

669-2

1. Considered 5-10, 1961
2. Name of Applicant O. L. M. Perry
3. Post Office Address Bellevue
4. Amount of water claimed 2.96
5. Source of water supply Black Rock Creek & Tributaries
6. Water to be used for irrigation
Acres to be irrigated 707
7. Water to be diverted and used in Hot River County about
65 SW miles of Bellevue
8. Proof of Publication Received ✓
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

Free Water of Padlock

No. 669-2Water Division No. 2 SOUTH CHEYENNE RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)

MAR 31 1961

STATE WATER RESOURCES COMMISSION
SOUTH DAKOTAAPPLICATION FOR PERMIT
To Appropriate Water within the State of South Dakota

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

1. Name of applicant Oliver W. Homey
Postoffice address Box 175 Oelrichs, County Fall River, State So. Dak.

- 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)
Contract & Direct Labor

(b) Cash on hand, \$ _____

(c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____

(e) Other resources, \$ _____

2. Name of diversion work Oliver Homey Irrigation Project #1

3. Amount of water claimed 2.963 cubic feet per second

4. Source of water supply Black Bank Creek and Tributaries

5. Location of point of diversion See Remarks Section

_____ on _____ bank _____ County.

6. Annual period or periods during which water is to be used March 1 to Sept. 1

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity(a) Number of acres to be irrigated 207.4 acres.(b) Legal subdivision 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 down 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.) _____

Stockwatering

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

(a) Nature of use Stockwatering

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 597-2

Remarks by the Applicant:

LOCATION OF LANDS TO BE IRRIGATED

AREA	LOCATION	SEC.	T'SHP	RANGE	ACRES
1	SW 1/4 SW 1/4	18	11S	7E	0.3
2	NW 1/4 SW 1/4	18	11S	7E	2.3
3	NW 1/4 SW 1/4	18	11S	7E	14.7
4	NW 1/4 SW 1/4	18	11S	7E	4.7
5	NE 1/4 SW 1/4	18	11S	7E	23.0
6	NE 1/4 SW 1/4	18	11S	7E	5.2
7	NE 1/4 SW 1/4	18	11S	7E	3.1
8	NW 1/4 SE 1/4	18	11S	7E	0.8
9	NW 1/4 SE 1/4	18	11S	7E	25.6
10	NW 1/4 SE 1/4	18	11S	7E	1.3
11	NE 1/4 SE 1/4	28	11S	7E	13.4
12	NE 1/4 SE 1/4	18	11S	7E	11.3
13	SE 1/4 SE 1/4	18	11S	7E	10.2
14	SW 1/4 SW 1/4	17	11S	7E	13.9
15	SW 1/4 SW 1/4	17	11S	7E	1.5
16	SE 1/4 SW 1/4	17	11S	7E	0.9
17	NE 1/4 SW 1/4	17	11S	7E	0.7
18	NE 1/4 SW 1/4	17	11S	7E	3.0
19	SE 1/4 SW 1/4	17	11S	7E	3.2
20	SE 1/4 SW 1/4	17	11S	7E	8.5
21	NW 1/4 SE 1/4	17	11S	7E	3.2
22	SW 1/4 SE 1/4	17	11S	7E	5.9
23	SW 1/4 SE 1/4	17	11S	7E	14.6
24	SE 1/4 SE 1/4	17	11S	7E	0.4
25	SE 1/4 SE 1/4	17	11S	7E	9.6
26	SE 1/4 SE 1/4	17	11S	7E	3.6
27	NW 1/4 NE 1/4	20	11S	7E	1.5
28	NE 1/4 NE 1/4	20	11S	7E	21.0
TOTAL					207.4

~~The points are as follows~~

The diversion points are as follows:

D1, Being a point 88 Rods North of the South West Sec. corner of sec. 18.

D2, Being a point 166 Rods from the South East corner of sec. 18 on a bearing of N 43 40 W.

D3 being a point 122 Rods from the North one-quarter corner of sec. 20 on a bearing of S 53 E.

D4 being a point 6 Rods South of the North East corner of sec. 20.

D3 is a stock dam that will be built up with a tube in it and when if ever it gets filled up ~~XXXXXXXXXXXX~~ the over flow will be used to help irrigate areas 27 and 28.

All points being in T'SHP 11S Range 7E Of Fall River County, So. Dak.

Address any Engineering corrections to: Giegear Surveying
1054 Park Street
Sturgis, So. Dak.

8. Estimated cost of work: Still in planing stage

(a) Head Gates, \$----- (b) Pumping plant, \$-----
 (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.)

----- Plugs for back-flooding and spreader dikes -----

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	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, So. Dak. -----

STATE OF SOUTH DAKOTA

County of Fall River } ss.

I, Oliver V. Roney, 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.

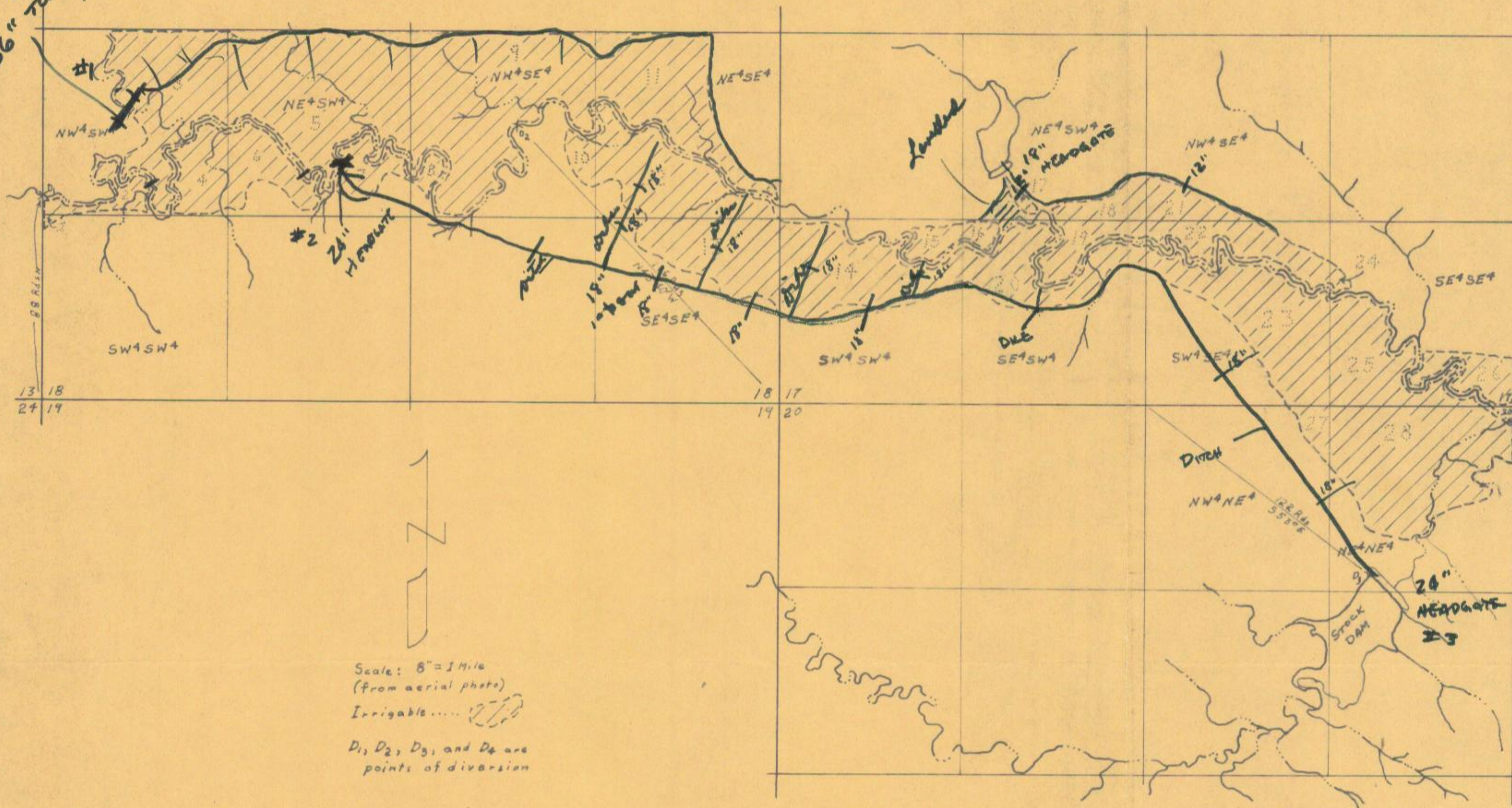
Signed ----- Oliver V. Roney -----

Subscribed and sworn to before me this ----- 25th ----- day of ----- March ----- 19 ----- 61 -----

My commission expires 12/7/63 -----

 Notary Public (or other qualified officer.)

24" conduit to Ditch
24" 36" TUBE
HEADGATE



Scale: 8" = 1 Mile
(from aerial photo)
Irrigable.....
D1, D2, D3, and D4 are
points of diversion

Location of Lands to be Irrigated					
Area	Location	Sec.	Twp.	Range	Acres
1	SW 1/4 SW 1/4	18	115	7E	0.3
2	NW 1/4 SW 1/4	18	115	7E	2.3
3	NW 1/4 SW 1/4	18	115	7E	14.7
4	NW 1/4 SW 1/4	18	115	7E	4.7
5	NE 1/4 SW 1/4	18	115	7E	23.0
6	NE 1/4 SW 1/4	18	115	7E	5.2
7	NE 1/4 SW 1/4	18	115	7E	3.1
8	NW 1/4 SE 1/4	18	115	7E	0.9
9	NW 1/4 SE 1/4	18	115	7E	25.6
10	NW 1/4 SE 1/4	18	115	7E	1.3
11	NE 1/4 SE 1/4	18	115	7E	13.4
12	NE 1/4 SE 1/4	18	115	7E	11.3
13	SE 1/4 SE 1/4	18	115	7E	10.2
14	SW 1/4 SW 1/4	17	115	7E	13.9
15	SW 1/4 SW 1/4	17	115	7E	1.5
16	SE 1/4 SW 1/4	17	115	7E	0.9
17	NE 1/4 SW 1/4	17	115	7E	0.7
18	NE 1/4 SW 1/4	17	115	7E	3.0
19	SE 1/4 SW 1/4	17	115	7E	3.2
20	SE 1/4 SW 1/4	17	115	7E	8.5
21	NW 1/4 SE 1/4	17	115	7E	3.2
22	SW 1/4 SE 1/4	17	115	7E	5.7
23	SW 1/4 SE 1/4	17	115	7E	14.6
24	SE 1/4 SE 1/4	17	115	7E	0.4
25	SE 1/4 SE 1/4	17	115	7E	9.6
26	SE 1/4 SE 1/4	17	115	7E	3.6
27	NW 1/4 NE 1/4	20	115	7E	1.5
28	NE 1/4 NE 1/4	20	115	7E	21.0
Total					207.4

OLIVER ROMEY IRRIGATION PROJECT # 1

ALL LANDS DESCRIBED HEREIN ARE OWNED BY OLIVER M. ROMEY

SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA) ss
COUNTY OF MEADE

I, Meric D. Giegar, 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 25th day of March, 1961.

Meric D. Giegar
Registered Land Surveyor #1007

STATE OF SOUTH DAKOTA) ss
COUNTY OF MEADE

On this 24th day of March, 1961, before me, James B. Kinney, the undersigned officer, personally appeared Meric D. Giegar, 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 hereunto set my hand and official seal.

My commission expires 12/7/68.

James B. Kinney
James B. Kinney Notary Public

Remarks by State Water Resources Commission:

This water right is inferior to the water right for the Angostura Reservoir, held in the name of the United States, and restrictions may be necessary to protect this prior water right.

STATE OF SOUTH DAKOTA

County of Hoghes

Pierre, South Dakota, JANUARY 2, 1967

This is to certify that the foregoing application was received by the Commission at 8:45 o'clock a.m. upon the 31st day of March, 1961.

State Water Resources Commission

By:

Anton Jones
for Chief Engineer, Executive Officer

Number of permit 669-2

Date of first receipt of application March 31, 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 31, 1961

Approved May 10, 1961, Recorded in Book 7 Page 18

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 2, 1964

2nd. The whole of said work is to be completed on or before JANUARY 2, 1967

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is JANUARY 2, 1967 July 1, 1967

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 2.95 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 January 2, 1967; said water to be used during the following described annual period:

March 1 to September 1

Witness my hand this 2nd day of January, 1967.

State Water Resources Commission

By:

John H. Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 9, 1970

Water License Issued SEPTEMBER 9, 1970

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 669-2

(1) WHEREAS, On the 31st day of March A. D. 19 61
Oliver N. Roney

made Water Right Application No. 669-2 for a permit to use 2.95 cubic feet per second of the waters
of Black Bank Creek and Tributaries
County of Fall River, State of South Dakota, for irrigation
_____ purposes; and

(2) WHEREAS, On the 2nd day of January A. D. 19 62
Permit No. 669-2, with a date of priority of March 31, 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 2nd day of January A. D. 19 67 and for the
application to beneficial use of said water on or before the 1st day of July A. D. 19 69

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 2.95 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 T11S, R7E

Section 17		Section 18		Section 20	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	3.7 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$	21.7 acres	NW $\frac{1}{4}$ NE $\frac{1}{4}$	1.5 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$	15.4 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$	31.3 acres	NE $\frac{1}{4}$ NE $\frac{1}{4}$	21.0 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$	12.6 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$	27.7 acres	TOTAL	207.4 Acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$	2.2 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$	24.7 acres		
SW $\frac{1}{4}$ SE $\frac{1}{4}$	20.5 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$	10.2 acres		
SE $\frac{1}{4}$ SE $\frac{1}{4}$	13.6 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$	0.3 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 Oliver L. Roney

_____ of Oelrichs, South Dakota

the holder _____ and owner _____ of said permit No. 669-2 a water right, dating from March 21, 1961

_____ to use of 2.95 cubic feet per second of the waters

of Black Paul Creek and Tributaries

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 points in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18;

NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20; and NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, T11S, R7E

and conduct to and upon portions of Sections 17, 18 and 20, T11S, R7E described on the face of
this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 669-2 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 September A. D.

Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J. N. GUMES

Permit No. 669-2

Water Diversion No. 2 SOUTH CHEYENNE RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Oliver M. Roney

_____ the holder _____ of
Permit No. 669-2, issued upon Application No. 669-2, bearing date of priority of March 31,
1961 _____ authorizing the diversion of 2.95 cu. ft. per second of the waters of _____
Black Bank Creek & Tributaries County of Fall River, State of South Dakota at _____
points in NW $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20; and NE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 17, T11S, 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 or 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 30 cu. ft. per second of water

Date September 9, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

On or before April 13, 1961
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., April 4, 1961

Notice is hereby given that Oliver M. Roney whose postoffice address is Delrichs 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 2.96 Black Bank Creek & tributaries cubic feet of water per second of time from the ~~the~~ through the Roney Irrigation Project #1, the point of diversion of which is to be located on the ~~the~~ both between a point in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18, and a point banks of said stream/ in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 20 portions of Twp. 11 S Range 7 E Said water to be used for the purpose of providing irrigation on the following described land:

N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18; SW $\frac{1}{4}$ and SE $\frac{1}{4}$, Sec. 17; N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 20, T 11 S, R 7 E

SECRET

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, 1951, at 2:00 P.M. All interested persons may appear and be heard.

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

State Water Resources Commission

By:

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

Burton F. Jones
Water Rights Specialist

1946

No. 669-2

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

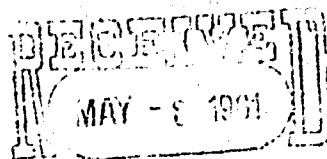
of Intention to Appropriate Water was taken from the -----

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 theCity 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 13, 1961April 20, 1961April 27, 1961May 4, 1961in each and every issue of the full number thereof, the first publication being made on the 13 day of April1961 and the last publication on the 4th day ofMay 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 Charles Leonard the printer and publisher of the said newspaper.Charles J. LeonardSubscribed and sworn to before me this 5 day of May A. D. 1961Notary Public Fall River County, S. D.

STATE WATER RESOURCES COMMISSION

(First Publication on or before April 13, 1961.)

APPROPRIATION OF WATER
Office of State Water Resources
Commission
Pierre, S. Dak. April 13, 1961

Notice is hereby given that Oliver M. Romer, whose office address is Oelrichs, S. Dak. has made application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use of a public feet of water derived and of time from Black Bank Creek & tributaries through the Romer Irrigation Project No. 1, the point of diversion of which is to be located on both banks of said stream between 20.00 ft. in the NW 1/4 of Section 18 and a point in the NE 1/4 of the NE 1/4 of Section 20, Twp. 11 S. Range 12 E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

N 1/4 SW 1/4, N 1/4 NE 1/4 and SE 1/4 Sec. 18, SW 1/4 and SE 1/4 Sec. 17, N 1/4 NE 1/4 Sec. 20, T. 11 S. R. 12 E.

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 2:00 P.M. All interested persons may appear and be heard. Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission
By: BURTON F. JONES
Water Rights Specialist
(Apr. 13-20-27, May 4)

APPLICATION FOR EXTENSION OF TIME FOR COMPLETING WORKS

To the State Water Resources Commission
Pierre, South Dakota

2/7/65
(date)

Dear Sirs:

I hereby request that an extension of time from Above date
to July 1 1969 be granted me for the completion of works to be done under Permit No.
669-2
666-1166-97 and that the time for proof of beneficial use of water be extended to _____

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

Location of headworks: In the NE 1/4 of the _____
of Section 18 Township 11 Range 7
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: _____

More time needed to complete construction work

APPROVED: March 16, 1967

State Water Resources Commission

Holder of Permit No. 669-2

By: Richard D. Schwan
Chief Engineer, Executive Officer

celebrity, S.D.

Permit No. 664.2
 Water Division 2 SOUTH CHEYENNE 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 OLIVER M. ROMEY of CELDRICH holder of Permit No. 664.2, bearing date of priority of MARCH 31, 1961 authorizing the diversion of 2.95 cu. ft. per second of the waters of BLACK BANK CREEK & TRIBUTARY 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:

- #1 DIVERSION DIKE W/ 36" TUBE W/ 48" RAKER W/ 24" CULVERT TO APPROX 1/4 MILE OF MAIN DITCH
 #2 DIVERSION DIKE W/ 24" TUBE TO APPROX 1 MILE OF MAIN DITCH
 #3 STORAGE DAM - APPROX 25 S.A. W/ 34" TUBE & APPROX 1 MILE OF DITCH. SMALL PLOTS IN OTHER PART OF CREEK.

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

DITCHES ARE EQUIPPED W/ 18" HEADGATES AND BORDER DIKES ALSO W/ 18" HEADGATES

C. Works used to apply water to beneficial use.

LEVELLED LAND AND BORDER DIKES

The system is in the following condition: EXCELLENT

The point of diversion is located AT POINTS IN THE NW¹SW⁴, NE⁴SW⁴, SECTION 18; NE⁴NE⁴, SECTION 21; AND NE⁴SW⁴, SECTION 17, T11S. R7E

The works are capable of diverting and conveying to the place of use 1.7 TO 2.0 CFS 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 T11S. R7E

SECTION 20	SECTION 18	SECTION 17
NW ¹ NE ⁴ 1.5 AC.	NW ¹ SW ⁴ 21.1 AC.	NE ⁴ SW ⁴ 9.7 AC.
NE ⁴ NE ⁴ 21.0 AC.	NE ⁴ SW ⁴ 21.3 AC.	SW ¹ SW ⁴ 15.4 AC.
	NW ¹ SE ⁴ 27.7 AC.	SE ¹ SW ⁴ 12.6 AC.
	NE ⁴ SE ⁴ 24.7 AC.	NW ¹ SE ⁴ 3.2 AC.
	SE ¹ SE ⁴ 10.2 AC.	SW ¹ SE ⁴ 20.5 AC.
	SW ¹ SW ⁴ 0.3 AC.	SE ¹ SE ⁴ 12.6 AC.

comprising a total of 207.4 acres of land

Date SEPTEMBER 12, 1970

7.1.

8, 22

October 12, 1979

Tom Landers
A & T Cattle Co.
Star Route
Hot Springs SD 57747

Dear Mr. Landers:

On October 4, 1979 this office made an inspection of existing water rights in the Horsehead Creek Drainage area. On Black Banks Creek, a tributary to Horsehead Creek, it was noted that a series of low head dams have been constructed on the North and South branch of this creek in Sections 13, 14, 15, 24 and 22 of T11S, RGE. Downstream from this area is Water Right No. 689-2 for Oliver Roney on Black Banks Creek, Water Right No. 101-2 for Don Putnam and Water Right No. 102-2 for Glen Reaser on Horsehead Creek who are all partially dependant upon the flows of Black Banks Creek for irrigation.

The records of this office do not indicate any water rights nor location notices for these dams. Therefore this office would be interested in obtaining an explanation from you on the purposes for which these dams are intended to be utilized.

Please advise within 10 days concerning this matter.

Very truly yours,

JAMES WINTERTON
Water Resources Engineer

JW:kw

bcc: Oliver Roney
Oelrichs SD 57763

File 8.22

LAW OFFICES OF
ORTNER & ORTNER
106 N. CHICAGO
HOT SPRINGS, SOUTH DAKOTA
57747

MICHAEL P. ORTNER
CATHERINE G. ORTNER

TELEPHONE 745-6415
AREA CODE 605

November 1, 1979

James Winterton
Water Resources Engineer
Joe Foss Building
Pierre, South Dakota 57501



Dear Jim,

This letter is a follow-up to our telephone conversation of the other day regarding the series of low head dams on the Tom Landers property here in Fall River County.

Basically, using Mr. Lander's notes, I will try to explain his reasons for the dams.

These low head dams are for stock water and erosion control purposes. The Black Banks Creeks drain forty or fifty sections of loose gumbo and hardpan and with just the right rain, run an enormous amount of water. This summer, for example, on two occasions, North Black Bank was high enough that the five-foot culvert under the county road that is on the Creek as it leaves Landers' property, wouldn't carry the water, and it went over the county road. The same is true on the South Black Bank, in that it has a five-foot culvert that also wouldn't carry the water on one occasion early this spring.

These low head dams keep the creek from cutting and whittling so bad as it goes through the Landers property. Black Banks Creek carries an enormous amount of mud from all its cutting and these little dams will soon be full of mud and hold back very little water. However, until they are full of mud, they do make good, fresh stock water.

At the time Mr. Landers had the dams installed, he hired Ray Hanson, a contractor from Edgemont, who shot both sides of each of the dams with a tripod to make sure that they were level. He said there is at least a 200 to 300 foot spillway on each dam. The whole creek is quite flat, and once a little grass has gotten started, there won't be any washing at all. Mr. Landers said it seemed to him that these dams are much to Romey's benefit, in that they stop this mud from going

PAGE TWO

down onto his excellent hay bottoms. Landers said there is no chance of these dams washing out with the way they are set up, unless of course we would get a Rapid City type flood or something which, dams or no dams, would leave everyone in a hell of a situation.

Mr. Landers said that they have always had good relations with their neighbors, and certainly do not want to shut their water off in any way. However, he said it seemed to him that Putnam and Reaser should be more worried about Romey cutting their water off, as he has about three miles of very extensive water-spreading systems on both Horsehead and Black Banks Creeks directly above both Putnam and Reaser.

Mr. Landers also said that the reason they didn't get any water right at the time they put in these low head dams was because they didn't get any government aid in the project, and as about half of the dirt work was fixing existing dirt-work that was washed out and the other half was impounding so little water that they didn't realize that it was necessary to get specific water rights to put these low head dams in.

Horshead Creek probably drains five or six times the territory that Black Banks drains, so that Reaser and Putnam should get nearly all their water from the main creek.

Romey has such an extensive irrigation system that it takes a huge flood on Black Banks to get through his two miles of meadows that are about three-quarters of a mile wide before it even gets to Putnam and Reaser. Therefore, Mr. Landers did not feel that they should be concerned with a small rise in the creek.

I hope this letter will provide you with the information that you need to make a decision on this matter, Jim. If you need any additional information, please let me know and I will immediately contact Tom Landers at the A&T Cattle Company.

Maybe I'll see you in Pierre on November 9 when I come in for a meeting on the State Board of Examiners for Nursing Home Administrators.

Sincerely yours,
ORTNER AND ORTNER

Mike Ortner

Michael P. Ortner
MPO:bjm
CC: Tom Landers

Jan 19, 1981

~~The~~ Complaint from Oliver Roney against the construction of small dam on Black Banks Creek by Tom Finders.

Determination of drainage area & above the Water Right of Oliver Roney.

From USGS Topo Maps

Drainage Area - 17,170 acres

~~Figure~~ By Using Standard SCS procedure to determine runoff

Hydrologic Soil Group
D

Complex No
85

Diagram No.
1.5

Runoff in Inches

~~Frequency~~
Frequency

0.345 inches per acre

1.25 (80%)

0.78

2.0 (50%)

80% chance 17,170 acres $\times$ 0.345 = 5923 ac inches = 494 ac ft.

50% chance 17,170 acres $\times$ 0.78 = 13,393 ac. inches = 1,116 ac ft.

Dry Draw defn.

May 1 - Sept 30 averages less than 0.4 cfs

153 days times 0.7932 ac ft/day = 121.4 ac ft

in other words any drainage which exceed 121.4 acre feet of runoff ~~is not~~ during the May 1 - Sept 30 period is not considered a dry draw according to the State Defn.

LAW OFFICES OF
ORTNER & ORTNER
100 N. CHICAGO
HOT SPRINGS, SOUTH DAKOTA
57747

MICHAEL P. ORTNER
CATHERINE O. ORTNER

January 21, 1981

TELEPHONE 745-6415
AREA CODE 605

Jim Winterton
Water Rights Division
Department of Natural Resources
State Capitol
Pierre, South Dakota 57501



Dear Jim,

I talked to Tom Landers today after our phone conversation, and he agreed that he would not construct any new dams or do any work on any of the old ones until you have had a chance to come out and look the place over and give us your recommendations.

I appreciate your calling me on this matter so we can try to head off any big disagreements developing.

Sincerely yours,
ORTNER & ORTNER

Mike Ortner

Michael P. Ortner
MPO:bjm
CC: Tom Landers

FARRELL, FARRELL & GINSBACH

LAWYERS

441 NORTH RIVER STREET

HOT SPRINGS, SOUTH DAKOTA 57747

Martin P. Farrell

Jane M. Farrell

Patrick M. Ginsbach

(605) 745-5181

December 20, 1982

South Dakota Water Resources Commission
State Office Building
Pierre, SD 57501

Attention. Chief Engineer, Executive Officer

Re: Tom Landers A & T Cattle Company

Dear Sir/Madam:

I am writing on behalf of my client, Oliver Romey, of Oelrichs, South Dakota. As your records will show, he has obtained water license number 669-2 to use 2.95 cubic feet per second of the waters of Black Bank Creek and Tributaries for irrigation purposes. Mr. Romey is downstream from Tom Landers, A & T Cattle Company. In a letter dated October 18, 1979, addressed to Tom Landers, your office notified Mr. Landers that an inspection had been made of the existing water rights in the Horse Head Creek drainage area and that it was noted that a series of low head dams had been constructed on the North-South branch of the creek in Sections 13, 14, 15, 24 and 22 of Township 11, South Range 6 East, all in Fall River County. Since the 1979 inspection, more dams have been constructed on the above described real property. Would you please check the records of your office to see if Mr. Landers has obtained any water rights or filed location notices for these dams. Would you also check if your records indicate any type of explanation as called for in your letter dated October 18, 1979, was forthcoming from Mr. Landers? Do your records indicate any type of action taken on this matter since the letter dated October 18, 1979?

If no action has been taken nor any water rights obtained or location notices for the dams filed, what would be your recommendation as to how to pursue this matter?

I'm sure you are aware of how serious a matter this is for Mr. Romey and the other landowners downstream from these dams. Please let me know as soon as possible as to what, if any, action has



been taken on this case, whether or not any type of documents had been filed with your office and what your recommendations are in this matter.

I advised Mr. Romey that the State of South Dakota is interested in adjudicating all water rights in the state. Can you tell me the status of the water rights lawsuit? I attended the CLE Seminar on the water rights lawsuit held in Pierre on November 19, 1982. At that seminar, it was indicated that notices would be sent to all landowners claiming water rights on or about December 7, 1982. Given the fact that Governor Janklow has not recommended funding for this lawsuit, do you have any idea when these notices will be sent?

I am enclosing for your information, a copy of the letter dated October 18, 1979, from James Winterton, Water Resources Engineer and the documents provided to me by Mr. Romey setting forth his water license.

Thank you very much for your help in this matter. I look forward to hearing from you in the near future.

Sincerely,

Jane M. Farrell
JANE M. FARRELL

JMF:jo

cc: Oliver Romey
Oelrichs, SD 57763

669-2

South Dakota
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

December 29, 1982

Jane M Farrell, Lawyer
Farrell, Farrell & Ginsbach
411 North River St
Hot Springs SD 57747

Dear Ms. Farrell:

In reply to your letter dated December 20, 1983, I have enclosed copies of correspondence between this office and Mr. Lander's Attorney, Mike Ortner. It was the understanding at that time that Mr. Landers would not construct any additional small dams. These structures are considered by Mr. Landers to be erosion control structures.

I talked to Mr. Landers personally that year and indicated to him that he would be required to file for water rights if they were to be used for irrigation or location notices if used only for livestock purposes. He still contended that the structures were not for either of these purposes. The structures were placed to control the entrenching of the creek channel and reduce erosion. At that time, I indicated to him that no more structures were to be placed on the drainage.

There has been no action taken on this matter. Until such time as it can be shown that Mr. Lander's so-called erosion control structures are having an adverse impact to the water right of Mr. Ramey's, we were hesitant to try and pursue the matter.

To date, Mr. Lander's has not filed for any water rights or location notices. Mr. Lander's appears to be willing to stand by his contention that the structures are merely "erosion control" facilities which will eventually fill in with sediment at which time no water will be stored.

In September of 1982, I flew the area to see if there were benefits of the structures other than erosion control. Pictures were taken of the structures. There appears to be benefits derived from water spreading over the ground adjacent to the creek. Water going around the structure spreads over the ground then back into the creek channel.

To get the questions on the legality of the dams resolved, I believe this matter should be brought before the Water Management Board. If you would care to bring this matter before the Board please submit by letter any information on the problem, the requested action and reasons for the action. All affected parties should also receive a copy of the request to the Board.

December 29, 1982

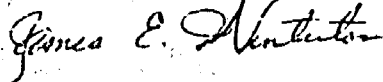
Jane M Farrell, Lawyer

Page 2

I did not include a copy of the new rules as these will not be officially in effect until probably the first week or so of February. This office will not be making copies available until the rules are officially adopted.

If you have any further questions, please do not hesitate to contact this office.

Very truly yours,



JAMES E WINTERTON

Water Resources Engineer

JEW:ks

enclosures

FARRELL, FARRELL & GINSBACH

LAWYERS

441 NORTH RIVIER STREET

HOT SPRINGS, SOUTH DAKOTA 57747

Martin P. Farrell
Jane M. Farrell
Patrick M. Ginsbach



(805) 745-5161

December 30, 1982

James E. Winterton
Water Resources Engineer
South Dakota Department of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Re: Oliver Romey

Dear Mr. Winterton:

Thank you for your letter dated December 29, 1982 regarding the dams located on Tom Lander's land.

My client is very interested in bringing this matter before the Water Management Board. Within the next few weeks, he and other adversely affected land owners will be meeting with me to go over this problem in detail. After that meeting, I will submit a letter to the Water Management Board as instructed by your letter.

Please tell me when the next scheduled meeting of the Water Management Board will be held when the Board could address this problem. Please send me a copy of the rules the Board is currently operating under and a copy of the new rules when they are available.

Thank you very much for your prompt attention to this matter.

Sincerely,

Jane M. Farrell
Jane M. Farrell

cc: Oliver Romey

Feb. 24, 1983

Haren -
Send copy when
finalized
Jen

Water Rights Division
605 773-3352

January 5, 1983

Jane Farrell, Attorney
Farrell, Farrell & Ginsback
441 N River St.
Hot Springs SD 57747

Dear Ms. Farrell:

RE: Romey Complaint against Tom Landers

The next scheduled meeting of the Water Management Board is scheduled for the 24th and 25th of February, 1983. The Board could address the problem probably sometime on the 24th. The meeting will be held in Pierre. Because of conflicts, I will not be able to attend this meeting, however I could turn the material over to one of the other engineers.

Enclosed you will find a copy of the Water Laws and Rules and Regulations which are presently used for the administration of the Division of Water Rights and the Water Management Board.

If you have any further questions, do not hesitate to contact this office.

Very truly yours,

JAMES E WINTERTON
Water Resources Engineer

JEW:ks

enclosures

FARRELL, FARRELL & GINSBACH

LAWYERS

441 NORTH RIVER STREET

HOT SPRINGS, SOUTH DAKOTA 57747

(605) 745-5161

Martin P. Farrell
Jane P. Farrell
Patrick M. Ginsbach

February 2, 1983

Mr. John Hatch
Division of Water Rights
Foss Building
Pierre, South Dakota 57501

Re: Petition for Water Management Board

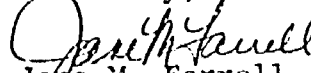
Dear Mr. Hatch:

Enclosed please find a Petition for Declaratory Ruling, an Affidavit in Support of Petition, and a Sheriff's Return all to be filed with the Water Management Board. I am sending these documents to you pursuant to instructions of the Natural Resources Section of the Attorney General's Office. In talking with Dan Doyle of the Natural Resources Section and James Winterton, Chief Engineer, I learned that it may be possible for the Board to hear this petition on Feb. 24, 1983.

As I do not know the amount of the required filing fee, if any, I am enclosing a check in the amount of \$15.00 to be used towards any required fee. Please let me know if there is an additional fee owed.

Thank you very much.

Sincerely,


Jane M. Farrell

JF/jg



IV.

That the series of low head dams located on the above described real property should be removed as soon as possible, or, in the alternative, by March 15, 1983.

V.

PETITIONER requests this action for the following reasons:

a. That respondents have constructed approximately 13 dams on the north branch of the Black Banks Creek and seven dams on the south branch of the Black Banks Creek in the last three years and that said structures are located within a 3 to 4 mile area. That these structures were present in 1981, a year in which the moisture received was normal to low and in 1982 in which the moisture received was extraordinarily high. That in 1981 Petitioner had one-fifth of his normal production of hay and was forced to sell 10-11% of his cattle because of lack of water; that he gets 90-92% of his irrigation from the snow melt-off in spring and since these structures have been built, he has received no beneficial snow water;

b. That Petitioner also believes that other downstream owners have been damaged, specifically, that Don Putnam had one-half of the normal hay crop in 1981 that he normally would have had in a year receiving the same amount of moisture; that land owner Glen Reaser has had virtually all of his water cut off and he has been dried out since the structures were built; that land owner Vernon Seger believes that he will be damaged in the future from these structures and that 90% of the water impounded by the respondent would reach his land but for the impoundment.

VI.

Petitioner respectfully requests that the Water Management Board schedule this Petition to be heard on Thursday, February 24, 1983 in Pierre, South Dakota.

Dated this 31 day of Jan, 1983.

Oliver M. Romey
OLIVER M. ROMEY

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

On this 3rd day of January, 1983, before me,
Jane M. Farrell, a notary public, personally
appeared OLIVER M. ROMNEY, known to me to be the person whose
name is subscribed to the foregoing instrument and acknowledged
to me that he executed the same for the purposes therein
contained.

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

John M. Farrell
Notary Public

My commission expires:

JANE M. FARRELL, Notary Public

(SEAL)

**My Commission Expires
September 17, 1990**

BEFORE THE WATER MANAGEMENT BOARD

In The Matter Of The Petition For a Declaratory Ruling)

OLIVER M. ROMEY,

Petitioner,

AGAINST

TOM LANDERS, and A & T CATTLE CO., INC.

STATE OF SOUTH DAKOTA)

) SS
COUNTY OF FALL RIVER)

)
)
)
) AFFIDAVIT IN
) SUPPORT OF
) PETITION
)
)

OLIVER M. ROMEY, the above entitled Petitioner deposes
and says:

I.

That he has a vested water right, said water right
being further described as Water License No. 669-2 issued
January 2, 1962, having a priority date of March 31, 1961,
permitting Petitioner to use 2.95 cubic feet per second of
the waters of Black Bank Creek and tributaries for irrigation
purposes.

II.

That respondents, Tom Landers and A & T Cattle
Company, Inc., own land adjoining Petitioner over which Black Banks
Creek crosses.

III.

That respondents have constructed approximately thirteen
(13) structures on the North branch of the Black Banks Creek
and seven (7) structures on the South branch of the Black
Banks Creek.

IV.

That said structures have effectually impounded water
on the respondents' land causing damage to the Petitioner, and in
addition to Don Putnam, Water Right No. 101-2, Glen Reaser,
Water Right No. 102-2, and Vernon Seger, Water Right No. 1649-2.

V.

That Petitioner has not obtained any beneficial snow
melt run-off water since the structures were constructed.

VI.

That Petitioner has had a reduced hay crop and has been forced to sell cattle due to the lack of water since the structures were constructed.

VII.

That said structures prevent any "headwater" from effectively reaching Petitioner's land.

VIII.

That said structures are, for the most part, small low-head earthen dams from which respondents have obtained beneficial irrigation use.

IX.

That said respondents have not obtained any water rights nor filed any location notices for these dams.

X.

That said structures do not contain any type of culvert or other system to allow the stream water to flow.

XI.

That Petitioner has filed with the Water Management Board a Petition requesting a declaratory ruling by the Board stating that the said structures should be removed on or before March 15, 1983.

Dated this 31 day of January, 1983.

OLIVER M. ROMNEY

STATE OF SOUTH DAKOTA)
COUNTY OF FALL RIVER) SS

OLIVER M. ROMNEY, being first duly sworn on his oath, deposes and says: THAT he is the petitioner above named; that he has read the above and foregoing Petition and knows the contents thereof; that the same is correct to the best of his knowledge, information and belief, and as to the matters therein alleged upon information and belief, he believes them to be true.

OLIVER M. ROMNEY

Subscribed and sworn to before me this 31st day of January, 1983.

My commission expires: September 17, 1980 JANE M. FARRELL, Notary Public

Notary Public



Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

February 4, 1983

NOTICE OF HEARING ON PETITION FOR DECLARATORY HEARING

TO: Oliver M Romey, Petitioner
Tom Landers
A & T Cattle Company, Inc., Respondents

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

SUBJECT: Hearing to Consider Petition for a Declaratory Ruling

The Water Management Board will conduct a hearing to consider a Petition for a Declaratory Ruling submitted pursuant to Water Management Board Rule Number 74:02:01:46 by Oliver M Romey against Tom Landers, and A & T Cattle Co. Inc. Mr. Romey has requested the Water Management Board to order that a series of low head dams constructed by the respondents on the North and South Branches of Black Banks Creek to be removed as soon as possible or in the alternative, by March 15, 1983 and for other relief as the Board may deem just and equitable. The hearing will be conducted at 4:15 pm, February 24, 1983 at Joe Foss Building, Room 216, 523 E Capitol, Pierre, South Dakota.

This hearing will be conducted in accordance with the provisions of SDCL 46-1-1 through 46-1-10, 46-2-9 through 46-2-11, 46-4-1 through 46-4-5, 46-5-1 through 46-5-6, 46-5-7, 46-5-10, and Board Rules ARSD 74:02:01:02 through 74:02:01:03, 74:02:01:46 through 74:02:01:49.

Following the hearing, the Board:

- 1) May find that the course of Black Banks Creek has been altered;
- 2) May find that prior rights have been impaired;
- 3) May order the low head dams to be removed;
- 4) May take such other action within its authority that it deems necessary; or
- 5) May take no action.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

JH:ks

cc: Jane Farrell, Attorney
Michael P Ortner, Attorney
Don Putnam
Glen Reaser
Vernon Seger

Water Rights Division
605 773-3352

March 9, 1983

669-2

Oliver Romey
Box 175
Oelrichs SD 57763

Dear Mr. Romey:

Enclosed are corrected copies of your Water License No. 669-2 and Certificate of Construction. Land descriptions previously listed in Section 21 have been changed to Section 20.

If you have any questions, please advise.

Sincerely,

GENNY YOUNG
Water Rights Specialist

GY:ks

enclosure

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

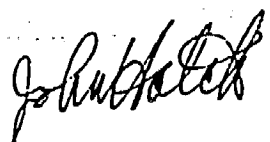
May 11, 1989

669-2

NOTICE

TO: Oliver M. Romey
Box 175
Oelriches, SD 57763

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



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

Effective May 19, 1989, you are ordered to cease diversions of water under Water Right No. 669-2. The priority date for your water right is junior to the April 11, 1941 priority date for Angostura Irrigation District Water Right No. 579-2.

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

May 2, 1989

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

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

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

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





Department of Water & Natural Resources

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

March 19, 1990

669-2

NOTICE

TO: Oliver M. Romey
Box 175
Oelriches, SD 57763

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

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

This is a follow-up notice to the May 10, 1990 notice that you received ordering you to cease diversion of water under Water Right No. 669-2. You are reminded that the order is still in effect and will remain in effect until Angostura Reservoir has filled. The May 10, 1989 order stated that the order was effective until the reservoir had reached an elevation of 3183.7 feet above mean sea level (msl). This has been changed and the order will remain in effect until the reservoir has reached the full elevation of 3187.2 msl. On March 6, 1990 the reservoir elevation was 3171.1 msl.

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

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



Department of Water & Natural Resources

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

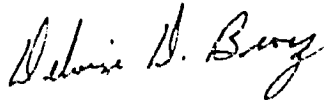
March 14, 1991

669-2

NOTICE

TO: Oliver M. Romey
Box 175
Oelriches, SD 57763

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



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

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

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

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

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 20, 1991

669-2

RESCISSION OF SHUTOFF ORDER

TO: Oliver M. Romey
Box 175
Oelriches, SD 57763

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

Delvin D. Brosz

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

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

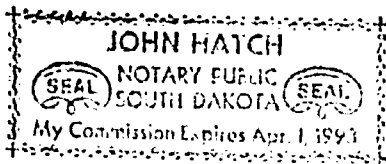
If you have any questions, please contact Mark Rath or Del Brosz (605) 773-3352.

1. *Phragmites australis* (Cav.) Trin. ex Steud.

Keene & Hunt

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

John A. [Signature]
Notary Public





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 25, 1992

669-2

NOTICE

TO: OLIVER M ROMEY
BOX 175
OELRICHS, SD 57763

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

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

Please be advised that effective immediately no diversions of water will be allowed under your Water Right No. 669-2 which is junior in priority to Water Right No. US579-2 held by the US Bureau of Reclamation for the Angostura Irrigation District.

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

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

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

PERMIT NO	FIRST NAME	LAST NAME	ADDRESS 1	ADDRESS 2	CITY	STATE	ZIP CODE	PERMID	PERMID
652-2		A & T CATTLE CO	100 LANDERS	ST RT	HOT SPRINGS	SD	57743		
368-2	RICHARD	ANDERSON	A CHAD ANDERSON	HCR 50 BOX 12	FICKMONT	SD	57735		
1614-2	LENN R	ANDERSON		HCR 50 BOX 20	FICKMONT	SD	57735		
321-2		B & H RANCH INC	B F CHILDERS	PO BOX 723	FICKMONT	SD	57735		
534-2		DALL PRODS		BOX 417	FICKMONT	SD	57735		
1636-2	LESTER L	DARVEY		BOX 740	FICKMONT	SD	57735		
1693-2	NICK/MICHAEL	ROONER	ANICK ROONER JR	HC 46 BOX 24	OFFERTCHS	SD	57763	1734-2	
755-2		BRAINERD INDIAN SCHOOL			HOT SPRINGS	SD	57747		
959-2	WAYNE F	CHILDERS		HCR 50 BOX 14	FICKMONT	SD	57735		
636-2	A L	CHILDERS		BOX 723	FICKMONT	SD	57735		
654-2	OSCAR	COFF			OFFERTCHS	SD	57763		
1794-2	JOHN	DICKERING		SR 1 BOX 137	LUSE	WY	82225		
567-2	HAROLD F	JACKSON		HCR 50 BOX 54	FICKMONT	SD	57735	1410-2	
7052-2	LEROY/DETHA	JEFFERSON		HC 48 BOX 243	PRYO	SD	57774		
1995-2	DAVID M	JENDAR		RR BOX 32	OFFERTCHS	SD	57763		
784-2		RAED BROTHERS, INC.	CARL P RAED, PRES	HCR 45 BOX 5	OFFERTCHS	SD	57763	1635-2	
631-2	HELMAN	HICK		BOX 441	FICKMONT	SD	57735		
546-2	DORRILL F	HELMAN		BOX 469	FICKMONT	SD	57735		
1872-2	LORA R	HENDERSON	ATT 225	STATE INDIAN RIVER	LAS VEGAS	NV	89103		
1760-2	JOHN W	HENRY		BOX 275	ARMOR	SD	57715		
372-2	HENRY C	HOLTSBERGER		HENRY ROUTE	FICKMONT	SD	57735		
1533-2		HU RANCH INC	SH CORPORATION	HCR 52 BOX 102	FICKMONT	SD	57735		
350-2	DORRILL D	HUNTER		BOX 11	ARMOR	SD	57715		
1741-2	JAMES/PATRICIA	JOHNSTON		HC 65 BOX 7	LAKESIDE	NE	68351		
18720-2	JIM	KANE		BOX 12A	PRYO	SD	57774		
763-2	CAPI	KANNOIT	ATT 207	PLANT HOTEL	CHADRON	NE	69337		
1656-2	JOHN W	KOLLER		BOX 715	FICKMONT	SD	57735		
266-2	A J	LANDERS	STAR CATTLE CO	BOX 1549 HCR 52	HOT SPRINGS	SD	57747		
1640-2	R L/ALLEN	LARSEN		BOX 759	TIOGA	SD	58852		
672-2	WELVIN	LUE			HOT SPRINGS	SD	57747		
17295-2	JOHN DEJACK	MARKE	(ESTATE)	RR 41 BOX 1790	HOT SPRINGS	SD	57747		
11447-2	FRANK	MARTINSON		BOX 361	FICKMONT	SD	57735		
285-2	ADOLPH W	MELAIN		BOX 164	OFFERTCHS	SD	57763		
410-2	PAUL L	MEFFERD, JR		HCR 48 BOX 22	PRYO	SD	57774		
1213-2	A J	NELSON		BROAD'S STAGE	MILES CITY	MT	59301		
2015-2		JEFFERSON & SON, INC		HCR 52 BOX 16	FICKMONT	SD	57735		
1046-2	PAUL & JEAN	PETTY	A NORMAN PETTY	HCR 52 BOX 136	HOT SPRINGS	SD	577473063		
1716-2	WELVIN	PORTER		WYO RT BOX 17	FICKMONT	SD	57735		
711-2	DONALD	REYNAM		BOX 188	OFFERTCHS	SD	57763	2013-2	
1536-2	GLENN	REASER		HC 46 BOX 45	OFFERTCHS	SD	57763		
432-2	EDWARD/ANDY	RIITTER		HCR 50 BOX 20	FICKMONT	SD	57735	1783-2	
223-2	CHANCE/NETTIE	REYNOLDS		HCR 50 BOX 28	FICKMONT	SD	57735	224-2	
669-2	OLIVER M	ROMLEY		BOX 175	OFFERTCHS	SD	57763		
718-2	VERNON	SCHNOSE		ST RT BOX 155	HOT SPRINGS	SD	57747	1700-2	
1740-2		SEELY RANCH INC		BOX 95	OFFERTCHS	SD	57763	621-2	1937-2
227-2	BERNARD D	SYMONS		BOX 351	FICKMONT	SD	57735		
1733-2	ROBERT/MARIE	TUPPE		BOX 563	FICKMONT	SD	57735		
1612-2		BAR ROBERT RANCH LTD	BOX 137	105 E 5TH ST	WYOMI	SD	57552		
322-2	VINCENT M	WASSERBURGER		BOX 83	ARMOR	SD	57715	853-2	2015-2



669-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 12, 1993

669-2

NOTICE

TO: OLIVER M ROMEY
BOX 175
OELRICHS, SD 57763

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

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

Effective immediately no diversions of water under your Water Right No. 669-2 are authorized. Your water right is junior in priority to the US Bureau of Reclamation Water Right No. 579-2 (April 11, 1941 priority date). The Bureau of Reclamation water right for the Angostura Irrigation District allows one annual fill of the reservoir.

The amount of water required for one annual fill of Angostura Reservoir as of January 1, 1993 was 45,402 acre feet. On March 9, 1993 the water elevation in Angostura Reservoir was 10.2 feet and 41,305 acre feet below full. Reservoir storage levels will be closely monitored. If inflows increase and the reservoir will fill, this shutoff order will be rescinded. Any 1993 irrigation releases from the reservoir will be included in the inflow calculations.

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

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

cc: US Bureau of Reclamation
Angostura Irrigation District

669-2

CERTIFICATION

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

Copy Sent To:

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

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

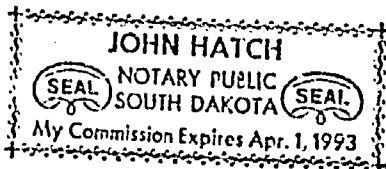
Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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

John Hatch
Notary Public





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

April 14, 1993

669-2

RESCISSION OF SHUTOFF ORDER

TO: OLIVER M ROMEY
BOX 175
OELRICHS, SD 57763

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

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

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

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

cc: US Bureau of Reclamation
Angostura Irrigation District

669-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 15, 1995

669-2

NOTICE

TO: OLIVER M ROMNEY
BOX 175
OELRICHS, SD 57763

FROM: John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

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

Effective immediately no diversions of water under your Water Right No. 669-2 are authorized. Your water right is junior in priority to the US Bureau of Reclamation Water Right No. US579-2 (April 11, 1941 priority date). Water Right No. US579-2 allows one annual fill of the reservoir.

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

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

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

cc: US Bureau of Reclamation
Angostura Irrigation District



669-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 26, 1995

669-2

RESCISSION OF SHUTOFF ORDER

TO: OLIVER M ROMEY
BOX 175
OELRICHS, SD 57763

FROM: *for* John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

SUBJECT: Rescission of the Shutoff Order for Junior Water Right Holders Upstream of the Angostura Reservoir for 1995 Irrigation Season.

Recent wet conditions in the Upper Cheyenne River Basin have provided large inflows and the Angostura Reservoir is expected to fill shortly. The shutoff order for all junior water rights upstream of the reservoir is rescinded for the 1995 irrigation season.

If you have any questions, please contact Del Brosz or Rassool Ahadi, Division of Water Rights, 523 E. Capitol Ave., Pierre, SD 57501.

cc: US Bureau of Reclamation
Angostura Irrigation District



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 30, 2004

NOTICE OF SHUTOFF ORDER

TO: OLIVER M ROMNEY
BOX 175
OELRICHS SD 57763

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. 669-2

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.



669-2

**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: OLIVER M ROMEY
BOX 175
OELRICHS SD 57763

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. 669-2

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

669-2
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: OLIVER M ROMEY
HC 46 BOX 10
OELRICHS SD 57763

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. 669-2

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 9, 2007

NOTICE OF SHUTOFF ORDER

TO: OLIVER M ROMEY
HC 46 BOX 10
OELRICHS, SD 57763

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. 669-2

To protect the US Bureau of Reclamation's Water Right No. US579-2 for Angostura Reservoir with a senior priority date of April 11, 1941, the Bureau of Reclamation has asked that we issue shutoff orders for junior water right holders. Effective immediately no diversions of water from the Cheyenne River and tributaries by holders of junior water rights upstream of Angostura Dam will be allowed. On March 9, 2007, the water elevation in Angostura Reservoir was 3166.9-feet, 20.3-feet below the full elevation of 3187.2-feet. Storage is at 51652 acre-feet, about 87109 acre-feet below full. Angostura Reservoir is not expected to fill with the current low inflows.

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 19, 2008

NOTICE OF SHUTOFF ORDER

TO: OLIVER M ROMEY
29787 HARD SCRABBLE RD
OELRICHS SD 57763

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. 669-2

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:

OLIVER M ROMEY
29787 HARD SCRABBLE
OELRICHS SD 57763

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. 669-2

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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 15, 2011

669-2

John Romey
29773 Hard Scrabble Rd
Oelrichs SD 57763

Dear Mr. Romey:

Thank you for contacting us concerning the ownership change needed for Water Right No. 669-2. The water right is currently listed in Oliver's name.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

You indicated you already have a copy of the water right. The only new items in the file would be the yearly shutoff orders. If you have internet access, you can see the whole file on our web site. The link is: <http://denr.sd.gov/des/wr/wr.aspx> Once you get to the site, please note along the left hand side of the page, about half way down is a heading titled "**databases**". The first database listed under that header is "**water rights**". You can click on the title and it will direct you to an area you can type in the water right number and bring up the entire file.

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

enclosure

RECEIVED

JUN - 6 2011

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 669-2

Date: _____

I/We request that Water Right No. 669-2

formerly owned by: Oliver M Romey

be transferred to: (name & address) John R or Tracy Romey
29773 Hard Scrabble Rd.
Delrichs, SD, 57763 Telephone No. 605-535-2022

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

207.4 acres - SE ¼ and N ½ SW ¼ Section 16; S ½ SW ¼, NE ¼ SW ¼, W ½ SE ¼ and SE ¼ SE ¼

Section 17; N ½ NE ¼ Section 20, all in T11S, R7E

I/We understand that the validity of Water Right No. 669-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We John R Romey, the new owner, certify that the above information is true and correct.

John R Romey
(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 6/6, 20 11

RECEIVED OF John R Romey 29773 Hard Scrabble Rd Oelrichs SD 57763

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>669-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **04989**

By

Harold Erbe
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

June 6, 2011

669-2

John R or Tracy Romey
29773 Hard Scrabble Rd
Oelrichs SD 57763

Dear Mr. & Mrs. Romey:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership of Water Right No. 669-2.

The ownership change has been completed. The water right formerly held by Oliver M Romey is now listed in your names.

Enclosed, for your records, is your Receipt No. 04989 in the amount of \$50.00. 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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 06, 2013

NOTICE OF SHUTOFF ORDER

TO: JOHN R OR TRACY ROMEY
29773 HARD SCRABBLE RD
OELRICHS SD 57763

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. (669-2)**

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

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

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

CERTIFICATION

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

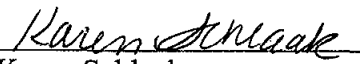
LAST_NAME	FIRST_NAME	ADDRESS2	CITY	STATE	ZIP
INDIAN CREEK CATTLE LLP		32296 190TH ST	SLEEPY EYE	MN	56085
INDIAN CREEK LAND & CATTLE LLC		PO BOX 538	EDGEMONT	SD	57735
WEINREIS BROTHERS		230908 HIGHLAND RD	SCOTTSBLUFF	NE	69361
SEGER RANCH INC		RR 1 BOX 100A1	HOT SPRINGS	SD	57747
REUTTER	EDWARD/WANDA	HCR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

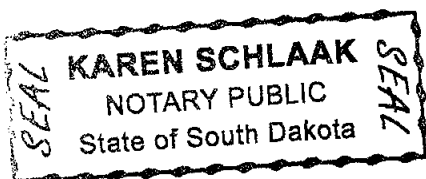
SCHNOSE	VERNON	12685 MAITLAND RD	HOT SPRINGS	SD	57747
SEABECK	DORIS SEABECK &	2533 PARK AVE	LARAMIE	WY	82070
SIMONS	THOMAS	BOX 381	EDGEMONT	SD	57735
TUBBS LAND & CATTLE LLC	BERNARD D	10891 RIVER RD	EDGEMONT	SD	57735
WALKER	FRED S & CYNTHIA K	30301 CASCADE RD	ARDMORE	SD	57735
WYOMING DAKOTA RAILROAD	WAYNE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


 Gail Jacobson
 Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
 COUNTY OF HUGHES)

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


 Karen Schlaak
 Notary Public
 My Commission expires April 1, 2013





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 05, 2026

TO: JOHN R OR TRACY ROMNEY
29773 HARD SCRABBLE RD
OELRICHS, SD 57763

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

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

Shutoff Order for Water Permit No(s). 669-2

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

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

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

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