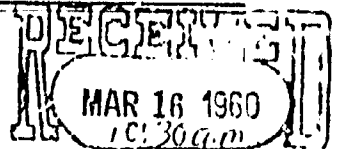


588-2

1. Considered January 7, 1914
2. Name of App. Cant Wm. H. Br. Leg
3. Post Office Address Admire
4. Amount of water claimed 1.02
5. Source of water supply Alkali Creek - (Flood Stage)
6. Water to be used for irrigation
Acres to be irrigated 71.28
7. Water to be diverted and used in Salt River County about
12 miles W of Admire
8. Proof of Publication Received ✓
Not Received
9. Application Approved ✓
Subject to
Not approved
Action deferred
10. Remarks:

588-2
No.Water Division No. 2 South Cheyenne River District
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMMISSION
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 ~~DEAN E. STOKES~~ Lester I Barkley
 Box 740
 Postoffice address ~~Edgemont~~ Edgemont, County FALL RIVER, State SOUTH DAKOTA

- I. If a corporation _____
- (a) Name of same _____
- (b) Date and place of incorporation _____
- (c) Amount of capital stock _____
- (d) Amount paid in _____
- (e) Names and 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)

~~EMPLOYMENT OF OTHERS~~

- (b) Cash on hand, \$ 1800.00 (c) Treasury stock, \$ _____
- (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work JVAN L. BARKLEY IRRIGATION PROJECT
 OR 3 ACRE FEET PER ACRE
3. Amount of water claimed 1.02 cubic feet per second PER SEASON
4. Source of water supply ALKALI CREEK DURING FLOOD STAGE ONLY
5. Location of point of diversion S19°30'E 960' ±; AND S35°10'E 1575' ± AND 2435' ± FROM
NW COR. SEC. 16 T12S R2E B.H.M. on RR FALL RIVER County.
6. Annual period or periods during which water is to be used SPRING AND SUMMER
7. To be used for:

- I. Irrigation
- ~~AT FLOOD STAGE ONLY~~
- Gravily, ~~xxxxxx~~

- (a) Number of acres to be irrigated
- 71.28 ±
- acres.

SEC. 16; T12S R2E B.H.M.

- (b) Legal subdivisions to be irrigated
- NW 1/4 18.11 ± AC.; SE 1/4 21.67 ± ACRES

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

- (c) Statement as to domestic use (giving location, etc.) _____

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

- (a) Nature of use _____
 Name any of the above uses claimed
- (b) Amount of power to be generated _____ horse power.
 Amount claimed for engine cooling _____
- (c) Location of plant _____
- (d) Method of developing power _____
- (e) Point where water will be returned to stream _____

**ITEM 7 (1 B) CONTINUED: SW 1/4 762 ± ACRES; NE 1/4 SW 1/4 22.18 ± AC. LOT 2 1.70 ± AC.

Map No 548-2

8. Estimated cost of work: EARTHWORK \$1000.00

(a) Head Gates, \$.NONE..... CLEARING \$200.00 (b) Pumping plant, \$.NONE.....

(c) Plumbing, \$.NONE..... (d) Canal-earth, \$.NONE..... Rock, \$.....

(e) Other structures PIPE (15" CMP) \$ 600.00 Total, \$ 1800.00

9. Description of diversion works: 4 CHANNEL PLUGS (OR DAMS) WHICH WILL DIVERT CHANNEL WATER OVER FLOOD PLAIN DURING FLOOD. DAMS WILL NOT IMPOUND WATER.

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

II. Dimensions of works:

(a) Dam: Height 6 1/2 feet; length at bottom 50 to 115 feet; length at top 40 to 100 feet; thickness at bottom 56 1/2 feet; thickness at top 10 feet; slope at front water face ; slope at back face material used in construction EARTH

(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	ACRE- FEET CAPACITY

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

(d) Canal: Total length miles.

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

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 1/2 years.

11. Time required for complete application of water to the proposed beneficial use 1 years.

12. Choice of newspaper for publication of notice of intention to appropriate HOT SPRINGS STAR

HOT SPRINGS, SOUTH DAKOTA

STATE OF SOUTH DAKOTA } ss.
County of Fall River

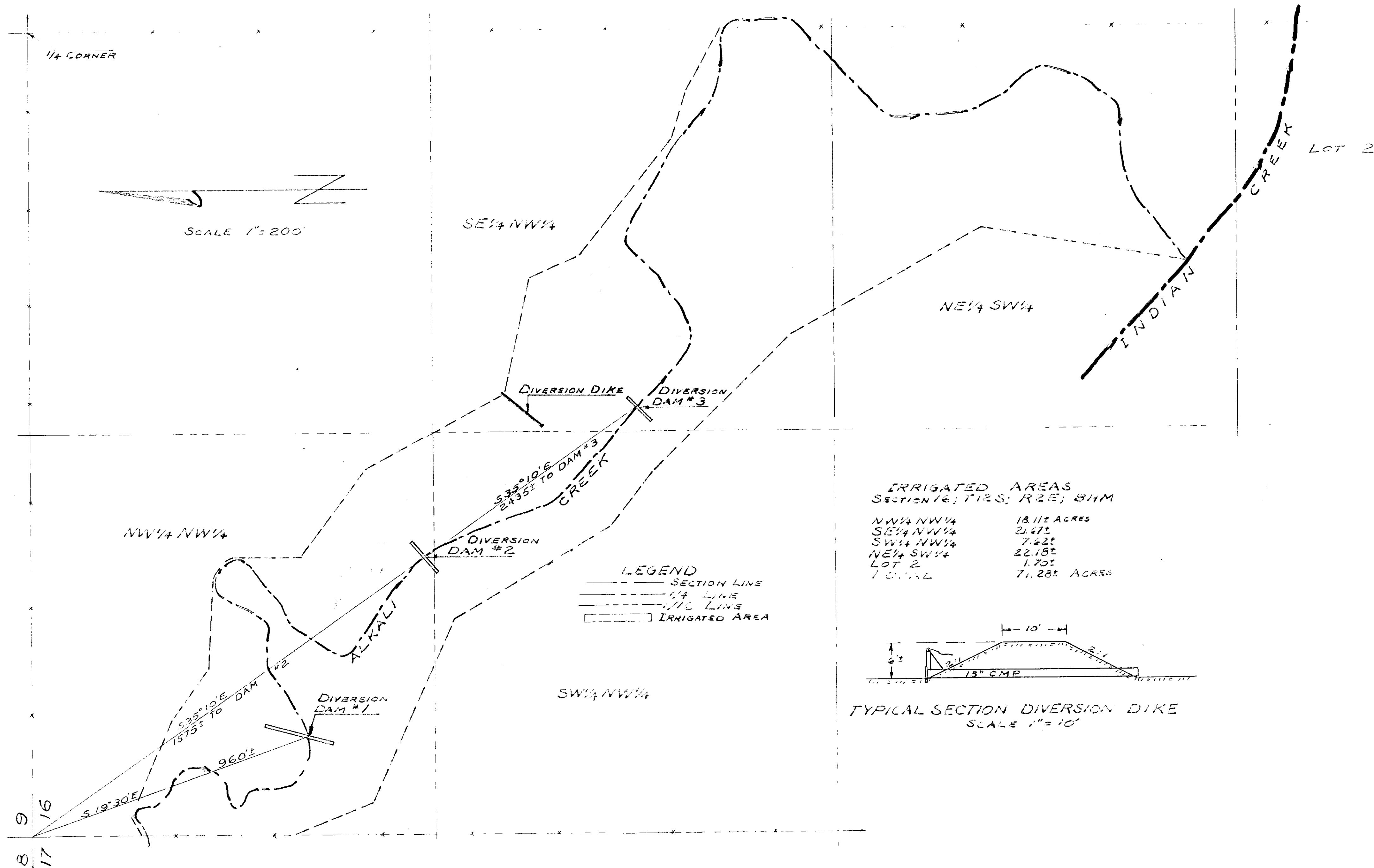
I, , being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed *Frank P. ...*

Subscribed and sworn to before me this 21 day of February 1960

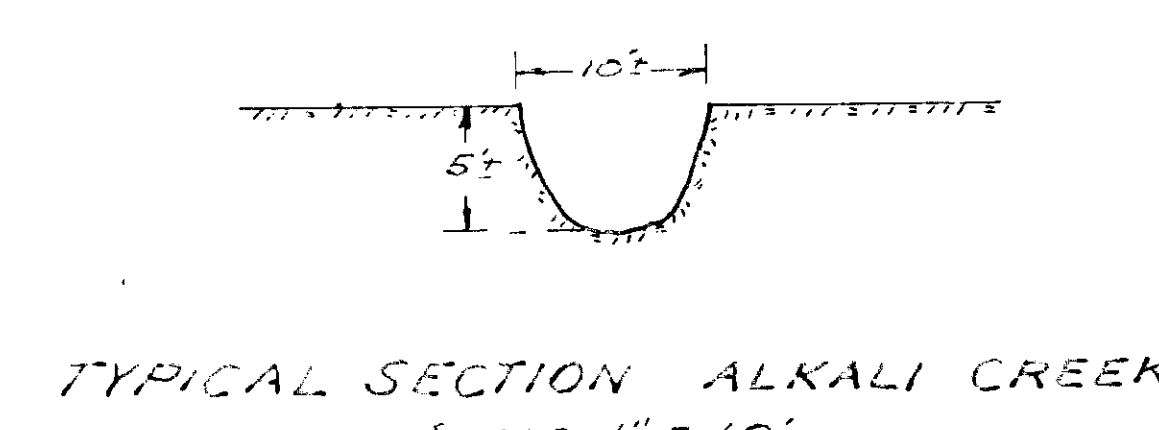
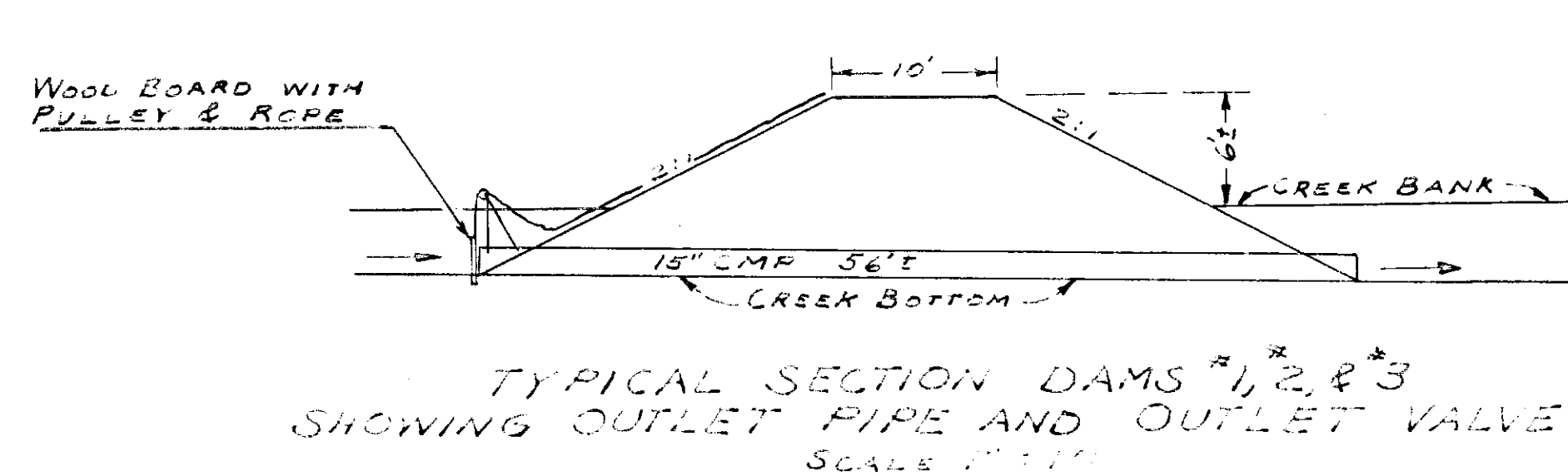
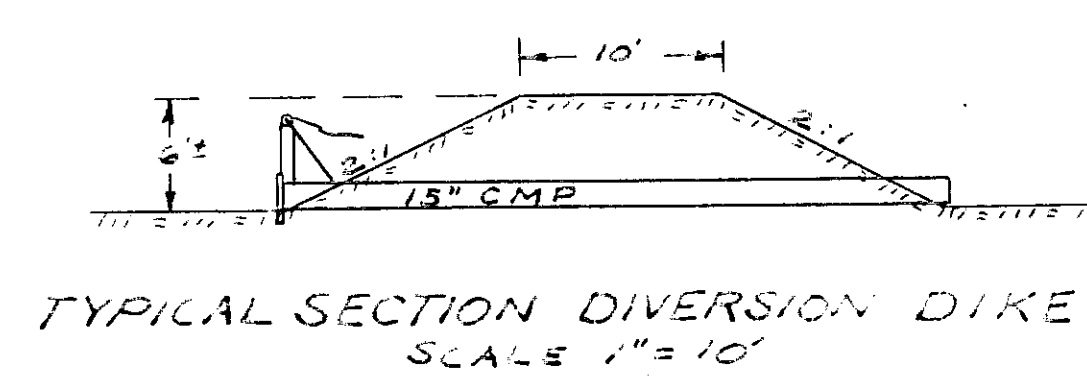
William ...
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



IRRIGATED AREAS
SECTION 16, T12S, R2E, B1M

NW 1/4 NW 1/4	18.112 ACRES
SE 1/4 NW 1/4	24.472
SW 1/4 NW 1/4	7.622
NE 1/4 SW 1/4	22.182
LOT 2	1.792
TOTAL	71.282 ACRES



SURVEYOR'S CERTIFICATE
I, GEORGE G. ROSS, REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT AT THE DIRECTION OF IVAN L. BARKLEY, I HAVE SURVEYED THE PROPOSED IRRIGATION PROJECT AS SHOWN ON THESE DRAWINGS. THE ANGLES, BEARINGS, AND DISTANCES ARE AS SHOWN.
George G. Ross
REGISTERED LAND SURVEYOR

ACKNOWLEDGEMENT OF SURVEYOR
BE IT KNOWN THAT ON THIS 1st DAY OF March, 1960, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, PERSONALLY APPEARED GEORGE G. ROSS, KNOWN TO ME TO BE THE PERSON DESCRIBED IN THE FOREGOING CERTIFICATE.
My Commission Expires January 8, 1961
Notary Public

IVAN L. BARKLEY
IRRIGATION PROJECT
GENERAL LAYOUT
WITH DETAILS
BRADY ENGINEERING CONSULTING ENGINEERS
SPEARFISH SOUTH DAKOTA
FEBRUARY 1960

Map No 548-2
Appl No 588-2

Remarks by State Water Resources Commission:

This application is approved as specified, and irrigation withdrawals are limited to periods when the creek is in flood stage

STATE OF SOUTH DAKOTA

County of

Hughes

Pierre, South Dakota,

June 8, 1966

This is to certify that the foregoing application was received by the Commission at 10:30 o'clock

a.m. upon the 16th day of March, 1966

State Water Resources Commission

By:

Barton Jones
Chief Engineer, Executive Officer

Number of permit 588-2

Date of first receipt of application March 16, 1966

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

Date of receipt of corrected application -

Date from which applicant may claim right March 16, 1966

Approved June 8, 1966, Recorded in Book 6 Page 79

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

September 8, 1966

2nd. The whole of said work is to be completed on or before December 8, 1966

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

June 8, 1961

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 1.02 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before June 8, 1961; said water to be used during the following described annual period:

during irrigation season when available

Witness my hand this 9th day of June, 1966

State Water Resources Commission

By:

W. O. Brinner
Chief Engineer, Executive Officer

Certificate of Construction Issued JANUARY 7, 1966

Water License Issued JANUARY 7, 1966

Permit No. 588-2Water Division No. 2 So. Cheyenne River
Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Ivan L. Barklay

of Ardmore, County of Fall River, and State of South Dakota, the holder of Permit No. 588-2, issued upon Application No. 588-2, bearing date of priority of March 16, 1960, authorizing the diversion of 1.02 cu. ft. per second of the waters of Alkali Creek County of Fall River, State of South Dakota, ~~xx~~ between points in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, T12S, R2E for irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 1.02 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: all in Section 16, T12S, R2E

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 18.11 acres

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 21.67 "

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 7.62 "

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 22.18 "

Lot 2 1.70 "

Total - 71.28 "

Witness my hand this 7th day of January A. D. 1966

State Water Resources Commission

By: J. W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 588-2

WHEREAS, On the 16th day of March 60
Ivan L. Barkley

of Ardmore County of Fall River and State of
South Dakota duly made application (No. 588-2) to us for a permit to use 1.02
cubic feet per second of the waters of Alkali Creek
County of Fall River State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 9th day of June 60
Permit No. 588-2 was issued to said applicant for the diversion of said water, and providing for the
completion of the works of diversion therein described on or before the 21st day of
October 63 and for the application to beneficial use of said
water on or before the 21st day of October 63
and, later transferred to Mrs. Esther E. Barkley, and

WHEREAS, On the 9th day of December 65
the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.02
cubic feet per second of said waters, as evidenced by our Certificate No. 588-2
dated January 7, 1966 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 1.02 cubic feet per second of water, with date of
priority of March 16, 1960 and,

WHEREAS, On the 9th day of December 65
proof was duly made of the application to beneficial use of 1.02 cubic feet per second of said water;
for irrigation of 71.28 acres in Section 16, T12S, R2E

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 **Mrs. Esther E. Barkley**

of **Edgemont** the holder... and owner... of said permit No. **588-2**

a water right, dating from **March 16, 1960** to the use of **1.02**

cubic feet per second of the waters of **Alkali Creek**

In the County of **Fall River** and State of South Dakota, or so much thereof as may be

necessray for the purposes hereinbelow mentioned, to be diverted ~~xxx~~ **between points in the NW $\frac{1}{4}$ NW $\frac{1}{4}$**
and in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16, T12S, R2E

and conducted to and upon **71.28 acres in Section 16, T12S, R2E, more specifically**
described in the Certificate of Completion of Works

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 **7th** day of **January** A. D. Nineteen
Hundred and **Sixty Six**

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 _____

(First Publication on or before May 12, 1960)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., April 23, 1960

Notice is hereby given that Ivan L. Barkley whose postoffice address is Ardmore S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.02 cubic feet of water per second of time from ~~the~~ Alkali Creek through the Ivan L. Barkley Irrigation Project the point of diversion of which ~~is~~ are to be located ~~on~~ SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 16 Twp. 12S Range 2E Said water to be used for the purpose of providing irrigation on ~~the~~ a portion of the following described land:

NW $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 16, T. 12S R. 2E.

~~This application~~ This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 7th day of June, 1960, at 2 P.M. All interested persons may appear and be heard.

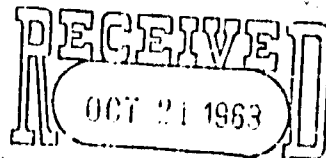
Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

cc: Charles T. Leonard - Publisher
Hot Springs, Star
Hot Springs, South Dakota

~~Charles T. Leonard - Publisher~~
Burton F. Jones
Water Right Specialist

Permit No. 588-2

Water Division No. _____

Water District _____

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA**NOTICE OF COMPLETION OF WORKS**

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

(P. O.) Edgemont, South Dakota(Date) October 18, 1963

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

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of 1.02 cu. ft. per second of the waters of the state from Alkali Creek through the spring and summer for Irrigation purposes waters of the State of South Dakota in accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is Ivan L. Barkley, now deceased, Esther E. Barkley, now owner of land and permit.

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

3. The number of such permit is 588-2 and the date set for the completion of such work is now completed

4. Said water to be used for irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 1.02 cubic feet per second.

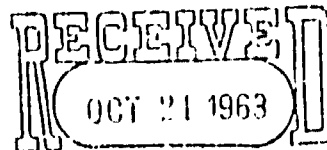
6. The amount of land for which said water is available is 71.28 acres, particularly described as follows: Sec. 16-12-2 E.B.H.M., Fall River County S.D.

NW 1/4 NW 1/4	18.11	A.	plus
SE 1/4 NW 1/4	21.67	A.	
SW 1/4 NW 1/4	3.62	A.	
NE 1/4 SW 1/4	22.18	A.	
Lot 2	1.70	A.	
total		71.28	A.

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

Mrs. Esther E. Barkley

(Signature of Owners) _____

Permit No. 588-2
 Water Division No. _____ Water District _____ STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.) Edgemont, S.D.(Date) October 18, 1963

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

DEAR SIR: Notice is hereby given that on the _____ day of _____
 19____, at _____ County of Fall River State of South Dakota,
 before _____ proof will be submitted of the application to beneficial use
 (Examining Engineer or Officer)
 of 1.02 cubic feet per second of the waters of State of S.D.
 _____ in accordance with the terms and conditions of Permit No. 588-2
 heretofore issued by the Water Resources Commission of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are _____
Esther E. Barkley, widow of Ivan L. Barkley, deceased

2. The use to which said water has been applied is irrigation

3. The amount applied to beneficial use is 1.02 cfs

4. The place where said water is used is (If for irrigation, give full and accurate description of the lands ir-
 rigated) diversion and spreader dams : NW1/4NW1/4, SE1/4NW1/4, SW1/4NW1/4, NE1/4SW1/4
Lot 2, Sec. 16-12-2 E. B. H. M. Fall River County S. D.

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is
Barkley Diversion and canal

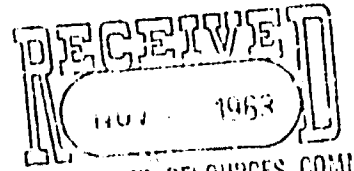
6. The right to take the water from such works is based upon permit No. 588-2

7. The source of supply from which such water is diverted is Alkali Creek

8. The date of priority which said user is prepared to establish is March 1960

(Sign)

Mrs. Esther E. Barkley

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR EXTENSION OF TIME FOR COMPLETING WORKS

To the State Water Resources Commission
Pierre, South Dakota

October 30, 1963

(date)

Dear Sirs:

I hereby request that an extension of time from December 8, 1960
to October 21, 1963 be granted me for the completion of works to be done under Permit No.
588-2 and that the time for proof of beneficial use of water be extended to _____

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

Location of headworks: In the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$
of Section 16 Township 12 Range 2

E., B.H.M.

The water is to be used for the purpose of irrigation

The extension of time for the completion of these works is requested for the following reasons: _____

Death of Ivan Barkley and probate of estate. Mrs. Barkley
and son, who now operate the property were unaware matter had
not been completed.

APPROVED: 11-6-63

State Water Resources Commission

By [Signature]

Chief Engineer, Executive Officer

Mrs. Esther E. BarkleyHolder of Permit No. 588-2

Permit No. 588-2
2 SOUTH CHEYENNE
 Water Division No. 2 RIVER Water District

Certificate of Examination of Works

Report of Examining Engineer

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

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated _____

I, _____, I have this day made a thorough examination of the diversion works constructed by IVAN L. BARKLEY of ARMORE FALL RIVER County, South Dakota, holder of Permit No. 588-2, issued upon Application No. 588-2, bearing date of priority of MARCH 16, 1960, authorizing the diversion of 1.02 cu. ft. per second of the waters of ALKALI CREEK for IRRIGATION purposes. I have to report on the condition of the same as follows:

The diversion works comprise: SERIES OF LOW DAMS OR PLUGS IN THE CREEK, WITH SPREADER DIKES TO DISTRIBUTE THE WATER

and the system is in the following condition: GOOD

The point of diversion is located AS SHOWN ON THE MAP ACCOMPANYING THE APPLICATION

The works are capable of diverting and conveying to the place of use 1.02 cu. ft. per second of water, which is to be used for IRRIGATION

The legal subdivisions to be irrigated are: SECTION 16, T12S, R2E
NW¹ NW⁴, 18.11 AC; SE¹ NW⁴, 21.67 AC; SW¹ NW⁴, 7.62 AC;
NE¹ NW⁴, 22.18 AC; Lot 2, 1.70 ACES.

comprising a total of 71.28 acres of land.

The domestic use intended comprises _____

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

Witness my hand, this

9TH

day of

DECEMBER

A. D. 1965

—SEAL—

Burton J. Jones

Examining Engineer,
OFFICE

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7756

PIERRE,

October 20, 1970

RECEIVED OF *Edgmont* Lester L. Parkley, P.N.O. No 57774

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)	
Fee for inspecting Construction, and Issuing Cert. of Construction No.	
Fee for inspecting Beneficial Use, and issuing Water License No.	
Fee for issuing Location Certificate-Dry Draw, No.	
Fee for filing	
Fee for certified copy of	
Fee for Print copy of map	
Fee for Certifying	2.00
Fee for <u>transfer of WR# 588-2</u>	
(any other work as provided by law)	
TOTAL	2.00

WATER RIGHTS COMMISSION

By *(John Hatch)*
Chief Engineer, Executive Officer
JOHN HATCH

NO. 588-2

NOTICE OF TRANSFER OF WATER



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 10-28-80

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

71.28 acres NW $\frac{1}{4}$ and Lot 2 of Section 16, T12S, R2E

formerly owned by Ivan L. Barkley, Ardmore

has been transferred to Lester I. Barkley, Provo, SD 57734

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

Water Right Permit No. 588-2 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

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

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

Lester I. Barkley
(Signed)

Subscribed and sworn to before me this 27th Day of Oct, 1980.

W. A. Reed
(Notary Public)



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: LESTER BARKLEY
BOX 740
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. 712-2, 1995-2, (588-2), 513-2

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.



588-2

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: LESTER BARKLEY
BOX 740
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. 712-2, 1995-2, 588-2, 513-2

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.



IN REPLY REFER TO:

DK-700
PRJ 13.00

588-2
United States Department of the Interior

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

FEB 24 2006



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

RECEIVED
FEB 27 2006
WATER RIGHTS
PROGRAM

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

Dear Mr. Erbele:

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

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

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

Sincerely,

FOR Jeffrey L. Nettleton
Rapid City Field Office Manager

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 10, 2006

NOTICE OF SHUTOFF ORDER

TO: LESTER BARKLEY
BOX 740
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. 712-2, 1995-2, 588-2, 513-2

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.

588-2

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

RECEIVED
OCT 16 2006
WATER RIGHTS
PROGRAM

KENNETH G. CAMPBELL
Attorney at Law

October 12, 2006

CYNDI GOETZE
Office Manager

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

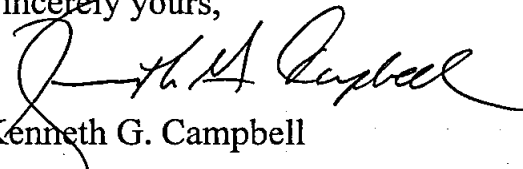
Attn: Genny McMath

Dear Genny:

I represent Lester Barkley Ranch, L.L.C., and they are in the process of selling their real estate described on the attached Exhibit "A". Can you give me the description of any water rights held on this property, and the name or names held in said water rights so they can be transferred to the new owners.

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

Sincerely yours,


Kenneth G. Campbell

KGC/cg
Enclosures

409:water-rights.let

10/16/06 emailed W/R[#]s 513-2, 588-2, 712-2 & 1995-2 (Lester) Barkley,
to cyndiga@taxcrew.com along with link to program webpage
with "transfer form"
Genny

EXHIBIT "A"

Acreage owned by Lester Barkley Ranch, L.L.C.

Township 10 South, Range 2 East, BHM, Fall River County, SD

Section 13: The Northwest Quarter (NW1/4), except a two acre tract 295.2 feet north and south and east and west, lying in the extreme northeasterly corner of said Northeast Quarter (NE1/4).

Section 12: All of that part of the Southwest Quarter (SW1/4) lying and being south of the right of way of the C B and Q Railroad crossing said land and of the public highway adjacent thereon.

Township 10 South, Range 3 East, BHM, Fall River County, SD

Section 17: Northwest Quarter (NW1/4), less the railroad right of way which cross said lands.

Township 11 South, Range 2 East, BHM, Fall River County, SD

Section 21: The North Half of the Southeast Quarter (N1/2SE1/4).

Section 22: South Half (S1/2)

Section 23: The Southwest Quarter (SW1/4)

Section 26: The Southeast Quarter (SE1/4) and the Northwest Quarter (NW1/4).

Section 27: The North Half of the North Half (N1/2N1/2) and the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4).

Section 34: The Southwest Quarter (SW1/4)

Township 11 South, Range 3 East, BHM, Fall River County, SD

Section 08: Part of the Northwest Quarter of the Northeast Quarter (NW1/4NE1/4) South of the County Road as presently constructed.

Section 16: All of Section, less Lot One (1) of Barkley Subdivision.

Section 21: The North Half (N1/2); the North Half of the Southwest Quarter (N1/2SW1/4); and the Southeast Quarter (SE1/4).

Section 22: The West Half (W1/2) and the West Half of the Northeast Quarter (W1/2NE1/4).

Section 27: North Half of the Northwest Quarter (N1/2NW1/4)

Township 12 South, Range 2 East, BHM, Fall River County, SD

Section 08: The West Half (W1/2); and the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4).

Section 16: The Northwest Quarter (NW1/4); Lots One (1) and Two (2); and the North Half of the Southwest Quarter (N1/2SW1/4)

Section 17: All

401:ex-a.barkley

EXHIBIT "B"

Acreage owned by Barkley Ranch, Inc.

Township 11, Range 2 EBHM, Fall River County, South Dakota:

Section 21: SE1/4SE1/4, NE1/4SW1/4SE1/4, S1/2SW1/4SE1/4

Section 25: S1/2N1/2, N1/2S1/2

Section 26: NE1/4, SW1/4

Section 27: S1/2NE1/4, SW1/4NW1/4, S1/2

Section 28: NE1/4, N1/2SW1/4, E1/2SE1/4, W1/2SE1/4, S1/2SW1/4

Section 33: N1/2, SE1/4, N1/2SW1/4, SE1/4SW1/4

Section 34: NW1/4, W1/2E1/2, NE1/4NE1/4

Township 11, Range 3 EBHM, Fall River County, South Dakota:

Section 03: S1/2SW1/4

Section 04: E1/2, S1/2SW1/4

Section 08: S1/2NE1/4, N1/2SE1/4, Pt. NE1/4NE1/4, South of County
Road

Section 09: All

Section 10: N1/2NE1/2

Section 16: Lot 1 of Barkley Subdivision in N1/2

Township 12, Range 2 EBHM, Fall River County, South Dakota:

Section 04: Lot 1, SE1/4NE1/4

588-2

**DEMERSSEMAN JENSEN CHRISTIANSON
STANTON & HUFFMAN, LLP**

L A W Y E R S

**P.O. Box 1820, RAPID CITY SD 57709-1820
516 FIFTH STREET, RAPID CITY SD 57701-2703**

**MICHAEL B. DEMERSSEMAN
CURTIS S. JENSEN
HARRY W. CHRISTIANSON
THOMAS W. STANTON
MICHAEL V. WHEELER
RICHARD E. HUFFMAN
GREGORY J. SPERLICH
TAMARA M. PIER (OF COUNSEL)**

November 17, 2006

**TELEPHONE
605-342-2814**

**FAX
605-342-0732**

**E-MAIL
csj@demjen.com**

Chief Engineer
Water Rights Program, DENR
523 East Capitol
Pierre SD 57501

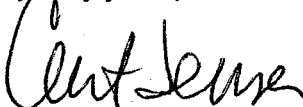
Re: Water Rights/Permit Nos. 712-2, 513-2, 588-2 and 1995-2

Gentlemen:

I am enclosing four Notices of Transfer of Ownership for the above referenced water rights, in connection with the sale of land described on the attached exhibits. As you will see, the new holder of the water rights will be Indian Creek Land and Cattle, LLC.

I am also enclosing our check of \$10 for the filing fees.

Very truly yours,



Curtis S. Jensen (csj@demjen.com)
DEMERSSEMAN JENSEN CHRISTIANSON
STANTON & HUFFMAN, LLP

RECEIVED

NOV 20 2006

**WATER RIGHTS
PROGRAM**

CSJ:jms

Enclosures

\\W:\data\Falkenberg\corr\water rights program.doc

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 20, 20 06

RECEIVED OF DeMersseman Jensen Christianson Stanton & Huffman LLP, PO Box 1820, Rapid City

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

SD 57709

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2 50	
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>588-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

02635

By

Darlene Eibele

Chief Engineer

gm

SD EForm - 0495 V1 NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 588-2

Date: 11-15-06

I/We request that Water Right/Permit No. 588-2 formerly owned by:
LESTER I BARKLEY be transferred to:

New Owner Name: INDIAN CREEK LAND AND CATTLE, L.L.C.
Address: PO BOX 538
City, State, Zip EDGEMONT SD 57735 Telephone No. (605) 459-2610

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

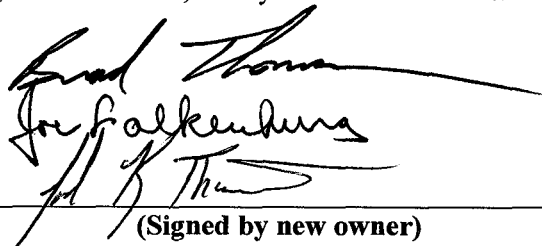
SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

☒ I understand that the validity of Water Right/Permit No. 588-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

I, INDIAN CREEK LAND AND CATTLE, LLC, the new owner, certify that the above information is true and correct.


(Signed by new owner)

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

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

**EXHIBIT "A" TO
WATER RIGHT/PERMIT NO. 588-2**

Township 11 South, Range 3 East, BHM, Fall River County, SD

Section 16: All of Section, Less Lot 1 of Barkley Subdivision



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 19, 2006

Curtis S Jensen
DeMersseman, Jensen, Christianson
Stanton & Huffman LLP
PO Box 1820
Rapid City SD 57709-1820

RE: Water Right or Vested Water Right Nos. 513-2, 588-2, 712-2 and 1995-2

Dear Mr. Jensen:

I am writing to acknowledge receipt of the ownership changes you filed for Water Right Nos. 588-2 & 712-2 and Vested Water Right Nos. 513-2 & 1995-2. The transfers have been completed. The water rights and vested water rights formerly held by Lester I Barkley are now listed in the name of Indian Creek Land and Cattle LLC.

Enclosed are Receipt Nos. 02633, 02634, 02635 and 02636 in the amounts of \$2.50 each. You may keep these for your records. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

c: Indian Creek Land & Cattle LLC, PO Box 538, Edgemont SD 57735



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: INDIAN CREEK LAND & CATTLE LLC
PO BOX 538
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. 712-2, 1995-2, 588-2, 513-2

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: BRAD THOMSEN
INDIAN CREEK LAND & CATTLE L
PO BOX 538
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. 1995-2, 513-2, 588-2, 712-2

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.