

Water Division No. 2

(Blanks to be filled by the Engineer for the W. R. C.)

No. 240-2 South Cheyenne
River

District

MAY 13 1959

3:45 AM

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant Darrell E. HeldmanPostoffice address Box 31, Edgemont, County Fall River, State S. D.

I. If a corporation--

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount of paid-in

(e) Name and addresses of directors

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

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

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

Already completed

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work Heldman Diversion No. 13. Amount of water claimed 1.9 c.f.s. cubic feet per second 400.2 Ac. Ft. / year4. Source of water supply Cheyenne River5. Location of point of diversion From NE corner Sec 17, T8S. R2E. B1M West, 5° South,
119 rods on South bank Fall River County.6. Annual period or periods during which water is to be used Whenever flow occurs during annual
period.

7. To be used for:

1. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Irrigation by
gravity(a) Number of acres to be irrigated 133.4 acres.(b) Legal subdivisions to be irrigated See attached map- 1/41 1/16 section
(NOTE--A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be
appended as a part of this application. Same must also be shown on accompanying map.)(c) Statement as to domestic use (giving location, etc.) Irrigation only

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

(a) Nature of use

Name any of the above uses claimed

(b) Approximate power to be generated hydro power.

Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Total water available to be used

8. Estimated cost of work:

(a) Head Gates, \$-----

(b) Pumping plant, \$ 8000.00

(c) Fluming, \$-----

(d) Canal-earth, \$ 600.00

Rock, \$-----

(e) Other structures -----

Total, \$ 8600.00

9. Description of diversion work:

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

8 cylinder Chrysler engine and centrifugal pump

II. Dimensions of works:

(a) ~~Dam~~-Height-----feet; length at bottom-----feet; length at top-----

feet; thickness at bottom-----feet; thickness at top-----

feet; slope at front water face-----; slope at back face-----

Material used in construction-----

(b) ~~Reservoir~~-Capacity-when-filled-----acre-feet. Surface area at highwater-----

"Mark"-----acres----

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

(c)* Head gate: Width 2.7 feet; height 1.0 feet;Material Plank Weir(d) Canal: Total length 0.6 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At <u>0.0</u> Mile	<u>1.6</u> feet	<u>✓</u> feet	<u>9.0</u> feet	<u>5.0</u> feet
At <u>.6</u> Mile	<u>1.6</u> feet	<u>✓</u> feet	<u>9.0</u> feet	<u>5.0</u> feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work Already done years.11. Time required for complete application of water to the proposed beneficial use Now being used years.

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

STATE OF SOUTH DAKOTA

County of Fall River

I, David E. Hedman 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 David E. HedmanSubscribed and sworn to before me this 6th day of May 1957

Notary Public (or other qualified officer.)

NOTARY PUBLIC, FALL RIVER COUNTY, S. DAK.

My commission expires April 2, 1961

*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes ss.

Pierre, South Dakota, May 21, 1959

This is to certify that the foregoing application was received by the Commission at 8:45 o'clock
9 m. upon the 13 day of May, 1959

State Water Resources Commission

By: Geo. A. Rimmer
Chief Engineer, Executive Officer

Vested Right
Number of permit 540-2

Date of first receipt of application May 13, 1959

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right 1950, 19____

Approved May 21, 1959 Recorded in Book 5 Page 161

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

- 1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before Completed, 19____
- 2nd. The whole of said work is to be completed on or before Completed, 19____
- 3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is Completed, 19____
- 4th. The water appropriated shall be used for the purpose of irrigation

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

6th. The amount of the appropriation herein granted shall not exceed 1.9 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 during on or before 1950; said water to be used during the following described annual period:

April to October

Witness my hand this 23 day of July, 1959

State Water Resources Commission

By: Geo. A. Rimmer
Chief Engineer, Executive Officer

Certificate of Construction Issued July 23, 1959

Water License Issued July 23, 1959

Area Number	Legal Description	Acres
1	NW $\frac{1}{4}$ NE $\frac{1}{4}$ 17-8-2	31.2
2	NE $\frac{1}{4}$ NE $\frac{1}{4}$ 17-8-2	30.2
3	SW $\frac{1}{4}$ NE $\frac{1}{4}$ 17-8-2	32.0
4	SE $\frac{1}{4}$ NE $\frac{1}{4}$ 17-8-2	40.0
Total Acreage		133.4

STATE OF SOUTH DAKOTA

WATER LICENSE No. 540-2. . . .

WHEREAS, On the 13th day of May A. D. 1959

Darrell E. Heldman

of Box 31, Edgemont County of Fall River and State of South Dakota duly made application (No. 540-2) to us for Vested Right permit to use 1.9 cubic feet per second of the waters of the Cheyenne River County of Fall River, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 23rd day of July A. D. 1959
Vested Right Permit No. 540-2 was issued to said applicant, for the diversion of said water, and recognizing ~~notwithstanding~~ during completion of the works of diversion therein described ~~on or before~~ ~~XXXXXXXXXXXXXXXXXXXX~~ of 1930 ~~XXXXXXXXXX~~ and ~~XXXX~~ application to beneficial use of said during water on or before ~~XXXXXXXXXXXXXXXXXXXX~~ 1950 ~~XXXXXXXXXXXX~~ and,

WHEREAS, On the 13th day of May A. D. 1959
 the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.9 cubic feet per second of said waters, as evidenced by our Certificate No. 540-2 dated July 23, 1959 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.9 cubic feet per second of water, with date of priority of 1950 and, ~~XXX~~

WHEREAS, On the 13th day of May A. D. 1959
 proof was duly made of the application to beneficial use of 1.9 cubic feet per second of said water; on 133.9 acres located in the NE 1/4, Sec. 17, T 8 S, R 2 E more particularly described in Certificate of Completion of Works No. 540-2.

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to Darrell E. Heldman
of Box 31, Edgemont, South Dakota Vested Right
the holder, and owner, of said permit No. 540-2
a water right, dating from 1950 to the use of 1.9
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 from the NE Corner Sec. 17,
T 8 S, R 2 E, BHM, west 3⁰ north, 119 rods
and conducted to and upon the NE 1/4, Sec. 17, T 8 S, R 2 E, BHM, more
particularly described in Certificate of Completion of Works No. 540-2

for the purpose, of irrigation

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

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 23rd day of July A. D. Nineteen
Hundred and Fifty-nine

State Water Resources Commission

By:

J. W. GRIMES,

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Permit No. 540-2

South Cheyenne
 Water Division No. 2 **River** Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Darrell E. Haldeman

of Box 31, Ridgmont, County of Fall River, and State of
South Dakota, the holder of Vested Right Permit No. 540-2, issued upon Application
 No. 540-2, bearing date of priority of 1950, authorizing the diversion of

1.9 cu. ft. per second of the waters of the Cheyenne River
 County of Fall River, State of South Dakota, at from the N. E.
Corner, Sec. 17, T 8 S, R 2 E, BHM, west 3⁰ south 119 rods
for irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of
 completion of the works of diversion set out and described in said Vested Right Permit; that said works are found in satisfactory
 condition for diverting and conveying to the place of intended use 1.9 cu. ft.

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

<u>NW 1/4 NE 1/4</u>	<u>31.2 acres</u>
<u>NE 1/4 NE 1/4</u>	<u>30.2 acres</u>
<u>SW 1/4 NE 1/4</u>	<u>32.2 acres</u>
<u>SE 1/4 NE 1/4</u>	<u>40.0 acres</u>
Total	133.4 acres

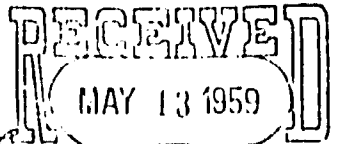
Witness my hand this 23rd day of July A. D. 1959

State Water Resources Commission

By:

J. W. GRIMES,

Chief Engineer, Executive Officer



Location No. 540-2
2 South Cheyenne
 Water Division No. 2 River Water District STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. Darrell E. Heldman Edgemont South Dakota, Rancher

P.O. Box 31, Edgemont S. D.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State date of posting and date of recording notice of appropriation.

Vested Right is being submitted along with APPLICATION FOR PERMIT TO

Ans. APPROPRIATE WATER.

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

Cheyenne River--From NE corner Sec. 17, T8S. R2E. BHM West, 3^o South

Ans. 119 rods

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. Ditch capacity is adequate to carry maximum (400.2 Ac Ft/ Yr) water
allowable during annual period of use. This system is to be known as
Heldman Diversion No. 1 and was first put into operation during the
summer of 1950.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. To be used for irrigation only. Legal subdivisions are shown on attached
1/16 sec. map, and acreage on seperate sheet.

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

Ans. _____

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

Ans. 1.9 cfs or 400.2 ac ft/ yr.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

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

Ans. Whenever flow occurs during annual period by gravitational means, through a series of ditches and dikes, in the amount available, not to exceed the maximum allowable, of 400.2 Ac. Ft. This water has been used on 133.4 ac. since the summer of 1950.

(Sign) Daniel E. Hellman

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Edgemoor, County of Fall River

State of South Dakota, on this 6th day of May A. D. 1959

Daniel E. Hellman
Hellman

Witnesses

NOTARY PUBLIC, FALL RIVER COUNTY, S. DAK.

My commission expires April 2, 1961

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No. -----

**PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE**

PETITION OF HOLDER

Amount of Water ----- c. f. s.

Source -----

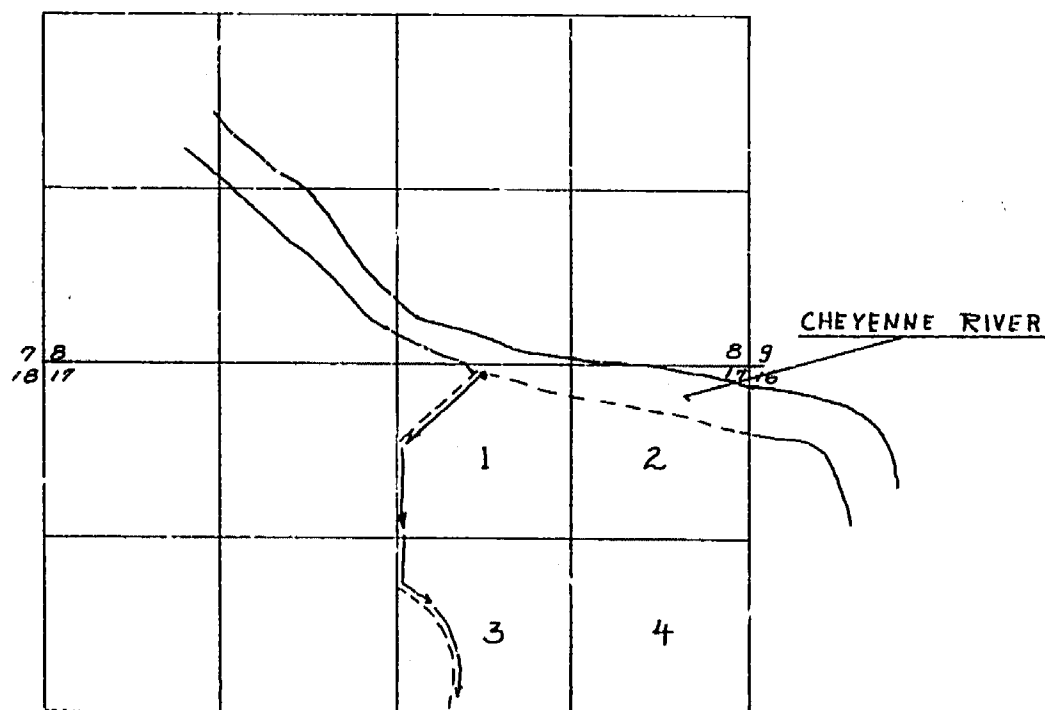
County -----

Purpose -----

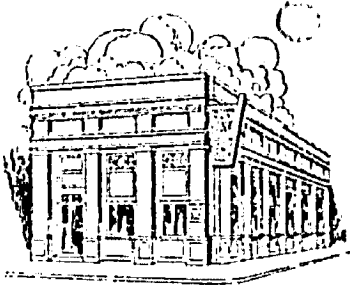
Place of Use -----

Date of recording -----

Received and filed -----



DARRELL E. FELDMAN



The Southern Hills Bank

Edgemont, South Dakota 57735

June 5, 1967

E. A. Erickson
PRESIDENT

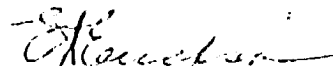
Mr. M. F. Childers
Edgemont, S. Dak.

Dear Mr. Childers:

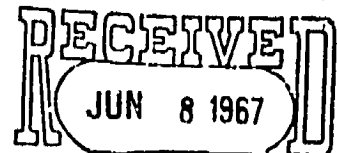
The property we have listed for sale through our Agency here, owned by O. R. Heldman is legally described as follows:

1480 A - NW $\frac{1}{4}$ NW $\frac{1}{4}$ 25, S $\frac{1}{2}$ NW $\frac{1}{4}$ 25, NE $\frac{1}{4}$ 25, S $\frac{1}{2}$ 25 all in Twp. 8 Rg. 1 -- N $\frac{1}{2}$ 30, SW $\frac{1}{4}$ 30, N $\frac{1}{2}$ SE $\frac{1}{4}$ 30, SW $\frac{1}{4}$ 29, W $\frac{1}{2}$ SE $\frac{1}{4}$ 29, N $\frac{1}{2}$ NE $\frac{1}{4}$ 31 all in Twp. 8 Rg. 2 -- 800 A NE $\frac{1}{4}$ SE $\frac{1}{4}$ 20, NE $\frac{1}{4}$ 20, NW $\frac{1}{4}$ 21, SE $\frac{1}{4}$ 17, NE $\frac{1}{4}$ 17, W $\frac{1}{2}$ SW $\frac{1}{4}$ 16, SE $\frac{1}{4}$ SW $\frac{1}{4}$ 16 Twp. 8 Rg. 2 and including ditch right of way from Agate Creek to Sec. 21, Twp. 8 Rg. 2, known as Birdsell Ditch and irrigation pump and pipe in conjunction with said ditch.

Very truly yours,


E. A. Erickson

EAE:da



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Storage Dams
Pumping Systems
Sprinkle Systems
Canvas Check Dams
Drainage Ditches
Sprinkler Irrigation
Fertilizer
Diversion Dams
Irrigation Supplies
Head Gates & Pipe

"Prepare for the Dry Years Ahead"

M. F.

Childers

DEVELOPMENT COMPANY

IRRIGATION SPECIALISTS

TELEPHONE 7542 - POST OFFICE BOX 431 - EDGE MONT. SOUTH DAKOTA

May 6, 1967

South Dakota
Water Resources Commission
Pierre, South Dakota

Att. Joe Grims

Dear Sir:

I am attaching a letter from the Southern Hills Bank, Edgemont, South Dakota which has the legal description of the O. R. Heldman property which I am interested in purchasing.

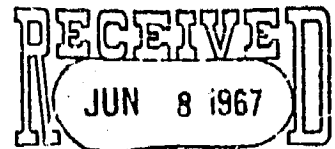
Please at the earliest possible date send me full information on any water rights of what ever kind, or applications for same that may be pending, that may or may not be applicable to the inclosed described lands.

I am particularly interested in the 800 acre tract, which could have supplemental water added from the Cheyenne River. If there are no water rights from the Cheyenne River, what would be the chances of securing same. Could I transfer some of the water right from my permit No 337-2.

Thanking you in advance for your kind consideration and prompt attention, I remain.

Yours truly,

M. F. Childers



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

0550-2
0634-2
40-2A
540-2

June 16, 1967

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

Dear Mr. Childers:

This is in answer to your letter of June 6th in which you inquire about water rights filed for the O. R. Heldman place near Edgemont. I have spent quite a bit of time in the records and the following are descriptions of all the pertinent records we have on file.

Water Right 0550-2.

This filing was made by H. S. Tubbs and D. D. Tubbs on November 22, 1907. They claimed 24 cfs of water from Moss Agate Creek. The diversion point was to be in the NW $\frac{1}{4}$ of Section 1, T8S, R1E. The area shaded in green on the attached map indicates the land to be irrigated under this filing. Only the E $\frac{1}{2}$ of Section 17, T8S, R2E appears to be a part of the Heldman place.

Water Right 0557-2.

This filing was made by F. M. Vroman on the 5th of November, 1892. He claimed 200 cfs out of the Cheyenne River to be diverted on the south bank of the Cheyenne near the mouth of Beaver Creek. This is one of three filings for the old Edgemont Ditch.

Water Right 0622-2.

This water right was filed by Francis C. Grable on December 7, 1893. This filing claims 400 cfs of water from the Cheyenne River and is the second of three filings for the old Edgemont Ditch. The diversion point for this filing is on the south bank of the Cheyenne, a short distance downstream from the mouth of Beaver Creek.

Water Right 0634-2.

This water right was filed by J. C. Birdzell and George T. Paine and was dated February 29, 1908. They claimed 200 cfs of water from Moss Agate Creek and all the dry draws between it and Lake Nettleton. This document specifically claims the rights to the Edgemont Canal and to water rights 0557-2 and 0622-2 listed above. The land to be irrigated under this development is not listed.

This water right file also contains copies of two deeds. The first, dated March 8, 1911, transfers a 5/8 interest in the Edgemont Canal and water right from George T. Paine to John C. Birdzell. The second deed, a quit claim deed,

June 16, 1967

dated April 27, 1948, transfer all water rights and interest in the Edgemont Canal from Arlene B. Martin to O. R. Heldman. Although it is not entirely clear from these two documents alone, it would seem to indicate that O. R. Heldman owns a 5/8 interest in water right C634-2.

We also have on file a notice of transfer of water permit for water right C634-2. This notice advises this office that O. R. Heldman has acquired the water rights to the land shaded in brown on the attached map.

We have no reliable record to what other land might have been irrigated under this water right nor who owns the remaining 3/8 interest in the water right and canal.

Water Right 40-2A.

This water right was filed with the State Engineer by D. D. and N. S. Tubbs and has a priority of March 26, 1908. This permit proposed the diversion of 24 cfs out of the Cheyenne River with the diversion point being in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, T7S, R2E. The land to be irrigated was the same as that listed for water right 0550-2 and is shaded in green on the attached map.

The State Engineer approved a permit to construct this system, but there is no evidence that the final inspection was ever made and no final papers have ever been issued for this filing.

Water Right 540-2.

This is a water right that has been filed under the 'vested right' portion of the present water laws and has been filed in the name of Darrell E. Heldman. This water right has a priority dating from 1950 for diversion of 1.9 cfs out of the Cheyenne River for the irrigation of 133.4 acres of land in the NE $\frac{1}{4}$, Section 17, T8S, R2E. The diversion point is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17. The final water license has been issued and this is the only modern water right filed for the Heldman place.

I wish to point out that the water rights listed above are valid only to the extent to which the water has actually been put to beneficial use and only if there has been a continuity of use since they were first put into operation. The above water rights are not valid for any water diversions that they may have authorized but which have not been actually and continuously used for beneficial purposes.

The procedure for establishing a record of the extent and continuity of water use, if any, under these old filings would be for the owner of the land to make a 'vested right' application to the Water Resources Commission. This procedure would require that an appropriate application be submitted, along with the necessary sworn documents which would establish the extent of beneficial use of the water in question, and the continuity of that use over the years. After receipt of such an application and the supporting documents, the Commission would have the application processed and would have carried out any investigation it thought necessary before recognizing the vested right claim.

Mr. H. F. Childers

(concluded)

June 16, 1967

You inquire about getting a new water right to divert water from the Cheyenne River. You could make an application for such a water right to the Commission but it would be severely restricted, if granted at all.

You also inquire about the possibility of transferring some of the water granted under water permit 337-2 to the land in question. On looking through the files, I find that water permit 337-2 was cancelled when your water permit 858-2 was approved by the Commission.

Water Permit 858-2 authorizes the diversion of 9.3 cfs from the Cheyenne River and a total of 4.0 cfs from various ground water sources. It would be possible to transfer a portion of the water authorized under permit 858-2 to a new area upon approval of the Water Resources Commission. To obtain this approval, you would have to submit the appropriate applications and fulfill the necessary advertising requirements. However, I wish to point out that the conditions stated in water permit 858-2 would apply to any portion of that permit that was transferred. This means that you cannot change the sources from which the water was granted during the transfer. The total diversion from the Cheyenne for both the area irrigated under permit 858-2 and that which might be irrigated on the Heldman place, could not exceed 9.3 cfs and total withdrawals from the ground water sources could not exceed the amounts stated in permit 858-2.

Finally, our records show that there are two stock dam filings for the Heldman place. The first is for a stock dam in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 30, T8S, R2E. This filing was made April 22, 1953 and claims storage of 8.2 acre feet of water annually.

The second filing is for a stock dam in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, T8S, R2E. This filing was made on November 18, 1955 and claims the storage of 2.4 acre feet of water annually.

Sincerely,

J. W. GRIMES
Chief Engineer and
Executive Officer

JWG/RDE/mf
Att: Map

COMMISSION

John M. Gerhart, Spearfish
 Lester Erue, Parker
 Carl Cronin, Gettysburg
 Lauren A. Davis, Belle Fourche
 Milton E. Fischer, Milbank
 Richard Lommen, Harrisburg
 Clarence D. Mortenson, Hayes
 Dick Pliner, Creel

South Dakota

WATER RESOURCES COMMISSION

State Office Building

PIERRE, SOUTH DAKOTA 57501

J. W. GRIMES

Chief Engineer
 and
 Executive Officer

PHONE
 224-5911 Ext. 343
 Area Code 605

January 19, 1968

Mr. C.A. Tubbs
 Mr. Robert Tubbs
 Edgemont, South Dakota 57735

Gentlemen:

We have examined the abstracts that you left in this office, together with other records that pertain. See attached summary.

As you will note, there is considerable evidence of conflict in the early days, but very little factual information about actual construction of ditches, their sources of water and lands continuously irrigated. Also, later water right records indicate that portions of the old ditches were not used in favor of pumping installations along the Cheyenne River.

I do not believe the records examined can be used as a basis for answering the questions asked in your August 21, 1967 letter, a copy of which is attached.

When time permits, this office will do some field investigations of the water rights in that area. We do have a number of prior investigations scheduled.

I am sorry that I can not now answer your specific questions, nor promise sooner investigation by this office.

Your abstracts of title are being returned under separate cover.

Sincerely,

J.W. GRIMES

JWG/DD/dw

cc: E.A. Erickson, Pres., Southern Hills Bank, Edgemont, S.D.

40-2-2
Wigmont, S. Dak.
August 21, 1967

Mr. J. W. Grimes
Chief Engineer and Executive Officer
Water Resource Commission
Old Highway Building
Pierre, S. Dak. 57501

Dear Mr. Grimes:

I would respectfully request a ruling by the Water Resource Commission on the following points:

1. Does ownership of the Tubbs property of which you have the abstracts and the Heldman property as outlined on your map have cause for action against hostile diversion of water by Benton from the Tubbs ditch?
2. Do water rights originally given to the Tubbs family/extend to the ^{on the present Heldman} Heldman property if purchased by Tubbs? ^{Property}
3. What rights accrue from the Tubbs ditch on the Benton property located just north of the Heldman property?

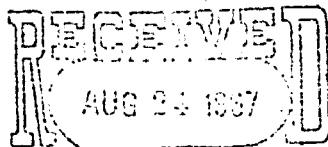
As a matter of fact and information, we submit that only the Tubbs have used the Tubbs ditch each year for the benefit of water conservation and irrigation. We doubt if Mr. Benton has done any irrigating and find in visiting with Mr. Heldman, the only irrigating he has done has come from his 1950 water right No. 540-2. The Tubbs presently irrigate 2500 acres and have done this for many years. There are approximately 200 acres suitable for irrigation on the Benton property. There are approximately 700 acres suitable for irrigation on the Heldman property.

Your immediate attention will be very much appreciated as we anticipate attempting to purchase the Heldman property and would like your ruling on the above matters as it is important in regard to our entire operation.

Very truly yours,

C. A. Tubbs
C. A. Tubbs

Robert Tubbs
Robert Tubbs



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

SUMMARY OF RECORDS

C.A. TUBBS - ROBERT TUBBS WATER RIGHTS

Filing Date	Filing Ref.	Notes
11/16/1892	Bk.2 M, P.414	F.M. Vroman locates a water right claiming 10,000 inches of Cheyenne River flow diverted below Beaver Creek and running S.E. to Edgemont.
12/15/1893	Bk.2, P. 448	Irrigation notice. Francis C. Grable claims 20,000 inches of Cheyenne River flow diverted in Section 27, T7S, R1E, and conveyed in a S.E. direction to Edgemont, South Dakota
4/24/1894	Bk.9 D, P.571	Quit Claim Deed. Francis C. Grable to Edgemont Co. His water location filed December 1893.
4/20/1897	Bk.3 M, P.34	Clayton to Edgemont Co. - Right of Way Deed for canal. (There are a number of such deeds to the Edgemont Co.)
6/2/1897	Bk.3 M, P.39	Irrigation Notice. Charles T. Grable claims 500,000 inches of Cheyenne River flow to be diverted about 800 feet downstream from Beaver Creek. To run S.E. for 10 miles.
9/20/1897	Bk. 9, P.344	Quit Claim Deed. Charles T. Grable sells his water right filing of June 2, 1897 to the Interstate Land and Canal Co.
11/17/1898	Bk.9 D., P.619	Quit Claim Deed - F.M. Vroman sells his water location of November 16, 1892 to the Edgemont Co.
11/22/1898	Bk.11, P. 463	Sheriffs Cert. of Sale. Interstate's Charles T. Grable water filing sold to Thomas Bradley. (This seems to be last reference to the Interstate phase)

Summary of Records (Continued)

5/25/1901	Bk. 3 M., P. 313	Sheriffs Cert. of Sale. The Edgemont Ditch owned by Edgemont Improvement Co. sold to Joseph Lindsay.
11/6/1902	Bk. 3 M., P. 384	Notice of Water Right Location. N.S. Tubbs Sheep Co., claims 10,000 inches of Cheyenne River and Beaver Creek to run south easterly, 13 miles to Edgemont, S.D.
12/8/1903	Bk. 11, P. 504-5	N.S. Tubbs Sheep Co., mortgages 1/3 interest in land and November 1, 1902 water filing to D. Carrigan.
12/22/1903	Bk. 3 M., P. 507	Joseph Lindsay sold Edgemont Ditch back to Edgemont Improvement Co.
10/12/1907	Bk. 18, P. 318	Deed. Edgemont Ditch sold to J.C. Birdsell and George T. Paine.
10/19/1907	Bk. 4 M., P. 228	Amended Certificate of Water Right location. J.C. Birdsell & George T. Paine claim 20,000 inches of Cheyenne R. flow. Diverted in Section 27, T7S, R 1E. Specifies Sections of land that existing ditch covers in reaching Edgemont. Also claims existing dams and storage basins. Also claims Grables 1893 filing and Vroman 1892 filing.
12/24/1907	W.R. File 40-2A	D.D. & N.S. Tubbs apply to State Engineer to divert 24 c.f.s. of water from Moss Agate and Dry Creek. Public hearing held on March 16, 1908. Protests by Edgemont Co., State Engineer eventually did not act on this application because the source of water was from dry draws.
2/29/1908	Bk. 4, M., P. 264	Certificate, Water Right location, J.C. Birdsell and George T. Paine make same filing as the October 19, 1907 except that source of water, 10,000 inches is draws, channels, creeks, streams, and watersheds in area of Moss Agate Creek.

Summary of Records (Continued)

2/29/1908	Bk. 4 M., P. 286	Certificate, Water Right location. J.C. Birdsell and George T. Paine, 10,000 inches same as other 2/29/1908 filing except source of water is Dry Creek for existing Lake Nettleton.
3/26/1908	W.R. File 40-2A	D.D. & N.S. Tubbs apply to State Engineer same as 12/24/1907 application except source of water was the Cheyenne River. Approved by State Engineer 5/29/1908.
4/9/1908	Vol. 22, P. 147 Sup. court	Edgemont Improvement Co. vs. N.S. Tubbs Sheep Co., et al., Edgemont Improvement Co. had not abandoned its water right. Tubbs Sheep Co., did not own a portion of Edgemont Improvement Co., system.
5/5/1908	Bk. 4 M., P. 301	Notice of Water Right, N.S. Tubbs & D.D. Tubbs claim. 24 c.f.s. of waters of Moss Agate Creek. Specifies specific lands to be irrigated.
5/5/1908	Bk. 4 M., P. 300	Notice of Water Right. N.S. Tubbs & D.D. Tubbs claim 4 c.f.s. of Dry Creek. Gives location of dam and specific lands to be irrigated.
9/28/1908	Bk. 18, P. 602	Deed. J.C. Birdsell sells his share of Edgemont Ditch to George T. Paine.
3/9/1911	Bk. 25 D., P. 196	Deed. George T. Paine, sells John L. Birdsell a 5/8 interest in Edgemont Ditch.
3/30/1911	Bk. 25, D., P. 204	John C. Birdsell to I.M. Donaldson, Receiver and D.D. Tubbs - Land excepting Edgemont Canal.
5/5/1914	Bk. 25, P. 471	N.S. Tubbs Sheep Co., to M.J. Failey, Receiver. Their Moss Agate and Dry Creek Water Right.
4/15/15	W.R. File 0550-2	Attorney Rice writes State Engineer that a water right controversy is pending between Birdsell and N.S. Tubbs.

Summary of Records (Continued)

12/16/22	Bk.34, P.205	Warranty Deed, George T. Paine sells 3/8 interest in Edgemont Ditch to Mable C. Petty.
3/6/23	Bk.12 M., P.410	D.D. Tabbs locates dam and propose to irrigate (14.c.f.s.) in Section 6, and 21 and 28, T8S, R2E.
6/15/35	Bk.49D., P.202	Quit claim Deed - J.C. Birsell conveys his 5/8 interest in Edgemont Ditch to Arlene B. Martin.
5/10/48	Bk.66, P.109	Quit Claim Deed. Arlene B. Martin conveys her 5/8 interest in Edgemont Ditch from Moss Agate Creek through Sec. 21, T8S, R2E, to O.R. Heldman.
1950 received 5/13/59	W.R.File 540-2	Vested Water Right recorded of Darrell E. Heldman to divert water directly from Cheyenne River.
5/10/56	W.R.File 422-2	Modern Water Right of Edwin Benton to pump water from Cheyenne River. License Issued 9/4/62.
10/26/50	Bk.66, P.465	Quit claim Deed. Arlene B. Martin conveys her 5/8 interest in Edgemont Ditch from Moss Agate Creek thru Section 17, T8S, R2E to Edwin Benton.

South Dakota Department of
Water & Natural Resources

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

September 21, 1988

NOTICE

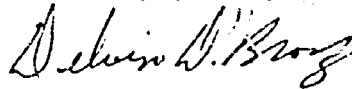
Darrell E. Heldman
Box 402
Edgemont SD 57735

Dear Mr. Heldman:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 540-2 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,



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





Department of Water & Natural Resources

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

December 1, 1988

Vested Water Right
Claim No. 540-2

Darrell E. Heldman
Box 402
Edgemont SD 57735

Dear Mr. Heldman:

Enclosed is a copy of a letter received from the U.S. Department of Interior, Bureau of Reclamation. The Bureau of Reclamation is opposing those vested water right claims in Pennington, Perkins, Butte and Fall River counties which have never been investigated by the Division of Water Rights. Earlier, you received a letter stating that I was opposing your claim until an investigation can be completed.

After the investigation has been completed, you and the Bureau of Reclamation will be notified as to the date, place and time of the hearing on your vested water right claim. At that time all parties of record will have an opportunity to testify on the validation.

If we can answer any questions, please contact us.

Very truly yours,

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

cc: Bruce Laymon, Bureau of Reclamation





Department of Water & Natural Resources

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

March 19, 1990

540-2

NOTICE

TO: Darrell E Heldman
Box 402
Edgemont, SD 57735

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

A handwritten signature in dark ink, appearing to read "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. 540-2. 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).

SOUTH DAKOTA
Department of
Water & Natural Resources

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

May 11, 1989

540-2

NOTICE

TO: Darrell E Heldman
Box 402
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

Effective May 19, 1989, you are ordered to cease diversions of water under Water Right No. 540-2. The priority date for your water right is junior to the April 11, 1941 priority date for Angostura Irrigation District Water Right No. 579-2.

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

May 2, 1989

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

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

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

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





DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

February 1, 1991

DARRELL E. HELDMAN
BOX 402
EDGEMONT SD 57735

NOTICE

RE: Violation of Requirement to Submit 1990 Irrigation Questionnaire

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 540-2. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire 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 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, 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) 540-2 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.

If the questionnaire(s) is received in this office before the February 27th hearing date, your name will be deleted from the agenda for the hearing.

Very truly-yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and charges. (Extra charge for additional services requested). 1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery (Extra charge)	
3. Article Addressed to DARRELL E. HELDMAN BOX 402 EDGEMONT SD 57735	4. Article Number PL4 057 381 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature Addressee X <i>Darrell E. Heldman</i> 6. Signature Agent X	8. Addressee's Address (ONLY if requested and fee paid)
7. Date of Delivery 2/9/91	



DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 7, 1991

540-2

Darrell E Heldman
Box 402
Edgemont, SD 57735

Dear Mr. Heldman:

I am writing to acknowledge receipt of your 1990 irrigation questionnaire for Vested Water Right Claim No. 540-2. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaire, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

Ron Davis, Natural Resources Engineer IV
Water Right Division



Department of Water & Natural Resources

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

March 14, 1991

540-2

NOTICE

TO: Darrell E Heldman
Box 402
Edgemont, SD 57735

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

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

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

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

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

South Dakota

GREAT FACES. GREAT PLACES.

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

May 20, 1991

540-2

RESCISSION OF SHUTOFF ORDER

TO: Darrell E Heldman
Box 402
Edgemont, SD 57735

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

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

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

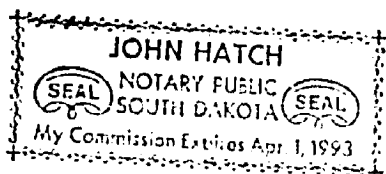
If you have any questions, please contact Mark Rath or Del Brosz (605) 773-3352.

5/1/22

Chas. A. Fries

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

John S. [Signature]
Notary Public





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 25, 1992

540-2

NOTICE

TO: DARRELL E HELDMAN
BOX 402
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. 540-2 which is junior in priority to Water Right No. US579-2 held by the US Bureau of Reclamation for the Angostura Irrigation District.

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

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

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

PERMIT NO	FIRST NAME	LAST NAME	ADDRESS 1	ADDRESS 2	CITY	STATE	ZIP CODE	PERM1	PERM2
657-2		A A Y CATTLE CO	TOM LUNDERS	ST RT	MT SPRINGS	SD	57747		
308-2	RICHARD	ANDERSON	A J ANDERSON	BOX 59 BOX 18	FOUNTAIN	SD	57735		
1814-2	LESTER R	ANDERSON		BOX 59 BOX 20	FOUNTAIN	SD	57735		
374-2		B & H RANCH INC	B F CHILDERS	PO BOX 723	FOUNTAIN	SD	57735		
534-2		BALL EGGS		BOX 417	FOUNTAIN	SD	57735		
1535-2	LESTER L	BARRETT		BOX 740	FOUNTAIN	SD	57735		
1853-2	NICHOLAS CHARL	BOGNER	AMIE BOGNER JR	HC 45 BOX 24	COALBUSH	SD	57763	1734-2	
755-2		BRAINERD INDIAN SCHOOL			MT SPRINGS	SD	57747		
855-2	BOYD F	CHILDERS		BOX 59 BOX 14	FOUNTAIN	SD	57735		
272-2	BOYD	CHILDERS		BOX 723	FOUNTAIN	SD	57735		
654-2	COLE	COFF			COALBUSH	SD	57763		
1294-2	JOHN	DOERING		SR 1 BOX 136	LEWIS	WY	82235		
564-2	HAROLD F	DORSON		BOX 59 BOX 54	FOUNTAIN	SD	57735	1410-2	
2058-2	LEROY/BEATHA	DORSON		HC 48 BOX 148	PAISO	SD	57774		
1995-2	DAVID M	DONAR		RR BOX 37	COALBUSH	SD	57763		
788-2		HAUD BROTHERS, INC.	CARL F PAID, PRES	RR 45 BOX 5	COALBUSH	SD	57763	1635-2	
421-2	HERMAN	HEER		BOX 481	FOUNTAIN	SD	57735		
510-2	DARRELL F	HELMAN		BOX 402	FOUNTAIN	SD	57735		
1872-2	EDNA R	HENDERSON	ATT 265	5141 INDIAN RIVER	LA VERGAS	NV	89103		
1784-2	EDNA W	HERRY		BOX 278	LEWIS	SD	57715		
379-2	HENRY C	HOLTSHECK		DINER B&C	FOUNTAIN	SD	57735		
1593-2		HU RANCH INC	SD CORPORATION	BOX 59 BOX 102	FOUNTAIN	SD	57735		
350-2	DARRELL D	HUNTER		BOX D	LEWIS	SD	57715		
1841-2	JAMES/PATRICIA	JOHNSTON		HC 48 BOX 7	LAVERGAS	NE	68351		
18770-2	JIM	KANE		BOX 124	LEWIS	SD	57714		
763-2	CARL	KANSOLT	ATT 207	FLANIG HOTEL	CLAYTON	NE	68337		
1876-2	JOHN W	KOLLER		BOX 715	FOUNTAIN	SD	57735		
664-2	A J	LUNDERS	STAR CATTLE CO	BOX 1538 BOX 52	MT SPRINGS	SD	57747		
1810-2	R L/ALLEN	LUNDENCE		BOX 752	LEWIS	SD	57715		
276-2	MELVIN	LUTZ			MT SPRINGS	SD	57747		
17235-2	JOHN D(JACK)	MANKE	(ESTATE)	RR 41 BOX 179C	MT SPRINGS	SD	57747		
11447-2	JENNETH	MARTINSON		BOX 341	FOUNTAIN	SD	57735		
785-2	ARLITH W	MCJAIN		BOX 164	COALBUSH	SD	57763		
410-2	RALPH L	MEFFORD, JR		BOX 45 BOX 22	LEWIS	SD	57714		
1273-2	A J	NELSON		BROAD'S STAGE	LAVERGAS CITY	MT	52301		
2015-2		PETERSON & SON, INC		BOX 59 BOX 18	FOUNTAIN	SD	57735		
1916-2	PAUL & JEAN	PETTY	A NORTEN PETTY	BOX 52 BOX 136	MT SPRINGS	SD	577479703		
1716-2	MELVIN	PORTER		WYO RT BOX 17	FOUNTAIN	SD	57735		
711-2	RONALD	PUTNAM		BOX 188	COALBUSH	SD	57763	2047-2	
1817-2	CLYD	REASER		HC 42 BOX 45	COALBUSH	SD	57763		
472-2	EDWARD/MARIA	REUTER		BOX 59 BOX 26	FOUNTAIN	SD	57735	1783-2	
222-2	FRANCIS/NETHER	REYNOLDS		BOX 59 BOX 28	FOUNTAIN	SD	57735	124-2	
669-2	OLIVER M	RENFY		BOX 175	COALBUSH	SD	57763		
718-2	VERNON	SCHNOSE		ST RT BOX 155	MT SPRINGS	SD	57747	1700-2	
1842-2		SEGER RANCH INC		BOX 95	COALBUSH	SD	57763	671-2	1927-2
677-2	EDWARD D	SIMONS		BOX 381	FOUNTAIN	SD	57735		
1139-2	ROBERT/MARK	TURBS		BOX 503	FOUNTAIN	SD	57735		
1812-2		WIP BONNET RANCH LTD	BOX 152	105 F 5TH ST	LEWIS	SD	57552		
392-2	VINCENT M	WASSERBURGER		BOX 83	LEWIS	SD	57715	853-2	2115-2

File No. 540-2

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Darrell E. Heldman

ADDRESS: Box 31, Edgemont, SD 57735

COUNTY: Fall River

DATE: 6/10/91

TELEPHONE: 662-7541

RE: Vested Right Claim Inspection

COMMENTS: On June 3, 1991, accompanied by Mr. Heldman inspected the area claimed under Vested Right No. 540-2. Due to standing water I was not able to get to the pump site. Mr. Heldman stated that his pump is capable of pumping 5000 gallons per minute. He said he had to have a big pump because water is not available at all time and he has to pump a lot of water in a short period of time whenever water is available. Mr. Heldman uses approximately 1.5 miles of spreader ditch, 10 feet wide at the bottom.

** Recommend validation of Vested Right Claim No. 540-2.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.



M. RASSOOL AHADI
Natural Resources Engineer III
DENR, Water Rights Division

SOUTH DAKOTA

VESTED WATER RIGHT NO. 540-2 FOR IRRIGATION

Date of Receipt of Claim May 13, 1959.

Date of Validation May 6, 1992.

The Water Management Board validated Vested Water Right Claim No. 540-2 for irrigation purposes for Darrell E. Heldman, Box 402, Edgemont SD 57735 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 540-2 appropriates 1.9 cubic feet of water per second from the Cheyenne River located in the NW 1/4 NE 1/4 Section 17; to irrigate 133.4 acres located in the NE 1/4 Section 17; all in T8S-R2E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: April 1 - October 31.
3. The priority date of the Vested Water Right is January 1, 1950.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____


Chief Engineer

JUN 29 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources



JUN 29 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Darrell E. Heldman
Box 402
Edgemont SD 57735

Dear Mr. Heldman:

The Water Management Board has validated the enclosed Vested Water Right No. 540-2. This validation gives legal status to the claim and is the final document for your vested right.

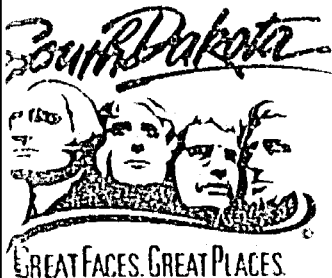
As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

enclosure

540-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: DARRELL E. HELDMAN
BOX 402
EDGE MONT SD 57735

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

RE: Violation of Requirement to Submit 1992 Irrigation Questionnaire

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 540-2. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

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

1. Amend Permit No(s) 540-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fees.

3. Article Addressed to:

540-2

DARRELL E. HELDMAN
BOX 402
EDGEMONT SD 57735

4a. Article Number

P906560070

4b. Service Type

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

7. Date of Delivery

2/1/93 BA

5. Signature (Addressee)

Darrell E. Heldman

6. Signature (Agent)

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

Thank you for using Return Receipt Service.



540-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 5, 1993

540-2

Darrell E Heldman
Box 402
Edgemont, SD 57735

Dear Mr. Heldman:

I am writing to acknowledge receipt of your 1992 irrigation questionnaire for Vested Right No. 540-2. You may disregard the January 29, 1993, Notice of Violation of the Requirement to Submit the 1992 Irrigation Questionnaire.

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



540-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 12, 1993

540-2

NOTICE

TO: DARRELL E HELDMAN
BOX 402
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. 540-2 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

CERTIFICATION

Copy Sent To:

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

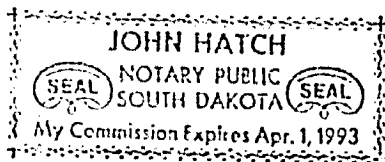
Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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

Notary Public





540-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 14, 1993

540-2

RESCISSION OF SHUTOFF ORDER

TO: DARRELL E HELDMAN
BOX 402
EDGEMONT, SD 57735

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

SUBJECT: Rescission of the Shutoff Order for Junior Water Right
Holders Upstream of the Angostura Irrigation District
for the 1993 Irrigation Season.

Recent wet conditions in the Upper Cheyenne River Basin have provided large inflows and the Angostura Reservoir is expected to fill shortly. The shutoff order for all junior water rights upstream of the reservoir is rescinded for the 1993 irrigation season.

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

cc: US Bureau of Reclamation
Angostura Irrigation District



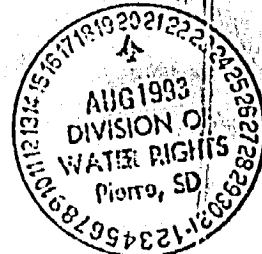
IN REPLY
PLEASE REFER TO

WTR 4.10
BF-430

United States Department of the Interior

BUREAU OF RECLAMATION
Great Plains Region
Belle Fourche Projects Office
P.O. Box 226
Newell, South Dakota 57760-0226

AUG 18 1993



Mr. John Hatch, Chief Engineer
Water Rights Division
South Dakota Department of Water and Natural Resources
523 E. Capitol
Pierre SD 57501-3181

Subject: Vested Water Right Claims in Western South Dakota (Your Letter
Dated April 20, 1993) (Water Rights)

Dear Mr. Hatch,

We have reviewed the vested water right claims located in Perkins, Pennington, Fall River, and Butte Counties as listed in your letter dated April 20, 1993. We have also discussed these rights with contract water users. We appreciate the assistance of your staff in providing documentation of inspections and validation proceedings for specific claims as we requested.

We are satisfied with all of the actions taken by the board. Our intent in opposing validation of the water rights was to assure that all of the rights were reviewed prior to validation. That review has been completed by your staff. Thank you for notifying us of the board's actions and extending the opportunity to reconsider the actions if it would have been deemed necessary. We understand that future notification will be made in advance of board actions.

If we can be of further assistance, please contact Craig Kjar or me at (605) 456-2695.

Sincerely,

Bruce M. Laymon
Bruce M. Laymon
Project Manager

cc: Mr. Joe Kramer, Manager
Angostura Irrigation District
PO Box 343
Oral SD 57766

Mr. James E. Winterton, Project Manager
Belle Fourche Irrigation District
PO Box 225
Newell SD 57760

540-2



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

February 16, 1994

DARRELL E. HELDMAN
BOX 402
EDGEMONT SD 57735

NOTICE

RE: Violation of Requirement to Submit 1993 Irrigation Questionnaire

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 540-2. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 8:45 am, April 5, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 540-2 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 April 1, 1994, your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

540-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 1994

NOTICE

TO: DARRELL E. HELDMAN
BOX 402
EDGEMONT, SD 57735

FROM: Ron Duvall, Natural Resources Engineer IV
For John Hatch, Chief Engineer,
Water Rights Division
(605) 773-3352

SUBJECT: April 5, 1994 Water Management Board Meeting --
Irrigation Questionnaire Violation(s)
RE: , 540-2

A handwritten signature in dark ink, appearing to read "Ron Duvall", is written over the "FROM:" section of the notice.

On February 16, 1994, a notice was sent to you concerning submission of the 1993 irrigation questionnaire(s). The time and location of the April 6th hearing have been changed.

The hearing is now scheduled as follows:

9:30 a.m., April 6, 1994, in the Conference Room of
the Floyd Matthew Training Center, Joe Foss Building,
523 E Capitol, Pierre, SD.

All other provisions of the February 16th notice still apply. If the questionnaire(s) are received in this office prior to April 1, 1994, your name will be deleted from the agenda.

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

CERTIFICATION

I hereby certify that on March 9, 1994, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 9, 1994, regarding April 6, 1994, Water Management Board Meeting -- Irrigation Questionnaire Violation(s) on the following Water Rights/Permits and addresses as stated below:

- 2709-3: Alex A./Ann L. Falk, 1301 N. 4th St., Aberdeen, SD 57401.
2763-3 & 4281-3: Alfred LaCroix, Jr., RR 1, Box 350, Jefferson, SD 57038.
5238-3 & 2520-3: B. Deloris Jensen, RR 2, Box 107, Beresford, SD 57004-9578.
2534-3: Barry Imsland, RR 2, Box 26, Conde, SD 57434.
1677A-3: Burnett Quam, RR 1, Box 222, Elk Point, SD 57025.
1814-3: Caroline & Garry S. Kerkvliet, RFD 2, Box 145, Castlewood, SD 57223.
4773-3 & 1880-3: City of Brookings, Theodore Kryger, F.O., P.O. Box 270, Brookings, SD 57006-0270.
180-3 & 291-3: Craig Flyger, RR 1, Box 22, Parker, SD 57053.
1076-2, 1236-2 & 2167-2: Dale Heese, HCR 88, Box 36, Millboro, SD 57580-7417.
1488-2: Dan Donelan, HCR 33, Box 23, Mission Ridge, SD 57532.
417-1A & 417-1B: Darrell C. Anderson, 1700 Kings Rd., Rapid City, SD 57702.
540-2: Darrell E. Heldman, Box 402, Edgemont, SD 57735.
1503-2: Dave Hemmingson, HCR 3, Box 11, Philip, SD 57567.
792-1: David L. & Mary Lou Mollman, HC 63, Box 62, Ludlow, SD 57755.
4093-3: Dell Rapids Golf & Rec Assoc, Mike Solem, Box 165, Dell Rapids, SD 57022.
2394-3 & 2395-3: Dennis Jones, RR 1, Box 55, Bath, SD 57427.
1275-2: Donald Kaiser, HCR 89, Box 303, Hermosa, SD 57744.
1556-3: Ed & Dale Fawcett, Inc., Box 3D, Ree Heights, SD 57371.
1555-3: Ed & Dale Fawcett, Inc., HCR 64, Box 155, Miller, SD 57362.
2622-3: Evelyn Bernard, RR 1, Box 35, Jefferson, SD 57038.
526-2: Fred & Dan McFarland, P.O. Box 2110, Rapid City, SD 57709.
1390A-1: Fred W. Carlson, 716 10th Ave., Belle Fourche, SD 57717.
3026-3: G. Waldner, Hillcrest Colony, Box 17, Garden City, SD 57236.
1291-3 & 2474-3: Gary Hanson, Operator, RR 2, Box 224, Elk Point, SD 57025.
407-2, 408-2 & 409-2: Gerrit DeJong, HCR 81, Box 50, Kennebec, SD 57544-9503.
4209-3: Harold Nelson & Son, RR 2, Box 156, Yankton, SD 57078.
5315-3: Hillcrest Golf/Country Club, T. Cihak, President, 2206 Mulberry, Yankton, SD 57078.
2595-3 & 4379-3: James B. Zell, Rt 1, Box 350, Cavour, SD 57324.
4687-3A & 4687-3B: James L. Sutton, Box 33, Onida, SD 57564.
5203-3: Jeffery O. & Sally J. Nelson, RR 2, Box 2080, Brandon, SD 57005-9606.
475-2 & 1114-2: John Pitkin, Rex Ranch, Box 92, Nenzel, SD 57219.
961-3, 1050-3, 1120-3 & 1223-3: Kevin Dettler, HC 71, Box 29, Doland, SD 57436.

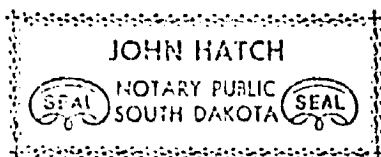
4524-3 & 4524-3A: Leon Lengkeek, 1605 Buffalo TR, Brookings, SD 57006.
 4443-3: Lonnie H. Nelson, RR 2, Box 156, Yankton, SD 57077.
 5010-3: Loren & Joyce Forrest, RR 1, Box 213, Laverne, MN 56156.
 156-3, 157-3, 164-3 & 1878-3: Marene Flyger, Box 362, Hurley, SD 57036.
 2242-3: Mark Quam, RR 2, Box 456, Elk Point, SD 57025.
 1523-2 & 1525-2: May & Sons, Inc., HC 53, Box 21, Interior, SD 57750.
 3550-3: Melvin A. Schmidt, Rt 2, Box 127, Parker, SD 57053.
 1714-2 & 2063-2, 400-2 & 401-2: Melvin E. Brassfield, Box 24, Caputa, SD 57725.
 5353-3: Michael A. Koslowski, RR 1, Box 44, Waubay, SD 57273.
 4910A-3: Michael L. Kreber, RR 1, Box 89, Tabor, SD 57063.
 2120-2: Mick Zink, HC 88, Box 51, Wewela, SD 57578.
 5205-3: Oahe Shores Golf Association, Dennis Moser, P.O. Box 174, Pollock, SD 57648.
 1684-3 & 2742-3: Paul Daly, P.O. Box 379, Ft. Thompson, SD 57339-0379.
 5736-3: Robert Streeter, 2645 Country VW, Monroe, WI 53566.
 235-3: Russell Deolittle, RR 1, Box 53, Wolsey, SD 57384.
 1264-3A: Steffen Brothers, Inc., HCR 37, Box 132, Pierre, SD 57501-9514.
 424-1: Steve Smeenk, Rt 1, Box 134, Newell, SD 57760.
 399-2: Thomas & Robin Jagow, HC 56, Box 39, Buffalo Gap, SD 57722.
 5225-3: Town of Pollock, Lila Renner, F.O., P.O. Box 57, Pollock, SD 57648-0057.
 925-1: Warren N. Colliher, RR 1, Box 237D, Spearfish, SD 57783.
 897-2: Wilbert & Judith Ohlmann, HCR 9, Box 663, Midland, SD 57552.
 1402A-2: William & James O'Kief, HC 68, Box 32, Wood Lake, NE 69221.
 4646A-3: William A. Stoddard, 821 S. Walts Ave., Sioux Falls, SD 57104.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
 COUNTY OF HUGHES)

Sworn to, before me, this 10th day of March, 1994.



John Hatch
Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001

540-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 21, 1994

540-2

Franklin Manke, Administrator
PO Box 599
Edgemont, SD 57735-0599

Dear Mr. Manke:

Thank you for contacting our office concerning the status of Vested Right No. 540-2. We were not aware that Mr. Heidman had passed away and consequently all correspondence concerning the vested right was still being forwarded to his address.

The February 16, 1994 "Notice of Violation of the Requirement to Submit the 1993 Irrigation Questionnaire" can be disregarded. I completed a questionnaire (marked "no irrigation" in 1993) following our March 21st telephone conversation.

Enclosed, as we discussed, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change on Vested Water Right No. 540-2. The transfer form should be completed and then signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50. Vested Right No. 540-2 will be transferred upon receipt of the form and filing fee.

I am also enclosing a copy of Vested Water Right No. 540-2. You may keep this for your records or pass it on to the new owner. If you have any questions, please contact me.

Sincerely,

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



540-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 4, 1994

540-2

Franklin Manke
PO Box 599
Edgemont, SD 57735

Dear Mr. Manke:

Enclosed are the "Notice of Transfer of Ownership" you submitted and an additional copy of the form. I noted that you had signed the form as "Administrator" of the Darrell Heldman Estate.

Unfortunately, the form can not be accepted as submitted. The transfer form needs to be signed by the **new owner(s)** in the presence of a notary.

Please have the Reutter's sign the transfer form and return it to our office as soon as possible. You have already paid the filing fee and an additional fee will not be required.

If you have any questions, please contact me.

Sincerely,

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

enclosures

540-2

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 540-2Date: April 2, 1994I/We request that Vested Water Right No. 540-2formerly owned by: Darrell Heldmanbe transferred to: (name & address) Edward C. Rutter, Linda L. Rutter, Ben C. RutterHC 59 Box 90 Edgemont S. Dak. 57735 (Telephone No) 605-643-7128

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

133.4 acres in the NE 1/4 Section 17, T8S, R2E

I/We understand that the validity of Vested Water Right No. 540-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Jackson)

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

Wanda L. Rutter
Edward C. Rutter, Ben C. Rutter
(Signed)

Subscribed and sworn to before me this 7 day of April, 1994.

Linda J. Anderson
(Notary Public)
My commission Expires - 11-18-2001

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

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

RECEIPT

Division of Water Rights

414122

South Dakota Department of Environment and Natural Resources

Pierre, _____ April 1, 19 94

RECEIVED OF Franklin Manke, PO Box 599, Edgemont, SD 57735

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Vested Water Right No. 540-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)		
Total	2	50

By John Hatch
Chief Engineer

540-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 13, 1994

No. 540-2

Franklin Manke
P.O. Box 599
Edgemont, SD 57735

Dear Mr. Manke:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Vested Water Right No. 540-2.

Our records now show Edward C., Wanda L. and Ben C. Reutter as the owners of Vested Water Right No. 540-2.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure

c: Edward C., Wanda L. and Ben C. Reutter



540-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 15, 1995

540-2

NOTICE

TO: DARRELL E HELDMAN
BOX 402
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. 540-2 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



~~3466-3~~
540-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 16, 1995

540-2

NOTICE

TO: Edward/Wanda Reutter
HCR 59 Box 90
Edgemont, SD 57735

FROM: *for* John Hatch, Chief Engineer *Delvin D. Brosz*
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. 540-2 is 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 26, 1995

540-2

RESCISSION OF SHUTOFF ORDER

TO: EDWARD C/WANDA L REUTTER
HCR 59 BOX 90
EDGEMONT, SD 57735 9710

FROM: *for* John Hatch, Chief Engineer
Water Rights Division
(605) 773-2352

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: EDWARD C/WANDA L REUTTER
HCR 59 BOX 90
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. 540-2, 422-2, 1789-2

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.



540-2

**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: EDWARD C/WANDA L REUTTER
HCR 59 BOX 90
EDGEMONT SD 57735

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

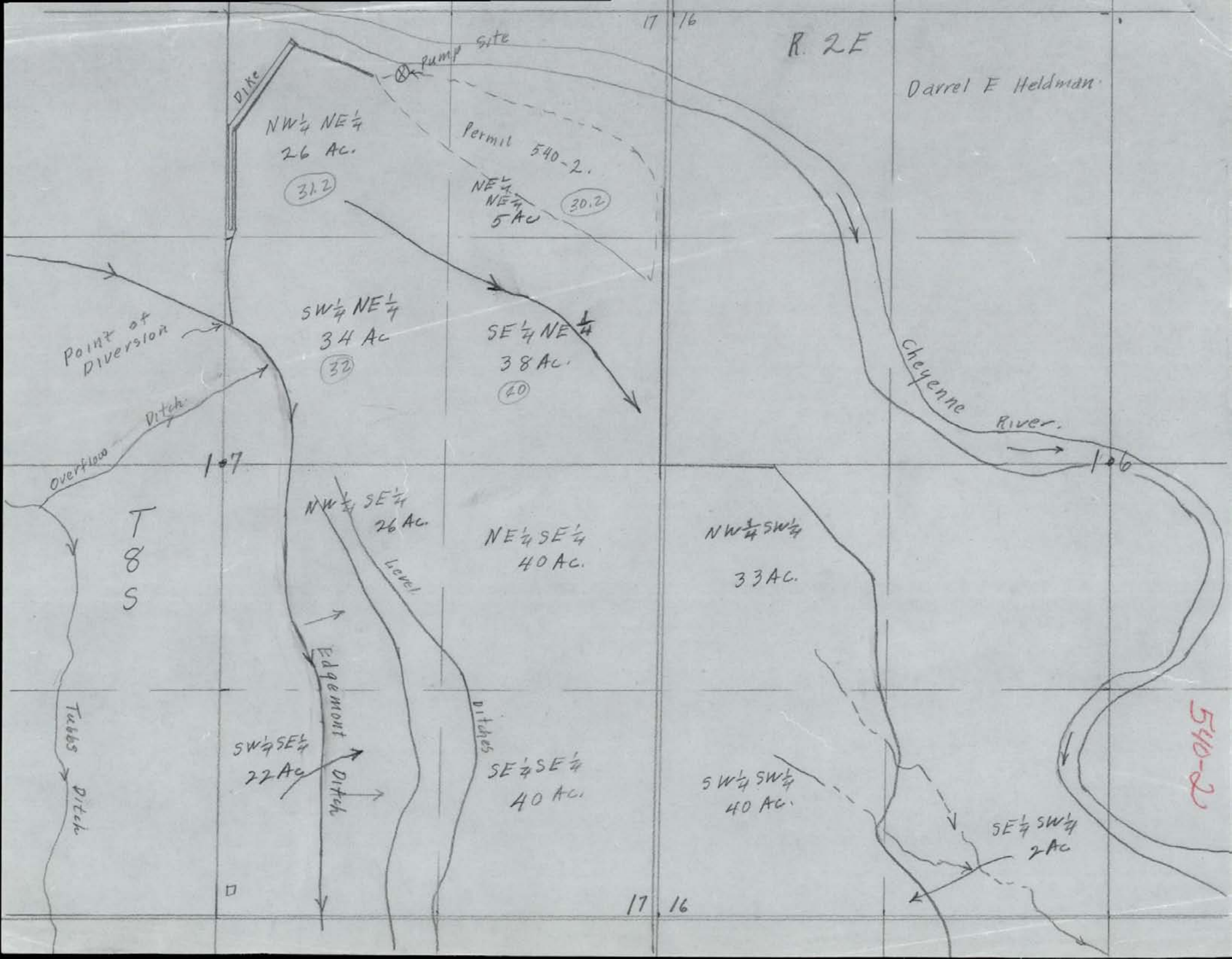
SUBJECT: Shutoff Order for Junior Priority Date Water Rights Upstream of
Angostura Dam

Shutoff Order for Water Right Nos. 540-2, 422-2, 1789-2

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.



540-2



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



RECEIVED
FEB 27 2006
WATER RIGHTS
PROGRAM

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

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: EDWARD C/WANDA L REUTTER
HCR 59 BOX 90
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. 540-2, 422-2, 1789-2

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

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 2007

NOTICE OF SHUTOFF ORDER

TO: EDWARD C & WANDA L REUTTER
HCR 59 BOX 90
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. 540-2422-2 1789-2

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: EDWARD C/WANDA L REUTTER
HCR 59 BOX 90
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. 540-2, 422-2, 1789-2

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 19, 2009

NOTICE OF SHUTOFF ORDER

TO:

EDWARD/WANDA REUTTER
HCR 59 BOX 90
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. 1789-2, 422-2, 540-2

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.



540-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 10, 2010

Representative Lance Russell
PO Box 184
Hot Springs, SD 577477

Dear Representative Russell:

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

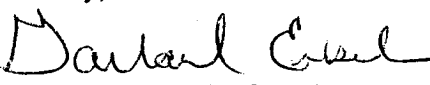
As you're probably aware, the Bureau of Reclamation holds a 1941 water right to Angostura Reservoir. During years in which it appears the reservoir won't fill, the Bureau has asked DENR to issue shut off orders to those junior water right holders upstream of the reservoir. This occurred in 2008 and 2009. 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.



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: EDWARD/WANDA REUTTER
HCR 59 BOX 90
EDGEMONT SD 57735

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program *Garland Erbele*

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

**Shutoff Order for
Water Right Nos. 1789-2(540-2)422-2**

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

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

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

CERTIFICATION

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

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

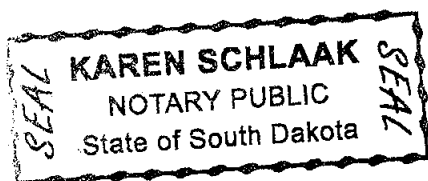
SCHNOSE	VERNON	12685 MAITLAND RD	HOT SPRINGS	SD	57747
SEABECK	DORIS SEABECK &	2533 PARK AVE	LARAMIE	WY	82070
SIMONS	THOMAS	BOX 381	EDGEMONT	SD	57735
TUBBS LAND & CATTLE LLC	BERNARD D	10891 RIVER RD	EDGEMONT	SD	57735
WALKER	FRED S & CYNTHIA K	30301 CASCADE RD	ARDMORE	SD	57735
WYOMING DAKOTA RAILROAD	WAYNE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


 Gail Jacobson
 Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
 COUNTY OF HUGHES)

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


 Karen Schlaak
 Notary Public
 My Commission expires April 1, 2013





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 05, 2026

TO: EDWARD/WANDA REUTTER
28061 RED CANYON RD
EDGEMONT, SD 57735

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

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

Shutoff Order for Water Permit No(s). 422-2 and 540-2

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.