

659-2

1. Considered 5-10 1961
2. Name of Applicant G. H. C. Michel
3. Post Office Address Beck
4. Amount of water claimed 7.66
5. Source of water supply Cheyenne River
6. Water to be used for irrigation
Acres to be irrigated 186.5
7. Water to be diverted and used in Hot River County about
2 1/2 miles of Beck
8. Proof of Publication Received ✓
Not Received
9. Application Approved
Subject to restriction
Not Approved
Action deferred
10. Remarks:

No. 659-2
 Water Division No. 2 SOUTH CAYENNE RIVER District _____
 (Blanks to be filled by the Engineer for the W. R. C.)

FEB 24 1936
 8:14 AM
 STATE WATER RESOURCES BOARD
 SIOUX FALLS, S. 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 C. W. Emick Harley W. Emick
 Box 326
 Postoffice address Oral _____, County Fall River _____, State So. Dak. _____

I. Is a corporation Not 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)

Contract and direct labor _____

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

2. Name of diversion work C. W. Emick Irrigation Project #1 _____
 3. Amount of water claimed 2,664 _____ cubic feet per second 559.5 _____ acre feet
 4. Source of water supply Cheyenne River _____
 5. Location of point of diversion Pumping station located in the vicinity of a point
94 rods distant from the west 1/4 con. sec. 32, T7S, R7E, BHM,
on a bearing of 854 degrees 30 minutes 8 seconds E _____ bank Fall River Co. 1111
 6. Annual period or periods during which water is to be used Year around _____
 7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Combination irr.

(a) Number of acres to be irrigated 186.5 _____ acres.

(b) Legal subdivisions to be irrigated See remarks section _____

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction, with acreage thereof, should be written out, 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 None _____

Name any of the above uses claimed

(b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____

MAP No 588-2

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$1000.00
 (c) Fluming, \$----- (d) Canal earth, \$1000.00 Rock, \$-----
 (e) Other structures ----- Total, \$2000.00

9. Description of diversion works:

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

Portable Pump and Canal

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 ----- 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 ----- 5 ----- years.
 11. Time required for complete application of water to the proposed beneficial use ----- 5 ----- years.
 12. Choice of newspaper for publication of notice of intention to appropriate -----
Hot Springs Star, Hot Springs, S. Dak.

STATE OF SOUTH DAKOTA
 County of Fall River } ss.

I, O. W. ENICK, 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 O. W. Enick

Subscribed and sworn to before me this 22nd day of February 19 61

James C. Roney
 Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

My commission expires 12/7/68

C. W. EMICK IRRIGATION PROJECT #1

ALL LANDS DESCRIBED HEREIN ARE OWNED BY C. W. EMICK

SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA) ss
COUNTY OF MEADE)

I, Meric D. Sigarr, Registered Land Surveyor, do hereby certify that this map was made from field notes and aerial photographs of the area, and that to the best of my knowledge, it correctly represents the lands involved and the locations indicated.

IN WITNESS WHEREOF I hereunto set my hand and official seal on this 22nd day of February, 1961.

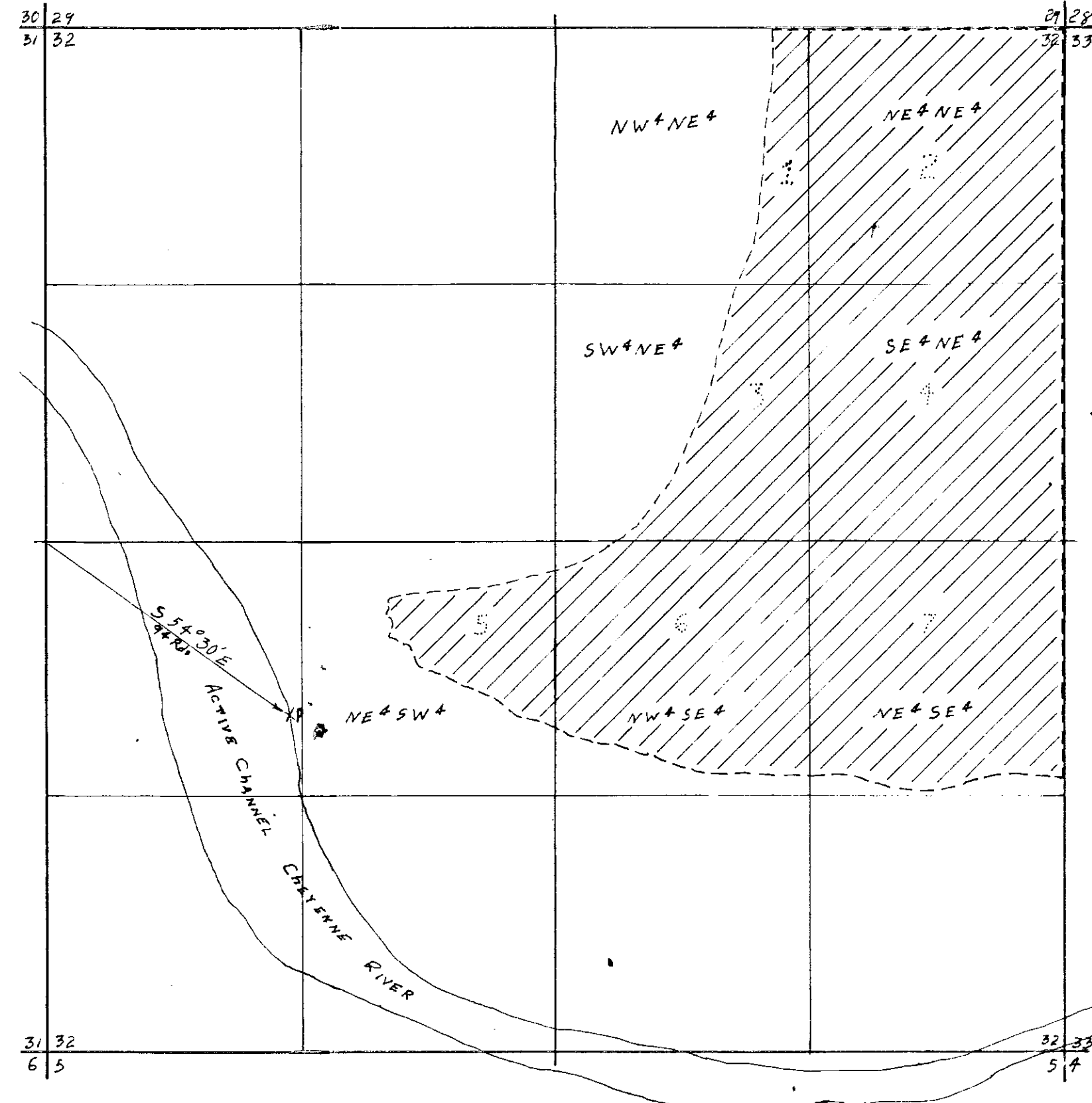
Meric D. Sigarr
Registered Land Surveyor #1277

STATE OF SOUTH DAKOTA) ss
COUNTY OF MEADE)

On this 22nd day of February, 1961, before me, James E. Kinney, the undersigned officer, personally appeared Meric D. Sigarr, known to me to be the person whose name is subscribed to the above written instrument, and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF I have hereunto set my hand and official seal.

My commission expires 12/7/62.
James E. Kinney Notary Public



Scale: 8"=1 mile
(from aerial photo)

Irrigable.....

P = Pumping station

Location of Lands to be Irrigated					
Area	Location	Sec.	Twp	Range	Acres
1	NW*NE*	32	7S	7E	7.3
2	NE*NE*	32	7S	7E	40.0
3	SW*NE*	32	7S	7E	18.0
4	SE*NE*	32	7S	7E	40.0
5	NE*SW*	32	7S	7E	10.3
6	NW*SE*	32	7S	7E	33.8
7	NE*SE*	32	7S	7E	37.1
TOTAL					186.5

Remarks by State Water Resources Commission:

Natural flows in the Cheyenne River are not a dependable source of water during the later part of the Summer. During low flow periods, it is likely that restrictions under this permit will be necessary to insure downstream domestic use and prior water rights.

STATE OF SOUTH DAKOTA
County of Hughes ss.

Pierre, South Dakota, August 16, 1961

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock a.m. upon the 24th day of February, 1961.

State Water Resources Commission

By:

Forrest J. Jones
Chief Engineer, Executive Officer

Number of permit 659-2

Date of first receipt of application February 24, 1961

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 February 24, 1961

Approved July 19, 1961, Recorded in Book 6 Page 318

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

January 19, 1964

2nd. The whole of said work is to be completed on or before July 19, 1966

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

July 19, 1966

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 2.66 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 July 19, 1966; said water to be used during the following described annual period:

during annual irrigation season
Witness my hand this 16th day of August, 1961.

State Water Resources Commission

By:

Forrest J. Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued OCTOBER 9, 1970

Water License Issued OCTOBER 9, 1970

Remarks by the Applicant:

LOCATION OF LANES TO BE IRRIGATED

AREA	LOCATION	SEC.	T'SHP	RANGE	ACRES
1	NW 1 NE 4	32	78	7E	7.3
2	NE 1 NE 4	32	78	7E	40.0
3	SW 1 NE 4	32	78	7E	18.0
4	SE 1 NE 4	32	78	7E	40.0
5	NE 1 SW 4	32	78	7E	10.3
6	NW 1 SE 4	32	78	7E	33.8
7	NE 1 SE 4	32	78	7E	37.1

TOTAL ACRES 186.5

Address any engineering correspondence to;

Gigear Surveying
1054 Park Street
Sturgis, So. Dak.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 659-2.

(1) WHEREAS, On the 24th day of February A. D. 19 61

C.W. Emick

made Water Right Application No. 659-2 for a permit to use 2.66 cubic feet per second of the waters of the Cheyenne River

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

purpose; and

(2) WHEREAS, On the 16th day of August A. D. 19 61

Permit No. 659-2, with a date of priority of February 24, 1961

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 19th day of July A. D. 19 66 and for the

application to beneficial use of said water on or before the 19th day of July A. D. 19 66

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 2.66 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent.

for irrigating the following land in Section 32, T7S, R7E

	<u>Acres</u>
NW $\frac{1}{4}$ NE $\frac{1}{4}$	7.3
NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$	18.0
SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
NE $\frac{1}{4}$ SW $\frac{1}{4}$	10.3
NW $\frac{1}{4}$ SE $\frac{1}{4}$	33.8
NE $\frac{1}{4}$ SE $\frac{1}{4}$	37.1
Total	186.5 Acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to C.W. Enick

_____ of Oral, South Dakota

the holder _____ and owner _____ of said permit No. 659-2 a water right, dating from February 24, 1961

_____ to use of 2.66 cubic feet per second of the waters

of the Cheyenne River

in the County of Fall River and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at a point S. 54° 30' W., 94 rods from the W. Corner,

Section 32, T7S, R7E

and conduct to and upon portions of Sections 32, T7S, R7E, described on the face of this
License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 659-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 9th day of October A. D.

Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIBBS

Form 15.

Permit No. 659-2

Water Diversion No. #2 SOUTH CHEYENNE RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That C.W. Enick

_____ the holder _____ of
Permit No. 659-2, issued upon Application No. 659-2, bearing date of priority of February 24,
1961 authorizing the diversion of 2.66 cu. ft. per second of the waters of _____
the Cheyenne River County of Fall River, State of South Dakota at _____
a point South 54° 30' East, 94 rods from the W $\frac{1}{2}$ Corner, Section 32, T7S, R7E

_____, for irrigation

_____ has ^s 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 3.56 cu. ft. per second of water.

Date October 9, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

(First Publication on or before April 13, 1961)

APPROPRIATION OF WATER

Office of State Water Resources Commission.

Pierre, S. Dak., March 30, 1961

Notice is hereby given that C. W. Emick whose postoffice address is Oral, 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 2.56 cubic feet of water per second of time from the Cheyenne River through the Emick Irrigation Project #1, the point of diversion of which is to be located on the left bank of said stream in the NW 1/4 of the SW 1/4 of Section 32 Twp. 7S Range 7E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE 1/4, N 1/2 SE 1/4 and NE 1/4 SW 1/4, Section 32; T 7S; R 7E.

and for

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 10th day of May, 1961, 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.

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

State Water Resources Commission

By:

~~State Engineer, Pierre, S. Dak.~~
BURTON F. JONES
Water Right Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Fall River } ss.

Charles T. Leonard being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the

Hot Springs Star a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the

City of Hot Springs County of Fall River and State of South Dakota;

that the said notice was published in said newspaper on the following dates:

April 6, 1961

April 13, 1961

April 20, 1961

April 27, 1961

in each and every issue of the full number thereof, the first

publication being made on the 6 day of April

1961 and the last publication on the 27 day of

April 1961, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was Proprietor the printer and publisher of the said newspaper.

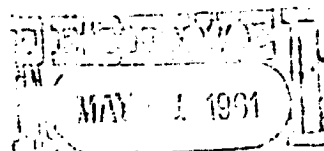
Francis J. Leonard

Subscribed and sworn to before me this 28 day of April A. D. 1961

C. Leonard

Notary Public Fall River County, S. D.

No. 659-2
(First publication on or before April 13, 1961)
APPROPRIATION OF WATER
Office of State Water Resources Commission
Pierre, S. Dak., March 30, 1961
Notice is hereby given that C. W. Emick, whose postoffice address is Oral 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 2.66 cubic feet of water per second of time from the Cheyenne River through the Emick Irrigation Project No. 1, the point of diversion of which is to be located on the left bank of said stream in the NW 1/4 of the SW 1/4 of Section 32 Twp. 78 Range 7E. Said water to be used for the purpose of providing irrigation on portions of the following described land: NE 1/4, N 1/2 E 1/4 and NE 1/4 SW 1/4 Section 32; T 78; R 7E.
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 10th day of May, 1961, 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: BURTON E. JONES
Water Rights Specialist
(Apr. 6-13-26-27)



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Permit No. 659-2
SOUTH CHEYENNE
 Water Division 2 RIVER Water District

REPORT OF EXAMINATION OF WORKS
 AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by C.W.
EMICK of ORAL holder
 of Permit No. 659-2, bearing date of priority of FEBRUARY 24, 1961
 authorizing the diversion of 2.66 cu. ft. per second of the waters of THE CHEYENNE RIVER
 for IRRIGATION purposes, in FALL RIVER County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

BERKELEY 10" PUMP, MODEL B8GQBMCW,
POWERED BY 100 H.P. CONTINENTAL DIESEL ENGINE

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

10" BURIED TRANSITE PIPE GETS WATER TO
MAIN DITCH WHICH IS APPROX 3/4 MILE LONG

C. Works used to apply water to beneficial use.

WATER TAKEN FROM DITCH BY SYPHON TUBES &
CONDUCTED TO LEVELLED LAND - BORDER DICES AT
ABOUT 150' INTERVALS

The system is in the following condition: VERY EFFICIENT

The point of diversion is located S 54° 30' E, 94 RODS FROM THE
W 1/4 CORNER, SECTION 32, T 7 S, R 7 E

The works are capable of diverting and conveying to the place of use 3.56

cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows: ALL IN SEC. 32, T 7 S, R 7 E

<u>NW⁴ NE⁴</u>	<u>7.3 ACRES</u>	<u>NE⁴ SW⁴</u>	<u>10.3 ACRES</u>
<u>NE⁴ NE⁴</u>	<u>40.0 "</u>	<u>NW⁴ SE⁴</u>	<u>33.8 "</u>
<u>SW⁴ NE⁴</u>	<u>18.0 "</u>	<u>NE⁴ SE⁴</u>	<u>37.1 "</u>
<u>SE⁴ NE⁴</u>	<u>42.0 "</u>		

comprising a total of 186.5 acres of land.

Date

OCTOBER 6, 1970

Burton Jones
 (Signature)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

NO 4 8467

September 18, 1981

PIERRE, _____

RECEIVED OF Harley W. Enick, Box 326, Oral, SD 57766

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 the transfer of WR# 659-2 _____	2. 50
Fee for certified copy of _____	
Fee for Print copy of map _____	
Fee for Certifying _____	
Fee for _____ (any other work as provided by law)	
TOTAL	2. 50

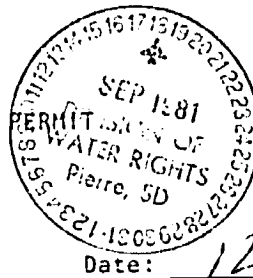
WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer

JOHN HATCH, C.E.

NO. 659-2

NOTICE OF TRANSFER OF WATER



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 12-20-81

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

186.5 acres - NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 32, T7S, R7E

formerly owned by C W Emick

has been transferred to H W Emick, Box 326, Oral, SD 57766

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

Water Right Permit No. 659-2 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 Water Rights, Water Management Board as evidence of the change of ownership.

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

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

I, Harley W. Emick 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.

(Signed)

Subscribed and sworn to before me this 12th Day of August, 1981.

(Notary Public)

My commission expires 6-11-89

659-2

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

January 29, 1988

HARLEY W EMICK
BOX 326
ORAL, SD 57766

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation Questionnaire

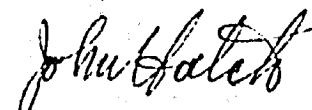
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 659-2. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

1. Amend Permit No(s). 659-2 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.


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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.

**South Dakota Department of
Water & Natural Resources**

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

March 1, 1988

695-2

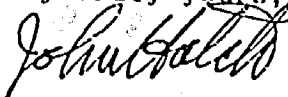
Harley W Emick
Box 326
Oral SD 57766

Dear Mr. Emick:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 695-2 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,



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



659-2

Department of Water & Natural Resources

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

July 19, 1990

NOTICE

TO: Cheyenne River Irrigators

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

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

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

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

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

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



Department of Water & Natural Resources

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

March 14, 1991

659-2

Harley W. Emick
Box 326
Oral, SD 57766

Dear Mr. Emick:

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

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

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

Very truly yours,

for Delvin W. Brosz
JOHN HATCH, Chief Engineer
Water Rights Division
605-773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 11, 1992

Harley Emick
Box 326
Oral, SD 57766

Dear Mr. Emick:

I am writing in response to our phone conversation regarding your Water Right No. 659-2 (copy enclosed). You are concerned that validation of vested-right claims that have been noticed for hearing recently would have priority over Water Right No. 659-2. Since Water Right No. 659-2 has a February 24, 1961 priority date any vested rights from the Cheyenne River would have priority over your water right during periods of low flow.

You stated that Cheyenne River water had been continuously used to irrigate the acres authorized by Water Right No. 659-2 since 1894. If this were the case, your use of water would be eligible for a vested right with a 1894 priority date. However, there was a Water Right Filing (No. 0586-2 - copy enclosed) with a 1894 priority date which was cancelled February 15, 1984 for many of the acres which are now covered by Water Right No. 659-2.

The cancellation of Filing No. 0586-2 was based on South Dakota Codified Law (SDCL) 46-5-37 which states:

Failure to use beneficially appropriated water -- Forfeiture for nonuse -- Reversion to public. When any person entitled to the use of appropriated water fails to use beneficially all or any part of such water for the purpose for which it was appropriated, for a period of three years, such unused water shall revert to the public and shall be regarded as unappropriated public water.

The reason for the cancellation of No. 0586-2 was that water was not beneficially used for a period of record from sometime in the 1930's to 1961 when your father applied for Water Right No. 659-2. A conversation between Del Brosz and yourself on November 21, 1983 provides file documentation of this period of nonuse of water. A copy of this documentation is enclosed. I would also remind you that you did not oppose cancellation of Filing No. 0586-2 back in 1984.

If you believe water has been used beneficially to irrigate the acres authorized by Water Right No. 659-2 prior to 1955 and is not subject to forfeiture for nonuse, then you have the right to apply for a vested right. I have enclosed the necessary forms to apply for

September 11, 1992
Harley Emick
Page 2

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Please feel free to contact me if you have any questions, any additional information or need clarification of water rights law and the reason for the cancellation of Filing No. 0586-2.

Sincerely,

Eric Gronlund
Eric Gronlund
Water Rights Division
605 773-3352

enclosures

659-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 11, 1992

Harley Emick
Box 326
Oral, SD 57766

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September 11, 1992
Harley Emick
Page 2

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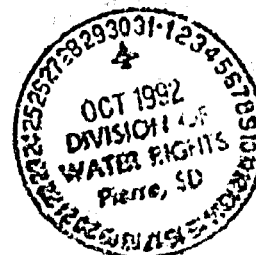
Please feel free to contact me if you have any questions, any additional information or need clarification of water rights law and the reason for the cancellation of Filing No. 0586-2.

Sincerely,

Eric Gronlund
Eric Gronlund
Water Rights Division
605 773-3352

enclosures

659-2



October 29, 1992

Eric Gronlund
Dept. of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Mr. Gronlund:

Thank you for your letter of 11 September 1992. While I do not choose to pursue the earlier priority date on vested water rights, I would like to offer some comments on the subject.

First concerning my conversation with Mr. Brosz in November of 1983: I ask at that time to have my priority date reflect the 1894 date. After much discussion, I agreed with the conclusion that there was no honest way that I could validate the earlier priority date. I know that my father had every intent to irrigate during the 20's, 30's, 40's, and 50's but the Cheyenne river had two stages (flood and dry) and when he needed water most the river was dry. He did not abandon the idea and as proof of this I offer the fact that I still have the belt driven pump that he used to pump from the river during that period. As for what beneficial use was made of the water between 1894 and the 20's, would only be speculation on my part but I would say that any diversions of the river were a washout at least once or twice a year due to flooding.

Now, as for my agreeing to the cancellation of the 1894 Filing, I submit that Mr. Brosz had a list of perhaps 100 of those old homestead water filings that he was reviewing at that time for cancellation. My agreement with him was that I could accept the cancellation of mine (the 1894 filing) if all of those old filings were cancelled. I feel this was done in 1984.

My problem is not the cancellation of those filings, but that now individuals are being allowed to reinstate these filings with the earlier priority date. Did they not have the same opportunity to validate continuous use back in 1983? What new proof exists?

Sincerely,

Harley W. Erick

Box 326
Oval 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

July 18, 2006

NOTICE OF SHUTOFF ORDER

TO: HARLEY W EMICK
BOX 326
ORAL SD 57766

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

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

Shutoff Order for Water Right Nos. 659-2

To protect the senior priority water rights, the department is issuing additional shutoff orders to junior water right holders with priority dates between January 1, 1960 and December 31, 1969 for the river reach between the Angostura Dam to Belle Fourche River confluence. Effective immediately, no diversions of water from the Cheyenne River and tributaries will be allowed for those permits with a priority date after January 1, 1960. Shutoff orders were issued previously to Cheyenne River water rights junior to December 31, 1969.

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

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

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

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

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

Water Rights Program - DENR

File Documentation

File No. 659-2

August 10, 2006

Name of Person: *Harley Emick*

Telephone: 605-424-6365

RE: *24 hour rescission of the 7-18-06 shutoff order*

Comments:

I talked to Mr. Emick and told him the Chief Engineer was issuing a verbal temporary rescission of the July 18, 2006 shutoff order. The period he would be allowed to pump is from 12 noon August 10, to noon on August 11. Runoff from a recent rainstorm into the Cheyenne River is increasing for a short period of time.



Mark D Rath

Natural Resources Engineering Specialist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 5, 2006

659-2

HARLEY W EMICK
BOX 326
ORAL SD 57766

Dear Sir:

This letter is to inform you that until further notice pumping **will be allowed** to continue under your junior priority water right(s) from the Cheyenne River. Due to recent rains and cooler temperatures, flow in the Cheyenne River has improved and appears to holding steady.

We will continue to monitor the daily stream flows. If flow conditions worsen and domestic use flow is again being impacted, DENR may be forced to again limit pumping.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the Cheyenne River and it's tributaries at the following web address:

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

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

GARLAND ERBELE, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 5, 2007

Dear Water Right Holder;

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

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

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

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

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

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE OF SHUTOFF ORDER

July 10, 2007

TO: HARLEY W EMICK
BOX 326
ORAL SD 57766

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

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

Shutoff Order for Water Right Nos. 659-2

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

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

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

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 6, 2008

659-2

Harley Emick
Box 326
Oral SD 57766

Dear Mr. Emick:

Thank you for calling concerning your water right and the need to transfer ownership of it to a trust.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

enclosure

RECEIVED

SEP - 8 2008

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 659-2

Date: 5 SEP 08

I/We request that Water Right No. 659-2

formerly owned by: Harley Emick

be transferred to: (name & address) EMICK FAMILY TRUST dtd 21 AUG 03
27599 ELM CREEK ROAD
DRAKE SD 57266 Telephone No. 605 424 6365

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

186.5 acres - NE 1/4 and NE 1/4 SW 1/4, N 1/2 SE 1/4 Section 32, T7S, R7E

I/We understand that the validity of Water Right No. 659-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We EMICK FAMILY TRUST, the new owner, certify that the above information is true and correct.

Harley Emick TRUSTEE
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/8, 20 08

RECEIVED OF Emick Family Trust PO Box 326 Oral SD 57766

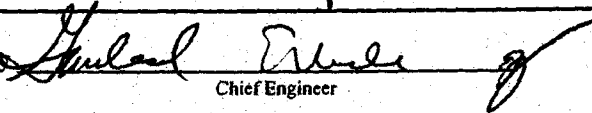
The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	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>659-2</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.

03744

By


Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 8, 2008

659-2

Harley Emick, Trustee
Emick Family Trust Ltd
27599 Elm Creek Rd
Oral SD 57766

Dear Mr. Emick:

I am writing to acknowledge receipt of the ownership change and filing fee you submitted for transferring Water Right No. 659-2. The transfer has been completed. The water right formerly listed in your name is now listed in the name of "Emick Family Trust Ltd."

Enclosed is your Receipt No. 03744 in the amount of \$2.50 which you paid for filing the ownership change. You may keep this for your records.

If you have any questions, please contact me.

Sincerely,

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 26, 2018

659-2

Emick Family Trust Ltd
PO Box 326
Oral SD 57766

Dear Sir:

Enclosed is a "Notice" dated October 30, 2018 concerning the 2018 irrigation questionnaire.

The notice was originally mailed to 27599 Elk Creek Rd, Oral SD. The post office returned the mail to us November 26th indicating the mail could not be delivered as addressed. I searched the Fall River County land ownership records and found the address to be PO Box 326. I will update our records accordingly.

Since the mail was just returned to us today, you can ignore the deadline of December 3rd however please try to get the form submitted within the next two weeks. If you have any questions, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 6, 2024

659-2

Emily Family Trust LTD
27599 Elm Creek Rd
Oral SD 57766

To whom it may concern:

The Water Rights Program is in receipt of the 2024 Irrigation Questionnaire you submitted for Water Right No. 659-2.

A review of the submission has found it to be incomplete and is being returned to you so that you may either include the diversion rate and hours of monthly operation, or PSI, depth to water, and kilowatt hours. Please note that your 2024 Irrigation Questionnaire will not be counted as "returned" until a complete and accurate submission is made.

Please try the online reporting option available at <https://danr.sd.gov/iq/> Your password is BCZZKZ.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 5, 2026

Emick Family Trust LTD
C/O John Emick
16465 Deerview Rd
Piedmont, SD 57769

659-2

Dear Mr. Emick:

I am writing in regard to your Water Right No. 659-2. The water right authorizes diversion of water from the Cheyenne River, for the irrigation 186.5 acres in portions of Section 32-T7S-R7E.

In reviewing your 2025 irrigation questionnaire, we have found discrepancies in the amount of water used and have some concerns. Enclosed is a copy of your questionnaire for reference purposes.

Water Right No. 659-2 allows you to use up to 2 acre-feet (ac-ft) (24 inches) of water, per acre, per year. On the questionnaire you reported substantially more water use. The following information is what was reported and what is authorized:

- 186.5 acres reported irrigated
- Reported water use – 583.33 ac-ft of water (approximately 37.5 inches per acre)
- Authorized water use – 373 acre-feet (186.5 acres x 2 ac-ft per year = 24 inches per acre)

We realize that water use depends greatly on climactic conditions and may vary year to year. However, it is very rare that irrigators come close to the 24 inches per acre that is authorized. Typical water use is between 8 and 12 inches per acre. Often, irrigators do not keep track of their days or hours actually pumped and estimate numbers for the questionnaires in an effort to get them completed and back in on time. While we appreciate returning the forms in a timely manner each year, we need the forms to reflect accurate information to ensure everyone is limiting their use to the amount of water appropriated to them.

The information we receive each year from irrigators across the state is very valuable. The water use data supplied by irrigators is one of the tools we use to help determine whether an aquifer or stream is nearing full appropriation.

If you do in fact apply as much water as claimed on your questionnaire, you are exceeding the limits of your water right and will have to reduce your discharge to stay within the authorized limit. If you simply estimated your water use, we ask that you please ensure the information reported is as accurate as possible. As stated before, the information you provide to us is very valuable. If you have any questions, please contact me.

Sincerely,

Shannon Konst

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us