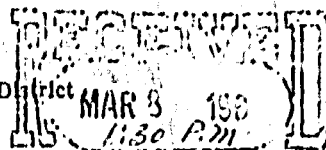


1. Considered 5-10 1961
2. Name of Applicant Walter Henderson
3. Post Office Address Stamps
4. Amount of water claimed 1.57
5. Source of water supply Cheyenne River S. Creek
6. Water to be used for irrigation
Acres to be irrigated 120
7. Water to be diverted and used in Lincoln County about
1 N miles East of _____
8. Proof of Publication Received ☒
Not Received _____
9. Application Approved ☒ Supplemental
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

10. Remarks:

23 ACV's

No. 664-2

Water Division No. 2 SOUTH CHEYENNE RIVER DISTRICT
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT TO APPROPRIATE WATER RESOURCES BOARD TO APPROPRIATE WATER WITHIN THE STATE OF SOUTH DAKOTA

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

1. Name of applicant Walter Hengsbauer
Postoffice address Hermosa, County Butte, State S. Dak.

I. If a corporation No

(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)

our own help

(b) Cash on hand, \$ _____

(c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____

(e) Other resources, \$ ADEQUATE2. Name of diversion work Hengsbauer Irrigation Unit 233. Amount of water claimed 2.45 1.7 cubic feet per second4. Source of water supply Cheyenne River & Sand Creek5. Location of point of diversion SE 1/4 Sec 27, T15 R16, S17N16. Annual period or periods during which water is to be used April 1 to Nov 15

7. To be used for:

1. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Sprinkling & Flood(a) Number of acres to be irrigated 120 acres(b) Legal subdivisions to be irrigated SEE ATTACHMENT

(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 _____

MAP NO 593-2

8. Estimated cost of work:

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

(b) Pumping plant, \$15000

(c) Fluming, \$----- (d) Canal-earth, \$-----

Rock, \$-----

(e) Other structures ----- \$-----

Total, \$-----

9. Description of diversion works:

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

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 ----- 2 ----- years.

11. Time required for complete application of water to the proposed beneficial use ----- 2 ----- years.

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

Hill Springs Star

STATE OF SOUTH DAKOTA

County of Hughes } ss.

I, Walter Neugebauer, 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

8TH

Subscribed and sworn to before me this ----- day of ----- 1961

Clara H. H. H.
Notary Public (or other qualified officer.)



SURVEYOR'S CERTIFICATE
STATE OF SOUTH DAKOTA } ss
COUNTY OF MEADE

I, Meric D. Giger, Registered Land Surveyor, do hereby certify that this map is a tracing of a map drawn by the U.S. Dept. of Agriculture Soil Conservation Service, 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 15th day of March, 1961.

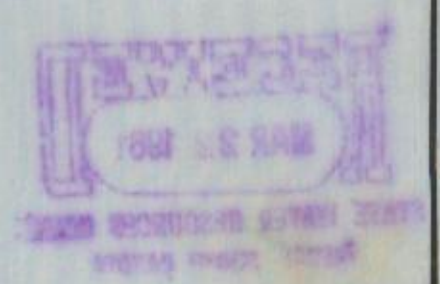
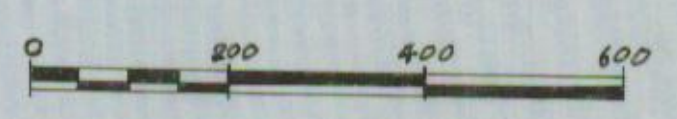
Meric D. Giger
Registered Land Surveyor #1007

STATE OF SOUTH DAKOTA } ss
COUNTY OF MEADE

On this 15th day of March, 1961, before me, James B. Kinney, the undersigned officer, personally appeared Meric D. Giger, 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 purpose therein contained.

IN WITNESS WHEREOF I have hereunto set my hand and official seal. My commission expires 12/7/66.

James B. Kinney
James B. Kinney, Notary Public





STATEMENT OF SUBDIVISION
Angostura Irrigation Project
Fall River County, South Dakota

The subdivision of Angostura Irrigation Project as it appears on this plat is made with the best of the survey and in accordance with the desire of the United States and the State of South Dakota. This plat is made in conformity with Section 84, 1880, South Dakota Code, 1939, as amended by Chapter 214, Session Laws of South Dakota, 1945.

The authority to subdivide the land is found in 16 U.S.C. 590 & 591. The date of authority is dated June 28, 1946 LIO P.M. 75581.

The strips of land shown as cross upon the Government owned land are to be made the subject of a grant of easement for road purposes and duly recorded.

UNITED STATES OF AMERICA
A. T. McChesney
Regional Director
Soil Conservation Service

ACKNOWLEDGMENT

STATE OF NEBRASKA
COUNTY OF LANCASTER

As it is remembered that on the 26 day of August 1952, before me, the undersigned, a Notary Public in and for the County of Lancaster, Nebraska, personally appeared A. T. McChesney, Regional Director, Soil Conservation Service, United States Department of Agriculture, who is personally known to me, and he personally acknowledged to me to be such Regional Director and the same person who executed the within and foregoing instrument and he duly acknowledged the execution of the same for and on behalf of the United States of America.

In witness whereof, I have hereunto set my hand and affixed my official seal this day and year last above written.

A. T. McChesney
Notary Public

My Commission Expires:
April 4-1953

SUBDIVISION CERTIFICATE

I hereby certify that the survey of the exterior boundaries and rights of way and the attached plat of Farm Unit 23, Angostura Irrigation Project, Fall River County, South Dakota, were made under my supervision, that the survey of the exterior boundaries and rights of way is accurately represented upon the plat to which this certificate is affixed, and that said plat shows the exterior boundaries of the unit of land embraced therein to true courses and distances, all of which have been filed in with the section or quarter section corner established by the official of the United States government survey thereof.

Signed this 22nd day of August 1952
John A. Phillips
Project Engineer

NOTE:
Soils lines & Monument designation added.

- LEGEND
- Monument
 - Iron pin or bridge spike
 - Traverse point
 - Land classification number
 - Ownership boundary
 - Irrigation boundary
 - Land classification boundary

ACREAGE TABLE

Total gross acreage	224.77
Irr. wks. acreage	0.48
Railway right of way acreage	0.41
Net acreage in unit	
Road right of way acreage	5.91
Usable acreage	227.97
Class 1	0.00
Class 2	6.67
Class 3	61.47
Class 4	8.15
Class 6	101.67
Total irrigable	126.30
Total non-irrigable	101.67



PLAT
FARM UNIT 23
ANGOSTURA PROJECT
FALL RIVER COUNTY SOUTH DAKOTA

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE
Robert M. Salter, Chief
REGION 6 - NORTHERN GREAT PLAINS - LINCOLN, NEBR.
A. E. McNamee, Regional Director

REFERENCE
Sec. 27 & 28, T-7-S, R-7-E

CARTOGRAPHIC APPROVAL
J. T. Casey

TECHNICAL APPROVAL
[Signature]

COMPILED
D.L.R.

TRACED
J.D.L.

CHECKED
3-31-52

DATE
5, R-12, 416

REV. 9-23-58

(#664-2)

Remarks by State Water Resources Commission:

The use of water under this permit is contingent upon water supplies being available to prior water rights.

Lands described in this permit which receive water from the ~~Angostura~~ ~~Project~~ may not receive water under this permit at the same time water is being obtained from the ~~Angostura~~ ~~Project~~.
Angostura

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

July 31

1961

This is to certify that the foregoing application was received by the Commission at 1:30 o'clock

P.m. upon the 8th day of March, 1961.

State Water Resources Commission

By:

For Chief Engineer, Executive Officer

Number of permit 664-2

Date of first receipt of application March 8, 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 March 8, 1961

Approved July 19, 1961, Recorded in Book 6 Page 291

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

July 19, 1962

2nd. The whole of said work is to be completed on or before July 19, 1963

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

July 19, 1965

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

5th. The prior right of all persons who, by compliance with the laws of the State of South 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 1.7 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, 1965; said water to be used during the following described annual period:

April 1 to November 15, inclusive

Witness my hand this 31st day of July, 1961.

State Water Resources Commission

By:

For Chief Engineer, Executive Officer

Certificate of Construction Issued JANUARY 5, 1971

Water License Issued JANUARY 5, 1971

WATER LICENSE NO. 664-2.

(1) WHEREAS, On the 8th day of March A. D. 1961
Walter Neugebauer

made Water Right Application No. 664-2 for a permit to use 1.7 cubic feet per second of the waters of the Cheyenne River and Sand Creek
 County of Fall River State of South Dakota, for irrigation
 purposes and

(2) WHEREAS, On the 31st day of July A. D. 1961
 Permit No. 664-2 with a date of priority of March 8, 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. 1965 and for the application to beneficial use of said water on or before the 19th day of July A. D. 19XX 65

and, Whereas, on the 19th day of March, 1970, the Permit was transferred to
Lloyd Neugebauer,

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.7 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 T7S, R7E

Section 22, S½ SW¼ 30 acres

Section 27, NW¼ NW¼ 27 acres

SW¼ NR¼ 20 acres

NW¼ SE¼ 28 acres

SW¼ SE¼ 15 acres

Total 120 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 Lloyd Reugebauer

_____ of Oral, S.D.

the holder _____ and owner _____ of said permit No. 664-2 a water right, dating from March 8, 1961

_____ to use of 1.7 cubic feet per second of the waters of the Cheyenne River and Sand Creek

in the County of Fall River and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at from Cheyenne River, between points in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, and in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27, and from Sand Creek at a point in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27, All in T7S, R7E

and conduct to and upon portions of Sections 22 and 27, T7S, R7E, described on the
Face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 664-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 1th day of January A. D.
Nineteen Hundred and Seventy-one

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

Permit No. 664-2

Water Diversion No. 2 SOUTH CHEYENNE RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Lloyd Muegebauer

_____ the holder _____ of
Permit No. 664-2, issued upon Application No. 664-2, bearing date of priority of March 8,
1961 authorizing the diversion of 1.7 cu. ft. per second of the waters of _____
Cheyenne River and County of Fall River, State of South Dakota at _____
Sand Creek
From Cheyenne River, between points in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, and in
the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, and from Sand Creek at a point in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27,
All in T7S, R7E for irrigation

_____ purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 2.0 cu. ft. per second of water.

Date January 5, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

On or before
(First Publication) April 11, 1961

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., March 27, 1961

Notice is hereby given that Walter Neugebauer whose postoffice address is Hartosa 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 1.7 cubic feet of water per second of time from the Chayama River and Sand Creek through the Neugebauer Unit # 23, the point of diversion of which is to be located on the right bank of said stream in the SW 1/4 SW 1/4 Section 22, and a point between a point in the SW 1/4 of the SW 1/4 of Section 27 Twp. 7S Range 7E Said water to be used for the purpose of providing irrigation on the following described land:

SW 1/4 SW 1/4 Section 22, NW 1/4 SW 1/4, SW 1/4 NW 1/4 and NW 1/4 SW 1/4 Section 27, all in T 7S, R 7E.

and/or purpose

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:

Chief Engineer, Executive Officer
BURD E. F. JONES
Water Right Specialist

20.24

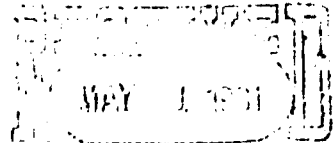
PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Fall River } ss.

Charles J. 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, 1961April 13, 1961April 20, 1961April 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.

Charles J. LeonardSubscribed and sworn to before me this 28 day of April A. D. 1961A. R. LeonardNotary Public Fall River County, S. D.

STATE WATER RESOURCES COMMISSION

62 No. 664-2
(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 Walter Neugebauer whose postoffice address is Hermosa, 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 1.7 cubic feet of water per second of time from the Cheyenne River and Unit No. 23, the point of diversion Sand Creek through the Neugebauer Unit No. 23, the point of diversion of which is to be located on the right bank of said stream between a point in the SW1SW1 Section 22, and a point in the NE1 of the SE12 of Section 27 Twp. 7S Range 7E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

S1SW1, Section 22; NW1SW1, SW1, NE1 and W1SE1, Section 27, all in T 7S; 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: BERTON E. JONES
Water Rights Specialist
(Apr. 2-13-26-27)

NOTICE OF TRANSFER OF WATER PERMIT

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

Date March 10, 1970

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

Portions of S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 22; NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 27,
All in T7S, R7E, described in Water Permit 664-2.

formerly owned by Walter Neugebauer, Hermosa, S.D.

has been transferred to Lloyd Neugebauer, Oral, S.D.

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 664-2 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

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

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

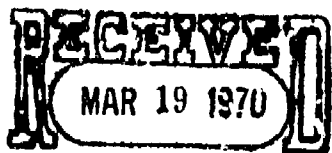
STATE OF SOUTH DAKOTA)
County of Leitch) ss.

I, Lloyd Neugebauer 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.

Lloyd Neugebauer
(Signed)

Suscribed and sworn to before me this 17 day of March, 19 70

Mary K. Armstrong
(Notary Public)



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Permit No. 664.2
 Water Division 2 SOUTH CHEYENNE Water District
RIVER

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 LLOYD
NEUGEBAUER of ORAL holder
 of Permit No. 664.2, bearing date of priority of MARCH 8, 1961
 authorizing the diversion of 1.7 cu. ft. per second of the waters of SAND CREEK & CHEYENNE RIVER
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 4" PUMP, POWERED BY 30 H.P.
U.S. ELECTRIC MOTOR

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

680' OF 5" MAIN LINE

C. Works used to apply water to beneficial use.

1560' OF 4" HAND MOVE SPRINKLER LINE W/
30 RAINBIRD #4 SPRINKLER HEADS W/ 7/32 X 5/32 NOZZLES

The system is in the following condition: GOOD
FROM CHEYENNE RIVER, BETWEEN POINTS IN THE
 The point of diversion is located SW¹SW⁴, SEC 22, AND IN THE NE⁴SE⁴, SEC 27, AND
FROM SAND CREEK AT A POINT IN THE SW⁴SE⁴, SEC 27, ALL IN T7S, R7E

The works are capable of diverting and conveying to the place of use 2.0

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 T7S, R7E

SECTION 22	SECTION 27
<u>SW⁴SW⁴ 30 ACRES</u>	<u>NW¹NW 27 ACRES</u>
	<u>SW⁴NE⁴ 20 "</u>
	<u>NW⁴SE⁴ 28 "</u>
	<u>SW⁴SE⁴ 15 "</u>

comprising a total of 120 acres of land.

Date OCTOBER 15, 1970

James L. Jones
 (Signature) SPECIALIST

South Dakota
Department of
Water & Natural Resources

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

July 19, 1990

NOTICE

TO: Cheyenne River Irrigators

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

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	05/29/80
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

664-2
678-2

Lloyd Neugebauer
RR-1, Box 97F
Oral, SD 57766

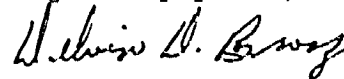
Dear Mr. Neugebauer:

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

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

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

Very truly yours,

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



664-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 21, 2003

664-2
1109-2

Lloyd Neugebauer
HC 56 Box 97F
Oral SD 57766 9759

Dear Mr. Neugebauer:

Enclosed, as we discussed is a 2003 irrigation questionnaire for Water Right No. 1109-2. This was the page omitted from our original mailing.

Also enclosed are partially completed "Notice of Transfer of Ownership" forms for use in changing the Water Rights from your name to Neugebauer Dairy Inc. Please review the forms and complete as needed. Upon completion, please sign them and return them to our office with a required filing fee of \$2.50 each. A check or money order for a total of \$5.00 can be made payable to the Water Rights Program.

I included copies of your water rights in the event you need them. 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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 28, 20 03

RECEIVED OF Neugebauer Dairy Inc., HC56 Box 97F, Oral SD 57766

F

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>664-2</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.

000904

By

[Signature]
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 664-2

Date: _____

I/We request that Water Right No. 664-2

formerly owned by: Lloyd Neugebauer

be transferred to: (name & address) Neugebauer Dairy Inc

HC 56 Box 97 E

Oral SD 57766

Telephone No. 605 424 2985

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

120 acres: S ½ SW ¼ Section 22 and NW ¼ NW ¼, SW ¼ NE ¼ & W ½ SE ¼ Section 27, T7S, R7E

I/We understand that the validity of Water Right No. 1109-2 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 Neugebauer Dairy Inc, the new owner, certify that the above information is true and correct.

Neugebauer Dairy Inc. Steve Neugebauer (pres.)
(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.

RECEIVED

OCT 28 2003

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

November 3, 2003

664-2
1109-2

Lloyd Neugebauer
HC 56 Box 97F
Oral SD 57766 9759

Dear Mr. Neugebauer:

I am writing to acknowledge receipt of the ownership changes you sent in for Water Right Nos. 664-2 and 1109-2.

The transfers have been completed and the water rights formerly listed in your name are now listed in the name of Neugebauer Dairy Inc. Enclosed are your Receipt Nos. 000903 and 000904 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



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: NEUGEBAUER DAIRY INC % STEVE NEUGEBAUER
HC 56 BOX 97F
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. 664-2

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. 664-2

August 10, 2006

Name of Person: *Steve Neugebauer*

Telephone: 605-424-2985

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

Comments:

I talked to Mr. Neugebauer 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

1109-2 664-2

NEUGEBAUER DAIRY INC - STEVE NEUGEBAUER, PRES
HC 56 BOX 97F
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



664-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 5, 2007

Dear Water Right Holder;

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

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

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

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

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

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE OF SHUTOFF ORDER

July 10, 2007

TO: NEUGEBAUER DAIRY INC
STEVE NEUGEBAUER, PRES
27552 S BUFFALO GAP RD
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. 664-2

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.

664-2



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2022

NOTICE

TO: NEUGEBAUER DAIRY INC, STEVE NEUGEBAUER, PRESIDENT, 27552 S BUFFALO
GAP RD, ORAL, SD 57766 7248

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire has not been submitted for Permit No(s) 664-2 & 1109-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 664-2 & 1109-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: PRXWIQ**

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

664-2



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 1, 2022

664-2
1109-2

Steve Neugebauer
Neugebauer Dairy Inc
27552 S Buffalo Gap Rd
Oral Sd 57766 7248

Dear Mr. Neugebauer:

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

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 664-2 & 1109-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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