne
 Water Division No. 2 River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That A. J. Barta

of Buffalo Gap, County of Custer, and State of
South Dakota, the holder of Permit No. 416-2, issued upon Application
 No. 416-2, bearing date of priority of October 14, 1955, authorizing the diversion of
11.68 cu. ft. per second of the waters of The Cheyenne River
 County of Custer, State of South Dakota, at 4935.8 feet, S 68°
57'W of the E $\frac{1}{2}$ Cor., Sec. 31, T 6S, R 9 E
 for irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of
 completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
 condition for diverting and conveying to the place of intended use 11.68 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21) - - - - - 11.0 acres
NW $\frac{1}{4}$, Sec. 28) - - - - - 95.8 acres
SW $\frac{1}{4}$, Sec. 28) - - - - - 18.3 acres
NW $\frac{1}{4}$, Sec. 29) - - - - - 1.5 acres
NE $\frac{1}{4}$, Sec. 29) - - - - - 107.6 acres
SE $\frac{1}{4}$, Sec. 29) - - - - - 44.4 acres
SW $\frac{1}{4}$, Sec. 29) All in T 6 S, 84.8 acres
SE $\frac{1}{4}$, Sec. 30) R 9 E. 17.6 acres
NW $\frac{1}{4}$, Sec. 31) - - - - - 48.8 acres
NE $\frac{1}{4}$, Sec. 31) - - - - - 147.3 acres
SE $\frac{1}{4}$, Sec. 31) - - - - - 97.1 acres
SW $\frac{1}{4}$, Sec. 31) - - - - - 64.2 acres
NW $\frac{1}{4}$, Sec. 32) - - - - - 50.4 acres
SW $\frac{1}{4}$, Sec. 32) - - - - - 29.8 acres
818.6 acres

Witness my hand this 29th day of January A. D. 1958

State Water Resources Commission

By:

J. W. GRIMES,

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No... 416-2 ...

WHEREAS, On the 14th day of October A. D. 19 55

A. J. Barta

of Buffalo Gap County of Custer and State of South Dakota duly made application (No. 416-2) to us for a permit to use 11.68 cubic feet per second of the waters of The Cheyenne River County of Custer, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 17th day of May A. D. 19 56 Permit No. 416-2 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 17th day of May A. D. 19 56 and for the application to beneficial use of said water on or before the 17th day of May A. D. 19 60 and,

WHEREAS, On the 27th day of November A. D. 19 57 the holder of said permit duly made proof of the completion of adequate works for the diversion of 11.68 cubic feet per second of said waters, as evidenced by our Certificate No. 416-2 dated January 29, 1958 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 11.68 cubic feet per second of water, with date of priority of October 14, 1955 and

WHEREAS, On the 27th day of November A. D. 19 57 proof was duly made of the application to beneficial use of 11.68 cubic feet per second of said water; on 818.6 acres located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21; NW $\frac{1}{4}$ and SW $\frac{1}{4}$, Sec. 28; NW $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 29; SE $\frac{1}{4}$, Sec. 30; NW $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 31; NW $\frac{1}{4}$ and SW $\frac{1}{4}$, Sec. 32; all in T 6 S, R 9 E (more particularly described in Certificate of Completion of Works No. 416-2)

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 A. J. Barta

of Buffalo Gap, South Dakota the holder and owner of said permit No. 416-2

a water right, dating from October 14, 1955 to the use of 11.68

cubic feet per second of the waters of the Cheyenne River

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

necessray for the purposes hereinabelow mentioned, to be diverted at 4935.2 feet, S 68° 57' W

of the E $\frac{1}{2}$ Cor., Sec. 31, T 6 S, R 9 E.

and conducted to and upon SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21; NW $\frac{1}{4}$ & SW $\frac{1}{4}$, Sec. 28; NW $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$,

Sec. 29; SE $\frac{1}{4}$, Sec. 30; NW $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 31; NW $\frac{1}{4}$ and SW $\frac{1}{4}$, Sec.

32; all in T 6 S, R 9 E. (more particularly described in Certificate

for the purpose of irrigation of Completion of Works No. 416-2

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

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 29th day of January A. D. Nineteen

Hundred and Fifty-eight

State Water Resources Commission

By:

J. W. GRIMES,

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c.f.s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

February 10, 1956

Handwritten: 100-100000-10

Mr. G. J. Cheney
Projects Manager
Bureau of Reclamation
Box 825
Huron, South Dakota

Dear George:

Your letter of January 16, 1956, suggests that no change be made in the procedure for releasing waters withdrawn but unused by the United States (Bureau of Reclamation) to other water right applicants when the United States withdrawal provides for all unappropriated waters or when the withdrawal is in such amounts as to constitute a withdrawal of practically all unappropriated waters. Your letter states the desire of the Bureau to make such releases directly to the water right applicant.

Two undesirable situations have resulted from past procedures in these matters. First, adverse public reaction to the clearance required from a Federal Agency is evident in the attitude and statements of some State Legislators and individuals. Second, the administrative refusal to consider an application for a water right on the basis of a prior withdrawal of water by the United States for general investigation and future use is considered a shirking of State responsibility in the administration of its Water Laws. To eliminate these undesirable conditions and still provide protection under State Water Laws for the investment of the United States in constructed water facilities for the benefit of South Dakota people is the objective of the procedural changes.

I will be pleased to furnish you with complete information regarding any specific water right application that is in this category so that you may evaluate the Federal interest in the case. If the application proposes irrigation of lands which the Bureau anticipated would be included in future Bureau projects at the time the United States withdrawal was made, the release of water, therefore, by the United States should be unconditional and subject only to completion of irrigation works and application of the water to beneficial use under State Water Law.

Mr. G. J. Cheney

Page 2

February 10, 1956

For the case under current consideration, the water right applicant is A. J. Barta, Buffalo Gap, South Dakota, who proposes to install a pumping plant on the Cheyenne River with necessary ditches and appurtenant structures to supplement his existing supply of irrigation water from a number of small reservoirs on tributary water courses. Irrigation of 818 acres in Sections 21, 28, 29, 30, 31, and 32, T 6S, R 9E, BHM, is proposed by Mr. Barta. Further information will be furnished if desired.

Please furnish this office with a release of 12 cfs of the United States withdrawal so that this application may be honored.

Sincerely,

J. W. GRIMES
Chief Engineer

JWG:rs



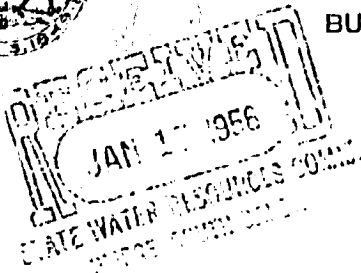
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

IN REPLY REFER TO:

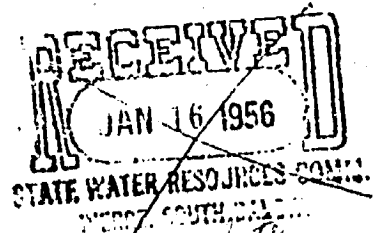
1100

REGION E

MISSOURI OAHF PROJECTS OFFICE
P. O. BOX 225
HURON, SOUTH DAKOTA



JAN 16 1956



Mr. J. W. Grimes
Chief Engineer & Executive Officer
State Water Resources Commission
Pierre, South Dakota

Dear Joe:

We regret extremely having delayed so long in answering your letters of November 16 and December 30, 1955, concerning an application filed with you for a water right from the Cheyenne River for the irrigation of 818 acres of land on the southern bank of the river in Sections 21, 28, 29, 30, 31 and 32, Township 6 South, Range 9 East, BHM. From the information contained in your letters we see no reason why the United States should not release the 12 cubic feet per second of water requested. However, we believe that the procedures which were established when the State Engineer handled water right matters were sound and we hope they will be followed by your office.

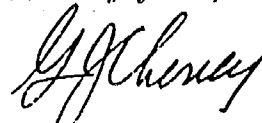
As you will recall, the procedure was first that Mr. Loucks issued State Engineer's Form 14, denying an application to appropriate on the basis of the United States' prior appropriation. Upon receipt of a copy of the Form 14, the Bureau of Reclamation released to the applicant the necessary amount of water. This enabled the Bureau to know how such released waters were used.

Later Mr. Loucks decided he could not issue a Form 14 and wrote the applicant that his application could not be considered due to the United States' appropriation. In the case of Mr. K. A. Helsel of Edgemont, South Dakota, the Bureau accepted the State Engineer's letter as the equivalent of his Form 14 and released directly to Helsel the amount of water requested. If this procedure is satisfactory to you, please let me know the name of the applicant for the 12 second feet and the name of his ditch or diversion so what we may release the water to him. Upon receipt of this information the matter will be duly processed.

We agree there should be a re-evaluation of the United States' present withdrawal of water for the proposed Cheyenne River development.

Plans for such a re-evaluation are now under way. However, the necessary investigations cannot be initiated until 1958 and are scheduled for completion in 1961. At that time we should know almost exactly how much land can be developed for irrigation through the Cheyenne Pumping Units and how much water will be needed. In view of the expenditures by the United States to date on the Angostura dam and reservoir as well as those which have been and will be made for investigations, we do not believe a general release of water can be justified until we know definitely how much water will be required for those units. In the meantime, all applications for releases from the United States withdrawals will be given prompt and careful consideration.

Sincerely yours,



Project Manager

Copy to: Regional Director, Billings, Montana, Attention: 700, 400
Acting Field Solicitor, Billings, Montana

(First Publication Before April 5, 1956)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., Feb 17, 1956

Notice is hereby given that A. J. Banta whose postoffice address is Buffalo Gap 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 21.28 cubic feet of water per second of time from the Chayenne River through the A. J. Banta No. 1 works, the point of diversion of which is to be located on the eastern bank of said stream in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 21 Twp. 53 Range 9E. Said water to be used for the purpose of providing irrigation on the following described land:

Sections 21, 22, 29, 30, 31 and 32, T. 53, R. 9E

Attest:

Witness:

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 24th day of May, 1956, at 2:00 P.M. All interested persons may appear and be heard.

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

State Water Resources Commission

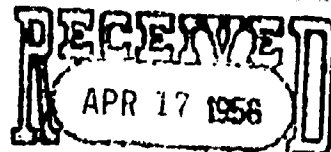
By:

J. W. Grimes,

Chief Engineer, Executive Officer

cc: Carl H. Sundt, Iron

PROOF OF PUBLICATION



STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

STATE OF SOUTH DAKOTA }
County of GLASSBORO } ss.

Carl H. Sandstrom being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the

CUSTER COUNTY CHRONICLE, 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 Custer, County of

Custer, and State of South Dakota; that the said notice was published in said newspaper on the following dates:

March 22, March 29, April 5, and April 12, 1956

in each and every issue of the full number thereof, the first publication being made on the 22 day of March

1956 and the last publication on the 12 day of

April, 1956, 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 12 day of April, A. D. 1956

Jessie E. Sandstrom
Notary Public Custer County, S. D.

No. 416-2
(March 22, 1956)
APPROPRIATION OF WATER
Office of State Water
Resources Commission,
Pierre, S. Dak.,
March 17, 1956

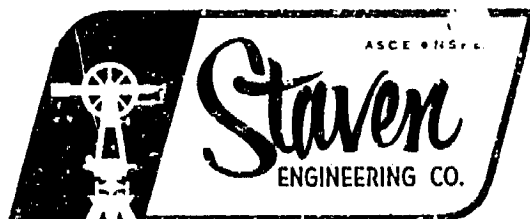
Notice is hereby given that A. J. Barta whose postoffice address is Buffalo Gap S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 11.68 cubic feet of water per second of time from the Cheyenne River through the A. J. Barta No. 1 works, the point of diversion of which is to be located on the easterly bank of said stream in the SW 1/4 of the SW 1/4 of Section 31 Twp. 6S Range 9E. Said water to be used for the purpose of providing irrigation on the following described land:

Sections 21, 28, 29, 30, 31 and 32, T 6S, R 9E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 7th day of May, 1956, at 2:00 P. M. All interested persons may appear and be heard.

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

State Water
Resources Commission
By: J. W. Grimes,
Chief Engineer 501A12
Executive Officer

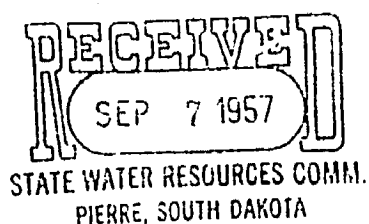


1717 WEST ST. JOE • P.O. Box 508 • PHONE FI 3-0222 • RAPID CITY, SO. DAK.

September 6, 1957

Mr. J. W. Grimes, Chief Engineer
State Water Resources Commission
Pierre, South Dakota

RE: A. J. Barta Diversion No. 1
Permit No. 416-2



Dear Mr. Grimes:

You may recall that, when you visited Rapid City to confer with the City Commission in the summer of 1956, we briefly discussed Mr. Barta's project. Permission was requested, and granted, to use a Parshall flume in lieu of an overflow weir, as a measuring device, and to install another, rather short main ditch from the same diversion point to supplement the main ditches "A" and "B" shown in the map which accompanied the application.

At that time all the final engineering details relative to the pumping equipment and construction required to implement the application (and measurement) of the water had not been determined. Later, these details were resolved and, after some delays in material deliveries, the pumping plant was completed. We are submitting herewith supplementary data showing details of the headgate works as revised from that shown in the original layout, plus the location of the supplementary ditch "C". Enclosed are two prints showing the location of ditch "C" and the auxiliary pump for ditch "A" and two each of "Parshall Flume Details" and "Surge Box, Parshall Flume and Transition Section".

The lower ditch "C" was added in order to carry water from Diversion Point No. 1, via the route shown, to more directly serve an existing complex of ditches and spreader dikes on a lower bench of land in the NE $\frac{1}{4}$ Sec. 31, SE $\frac{1}{4}$ Sec. 30, and SW $\frac{1}{4}$ Sec. 29.

The addition of ditch "C" rather complicated the selection of the proper pump. The lifts from the Cheyenne River to the three ditches are, respectively:

To Ditch "A"	38.7 feet
To Ditch "B"	22.7 feet
To Ditch "C"	9.1 feet

This wide variation in lift naturally posed quite a problem in pump selection. If designed for maximum efficiency in the upper lift bracket, the efficiency curve fell off to an impractical degree for low ditch delivery. If designed for maximum efficiency in the lower lift bracket, the efficiency drop for high ditch delivery was even worse.

Pump engineers of the Fairbanks-Morse Co. made a study of the proposed installation, during which it was determined that most of the delivery would be made into ditch "B", since it serves the greatest area. The smallest delivery would be made into ditch "A" for several reasons: (1) it serves a smaller area; (2) the area is so located as to be readily served by gravity flow from existing water reservoirs, when such water is available; and (3) it would have the highest lift, and therefore the greatest cost per acre foot of delivered water; hence, would probably not be used except as an emergency standby during drought periods.

It was their recommendation that the pump be designed to operate at maximum efficiency when delivering 5300 GPM @ 24 feet TDH into ditch "B". It would operate at somewhat reduced speed (and reduced efficiency) when delivering into ditch "C". An auxiliary pump delivering 2000 GPM @ 20 feet TDH, trailer-mounted and operating from the power take-off on one of the owner's tractors, would be used to lift water from ditch "B" to ditch "A" when required.

These recommendations were followed, the main pump being a Fairbanks-Morse & Co. Fig. 6360-W, single stage, vertical, mixed-flow propeller pump with 16-inch column and surface discharge, operating at approximately 83% efficiency under design conditions. The pump is mounted in a 4'x4' concrete pit to which water is led from the Cheyenne River via a bulldozed ditch and approximately 30 feet of 36"x22" C.M. pipe arch with headwall and gate which may be closed during flood stages of the river. The floor of the pit is at El.-2870.00, the bottom of the propeller section at El.-2830.10, and the water surface (normal) at El.-2833.30. The discharge is carried by 24-inch steel pipe to the head works serving ditches "C" and "B", the surge box for ditch "C" being equipped with a 24"x24" Hardesty slide gate, Model 50-10. When pumping into ditch "B" this gate, in closed position, effectively resists the back pressure without leakage.

This pump is equipped with a right-angle gear drive running in a sealed oil reservoir which is cooled by a water jacket. It is driven through a spicer joint assembly by an IHC Industrial Power Unit No. U-372, with variable speed governor, fueled by butane gas.

The auxiliary pump is a F-M Fig. 5523, 8-inch side suction horizontal centrifugal pump, having a 10-inch suction and 8-inch discharge, designed to deliver 2000 GPM @ 20 feet TDH, utilizing the PTO of an IHC tractor rated @ 23 BHP, operating through a

Caldwell power converter and power shaft assembly, the whole being trailer-mounted.

The location of ditch "A", as originally contemplated, falls in very rugged terrain for approximately the first 1,000 feet of its route from the diversion point. When it was actually staked on the ground it was seen that a great amount of preliminary leveling would be required in order to make this portion of the route accessible for ditching equipment. Accordingly, it is planned to set the auxiliary pumping unit at approximately Sta. 9+00 of ditch "B", from which point the lift to ditch "A", some 250 feet distant, is 15.9 feet. We have recommended that 12-inch pipe be used for this delivery line.

It is our understanding that construction of the three main ditches has been virtually completed although some minor details, such as vehicle passes, lateral gates, etc., probably remain to be installed. The writer visited the plant on August 16th at which time Mr. Failing started the main pump and pumped into both ditch "B" and ditch "C" for about an hour. The installation appeared to function as designed. In the transition section of ditch "B", with a measured flow of 11 CFS, the maximum turbulence occurred at about 2½-3 feet from the end of the Parshall flume, and the flow at the point of discharge to earthen ditch was straight, smooth and free from turbulence.

In constructing ditch "C", unfortunately, the earthwork contractor took off from a B.M. hub instead of the ditch cut stake nearby, with the result that the ditch was constructed at one foot higher than designed elevation, the surge box being in place at the time, I believe. When the error was discovered a trial run was made anyway and it was found that, due to the elevation and shape of the top of the transition section, water could still be delivered to the ditch although, of course, the Parshall flume was "drowned" and therefore useless as a measuring device under these conditions.

However, upon starting to pump into this ditch, a considerable interval is required to fill the ditch to this stage, during which interval the flume may be read and the desired discharge achieved by adjusting the speed of the power unit. A sealed lock-block may be installed, if desired, on the gate stem to restrict the gate opening to any desired maximum. Some supplementary bank protection will be required around the sides of the transition section and Mr. Failing indicated that this would be done before this ditch was put into regular service. He also advised that ditches "B" and "C" had been filled and tested for flow capacity, although tests to determine canal loss rates were not run. He tentatively planned a full-dress operation in the following week or so.

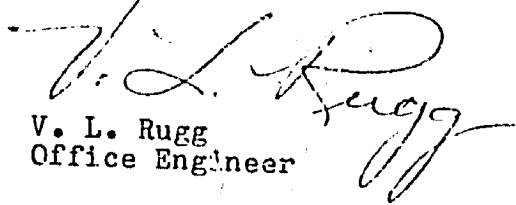
The auxiliary unit was not in place; otherwise it would appear that this project is about ready for final inspection. We trust that the supplementary data, as submitted, will be

-4-

adequate for the required record purposes. If additional material is desired, please advise.

Very truly yours,

STAVEN ENGINEERING COMPANY


V. L. Rugg
Office Engineer

VLR:lmm

Encl

cc: Mr. A. J. Barta
Buffalo Gap, S. D.

Permit No. 416-2

South Cheyenne
Water Division No. 2 River Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your ~~XXXX~~ of authorization dated _____
on November 27, 1957
~~XXXX~~ I have ~~made~~ day made a thorough examination of the diversion works constructed by _____

A. J. Barta _____, of Buffalo Gap
Custer _____ County, South Dakota, holder of Permit No. 416-2, issued
upon Application No. 416-2, bearing date of priority of October 14, 1955, authorizing the
diversion of 11.68 cu. ft. per second of the waters of the Cheyenne River to irrigation
purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Fairbanks-Morse propellar pump figure #630 60W;
Fairbanks-Morse Gear drive, Style #FM-2; International U-372 Diesel
Power Unit; Fairbanks-Morse centrifugal pump Figure #5523; 300 Utility
International tractor; Hardesty Model #50-10 slidegate; Parshall flume
with a 3.0 foot throat; Concrete surge and division box; Concrete pump
pit with a 30 foot x 36 inch x 22 inch CMP arch to the river; 24 inch
steel pipe from pump to head works; 6 1/2 miles of laterals; and 9 1/3 miles
of secondary ditches; plus a complex system of spreader ditches and dikes

and the system is in the following condition: Excellent

The point of diversion is located 4935.8 feet, S 68° 57' W, of the E 1/2 Cor.,
Sec. 31, T 6 S, R 9 E

The works are capable of diverting and conveying to the place of use 11.68 cu. ft. per second of water,
which is to be used for irrigation

The legal sub-divisions to be irrigated are: SE 1/4 SW 1/4, Sec. 21; NW 1/4 and SW 1/4, Sec. 28;
NW 1/4 NE 1/4, SE 1/4, SW 1/4, Sec. 29; SE 1/4, Sec. 30; NW 1/4, NE 1/4, SE 1/4, SW 1/4, Sec. 31;
NW 1/4 and SW 1/4 Sec. 32; all in T 6 S, R 9 E

comprising a total of 818.6 acres of land.

The domestic use intended comprises _____

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

Witness my hand, this 29th day of January, A. D. 1958

—SEAL—

Les Wyborny,

Examining Engineer.



**Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 416-2

November 15, 1983

John E Barta
RR #1, Box 138
Buffalo Gap SD 57722

Dear Mr. Barta:

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 SCHLAAK
Administrative Aide

enclosure

DWNR-820A-8/83

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: Dec. 1, 1983

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

818.6 acres - SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21; W $\frac{1}{2}$ Section 28; Section 29; SE $\frac{1}{4}$ Section 30;
Section 31; W $\frac{1}{2}$ Section 32; all in T6S, R9E

formerly owned by A.J. Barta

has been transferred to John E Barta, RR #1, Box 13B, Buffalo Gap SD 57722

(please include complete mailing address)

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

Water Right Permit No. 416-2 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 Custer) ss.

I, John E. Barta 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.

John E. Barta
(Signed)

Subscribed and sworn to before me this 1st Day of December, 1983.

Sam J. Wilkinson
(Notary Public)

Exp Date: 8-17-85



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

No 4 9433

Pierre, December 6, 1933

RECEIVED OF John E. Barta, RR#1, Box 13B, Buffalo Gap, SD 57722

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____

Fee for Filing Transfer Form for WR# 416-2 _____

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

2 50

By John Hatch
Chief Engineer

JOHN HATCH ms

No. 416-2

SOUTH DAKOTA Department of
Water & Natural Resources
Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

December 9, 1983

John E. Barta
RR#1, Box 13 B
Buffalo Gap, South Dakota 57722

Dear Mr. Barta:

Enclosed is receipt No. 4 9433 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 416-2.

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

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

WNR-821-7/79
Receipt & Notice of filing of Transfer of Water Right

on November 27, 1957

Observation's during the Field Inspection of the A. J. Barta Project relative to Application #416-2.

Mr. Charles Failing accompanied me during part of the inspection and was very cooperative in helping me complete the details so that I could finish my work.

This project consisted of 817.7 acres + all in alfalfa. The lands were located in parts of Sec 31; $W\frac{1}{2}$ Sec 32; $SE\frac{1}{4}$ Sec 30; Sec 29; $W\frac{1}{4}$ Sec 28; and $SE\frac{1}{4}$ $SW\frac{1}{4}$ Sec 21; all in T 6S, R 9E, and the pump was located on the Cheyenne River in the $SW\frac{1}{4}$ $SW\frac{1}{4}$ Sec 31; all locations corresponding closely to those shown on Map #440-2A.

Equipment consisted of a Fairbanks-Morse vertical mixed-flow propellar pump figure #6360-W, Serial #PV4986, 1 stage, propellar #A-311-7, Size #12, w/a 16 inch column and surface discharge, rated @ 1160 rpms. A Fairbanks-Morse Gear Drive, Style #FM-2, BM #52B1-1, Serial #AV4392 w/ a $1\frac{1}{2}$ -1 ratio, rated @ 1750 rpms was installed on the pump. Power was furnished by an International U-372 Diesel Power unit. The pump is mounted on a 4" x 4' concrete pit to which the water is led from the Cheyenne River through a bulldozed ditch and about 30 feet of 36" x 22" CMP arch. The lift is about 20-25 feet (Ditch "B" on the map). This pump has an estimated capacity of 5000 - 5500 gpm and can be reved down if less discharge is required. The pit has a gate which may be closed when the river is in flood stage. Water is conveyed to the headworks through a 24 inch steel pipe.

A Fairbanks-Morse horizontal centrifugal, 8 inch side suction, 10 inch inlet 8 inch outlet, Figure #5523, Size #65523A, Serial No. K39761, trailer mounted is used as a relift pump (ditches B to A on map). It has an estimated capacity of 2000 gpm. The lift is about 20 feet. Power is furnished by a 300 Utility International Tractor.

There is a Hardesty 24" x 24" slide gate Model 50-10 in the head works servicing ditches "B" and "C" which can be closed when pumping into "B". There is also a large Parshall flume w/ a 3.0 foot throat installed in the head works.

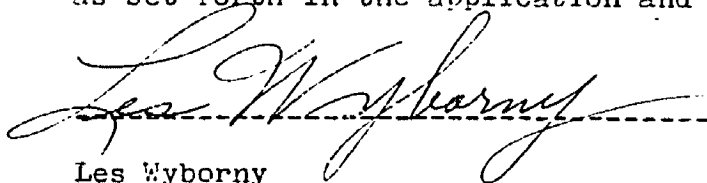
I was told that due to an error in construction, ditch "C", lower or northerly ditch, is 1.0 foot higher than designed and when running full will flood the flume. However, a considerable interval of time is required to fill the ditch and flood the flume. During this initial interval of time a measurement could be taken for determining the rate at which the water is diverted. I do not see where this condition would impair the flume's value as a measuring device except that it create's a minor nuisance. It would still be a very acceptable measuring device.

Water is conveyed to the place of use, on the fields, through approximately 32,700 feet or 6-6 $\frac{1}{2}$ miles of laterals and approximately 49,200 feet or 9 $\frac{1}{3}$ miles of secondary ditches of adequate capacity plus a complex system of smaller spreader ditches and dikes. The main ditches had a "V" X-Sec., with the WS about 7' wide at the top and flow depth estimated at 2-2 $\frac{1}{2}$, 1 $\frac{1}{2}$: 1 ss, and an estimated grade of .05' per 100 feet.

The system was not in operation during the inspection but there was ample evidence that water had flowed in the ditches and on the fields. There was a definite demarkation on the field where irrigated and where fields were dry. Also, there was a very good stand of alfalfa where irrigated and a considerable amount of hay was in stacks and had also been shredded.

All of the equipment was new and in excellent condition.

The area irrigated and the capacity of the works or equipment to divert and convey water to the place of use met the conditions as set forth in the application and permit.



December 5, 1957

Les Wyborny

Water Rights Engineer



SIELER & TRIMBLE

Post Office Box 1870 • 717 Kansas City Street • Rapid City, South Dakota 57709
Phone 343-6442

TO Department of Water and Natural
Resources
Water Rights Division
Joe Foss Building
Pierre, SD 57501

DATE October 22, 1985

SUBJECT Whitcher/Barta Water
Rights; Our File #1725-22.

— Enclosed herewith please find an original Assignment of Water Right, in connection with the above-referenced individuals, and in which I am requesting that you transfer the water right #416-2, to Mr. Whitcher, as is prescribed in the document enclosed.

You will find our office's check in the amount of \$2.50, which is to cover the costs of the transfer.

Thank you in advance for your prompt attention to this matter.

Very truly yours,

SIELER AND TRIMBLE

Thomas L. Trimble
Thomas L. Trimble

TLT: (sr)
Enc.

ASSIGNMENT OF WATER RIGHT

WHEREAS, the Assignors, John E. Barta and Donna F. Barta, are the owners of South Dakota Department of Water and Natural Resources Water Right No. 416-2 issued to John E. Barta on December 9, 1983; and

WHEREAS, the Bartas, as Assignors, are selling the real property for which the water right was issued to Walter E. Whitcher, whose address is R.R.1, Box 13B, Buffalo Gap, South Dakota, 57722;

NOW, THEREFORE, in consideration of the sale and purchase of the real property served by the water right, the Assignors herewith transfer said Water Right No. 416-2 to the above-named Assignee and Purchaser of the real property set forth in the Contract for Deed dated October 3, 1985, between -TA Ranch, Inc., John E. Barta and Donna F. Barta to the above-named Purchaser.

The appropriate forms provided by the South Dakota Department of Water and Natural Resources will be executed by the Assignors for the purpose of transferring the water right.

In the event of default of the Contract for Deed, and as a condition of this assignment, the Buyer and Assignee agrees that he will promptly reassign said Water Right No. 416-2 to the Assignors.

Dated this 3 day of October, 1985.

-TA RANCH, INC.

John E. Barta
John E. Barta, President

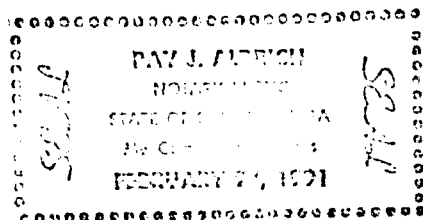
John E. Barta
John E. Barta

Donna E. Barta
Donna E. Barta

State of South Dakota,)
) ss.
County of Pennington.)

On this the 3 day of October, 1985, before me, Ray J. Aldrich, the undersigned officer, personally appeared John E. Barta, who acknowledged himself to be the President of -TA, Inc., a corporation, and that he, as such President being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as President.

In Witness Whereof, I hereunto set my hand and official seal.



Ray J. Aldrich
Notary Public

State of South Dakota,)
) ss.
County of Pennington.)

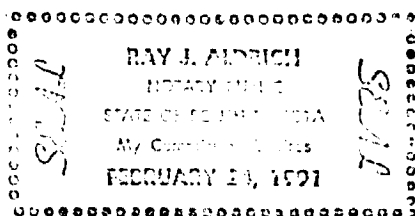
On this the 3 day of October, 1985, before me the

undersigned officer, personally appeared John E. Barta and Donna F. Barta, known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In Witness Whereof I hereunto set my hand and official seal.

Ray J. Aldrich
Notary Public

(SEAL)



RECEIPT

Division of Water Rights

No 41220

South Dakota Department of Water and Natural Resources

Pierre, October 24, 1905, 19

RECEIVED OF Sieler & Trimble, PO Box 1870, Rapid City, SD 57709 (For Walter E. Whitcher)
the following amount in fees for services rendered as provided for by law: RR#1, Box 136 Buffalo Gap, SD 57722

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 416-2	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 W. E. Whitcher
Chief Engineer W. E. Whitcher

No. _____

416-2

SOUTH DAKOTA Department of
Water & Natural Resources
Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

October 31, 1985

Sieler & Trimble
PO Box 1870
Rapid City, South Dakota 57709

Dear Sirs:

Enclosed is receipt No. 4 10220 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 416-2.

Our records now show ^{Walter E. Witcher}~~you as the owner~~ of this Water Right.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

WNR-821-7/79
Receipt & Notice of filing of Transfer of Water Right



United States
Department of
Agriculture

Forest
Service

Nebraska
National
Forest

Fall River Ranger District
209 N. River
Hot Springs, SD 57747
605 745-4107

Reply To: 2230

Date: January 3, 1990

Pioneer Grazing District
Joel Rickenbach, President
P.O. Box 173
Oelrichs, SD 57763

This letter documents, Joel--

The meeting we had in Chadron, December 18, 1989 with you, Bob Storch, Butch Ellis, Leonard Benson and I. We talked about the Hay Canyon Pipeline and also about management plans - especially grouse and utilization standards.

The Hay Canyon Pipeline discussion dealt with water rights and reconstruction of part of the pipeline. After hearing the information that you and Leonard had collected, it was agreed that water was assured for the Hay Canyon Pipeline and Forest Service needs were basically met. The points that you and Leonard made were:

The Walt Whitcher water right for 55 gallons a minute is specifically for the Hay Canyon Pipeline. Even though the water right is in Walt's name he cannot divert it for any other purpose or otherwise prevent its use for the Hay Canyon Pipeline. You said that the Hay Canyon Pipeline could pipe water across Walt's land without his permission. The only way Walt could change this is to have the Water Board change the permit for the water right. Leonard reported that he asked an attorney about the amendment to the Hay Canyon Pipeline contract that gave the pipeline 55 gallons a minute. It was signed by John Barta before he sold the place to Walt Whitcher but was not recorded until after the sale. The attorney was of the opinion that the document was valid but to be sure it would have to be taken to court to determine John Barta's intent at the time. The attorney also said that the members of the pipeline would have to accept the amendment.

After hearing your report, it was also agreed that the Forest Service would share one half of the cost of replacing the bad joints caused by Merchen's poor workmanship as a conservation practice with the Pioneer Grazing District. The rationale for this decision is that both the Grazing District and the Forest Service share responsibility for the current situation. The Grazing District did not follow the specifications to ensure that the pipeline was properly installed and pressure tested as required. The Forest Service was partly at fault since it did not enforce that part of the contract. It was agreed that the preliminary fee determination for the coming year will include these costs. Joel said that would be agreeable with the other members of the board because they realize that there is a problem with Hay Canyon Pipeline workmanship. It was agreed that Leonard would keep track of the costs and would





collect the bad joints for a year. The CP would be certified complete based on Leonard's judgment.

It was also agreed that no other CP work would be done on the Hay Canyon Pipeline until after the Range Allotment Management Plan was completed for all the areas served by the Hay Canyon Pipeline. That plan will provide for future improvements in the pipeline. It will consider several alternatives, their costs and benefits.

Also discussed was Allotment Management Planning on the Pioneer District. You were concerned about the statements in some of our allotment management plans that say the goal is to provide 40% of potential habitat for management indicator species and that grouse management guidelines when established will become part of the AMP's. I showed you a map estimating the best habitat for grouse on the Pioneer District (the best habitat may in reality, be very marginal). You were assured that the Pioneer District would be involved in developing the guidelines and in deciding which areas grouse would be the management indicator species. We also explained that since grouse are low priority on the Buffalo National Grassland right now the grouse guidelines would probably not be developed during this planning period of the Forest Plan.

You were concerned about utilization standards - especially on the Burgess Allotment. The Allotment Management Plan written in 1986 specified "40% utilization-5 inch stubble height of western wheat". Your concern is that 5 inches may be more than is produced in some years and if enforced, the permittee would not be able to graze that year. We agreed that we would delete the "stubble height" from the AMP. The amendment is attached for your signature, Joel.

Thank you for the time you spent with the Water Board to answer the water right question for us and also thank you for your concern about management plans. I appreciate your reasonable approach to handling differences of opinion.

Please let me know if I have not accurately documented the important points in our discussion.

Sincerely yours,

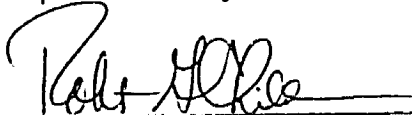
ROBERT G. CHILDRESS
District Ranger

cc: Leonard Benson
SO
State Water Board
Walt Whitcher
Walter Dale Miller, Lt. Governor



ADDENDUM
ALLOTMENT MANAGEMENT PLAN
BURGESS/KNEEBONE ALLOTMENT

This addendum modifies the utilization standard in paragraph II B. The stubble height of 5" for Western Wheatgrass and 2" for Blue Grama is deleted. Proper use will now be defined as no more than 40% use of annual production of key species in key areas.



District Ranger

1/3/90

Date

This addendum is accepted.

Grazing District

Date

Approved by:

Forest Supervisor

Date

416-2

**South Dakota Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

July 19, 1990

NOTICE

TO: Cheyenne River Irrigators

FROM: John Hatch, Chief Engineer *[Signature]*
Division of Water Rights

SUBJECT: Shutoff Order for water rights in the Cheyenne River reach from the Angostura Dam to Rapid Creek with priority dates after 1965.

Due to the present low flow conditions in the Cheyenne River, the following water rights must cease withdrawals of water from the Cheyenne River for the remainder of this irrigation season. This order is effective July 21, 1990. Additional shutoffs may be necessary if conditions show the need.

PERMIT NO.	NAME	PRIORITY DATE
1241A-2	Chauncey D. Taylor, Hermosa	
1241B-2	Donald R. Thorson, Scenic	02/06/75
2061-2	Rittberger Beef & Dairy, Buffalo Gap	02/06/75
1923-2	Rittberger Beef & Dairy, Buffalo Gap	08/22/88
1613-2	Rittberger Beef & Dairy, Buffalo Gap	03/15/85
2059-2	Rittberger Beef & Dairy, Buffalo Gap	10/28/77
1408-2	Fred Weibert, Hermosa	06/27/88
1754-2	RIBOB-ELJIM-KADEN, Rapid City	06/06/77
1109-2	Earl Stombaugh, Buffalo Gap	01/27/81
1882-2	Lloyd Neugebauer, Oral	04/21/72
1024-2	Roland/Donna March, Hot Springs	05/29/84
	Clarence Werner, Hermosa	05/22/70

If you have any questions, please contact Del Brosz, Division of Water Rights, Joe Foss Building, Pierre, SD 57501. Phone (605) 773-3352.

cc: Water Right Holders on the Cheyenne River in the Reach from Angostura Dam to Rapid Creek Confluence



Department of Water & Natural Resources

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

March 14, 1991

416-2

Walter E. Witcher
RR-1, Box 13B
Buffalo Gap, SD 57722

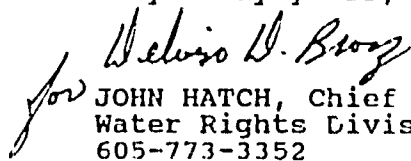
Dear Mr. Witcher:

I am contacting irrigators and water users below Angostura Reservoir to advise of the low water level conditions in Angostura Reservoir and of potential water use restrictions from the Cheyenne River. Due to the continuing drought, Angostura Reservoir is receiving below normal inflows. As of February 27, 1991 the water level in the reservoir was at elevation 3170.25 feet above mean sea level (msl). Full elevation of the reservoir is 3187.2 msl.

Flow conditions in the Cheyenne River will be monitored during the coming irrigation season. Low flows may require that shut off orders be issued to junior water right holders to protect senior water rights. Low water levels in Angostura and the potential for low flows in the Cheyenne should be considered when planning for the coming water use and irrigation season.

Junior Water Rights above Angostura were shut off during 1989 and will remain shut off until Angostura fills again. If you have any questions, please contact Mark Rath or Del Brosz (605-773-3352).

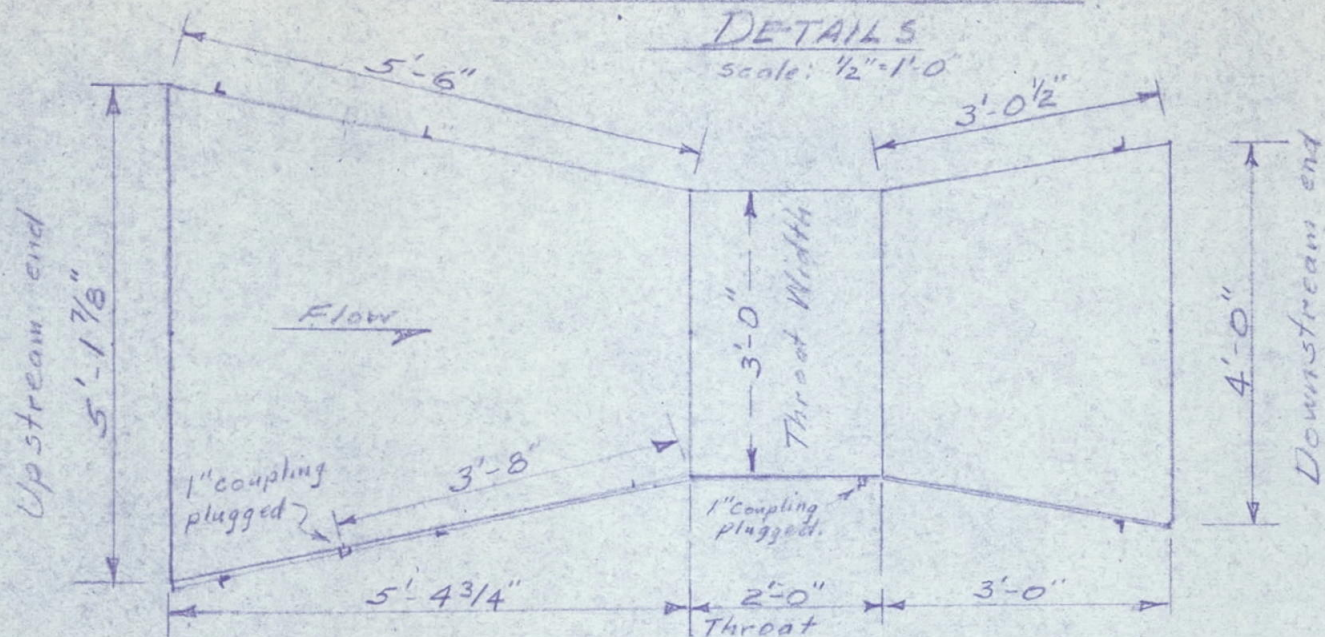
Very truly yours,

for 
JOHN HATCH, Chief Engineer
Water Rights Division
605-773-3352

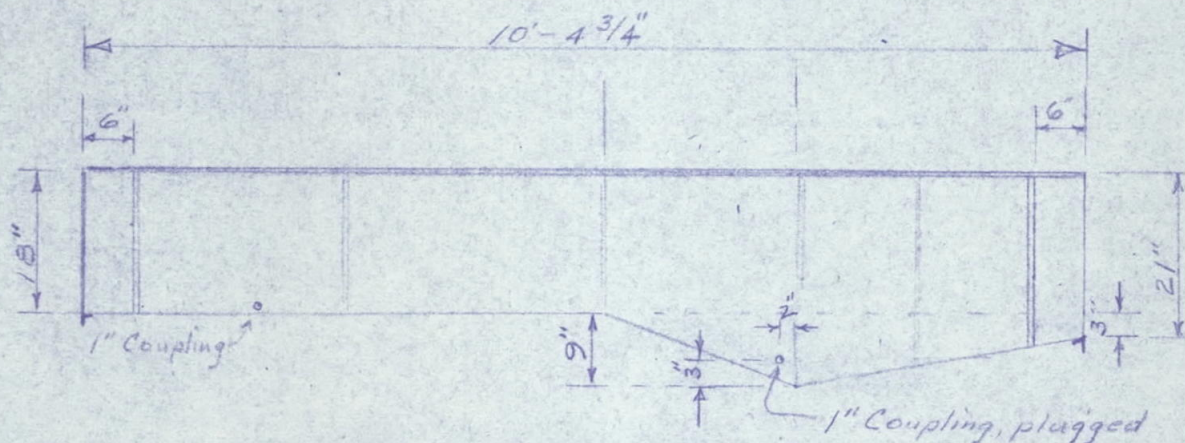
PARSHALL FLUME

DETAILS

Scale: $\frac{1}{2}" = 1'-0"$



PLAN



SECTION THRU Φ

NOTES:

Construct flume of 10 ga. black sheet steel ($0.1345"$)

All dimensions shown are inside dimensions.

Use $1" \times 1" \times \frac{3}{16}"$ L stiffening as follows:

Along top edges, both sides, except $6"$ at both ends.

Along vertical sides at down-stream end.

Across bottom edges at both ends.

One vertical side stiffener each side, at middle of upstream section, middle of downstream section, and each end of throat.

Top cross-braces at each end of throat, and at $6"$ from each end of flume.

A. J. BARTA

DIVERSION

STAVEN ENGR. CO.



416-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2006

NOTICE

TO: WALTER E WHITCHER, HC 56 BOX 13, BUFFALO GAP, SD 57722 9717

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire has not been submitted for Permit No(s) 416-2. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 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 10:30 am, March 2, 2006, 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) 416-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before **February 24, 2006**, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



Track & Confirm

Current Status

You entered 2303 2160 0000 0799 4589

Your item was delivered at 8:27 am on January 25, 2006 in BUFFALO GAP, SD 57722. The item was signed for by W WHITCHER.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email [What is this?](#) [Go >](#)

▶ Request Proof of Delivery [What is this?](#) [Go >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)



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U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0799 4589

WALTER E WHITCHER
HC 56 BOX 13
BUFFALO GAP SD 57722 9717

iling.

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel

PS Form 153, May 2002

(See Reverse)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 2006

416-2

Walter E Whitcher
HC 56 Box 13
Buffalo Gap SD 57722-9717

Dear Mr. Whitcher:

I am writing to acknowledge receipt of your 2005 irrigation questionnaire. Enclosed is a copy of the information Kevin Rittberger faxed to our office. You may keep this for your records.

You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right No. 416-2.

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

If you have any questions, please contact me.

Sincerely,

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



416-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 5, 2007

Dear Water Right Holder;

Due to the ongoing drought I am advising Cheyenne River water right holders of the possibility of shutoff orders in 2007 for the river reach from Angostura Dam to the Belle Fourche River confluence. This is **not a shutoff order**.

As a result of the continuing lack of precipitation, tributary flows throughout the Cheyenne River basin remain well below the historical average. Angostura Reservoir ended February almost 21-feet below full and the forecast for improved conditions throughout the summer months is not favorable.

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

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

If you are interested, the US Geological Survey has an Internet site showing river flows at 150 stream gauging stations across the state. Go to sd.water.usgs.gov and click on "Realtime streamflow data via satellite".

Thank you for your cooperation. If you have any questions, please contact Mark Rath or Mike DeFea at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE OF SHUTOFF ORDER

July 10, 2007

TO: WALTER E WHITCHER
15031 RIVERSIDE RD
BUFFALO GAP SD 57722

FROM: GARLAND ERBELE, Chief Engineer
SD DENR Water Rights Program

SUBJECT: Cheyenne River Shutoff Order for Junior Priority Date Water Rights

Shutoff Order for Water Right Nos. 416-2

To protect the senior priority water rights, the department is issuing shutoff orders to junior water right holders with priority dates between January 1, 1955 and December 31, 1969 for the river reach between the Angostura Dam to Belle Fourche River confluence. Effective immediately, diversions of water from the Cheyenne River and tributaries will not be allowed for those permits with a priority dates after January 1, 1955.

Flow in the Cheyenne River continues to decline to the point where domestic use of water, which includes livestock watering from the river, has become a concern. This order will be rescinded as soon as conditions improve. If conditions do not improve, this order will remain in effect until the end of the calendar year.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

<http://waterdata.usgs.gov/sd/nwis/rt>

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river.

If you have any questions, please contact Mark Rath or Lynn Beck with the Water Rights Program at (605) 773-3352. 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

416-2

Walter Whitcher
393 Milo Rd
Crawford NE 69339-3922

Dear Mr. Whitcher:

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

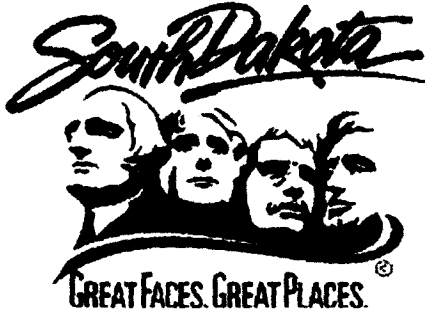
The notice was originally mailed to 15031 Riverside Rd, Buffalo Gap SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

Genny McMath
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
<http://denr.sd.gov>

October 20, 2011

416-2

Walter Whitcher
606 S River St Apt B2
Hot Springs SD 57747

Dear Mr. Whitcher:

Enclosed is a "Notice" dated October 14, 2011 concerning the 2011 irrigation questionnaire.

The notice was originally mailed to 393 Milo Rd Crawford NE. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures

416-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 24, 2013

416-2

Walter E Whitcher
15031 Riverside Rd
Buffalo Gap SD 57722 3004

Dear Mr. Whitcher:

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

The notice was originally mailed to 606 S River St in Hot Springs 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

RECEIVED

JAN 27 2016

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 416-2

Date: 21 Jan 2016

I/We request that Water Right No. 416-2

formerly owned by: Walter Whitcher

be transferred to: (name & address) Whitcher Land LLLP

15031 Riverside Rd
Buffalo Gap SD 57722 Telephone No. (605) 833-2900

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

818.6 acres - SE 1/4 SW 1/4 Section 21; W 1/2 Section 28; Section 29; SE 1/4 Section 30; Section 31 and

W 1/2 Section 32, all in T6S, R9E

I/We understand that the validity of Water Right No. 416-2 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 Whitcher Land LLLP, the new owner, certify that the above information is true and correct.

James A. Whitcher
Monty Whitcher
Premier Whitcher

(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/27, 20 16

RECEIVED OF Whitcher Land LLLP 150301 Riverside Rd Buffalo Gap SD 57722

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>416-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 07705

By James Goodman
Chief Engineer



416-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 4, 2016

2008-2
416-2

Dillion Whitcher
15031 Riverside Rd
Buffalo Gap SD 57722

Dear Mr. Whitcher:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership of Water Right Nos. 416-2 and 2008-2.

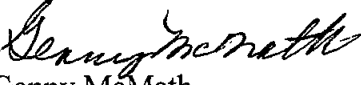
The ownership changes have been completed. Both water rights formerly held by Walter Whitcher are now listed under "Whitcher Land LLLP". The receipts for the filing fees are enclosed.

As I was changing the records for these water rights, I found one more listed in Walter's name. I have enclosed a copy of Vested Water Right No. 489-2 for your review. Our records show Vested Water Right No. 489-2 authorizes diversion of water from a dry draw for irrigation purposes utilizing a water spreading system. Annual irrigation questionnaires are not required for these types of systems because there is no way to tell how much water is being diverted through the ditches.

I have included a partially completed transfer of ownership form should you decide to transfer Vested Water Right No. 489-2 over to Whitcher Land LLLP. If you want to transfer the vested right, follow the same procedure as you did for the other two water rights. Complete the form and return it to us along with a \$50 filing fee as required by statute.

If you have any questions, please contact me.

Sincerely,


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

enclosures



416-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 8, 2016

2008-2
416-2

Dillion Whitcher
15031 Riverside Rd
Buffalo Gap SD 57722

Dear Mr. Whitcher:

Thank you for taking the time to visit with me about the irrigation questionnaire for Water Right No. 416-2. I completed a form for you for 2015 based on our conversation. Enclosed as we discussed are copies of the forms for 2012 through 2015 for your records.

It is my understanding from our conversation that the ranch is now operated under an "LLLC". In reviewing the files I found two water rights under Walter's name. I have included a copy of both water rights for your records. If you decide to transfer the water rights to coincide with current operations, an ownership change will need be filed for each one.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Upon completion, please sign and return the forms to our office with a required filing fee of \$50.00 each (\$100 total). The check or money order for the fee can be made payable to the Water Rights Program.

As I indicated on the phone, the irrigation questionnaire requirement for 2015 is completed. I have also entered you in the database as operator for No. 416-2. This will allow us to send the annual form to you but does not change ownership of the water right. If, after discussing with your family, you decide to change ownership of the water rights, please complete and return the enclosed transfer forms.

If you have any questions, please contact me.

Sincerely,

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

enclosures