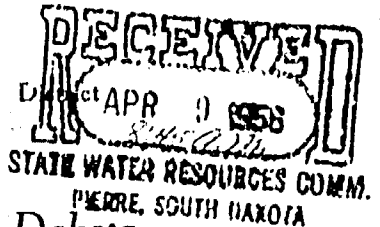


NO. 441-2Water Division No. 2

(Blanks to be filled by the State Engineer.)



APPLICATION FOR PERMIT To appropriate Water within the State of South Dakota

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

1. Name of applicant WALTER E. HECK HERMAN P. HECK
Postoffice address Eugenont, County Fall River, State S. Dak.

I. If a corporation

- (a) Name of same _____
(b) Date and place of incorporation _____
(c) Amount of capital stock _____
(d) Amount paid in _____
(e) Names and address of directors: _____

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

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

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor) Direct Labor
(b) Cash on hand, \$ 5,500.00 (c) Treasury stock, \$ _____
(d) Bonds to be issued, \$ _____ (e) Other resources, \$ 2,025.00

2. Name of diversion work W. E. Heck and Son Irrigation Project
3. Quantity of water claimed 1.17 cubic feet per second.
4. Source of water supply Cheyenne River
5. Location of point of diversion In the SE 1/4, S26, T7S, R1E, B2M; 750 feet N52°10'W from east 1/4 Cor., S26 on left bank, Fall River County.
6. Annual periods during which water is to be used Spring and Summer
7. To be used for:

a. Irrigation or domestic use: Gravity, overhead sprinkling, center pivot, etc.

- (a) Number of acres to be irrigated 82.0 acres.
(b) Legal subdivisions to be irrigated See Attached 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. One 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 _____

Map No. 443-2

8. Estimated cost of work:

(a) Head gates, \$ 50.00 (b) Pumping plant, \$ 1,075.00
 (c) Fluming, \$ (d) Conal-earth, \$ 800.00 Rock, \$
 (e) Other structures, Leveling \$ 4,000.00 Total, \$ 5,925.00

9. Description of diversion works:

1. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.) Pump plant - Dempster No. 2005 8" Centrifugal Pump and John Deere Tractor Power Unit Pumping into 5,600 feet of Earth Canal.

2. Dimensions of works:

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

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

(c)* Head gate: Width 12 inches feet; height 12 inches feet;
 Material Concrete and Steel
 (d) Canal: Total length 1.25 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At 0 to 0.19 Mile	1.5 feet	1.5 feet	3.7 feet	3.5 feet
At 0.19-0.39 Mile	1.5 feet	1.5 feet	3.2 feet	3.5 feet
At 0.39-0.61 Mile	1.5 feet	1.5 feet	2.6 feet	7.5 feet
At 0.61-0.95 Mile	1.5 feet	1.5 feet	3.7 feet	3.4 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 five years.
 11. Time required for complete application of water to the proposed beneficial use four years.
 12. Choice of newspaper for publication of notice of intention to appropriate The Edgemont Tribune

STATE OF SOUTH DAKOTA
 County of Fall River ss.

I, W. E. Neek, 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.

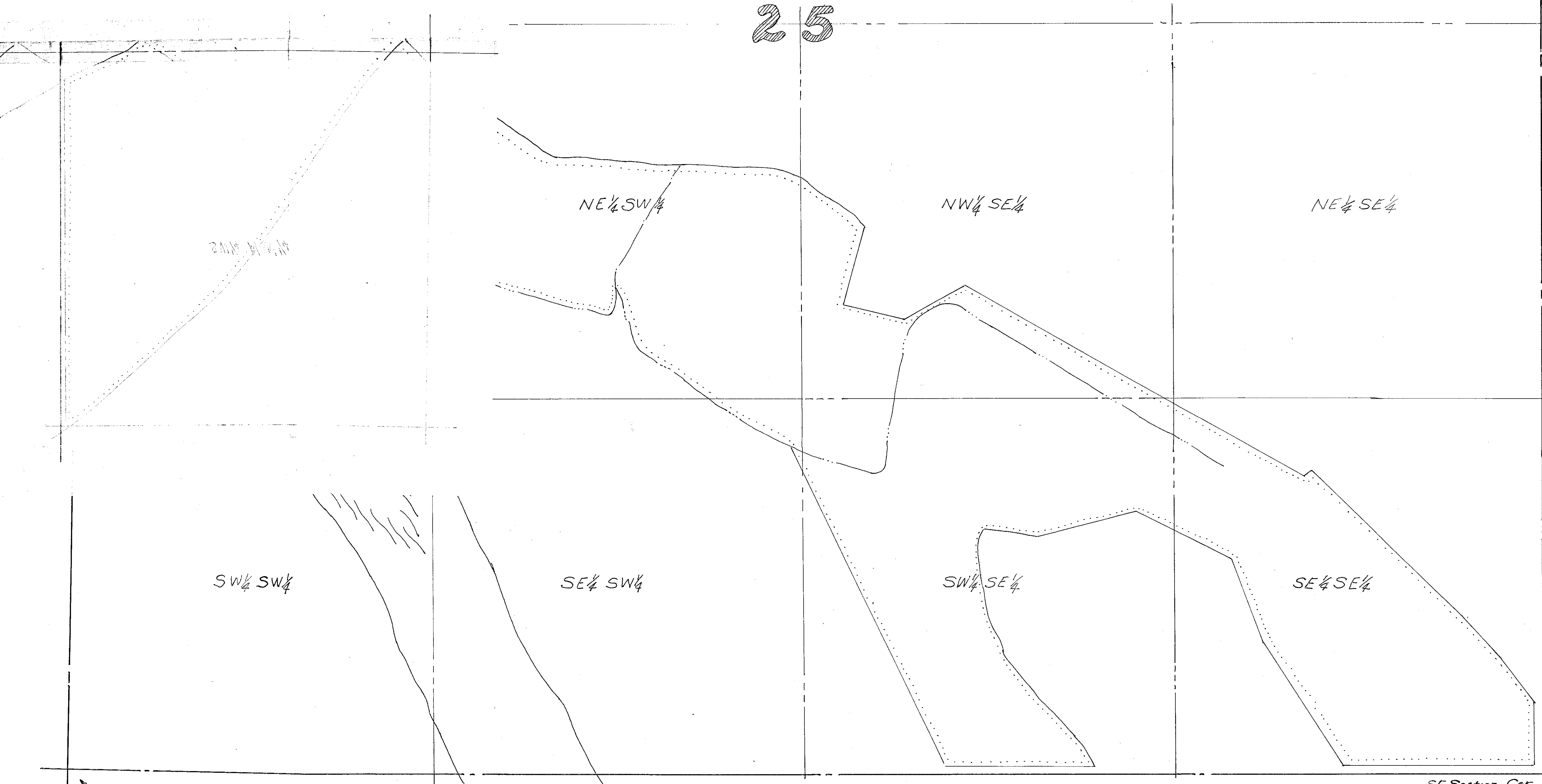
Signed W. E. Neek
 Subscribed and sworn to before me this 4th day of April, 1956

MY COMMISSION EXPIRES MARCH 16, 1956
 *Each diversion must have a headgate or measuring device.

Notary Public (or other qualified officer.)

Pump Station.

25



SW Section Corner
Sec. 25, T7S, R1E

Legend

- Section Line
- 1/4 Line
- 1/2 Line
- Main Ditch
- Lateral
- Boundary of Land to be Irrigated

Areas To Be Irrigated

NW 1/4 SW 1/4	Section 25, T7S, R1E	- 12.3 Acres
NE 1/4 SW 1/4	" " " "	- 20.0 "
SE 1/4 SW 1/4	" " " "	- 20.8 "
NW 1/4 SE 1/4	" " " "	- 9.1 "
SW 1/4 SE 1/4	" " " "	- 22.2 "
NE 1/4 SE 1/4	" " " "	- 17.3 "
SE 1/4 SE 1/4	" " " "	- 13.1 "
		101.4 ACRES

SE Section Cor
Sec. 25, T7S, R1E

WALTER E. HECK
EDGEMONT, S. DAK.

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed	Date	Approved by
Drawn		Title
Traced		Title
Checked	Sheet No. of	Drawing No.

Remarks by State Engineer:

STATE OF SOUTH DAKOTA

County of _____ } ss.

Pierre, South Dakota, April 9, 1956

This is to certify that the foregoing application was received at this office at 8:45 o'clock
9 m. upon the 9 day of April, 1956 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 421-2

Date of first receipt of application April 9, 1956

Date of return to applicant for correction _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right April 9, 1956

Approved July 9, 1956, Recorded in Book 3 Page 163

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 February 12, 1957

2nd. The whole of said work is to be completed on or before August 10, 1961

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith
is August 10, 1965

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 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 1.17
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 August 12, 1965; said water to be used during the following described annual
period:

Witness my hand this 12 day of August, 1956

Certificate of Construction issued SEPTEMBER 30, 1970 State Engineer.

Water License issued SEPTEMBER 30, 1970

AREAS TO BE IRRIGATED

NW 1/4	SW 1/4	Section 25	T7S	R1E	12.3 Acres
NE 1/4	SW 1/4	Section 25	T7S	R1E	20.0 Acres
SE 1/4	SW 1/4	Section 25	T7S	R1E	0.8 Acres
NW 1/4	SE 1/4	Section 25	T7S	R1E	9.1 Acres
SW 1/4	SE 1/4	Section 25	T7S	R1E	22.2 Acres
SE 1/4	SE 1/4	Section 25	T7S	R1E	17.3 Acres
Total					82.5 Acres

EASEMENT

WHEREAS, there has heretofore been constructed on the Southeast Quarter of the Northeast Quarter of Section Twenty-six (26) and the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Twenty-five (25), Township Seven (7), Range One (1), East of the Black Hills Meridian, in Fall River County, South Dakota, an irrigation ditch which runs in a southwesterly direction and is approximately 200 yards long, said ditch having been constructed with permission of the present owners of said lands, and which is used to carry water from the Cheyenne River to acreage in the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 25, T. 7, R. 1, E.B.H.M., in Fall River County, South Dakota.

NOW, THEREFORE, in consideration of the payment of the sum of \$1.00 and other good and valuable consideration, receipt of which is hereby acknowledged, the owners of said land, James E. Stewart and Olga Margaret Stewart, husband and wife, Grantors, do hereby give and grant to W.F. Heck and Herman P. Heck, their heirs, and assigns, Grantees, a permanent easement and right to keep up, use and maintain the above described irrigation ditch as it now runs and exists, including the right to go on said premises for purposes of maintaining and repairing and operating said ditch.

In testimony whereof, the Grantors herein have hereunto set their hands and seals this 14th day of August, 1953.

James E. Stewart

Olga Margaret Stewart
Grantors

State of North Dakota :
 : ss
County of Stark :

On this the 15th day of September, 1953, before me, the undersigned Notary Public within and for said County and State, personally appeared James E. Stewart and Olga Margaret Stewart, known to me to be the persons who are described in and who executed the within and foregoing easement and acknowledged to me that they executed the same.

E. J. Uecker
Notary Public,
Stark County, N.D.

My commission expires July 20, 1955
(seal attached)

State of South Dakota:

County of Fall River :

Filed for record this 13th day of October, 1953, at 3:00 P.M. and
recorded in Book 32 Misc. on page 316.

s/ Mary E. Bingham
Register of Deeds.

EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the sum of \$1.00 and other good and valuable consideration, the undersigned Chester K.Griffis, Grantor, has granted, and by these presents does hereby grant, unto W.E.Heck and Herman P.Heck, Grantees, a permanent easement and right to construct an irrigation ditch across the following described property belonging to the Grantor, to-wit:

The Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-five (25), Township Seven (7), Range One (1) E.B.H.M., in Fall River County, South Dakota

said irrigation ditch to run across said premises in a southeasterly direction, said ditch being approximately 210 feet long, and said right of way not to exceed 30 feet in width; Grantees to provide and maintain one suitable crossing with easy approaches over said irrigation ditch. Grantees shall have the right to go on said premises for the purpose of servicing, repairing and maintaining said ditch, and to keep it in a usable condition. Grantees shall hold the Grantor free and harmless from any liability that might occur or arise from the use of said irrigation ditch. In case said ditch or right of way shall be abandoned and not used for a period of five years, then this easement shall become null and void.

IN WITNESS WHEREOF, the Grantor herein has subscribed his name and affixed his seal, the 29th day of April, 1954.

Chester K.Griffis

State of South Dakota:
:ss
County of Fall River :

On the 29th day of April, 1954, before me, the undersigned Notary Public within and for said County and State, personally appeared Chester K.Griffis known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same for the

purpose therein contained.

Paul H. Russell, Notary Public
My commission expires 1-8-57
(Notary Seal Attached)

State of South Dakota:

:ss
County of Fall River:

Filed for record this 22nd day of July, 1954 at 3:15 P.M. and
duly recorded in Book 32 Misc. on pages 526-527.

S/ Mary E. Bingham
Register of Deeds.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 421-2

(1) WHEREAS, On the 9th day of April A. D. 19 56
Walter E. Heck

made Water Right Application No. 421-2 for a permit to use 1.17 cubic feet per second of the waters
of the Cheyenne River
County of Fall River State of South Dakota, for irrigation

purpose; and
(2) WHEREAS, On the 10th day of August A. D. 19 56
Permit No. 421-2, with a date of priority of April 9, 1956

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 10th day of August A. D. 19 61 and for the
application to beneficial use of said water on or before the 10th day of August A. D. 19 65
and, Whereas on the 25th day of September, 1970, the Permit was transferred to
Herman P. Heck

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 1.17 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 25, T7S, R1E

NW $\frac{1}{4}$ SW $\frac{1}{4}$	12.3 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$	20.0 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$	0.8 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$	9.1 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$	22.2 acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$	17.9 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$	19.1 acres
Total	101.4 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 Herman P. Hecl

_____ of Edgemont, South Dakota
the holder _____ and owner _____ of said permit No. 421-2 a water right, dating from April 9, 1956
_____ to use of 1.17 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 52° 15' west, 753 feet from the
W $\frac{1}{2}$ Corner, Section 26, T/S, R1E

_____ and conduct to and upon a portion of Section 25, T7S, R1E, described on the face of this
License

_____ for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 421-2 and subject to the laws of the State of South Dakota.

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

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer J.W. GRINES

Form 15.

Permit No. 421-2

Water Diversion No. 2 FALL RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Herman P. Heck

_____ the holder _____ of
Permit No. 421-2, issued upon Application No. 421-2, bearing date of priority of April 9,
1956 authorizing the diversion of 1.17 cu. ft. per second of the waters of _____
the Cheyenne River County of Fall River, State of South Dakota at _____
a point North 52° 15' West, 753 feet from the W¹ Corner, Section 26, T7S, R1E
_____, 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 2.0 cu. ft. per second of water.

Date September 30, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

(First Publication before June 7, 1956)**APPROPRIATION OF WATER**

Office of State Water Resources Commission,

Pierre, S. Dak., April 20, 1956

Notice is hereby given that Walter E. Heck whose post office 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 1.17 cubic feet of water per second of time from the Cheyenne River through the W. E. Heck and Son Irrigation Project, the point of diversion of which is to be located on the left (north-easterly) bank of said stream in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 26 Twp. 7S Range 1E. Said water to be used for the purpose of providing irrigation on the following described land:

SW $\frac{1}{4}$ and SE $\frac{1}{4}$, Sec. 23, T 7S, R 1E~~XXXXXX~~~~XXXXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 9th day of July, 1956, at 5:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after sufficient 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: L. K. Kopriva, Publisher
The Tribune
Edgemont, South Dakota

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Fall River } ss.

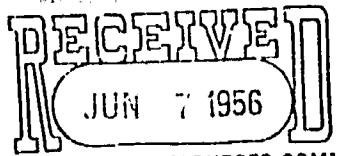
_____ being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the _____
10-10-1956 a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the _____ of _____ County of _____ and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Nov 9, 1956
Nov 16, 1956
Nov 23, 1956
Nov 30, 1956

in each and every issue of the full number thereof, the first publication being made on the 2nd day of Nov 1956 and the last publication on the 30th day of Nov 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 owner the printer and publisher of the said newspaper.

Subscribed and sworn to before me this _____ day of _____ A. D. 1956

Notary Public Chas. W. Lippin County, S. D.



STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

APPROPRIATION OF WATER

Office of State Water Resources Commission

Pierre, S. Dak., April 30, 1956
 Notice is hereby given that Walter E. Heck 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 1.17 cubic feet of water per second of time from the Cheyenne River through the W. E. Heck and Son Irrigation Project, the point of diversion of which is to be located on the left northwesterly bank of said stream in the SE1 of the NE1 of Section 26 Twp 7S Range 1E. Said water to be used for the purpose of providing irrigation on the following described land: SW1 and SE1, Sec 25, T 7S, R 1E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 9th day of July, 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
 PUB. May 9. 16. 23. 30.

A F F I D A V I T

TO : WATER RESOURCES COMMISSION OF THE STATE OF SOUTH DAKOTA
J. W. GRIMES, CHIEF ENGINEER
PIERRE, SOUTH DAKOTA

STATE OF SOUTH DAKOTA)
COUNTY OF FALL RIVER) SS. NOTICE OF PARTIAL COMPLETION
OF WORK

Herman P. Heck of Burdock, South Dakota, being first duly sworn on his oath deposes and states that he is making this report relative to the partial completion of the irrigation project application No. 421-2, Water Division No. 2, Fall River County, South Dakota, which project is known as the W. E. Heck and Son Irrigation Project. That one fifth of the work on said project was to be completed by February 10, 1959, and this affiant reports that the project is now approximately 60% completed. That of the total 83 acres to be levelled, 60 acres are now levelled. That the ditches have practically all been completed, and all that remains to be finished is the levelling of the 23 acres and the installing of a headgate. That the approximate sum expended on this project to date is Four Thousand Dollars (\$4,000.00).

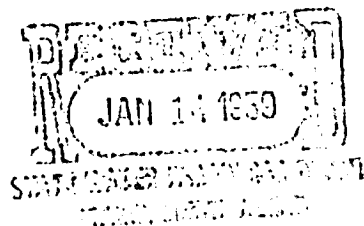
Dated at Edgemont, South Dakota, this 10th day of October, 1958.

Herman P. Heck

Subscribed and sworn to before me this 10th day of October, 1958.

Notary Public

My commission expires 1-8-61.



KNOW ALL MEN BY THESE PRESENTS: That Elsie I. Griffis, widow,

grantor, of Edgemont, Fall River County,
State of South Dakota for and in consideration of One Dollar (\$1.00)

and other good and valuable consideration-----DOLLARS
GRANTS, CONVEYS AND WARRANTS TO Herman P. Heck and Mary Lou Heck,
husband and wife, as joint tenants with right of survivorship,

grantees, of Burdock, South Dakota P. O. the following described
real estate in the County of Fall River in the State of South Dakota:

All that portion of the Northwest Quarter (NW¹/₄) of Section Twenty-five (25), Township Seven (7) South, Range One (1), East B. H. M., lying west of the railroad and highway rights of way, containing 70 acres more or less, including all improvements situated thereon, and including all water rights and ditch rights appurtenant thereto and existing in connection therewith.

Dated this 6th day of June, 1960.

Elsie I. Griffis

Lloyd Putnam (Adm)

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

On this the 6th day of June, 1960, before me,
Paul H. Russell the undersigned officer, personally appeared
Elsie I. Griffis, widow, known to me or satisfactorily
proven to be the person whose name is subscribed to the within instrument and acknowledged
that she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

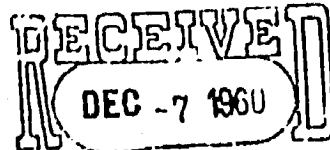
(SEAL)

My commission expires January 8, 1961.

Paul H. Russell

Notary Public

Title of Officer

Permit No. 421Water Division No. 2Fall RiverSTATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.)

Edgemont, S. Dak.

(Date)

Nov 30 - 1960

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

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

1.17 cu. ft. per second of the waters of the state from Piogenne
through the N. E. Heck & Son irrigation project
for irrigation and domestic purposes

in accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is N. E. Heck & Son

2. The postoffice address of such person or the place of business of such corporation is Edgemont
County of Fall River State of S. Dak.

3. The number of such permit is 421 and the date set for the completion of such work is

August 10 - 1961

4. Said water to be used for irrigation & domestic purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 1.17 cubic feet per second.

6. The amount of land for which said water is available is 101.4 acres,
particularly described as follows: NW⁴ SW⁴ - NE⁴ SW⁴ - SE⁴ SW⁴ - NW⁴ SW⁴
SW⁴ SE⁴ - SE⁴ SE⁴ - SW⁴ SW⁴ - total 101.4

I hereby certify that the facts set forth in the above notice are true.

N. E. Heck and Son

(Signature of Owners)

By Herman P. Heck

Location Certificate

Know all men by these presents, That Roxana B. Griffis and Morse Griffis, whose post-office is Custer, South Dakota, citizens of the United States, above the ages of 21 years, being in possession of the following described lands, to-wit: The NE $\frac{1}{4}$ Sec. 25, Township 7 South Range 1 East, and the SW $\frac{1}{4}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$ & SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 30, Township 7 South, Range 2 East, B.H.M., in Fall River County, South Dakota, availing themselves of the right granted them under the provisions of Section 31 of Chapter 130 of the Session Laws of South Dakota of 1907, have located and claim the right to construct a certain dam across a dry draw situated in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23, Township 7 South, Range 1 East, B.H.M., and have located and claim the right to construct ditches and flumes for the purpose of directing flood waters from said dam for irrigation of the land first above described; and claim the right of way across any land for purposes of conveying said water for said purpose. Said locators claim for the above purpose 15 cubic feet of water per second wherever available, each year.

Said location was made on the 6th day of March, 1909.

Witness our hands and seals this 6th day of March, 1909.

Roxana B. Griffis

Morse Griffis

Locators

State of South Dakota)
) ss
County of Fall River)

Or the 6th day of March, 1909, before me, James A. Stewart a United States Commissioner in and for the county and state aforesaid, personally appeared Roxana B. Griffis and Morse Griffis, to me personally known to be the persons who executed the foregoing instrument, and acknowledged that they executed the same for the uses and purposes therein set forth.

Witness my hand and official seal the day and date last above written.

"U.S. Comm. Seal
Attached"

James A. Stewart
United States Commissioner

STATE OF SOUTH DAKOTA)
) ss
COUNTY OF FALL RIVER)

Filed for record March 9, 1909, at 1 P.M. and recorded in Book 4 Mis.
Page 443.

H. H. Whaley
Register of Deeds

LOCATION CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS: That Morse Griffis and Roxana E. Griffis, whose postoffice is Argentine, South Dakota, citizens of the United States, above the age of 21 years, being in possession of the following described land, to-wit:

Lots 2, 3, 4 & SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, Township 7 South, Range 2 East, and N $\frac{1}{4}$ Section 25, Township 7 South, Range 1 East, B.H.M. in Fall River County, South Dakota,

availing themselves of the right granted them under the provisions of Section 31 of Chapter 130 of the Session Laws of South Dakota of 1907, have located and claim the right to construct a certain dam across a dry draw situated in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ section 24, Township 7 South, Range 1 East, B.H.M., and have located and claim the right to construct ditches and flumes for the purpose of directing flood waters from said dam for irrigation of the land first above described; and claim the right of way across any land for the purpose of conveying said water for said purpose.

Said locators claim for the above purpose ten cubic feet of water per second, whenever available, during entire year.

Said location was made on the 10th day of May, 1912.

Witness our hands and seals this 17th day of June, 1912.

Roxana E. Griffis

Morse Griffis

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF FALL RIVER)

On this 17th day of June, 1912, before me, James A. Stewart, a United States Commissioner within and for the county and state aforesaid, personally appeared Morse Griffis and Roxana D. Griffis, to me personally known to be the persons who executed the foregoing instrument, and acknowledged that they executed the same for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

"U. S. Commissioners
Seal Attached"

James A. Stewart
United States Commissioner

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF FALL RIVER)

Filed for record 1st day of July, 1912 at 11 A.M. and recorded in Book 5 N, Page 289.

/s/ J. C. Whaley
Register of Deeds

421-2

NOTICE OF TRANSFER OF WATER PERMIT

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

Date SEPTEMBER 25, 1970

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

PORTIONS OF SECTION 25, T7S, R1E,
DESCRIBED IN WATER PERMIT 421-2

formerly owned by WALTER E. HECKhas been transferred to HERMAN P. HECK

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No.
421-2 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 Resources Commission as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of FALL RIVER) ss.

I, HERMAN P. HECK 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.

Herman P. Heck
(Signed)

Subscribed and sworn to before me this 25TH day of SEPTEMBER, 19 70

Terb Anderson
(Notary Public)

Permit No. 421-2Water Division 2 FALL RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by HERMAN P
HECK of EDGEMONT holder
 of Permit No. 421-2, bearing date of priority of _____, 19____
 authorizing the diversion of _____ cu. ft. per second of the waters of THE 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:

DEMPSTER 8" PUMP, POWERED BY MODEL "D"
JOHN DEERE TRACTOR

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

500' OF 10" MAINLINE TO APPROX 1 1/4 MILES OF
MAIN DITCH - USES CANVAS TURNOUTS

C. Works used to apply water to beneficial use.

FIELDS LEVELLED & DIKED TO SPREAD
WATER

The system is in the following condition: EXCELLENT

The point of diversion is located N 52° 15' W, 753 FEET FROM THE W 1/4
CORNER, SECTION 26, T7S, R1E

The works are capable of diverting and conveying to the place of use 2.0cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL IN SECTION 25, T7S, R1E

NW ⁴ SW ⁴	12.3 ACRES	SW ⁴ SE ⁴	22.2 ACRES
NE ⁴ SW ⁴	20.0 "	SE ⁴ SE ⁴	17.9 "
SE ⁴ SW ⁴	0.8 "	SW ⁴ NW ⁴	19.1 "
NW ⁴ SE ⁴	9.1 "		

comprising a total of 101.4 acres of land.Date SEPTEMBER 25, 1970

Swinton Jones
 (Signature)

WATER RIGHT SPECIALIST
 WATER RESOURCES COMMISSION



Department of Water & Natural Resources

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

March 23, 1987

HERMAN P HECK
BOX 441
EDGEMONT, SD 57735

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 421-2. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 421-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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

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



Department of Water & Natural Resources

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

April 3, 1987

421-2

Herman Heck
Box 441
Edgemont, SD 57735

Dear Mr. Heck:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaire. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Right No. 421-2 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch".

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

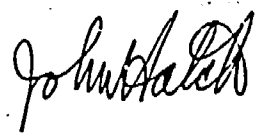
May 11, 1989

421-2

NOTICE

TO: Herman Heck
Box 441
Edgemont, SD 57735

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



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

Effective May 19, 1989, you are ordered to cease diversions of water under Water Right No. 421-2. 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 (3,187.2 ft msl). If the reservoir fills to 3,183.7 ft. msl, the shutoff order will be rescinded. Any releases by the District for irrigation will be included in the 3183.7 ft. msl. calculation.

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



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

March 19, 1990

421-2

NOTICE

TO: Herman Heck
Box 441
Edgemont, SD 57735

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

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. 421-2. You are reminded that the order is still in effect and will remain in effect until Angostura Reservoir has filled. The May 10, 1989 order stated that the order was effective until the reservoir had reached an elevation of 3183.7 feet above mean sea level (msl). This has been changed and the order will remain in effect until the reservoir has reached the full elevation of 3187.2 msl. On March 6, 1990 the reservoir elevation was 3171.1 msl.

All water rights above Angostura Reservoir will be monitored until the reservoir has filled. I am asking for your cooperation in complying with this order. The Water Management Board can suspend any water right that does not comply. The option also exists in that a water use control area can be established to enforce compliance.

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



Department of Water & Natural Resources

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

March 14, 1991

421-2

NOTICE

TO: Herman Heck
Box 441
Edgemont, SD 57735

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

Delvin D. Brosz

SUBJECT: Reminder of Shut Off Order for Junior Water
Rights Upstream of Angostura Reservoir

This is a reminder that the March 19, 1990 notice you received ordering you to cease diversion under your water right is still in effect and will remain in effect until Angostura Reservoir has filled. The elevation of Angostura Reservoir when full is 3187.2 feet above mean sea level (msl). On February 27, 1991 the reservoir elevation was 3170.25 msl.

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

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

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 20, 1991

421-2

RESCISSION OF SHUTOFF ORDER

TO: Herman Heck
Box 441
Edgemont, SD 57735

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

Delvin W. Brosz

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

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

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

22.17-2

CERTIFICATION

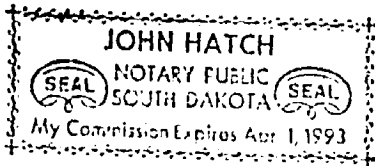
I hereby certify that on March 25, 1992, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 25, 1992, regarding Shut Off Order for Junior Water Right Holders Upstream of the Angostura Irrigation District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

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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



John Hatch
Notary Public



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

March 25, 1992

421-2

NOTICE

TO: HERMAN HECK
BOX 441
EDGEMONT, SD 57735

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

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

Please be advised that effective immediately no diversions of water will be allowed under your Water Right No. 421-2 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	ZIPCODE	PERM2	PERM3
657-2		A & T CATTLE CO	704 LANDERS	ST RT	HOT SPRINGS	SD	57747		
308-2	RICHARD	ANDERSON	A CHAR ANDERSON	HCR 59 BOX 18	FICKMONT	SD	57735		
1614-2	DENE R	ANDERSON		HCR 59 BOX 20	FICKMONT	SD	57735		
194-2		B & H RANCH INC	B F CHILDERS	PO BOX 723	FICKMONT	SD	57735		
534-2		PAUL FROS		BOX 617	FICKMONT	SD	57735		
1935-2	LESTER E	BARLEY		BOX 740	FICKMONT	SD	57735		
1623-2	NICK/MICHAEL	BOYNER	ANICK BOYNER JR	HC 45 BOX 24	GEORGETOWN	SD	57763	1734-2	
755-2		FRANKED INDIAN SCHOOL			HOT SPRINGS	SD	57747		
658-2	WAYNE F	CHILDERS		HCR 59 BOX 14	FICKMONT	SD	57735		
636-2	V L	CHILDERS		BOX 723	FICKMONT	SD	57735		
654-2	OSCAR	COFF			GEORGETOWN	SD	57763		
1934-2	JOHN	DEERING		SR 1 BOX 132	HUSB	WY	82225		
571-2	HAROLD E	DODSON		HCR 59 BOX 54	FICKMONT	SD	57735	1410-2	
2058-2	LEROY/BERNHA	DODSON		HC 48 BOX 245	FEBO	SD	57774		
1785-2	DAVID M	DONBAR		PR BOX 32	GEORGETOWN	SD	57763		
788-2		HAID BROTHERS, INC.	CARL P HAID, PRES	HCR 45 BOX 5	GEORGETOWN	SD	57763	1625-2	
421-2	HEFMAN	HECK		BOX 441	FICKMONT	SD	57735		
540-2	DARRELL E	HELMAN		BOX 402	FICKMONT	SD	57735		
1812-2	DORA R	HENDERSON	ACT 285	5141 INDIAN RIVER	LAS VEGAS	NV	89103		
1980-2	JOHN W	HENRY		BOX 276	ARMORE	SD	57715		
179-2	HENRY C	HOLLENBECK		DEWEY ROAD	FICKMONT	SD	57735		
1523-2		HU RANCH INC	SD CORPORATION	HCR 59 BOX 102	FICKMONT	SD	57735		
350-2	LARREL D	HUNTER		BOX D	ARMORE	SD	57715		
1641-2	JAMES/PATRICIA	JOHNSON		HC 68 BOX 7	LAKEVIEW	NE	68351		
1812-2	JIM	KANE		BOX 124	FEBO	SD	57774		
763-2	CARL	KANOLT	ACT 207	PLANT HOTEL	CHADRON	NE	69337		
1795-2	JOHN W	KOLLER		BOX 715	FICKMONT	SD	57735		
664-2	A J	LANDERS	STAR CATTLE CO	BOX 1528 HCR 52	HOT SPRINGS	SD	57747		
1840-2	R L/ALLEN	LAWRENCE		BOX 752	TIoga	ND	58552		
674-2	MELVIN	LUTE			HOT SPRINGS	SD	57747		
1725-2	JOHN D(JACK)	MANE	(ESTATE)	PR 41 BOX 1726	HOT SPRINGS	SD	57747		
1847-2	FENNETH	MARTINSON		BOX 361	FICKMONT	SD	57735		
785-2	SHIRLEY W	MCLAIN		BOX 164	GEORGETOWN	SD	57763		
610-2	PAUL L	MEFFORD, JR		HCR 48 BOX 22	FEBO	SD	57774		
1273-2	A J	NELSON		FRANK'S STAGE	MILES CITY	MT	59301		
2015-2		PETERSON & SON, INC		HCR 59 BOX 14	FICKMONT	SD	57735		
1917-2	PAUL & JEAN	PETTY	A NORTON PETTY	HCR 52 BOX 135	HOT SPRINGS	SD	577473603		
1745-2	MELVIN	PORTER		NW RT BOX 17	FICKMONT	SD	57735		
111-2	DONALD	PUTNAM		BOX 185	GEORGETOWN	SD	57763	2041-2	
1215-2	CLAY	REASER		HC 45 BOX 45	GEORGETOWN	SD	57763		
153-2	EDWARD/WANDA	REUTTER		HCR 59 BOX 90	FICKMONT	SD	57735	1792-2	
224-2	GRACE/SHIRLEY	REYNOLDS		HCR 59 BOX 28	FICKMONT	SD	57735	254-2	
662-2	OLIVER M	ROMF		BOX 135	GEORGETOWN	SD	57763		
718-2	VERNON	SCHNOSE		ST RT BOX 155	HOT SPRINGS	SD	57747	1700-2	
1842-2		SEGER RANCH INC		BOX 95	GEORGETOWN	SD	57763	671-2	1837-2
977-2	BERNARD E	SIMONS		BOX 381	FICKMONT	SD	57735		
1732-2	ROBERT/MAE	TUPES		BOX 503	FICKMONT	SD	57735		
1019-2		WILKINSON RANCH LTD	BOX 132	105 E 5TH ST	MT RAY	SD	57559		
192-2	VINCENT M	WASSERBURGER		BOX 83	ARMORE	SD	57715	853-2	2115-2



421-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 12, 1993

421-2

NOTICE

TO: HERMAN HECK
BOX 441
EDGEMONT, SD 57735

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

Delvin D. Brosz

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

Effective immediately no diversions of water under your Water Right No. 421-2 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

421-2

CERTIFICATION

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

Copy Sent To:

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

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

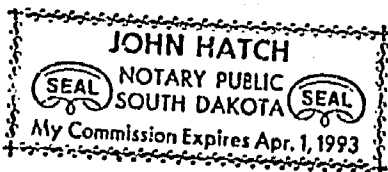
Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

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

John Hatch
Notary Public





421-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 14, 1993

421-2

RESCISSION OF SHUTOFF ORDER

TO: HERMAN HECK
BOX 441
EDGEMONT, SD 57735

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

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



421-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 15, 1995

421-2

NOTICE

TO: HERMAN HECK
BOX 441
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. 421-2 are authorized. Your water right is junior in priority to the US Bureau of Reclamation Water Right No. US579-2 (April 11, 1941 priority date). Water Right No. US579-2 allows one annual fill of the reservoir.

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

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

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

cc: US Bureau of Reclamation
Angostura Irrigation District



421-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 26, 1995

421-2

RESCISSION OF SHUTOFF ORDER

TO: HERMAN HECK
BOX 441
EDGEMONT, SD 57735

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: HERMAN HECK
BOX 441
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. 421-2

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.



421-2

**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: HERMAN HECK
BOX 441
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. 421-2

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.



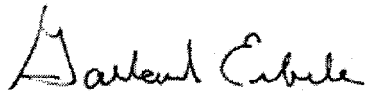
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 9, 2007

NOTICE OF SHUTOFF ORDER

TO: HERMAN HECK
BOX 441
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. 421-2

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: HERMAN HECK
BOX 441
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. 421-2

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.

421-2

CAMPBELL LAW OFFICE
2630 JACKSON BOULEVARD, SUITE 201
RAPID CITY, SD 57702-3467
PHONE (605) 348-7763
FAX (605) 348-9721
EMAIL ken@taxcrew.com

RECEIVED
MAY 29 2008
WATER RIGHTS
PROGRAM

KENNETH G. CAMPBELL
Attorney at Law

May 27, 2008

CYNDI GOETZE
Office Manager

Department of Environment
and Natural Resources
523 East Capitol
Pierre, SD 57501-3182

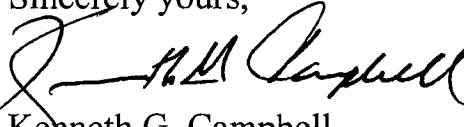
Attn: Genny McMath

Dear Genny:

You assisted me sometime back with obtaining information on water rights, and I again need your assistance.

I represent the Herman P. Heck Estate, and the estate is contemplating selling its real estate described on the attached Exhibit "A". Can you provide me with copies including the description of any water rights held on this property, and the name or names held in said water rights so they can be transferred to the new owner or owners. If convenient, you can email me the information.

If you have any questions please give me or Cyndi a call. Thank you in advance for your assistance in this matter.

Sincerely yours,

Kenneth G. Campbell

KGC/cg
Enclosures

PC: Doris Seabeck
Carolyn Fines
Lawrence Middaugh

water-rights-heck.let

RECEIVED

MAY 29 2008

WATER RIGHTS
PROGRAM**PROPERTY INTEREST**

This appraisal considers fee simple title to the described lands subject to all valid rights for existing roads, highways, utility lines, and other existing easements.

LEGAL DESCRIPTION

<i>Legal</i>	<i># Acres</i>
T7S, R1E, Fall River Co.	
Section 12 -N½ -NW¼SW¼	360.00
Section 25 -that pt of NW¼ lying W of RR & Hwy	70.00
-E½SW¼ -NW¼SW¼ -pt of SE¼ lying W of RR & R/W	199.69
-SW¼SW¼	40.00
Section 26 -S½NW¼	80.00
-S½	320.00
T7S, R2E, Fall River Co.	
Section 28 -W½SE¼ -E½SW¼ -NW¼SW¼	200.00
Section 29 -NE¼SE¼ -E½NE¼	120.00
Section 31 -N½NE¼ -SE¼NE¼ -NW¼ less RD & RR	263.01
Section 32 -W½NW¼ -SE¼NW¼ -E½SW¼	200.00
Section 33 -N½SE¼ -E½NW¼ -W½NE¼ less NE¼SE¼	200.00
T8S, R2E, Fall River Co.	
Section 5 -Lot 3 -SE¼NW¼	85.66
TOTALS	2,138.36

McMath, Genny

From: McMath, Genny
Sent: Thursday, May 29, 2008 9:44 AM
To: 'ken@taxcrew.com'; 'cyndig'
Subject: Water Rights held by Herman Heck



421-2.pdf (1 MB) LN468-2.pdf (378 KB)

Ken and Cyndi,
The attached files are of water rights held by Herman Heck.

Once the land changes hands, the "Notice of Transfer of Ownership" form can be downloaded from our website. The form needs to be signed by the new owner(s) and submitted with a \$2.50 filing fee (for each transfer filed).

<http://www.state.sd.us/denr/des/waterrights/watrightsapps.htm>

Once you get to the link....scroll down the page until you see: "Notice of Transfer of Ownership of a Water Use Permit/Right" That is the form needed for filing an ownership change. When filling out the form, only the land covered under each water right needs to be listed on the transfer form.

If I can be of any further assistance, please let me know.

Genny
Water Rights Program
DENR
773-5455



**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:

HERMAN HECK
BOX 441
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. 421-2

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.

421-2

FARRELL, FARRELL & GINSBACH, P.C.

LAWYERS

441 NORTH RIVER STREET
HOT SPRINGS, SOUTH DAKOTA 57747

PHONE: 605.745.5161

FAX: 605.745.3154

EMAIL: farrellginsbach@gwtc.net

MARTIN P. FARRELL (1940-1995)

JANE M. FARRELL, OF COUNSEL

PATRICK M. GINSBACH

JAMES G. SWORD

COURTNEY R. STOTTLER

November 23, 2010

RECEIVED

NOV 29 2010

**WATER RIGHTS
PROGRAM**

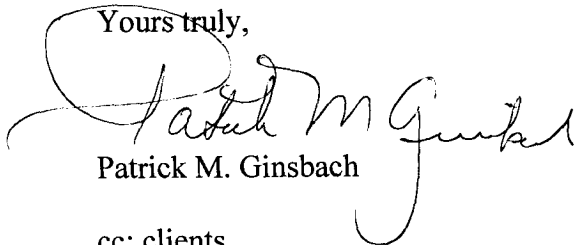
PMB 2020
DENR- Water Rights Program
523 East Capitol Ave.
Pierre, SD 57501-3182

Re: Water Permit No. 421-2 and 468-2

Dear Sir/Madame:

Enclosed please find the notice of transfer of ownership of the two water rights from Herman P. Heck to Doris Seabeck and Thomas Seabeck Trust dated March 27, 2009. I am also enclosing a check in the amount of \$100.00. If you have any questions please feel free to contact me.

Yours truly,



Patrick M. Ginsbach

cc: clients

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/29, 2010

RECEIVED OF Doris Seabeck & Thomas Seabeck Trust 914 Lincoln St Casper WY 82601

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>421-2</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.

04681

By

Lubna Erbe
Chief Engineer

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

Water Right/Permit No. 421-2Date: Oct., 2010.

I/We request that Water Right/Permit No. 421-2 formerly owned by:
HERMAN P HECK be transferred to:

New Owner Name: Doris Seabeck and Thomas Seabeck Trust dated March 27, 2009Address: 914 Lincoln StreetCity, State, Zip Casper WY 82601 Telephone No. _____

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

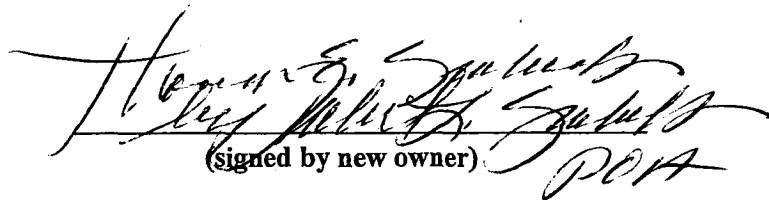
Township 7 South, Range 1 EBHM, Fall River County, SD:
Section 25: SW1/4SW1/4
Section 26: S1/2NW1/4; S1/2

☒ I understand that the validity of Water Right/Permit No. 421-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Doris Seabeck & Thomas Seabeck Trust, the new owner, certify that the above information is true and correct.


(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.

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

NOV 29 2010

WATER RIGHTS
PROGRAM

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

Location Notice
~~Water Right/Permit~~ No. 468-2

Date: Oct. , 2010

I/We request that ^{Location Notice}~~Water Right/Permit~~ No. 468-2 formerly owned by:
HERMAN P HECK be transferred to:

New Owner Name: Doris Seabeck and Thomas Seabeck Trust dated March 27, 2009Address: 914 Lincoln StreetCity, State, Zip Casper WY 82601 Telephone No. _____

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

Township 7 South, Range 1 EBHM, Fall River County, SD:
Section 25: that part of the NW1/4 lying West of RR and Highway, E1/2SW1/4; NW1/4SW1/4;
pt of SE1/4 lying West of RR and R/W

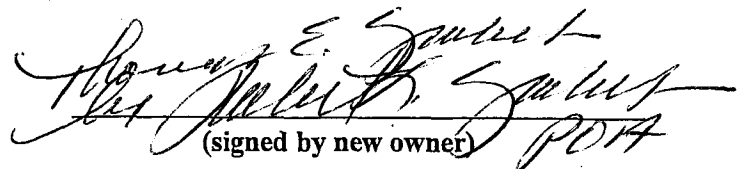
Location Notice

- ☒ I understand that the validity of ~~Water Right/Permit~~ No. 468-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Doris Seabeck & Thomas Seabeck Trust, the new owner, certify that the above information is true and correct.


(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.

421-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 9, 2010

421-2
LN468-2

Doris Seabeck
& Thomas Seabeck Trust
914 Lincoln St
Casper WY 82601

RE: Water Right No. 421-2 and Location Notice No. 468-2

Dear Sirs:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" forms and filing fees you submitted. The ownership changes have been completed.

Water Right No. 421-2 and Location Notice No. 468-2 formerly held by Herman P Heck are both now listed in the name of "Doris Seabeck and Thomas Seabeck Trust". Enclosed for your records are Receipt Nos. 04681 and 04682 in the amount of \$50.00 each.

If you have any questions, please contact me.

Sincerely,

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

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

enclosures

c: Patrick M Ginsbach, Farrell, Farrell & Ginsbach

File No. 421-2 ✓
LN468-2

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Doris Seabeck and Thomas Seabeck Trust

DATE: December 9, 2010

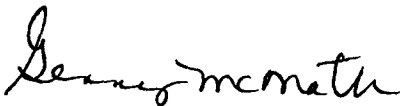
RE: ownership changes for Water Right Nos. 421-2 and LN 468-2 (formerly Herman Heck)

COMMENTS:

In reviewing the transfer forms submitted for the ownership changes I note that the legal descriptions for Nos. 421-2 and 468-2 were on the wrong forms. The legal descriptions they listed on the form for 421-2 were actually those authorized under LN 468-2 and vice-versa.

Since all of the legal descriptions were listed and the forms signed by the power of attorney for Doris Seabeck and Thomas Seabeck Trust, ownership was transferred for both Water Right No. 421-2 and Location Notice No. 468-2.

A copy of both transfer forms will go in both files to reflect everything was transferred.



Genny McMath
Environmental Scientist

421-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 28, 2010

421-2
LN468-2

Doris Seabeck
& Thomas Seabeck Trust
1930 E 12th St Apt 120
Casper WY 82601 4077

RE: Water Right No. 421-2 and Location Notice No. 468-2

Dear Sirs:

Enclosed is a letter dated December 9th concerning the transfer of Water Right No. 421-2 and Location Notice 468-2.

The letter was originally sent to 914 Lincoln St, Casper WY.  The post office returned the letter to us with a new address. Our records have been changed accordingly.

If you have any questions, please contact me.

Sincerely,

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

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 10, 2010

Representative Lance Russell
PO Box 184
Hot Springs, SD 577477

Dear Representative Russell:

Thank you for your letter of November 24th concerning junior water right holders on the Cheyenne River.

As you're probably aware, the Bureau of Reclamation holds a 1941 water right to Angostura Reservoir. During years in which it appears the reservoir won't fill, the Bureau has asked DENR to issue shut off orders to those junior water right holders upstream of the reservoir. This occurred in 2008 and 2009. A copy of one of those letters is enclosed. Since Angostura Reservoir filled in 2010, the Bureau did not place a call on their water right.

The shut off letter clearly states that, "If conditions do not improve, this order will remain in effect until the end of the calendar year." It should have been clear, to anyone who read their letter that the shut off orders terminate at the end of the calendar year.

That being said, we will agree to discount the 2010 water year and not count it against those individuals who failed to irrigate during the 2010 year. A copy of this letter will be added to the files of those who indicated on their irrigation questionnaire that they did not irrigate.

Please let me know if there anything else I can assist you with.

Sincerely,

Garland Erbele, Chief Engineer

Encl.



421-2
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 24, 2012

NOTICE

TO: DORIS SEABECK & THOMAS SEABECK TRUST, 2533 PARK AVE, LARAMIE, WY 82070
4859

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire has not been submitted for Permit No(s) 421-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 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 **10:00 am, March 7, 2012**, 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) 421-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, 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
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 6, 2012

421-2

Robert Seabeck
2533 Park Ave
Laramie WY 82070 4859

Dear Mr. Seabeck:

I am writing to acknowledge receipt of the 2011 irrigation questionnaire pertaining to the water right for Seabeck Trust.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right No. 421-2. 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
email: genny.mcmath@state.sd.us

I apologize for this being late,
I called your office yesterday and explained
that this is all new to me.

If you need any additional
information, please contact me.

ROBERT SEMBEK

2533 PARK

INTRAMIE, WYOMING
82070

307-742-7956

421-2

RECEIVED

OCT 29 2012

WATER RIGHTS
PROGRAM

Oct. 23, 2012

Garland Erbele,

To my knowledge , the land was not irrigated this year. It has been leased to a neighbor but they have not used the land much at all .

We are In process of working with a buyer for the land, the closing is suppose to be towards the end of November if the paper work goes through.

Will let you know if and when a change of ownership happens.

Best Regards,
Robert Seabeck



R. C. 14 .

421-2

RECEIVED

FEB - 1 2013

WATER RIGHTS
PROGRAM

Water Rights Program,

Letting you know I sold the Buddy
Heck Ranch in Edgemont S.D. This past
Nov. It may be under SEABECK TRUST.

The new owners are DUSTIN & LINDSAY LUPER
28997 CASCADE TROND
PROVO, S.D. 57735

Regards,
Robert Sebeck



421-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 2013

LN468-2
421-2

Dustin & Lindsay Luper
28997 Cascade Rd
Provo SD 57735

Dear Mr. & Mrs. Luper:

Recently we received a letter from Robert Seabeck indicating he sold the property by Edgemont to you. For local reference, he called it the "Buddy Heck Ranch". This land has two water rights on it. Location Notice No. 468-2 authorizes diversion of water from a dry draw and Water Right No. 421-2 authoring diversion of water from the Cheyenne River (copies enclosed).

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

There are a few things I want to make you aware of about the water rights.

- Water Rights can be forfeited if they are not used. Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water permit. This three year period may be waived if legal excuse exists for the years of nonuse. Enclosed are excerpts of the water right laws and Water Management Board Rules dealing with these issues.
- All irrigators in South Dakota (with exception of those with water spreading systems) are required to report annually how much water they divert from their particular water source. The irrigation questionnaires are mailed to irrigators in October every year and are typically due back in our office by the first week in December. For purposes of the two water rights to be transferred to you, Location Notice No. 468-2 is for a spreader system and no reporting is required. Annual reporting is required for Water Right No. 421-2 for irrigation from the Cheyenne River. The form is required each year whether or not irrigation took place.
- Water Right No. 421-2 authorizing diversion of water from the Cheyenne River carries a priority date of April, 1956 and is junior to the Bureau of Reclamation's water right for storage of water in Angostura Reservoir. In any given year, if the reservoir does not fill, the Bureau may exercise their senior water right status over junior rights. This means that shutoff orders would be issued to any junior water right holders who divert from the Cheyenne River or immediate tributaries and would be in effect until the reservoir would get the equivalent of an annual fill.

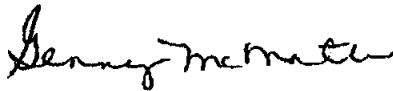
Page 2

Dustin & Lindsay Luper

As a point of clarification, if shutoff orders are issued, this would be considered a year of legal excuse for not irrigating and would not count towards the three year "use it or lose it" scenario explained above dealing with forfeiture of a water right.

You may keep the enclosed copies of the water rights. Please complete and return the transfer forms along with the filing fee to get the water rights transferred to your names. If you have any questions after reading the above information, please give us a call.

Sincerely,

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

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 06, 2013

NOTICE OF SHUTOFF ORDER

TO: DORIS SEABECK & THOMAS SEABECK
2533 PARK AVE
LARAMIE WY 82070

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. 421-2**

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

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

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

CERTIFICATION

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

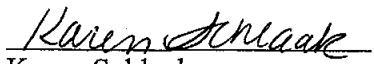
LAST_NAME	FIRST_NAME	ADDRESS2	CITY	STATE	ZIP
INDIAN CREEK CATTLE LLP		32296 190TH ST	SLEEPY EYE	MN	56085
INDIAN CREEK LAND & CATTLE LLC		PO BOX 538	EDGEMONT	SD	57735
WEINREIS BROTHERS		230908 HIGHLAND RD	SCOTTSBLUFF	NE	69361
SEGER RANCH INC		RR 1 BOX 100A1	HOT SPRINGS	SD	57747
REUTTER	EDWARD/WANDA	HCR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

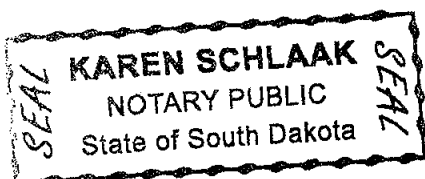
SCHNOSE	VERNON	12685 MAITLAND RD	HOT SPRINGS	SD	57747
SEABECK	DORIS SEABECK &	2533 PARK AVE	LARAMIE	WY	82070
SIMONS	THOMAS	BOX 381	EDGEMONT	SD	57735
TUBBS LAND & CATTLE LLC	BERNARD D	10891 RIVER RD	EDGEMONT	SD	57735
WALKER	FRED S & CYNTHIA K	30301 CASCADE RD	ARDMORE	SD	57735
WYOMING DAKOTA RAILROAD	WAYNE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


 Gail Jacobson
 Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
 COUNTY OF HUGHES)

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


 Karen Schlaak
 Notary Public
 My Commission expires April 1, 2013



RECEIVED

MAR 18 2013

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 421-2

Date: _____

I/We request that Water Right No. 421-2

formerly owned by: Doris Seabeck and Thomas Seabeck Trust

be transferred to: (name & address) Dustin & Lindsay Luper

28997 Cascade Rd, Provo SD 57735

Telephone No. _____

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

101.4 acres – NW ¼ SW ¼, E ½ SW ¼, NW ¼ SE ¼, S ½ SE ¼ and SW ¼ NW ¼ Section 25, T7S,

R1E

I/We understand that the validity of Water Right No. 421-2 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 Dustin and Lindsay Luper, the new owner, certify that the above information is true and correct.

Dustin Luper Lindsay Luper
(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 3/18, 20 13

RECEIVED OF Dustin Luper 28997 Cascade RD Provo 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 _____ 421-2		
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. 06240

By *David Erbe*
Chief Engineer



421-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 19, 2013

LN468-2
421-2

Dustin & Lindsay Luper
28997 Cascade Rd
Provo SD 57735

Dear Mr. & Mrs. Luper:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right No. 421-2 and Location Notice No. 468-2.

The ownership changes have been completed. Water Right No. 421-2 and Location Notice No. 468-2 formerly held by Doris Seabeck and Thomas Seabeck Trust are now listed in your names.

Enclosed for your records are Receipt Nos. 06245 and 06246 in the amount of \$50.00 each. The receipts are for the filing fees you paid.

In my first letter to you I discussed Water Right No. 421-2 and how it is subject to shutoff orders if the Bureau of Reclamation exercises their senior water right. Shutoff orders were officially issued on March 6, 2013 to all junior water right holders upstream of Angostura Dam. Enclosed is a copy of that order.

If you have any questions, please let us know.

Sincerely,

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

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

enclosures

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>421-2</u> (office use only) Hydrologic Unit _____
	Basin _____
	Newspaper _____

RECEIVED
MAY 28 2015
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

Change Diversion point, I move to south side of the River

1. Name to Appear on Irrigation Permit Dustin Luper
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent _____
(name and complete address if different than above name)

Mailing Address 28941 Cascade RD Primo SD 57735
(Address) (City) (State) (Zip Code)

Home Phone _____ Cell 605-431-5355 Email _____

2. Amount of water claimed 1.17 *CFS or _____ **GPM _____ ***AF _____ Total Acreage 101.4
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Cheyenne River

4. Location of point of diversion See Map
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Roll River

5. County or counties where water will be used Fall River

6. Annual period during which water is to be used May - Sept

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>Section 26 T5 IE</u>		<u>See Map</u>	<u>101.4</u>

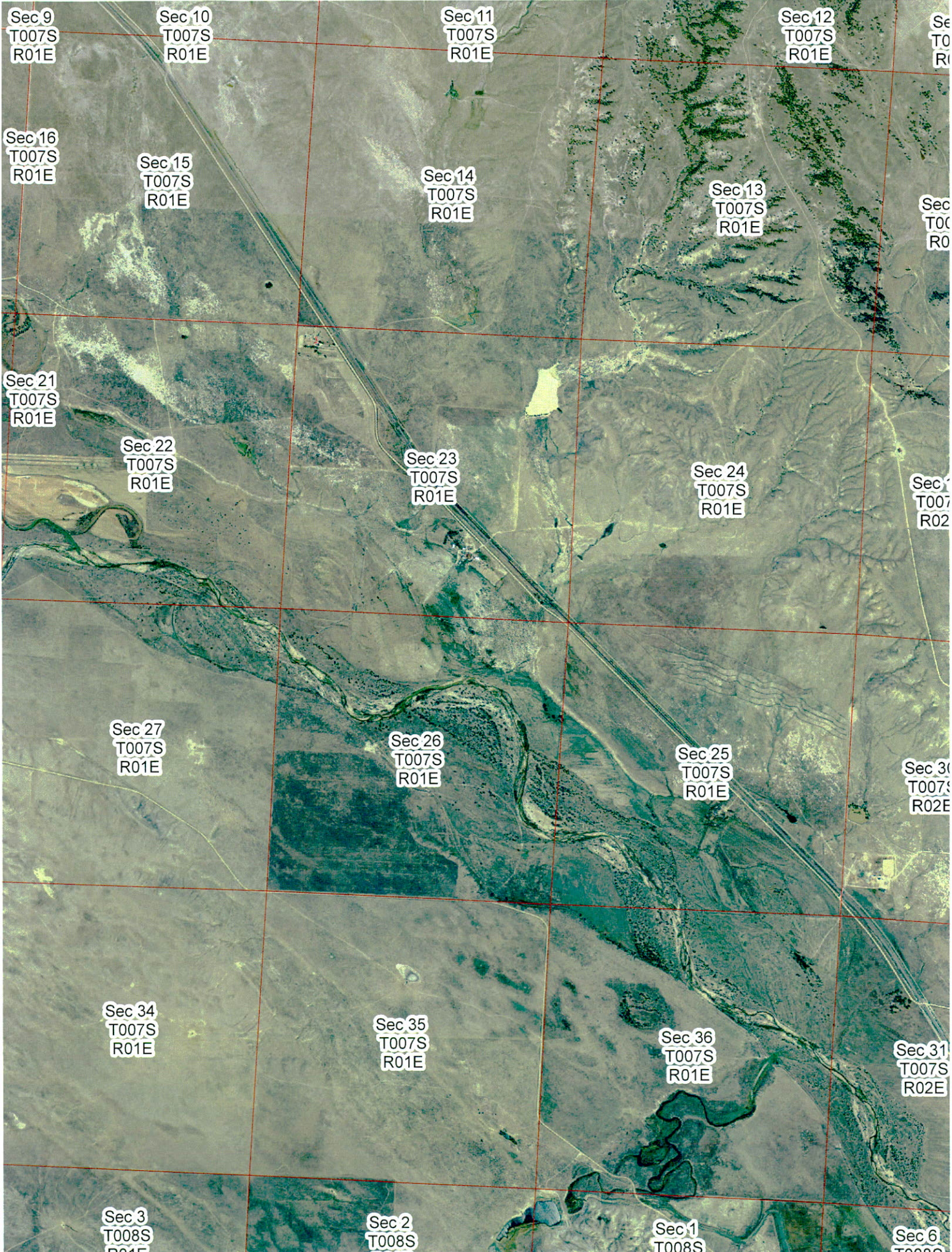
8. Give a description of the project. (Attach sheet if more space is needed)

Keep remaining water right, just move diversion and location from section 25 to section 26 where it is flatter.

I, Dustin Luper, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

Pump site





RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/28, 2015

RECEIVED OF Dustin Luper 28997 Cascade Rd Provo SD 57735

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

Fee for Application for Permit No. <u>421A-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	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. <u>421A-3</u>	200	00
Fee for Filing Transfer Form _____		
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	300	00

No. 07417

By J. [Signature]
Chief Engineer

Approval of Diversion Point Location Change for Water Right No. 421-2 and Withdrawal of Water Permit Application No. 421A-2

NAME: Dustin Luper

ADDRESS: 28997 Cascade Rd, Provo SD 57735

DATE: June 9, 2015

COUNTY: Fall River

TELEPHONE: 605-431-5355

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

Water Right No. 421-2 authorizes irrigation of 101.4 acres in portions of the SW1/4 NW1/4 and S1/2 section 25-T7S-R1E from the Cheyenne River in Fall River county. The location of permitted diversion point is incorrectly described on the water license and inspection report. The correct description was described on the original map, application and in the public notice. The correct location is in the SE1/4 NE1/4 section 26-T7S-R1E and the error occurred by referencing the pump site from the W1/4 corner of section 26 (see water license and inspection report) instead of the E1/4 corner of section 26 as described on the original application and as shown on the original map.

The permit holder has requested that the pump site location include anywhere along the Cheyenne River in the E1/2 SE1/4 section 26-T7S-R1E. Also, the current diversion point location should be corrected to specify the SE1/4 NE1/4 section 26-T7S-R1E and also be included in the area where the pump site may be located. No increase in the licensed diversion rate of 1.17 cfs is being requested.

- **If irrigation, no new land is irrigated**

Correcting the pump site location and expanding the river run where a pump site may be located does not involve any new land being irrigated.

- **Review of Existing Diversions**

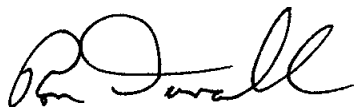
A diversion for a senior water right (No. 228-2, Dawn and Everett Englebert) is located in the same section. However, the senior right diversion is the NE1/4 NW1/4 section 26-T7S-1E which is upstream from the expanded stream reach being sought for No. 421-2. There are no existing water rights between the location of the current diversion under No. 421-2 and the expanded reach into the E1/2 SE1/4 section 26-T7S-R1E. Therefore, expanding the reach along the Cheyenne River from which pumping may occur should not have any impact on existing diversions.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the current diversion point pump site be corrected to specify the SE1/4 NE1/4 and also be expanded to include the E1/2 SE1/4; all in section 26-T7S-R1E.

The permit holder submitted an application to transfer the location of the irrigated acreage to the SW1/4 section 26-T7S-R1E. During a phone conversation on June 9, 2015, the permit holder decided

to not proceed with the acreage transfer at this time. The application fee and license fee submitted with the application need to be refunded to the applicant provided this diversion point location change is approved by the Chief Engineer. Approval by the Chief Engineer negates the need to process the application for a diversion point location change.



Ron Duvall, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This expansion of the diversion point river reach (pump site) does not increase the potential for adverse effects to existing diversions.



Jeanne Goodman, Chief Engineer
Water Rights Program

June 11, 2015

PAYMENT REQUEST FORM

PAYEE: Dustin Luper
28997 Cascade Rd
Provo SD 57735

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Refund on Water Permit No. 421^A-2 (withdrawn)

AMOUNT: \$300.00

FUNDING SOURCE:

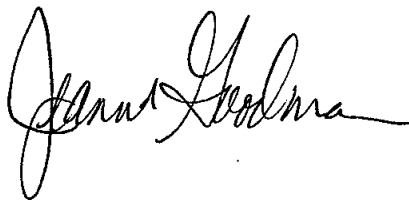
GENERAL: ~~28~~

FEDERAL:

OTHER: *water Right fees*

COMMENTS:

AUTHORIZATION:



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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

June 15, 2015

Dustin Luper
28997 Cascade Rd
Provo SD 57735

Dear Mr. Luper:

A request has been filed to expand the Cheyenne River reach (pump site) location authorized by Water Right No. 421-2.

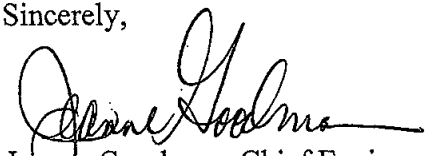
Water Permit No. 421-2 authorizes irrigation of 101.4 acres in portions of the SW 1/4 NW 1/4 and S 1/2 Section 25-T7S-R1E from the Cheyenne River in Fall River County. You have requested that the pump site location include anywhere along the Cheyenne River in the E 1/2 SE 1/4 Section 26-T7S-R1E. Also, the current diversion point location is corrected to specify the SE 1/4 NE 1/4 Section 26-T7S-R1E and is included as an area where the pump site may be located (see attached Approval of Diversion Point Location Change). The water right has an April 9, 1956 priority date.

Upon review of the request and pursuant to SDCL 46-5-13.1, the expansion of the diversion point river reach (pump site) to include the SE 1/4 NE 1/4 and the E 1/2 SE 1/4 Section 26-T7S-R1E is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. No increase in the authorized diversion rate of 1.17 cubic feet of water per second from the Cheyenne River is authorized.

The application/license fee of \$300.00 submitted on May 28, 2015 will be refunded. The refund check should be received within the next two weeks.

If you have any questions, please contact Ron Duvall at (605) 773-3352.

Sincerely,



Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

PAID

JAN 21 2020

Ck# 5140

Mail to: PMB 2020

DENR - Water Rights Program

523 E Capitol Ave

Pierre, SD 57501-3182

Water Right/Permit No. 421-2

Date: 1/2/20

I/We request that Water Right/Permit No. 421-2 formerly owned by:

DUSTIN LUPER

be transferred to:

New Owner Name:

S Everett, Dawn + Miles Englebert

Address:

27449 Dewey Rd

City, State, Zip

Burdock

SD

57735

Telephone No.

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

SW 1/4 NW 1/4, S 1/2 SECTION 25, T7S, R1E BHM

☒ I understand that the validity of Water Right/Permit No. 421-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, S Everett, Dawn + Miles Englebert, the new owner, certify that the above information is true and correct.

S Everett Englebert Dawn Englebert
(signed by new owner) *Miles Englebert*

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.

RECEIVED

JAN 21 2020

WATER RIGHTS
PROGRAM

421-2

RECEIPT

WATER RIGHTS PROGRAM
 South Dakota Department of Environment and Natural Resources

Date January 21, 2020RECEIVED OF Everett/Dawn Engelbert 27449 Dewey Rd. Burdock 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. _____	\$
Fee for Filing Transfer Form <u>421-2</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$50.00

By Jeanne Goodman
 Chief Engineer vm

421-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2020

421-2
LN468-2

S Everett, Dawn & Miles Englebert
27449 Dewey Rd
Burdock SD 57735

Dear Sirs:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right No. 421-2 and Location Notice No. 468-2.

The ownership changes have been completed. The water right and location notice formerly held by Dustin & Lindsay Luper are now listed in your names.

Enclosed are receipts for the filing fees you paid. If I can answer any questions for you, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, with the first name "Genny" being more prominent than the last name "McMath".

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

enclosures

421-2



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2022

NOTICE

TO: EVERETT & DAWN ENGLEBERT, 27449 DEWEY RD, BURDOCK, SD 57735

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaires

Our records indicate your 2021 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 421-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 228-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 228-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 421-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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: <https://danr.sd.gov/iq> using this password: HPXQKG**

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.

421-2



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 24, 2022

228-2

421-2

Everett & Dawn Englebert
27449 Dewey Rd
Burdock SD 57735

Dear Mr. & Mrs. Englebert:

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

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 228-2 and 421-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

EVERETT & DAWN ENGLEBERT
27449 DEWEY RD
BURDOCK, SD 57735

228-2
421-2

April 09, 2026

Dear Cheyenne River Water Right Holder:

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

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

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

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

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

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

Sincerely,

Adam Mathiowetz, PE
Acting Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 05, 2026

TO: EVERETT & DAWN ENGLEBERT **FROM:** Adam Mathiowetz, PE
27449 DEWEY RD
BURDOCK, SD 57735
Acting Chief Engineer
Water Rights Program

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

Shutoff Order for Water Permit No(s). 421-2

The US Bureau of Reclamation holds Water Right No. US579-2 for Angostura Reservoir with a senior priority date of April 11, 1941. To protect this right, the Water Rights Program is issuing shutoff orders for junior water right holders. Effective immediately no diversions of water from the Cheyenne River or its tributaries, by holders of water rights junior to the priority date of April 11, 1941, upstream of Angostura Dam will be allowed. On June 03, 2026, the water elevation in Angostura Reservoir was 3173.87-feet, 13.3-feet below the fill elevation of 3187.2-feet (top of the conservation pool). Storage was at 71,519.0 acre-feet, which is approximately 51,529 acre-feet below full. At this time, Angostura Reservoir is not expected to fill with the current low inflows.

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

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

We would appreciate it if you would call Nakaila in our Rapid City office and provide an up-to-date phone number and email for faster communication on this matter. Thank you.