

670-7

1. Considered 5-9, 1962
2. Name of Applicant Clinton C. Taylor
3. Post Office Address Admire
4. Amount of water claimed 2.75
5. Source of water supply Clinton C. Taylor
6. Water to be used for irrigation
Acres to be irrigated 18.5
7. Water to be diverted and used in Fall River County about
10.4 miles of Admire
8. Proof of Publication Received 1st
Not Received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

Portion of this land covered under 312-2
with source of water being Indian Cr.
Should work out technicalities on this.

No. 670-2Water Division No. 2 SOUTH CHEYENNE RIVER District 2
(Blanks to be Filled by the Engineer for the W. R. C.)MAR 3 1934
STATE WATER RESOURCES COMMISSION

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant GLINTON GAYLOR
Postoffice address Prave, County FALL RIVER, State SO. DAK.

I. If a corporation ~~not a corporation~~

- (a) Name of same _____
(b) Date and place of incorporation _____
(c) Amount of capital stock _____
(d) Amount paid in _____
(e) Names and addresses of directors _____

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

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

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

Direct labor and contract.

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

2. Name of diversion work
- Gaylor Irrigation Project #1

3. Amount of water claimed
- 2.750
- cubic feet per second

4. Source of water supply
- Gou Creek

5. Location of point of diversion
- See Remarks Section

_____ on _____ bank _____ County

6. Annual period or periods during which water is to be used
- Year around.

7. To be used for:

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

- (a) Number of acres to be irrigated
- 192.5
- acres.

- (b) Legal subdivisions to be irrigated
- See remarks section.

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

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

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

- (a) Nature of use
- None of these.

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 598-2

Remarks by the Applicant:

LOCATION OF LANDS TO BE IRRIGATED

AREA	LOCATION	SEC.	T'NSHP	RANGE	ACRES
1	NE-NW	13	128	2E	1.7
2	NW-NW	13	128	2E	5.1
3	SW-NW	13	128	2E	24.5
4	SE-NW	14	128	2E	8.7
5	NE-SE	14	128	2E	39.4
6	NW-SW	13	128	2E	31.8
7	NE-SW	13	128	2E	4.7
8	SE-SE	14	128	2E	14.2
9	SE-SW	13	128	2E	3.1
10	SE-NW	13	128	2E	27.5
11	SW-NW	13	128	2E	1.7
12	NE-SW	13	128	2E	12.1
13	NW-SE	13	128	2E	15.2
TOTAL ACREAGE					192.5

D₁, is a point of diversion being 76 rods from the north-west corner of section 13 on a bearing of S 77° E. This is located in section 13, T128, R2E, R4W, Fall River, South Dakota.

Address any engineering corrections to: Cigar Surveying
105th Park Street
Sturgis, So. Dak.

8. Estimated cost of work:

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

(b) Pumping plant, \$-----

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

(d) Canal-earth, \$-800.00-

Rock, \$-----

(e) Other structures Balance pipe on plug \$-100.00

Total, \$-----

9. Description of diversion works:

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

Plug and earth canal

11. 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 1 1/3 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-----

NEA. EXXINGE Edgemont Herald Tribune Edgemont, So. Dak.

STATE OF SOUTH DAKOTA

County of Neade

I, Clinton Caylor, 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

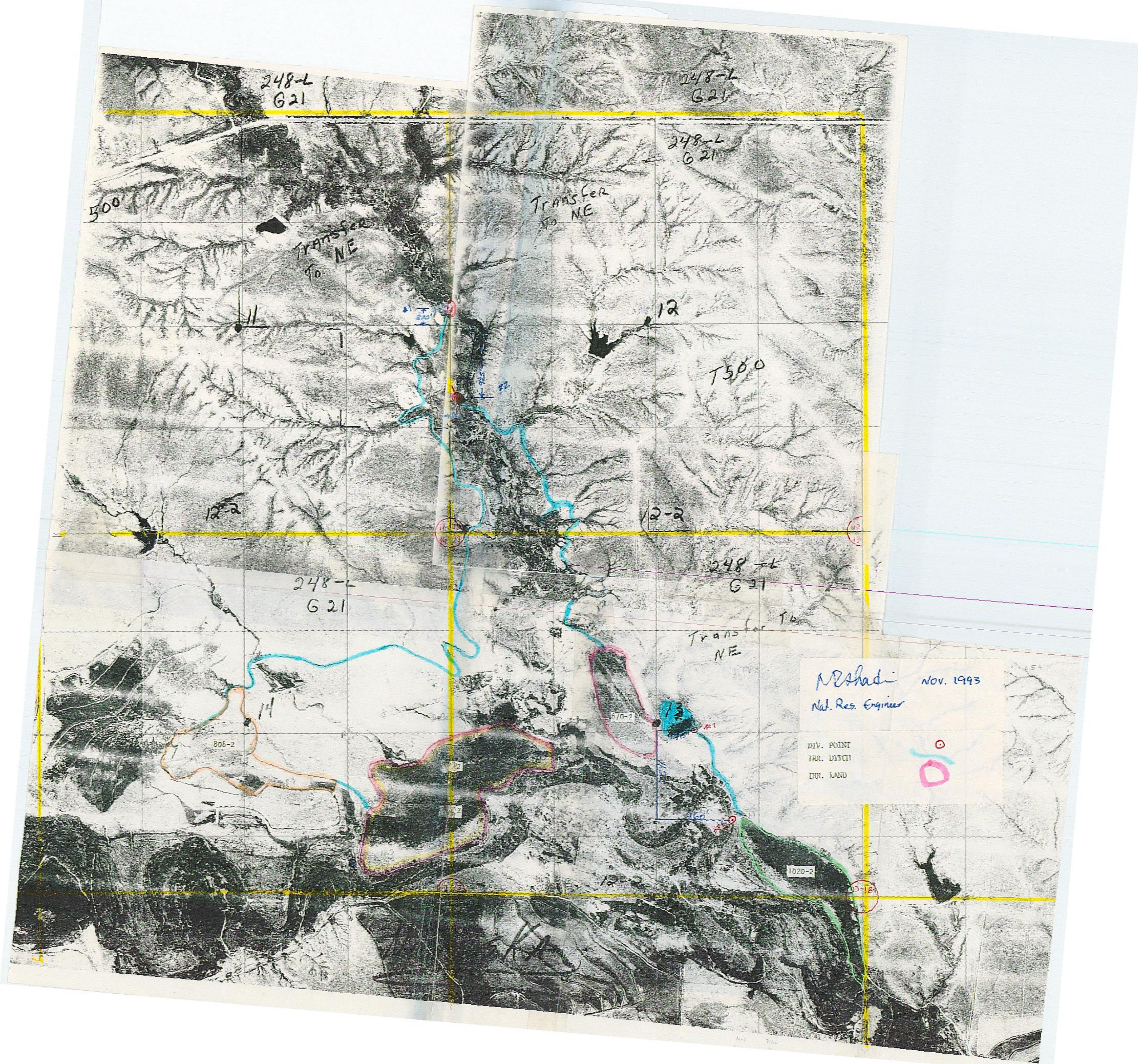
Clinton Caylor

Subscribed and sworn to before me this 20th day of March, 1961.

My commission expires 12/7/68

Notary Public (or other qualified officer.)

James B. Kinney



ALL LANDS DESCRIBED HEREIN ARE OPERATED BY CLINTON CAYLOR

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 28th day of March, 1961.

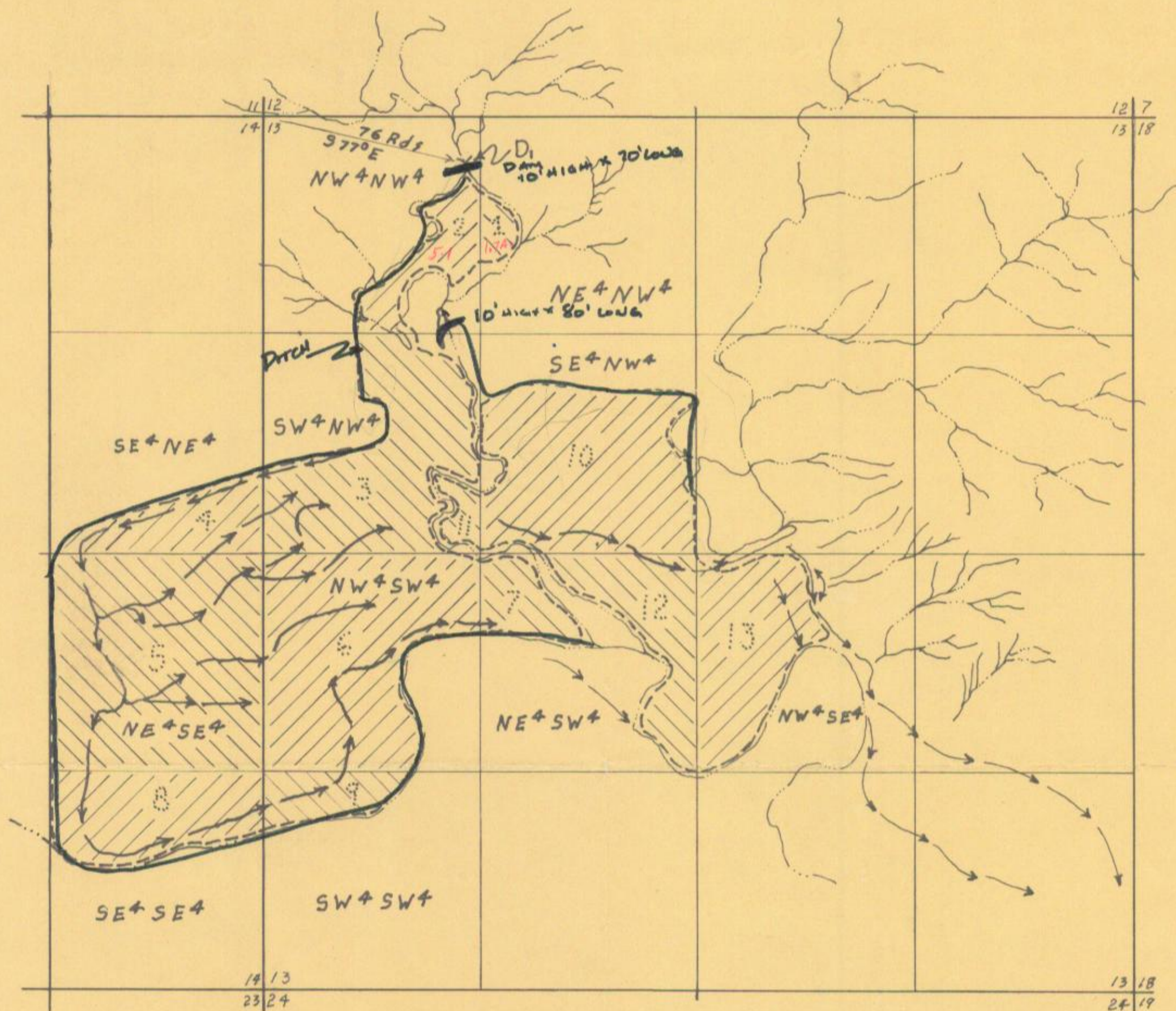
Meric D. Giegar
Registered Land Surveyor #1007

STATE OF SOUTH DAKOTA) ss
COUNTY OF MEADE

On this 28th 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



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

Dikes *(arrow symbol)*

Irrigable *(dashed line symbol)*

D1 is a point of diversion

Location of Lands to be Irrigated					
Area	Location	Sec.	Twp	Range	Acres
1	NE 1/4 NW 1/4	13	12S	2E	1.7
2	NW 1/4 NW 1/4	13	12S	2E	5.1
3	SW 1/4 NW 1/4	13	12S	2E	24.5
4	SE 1/4 NW 1/4	14	12S	2E	8.7
5	NE 1/4 SE 1/4	14	12S	2E	39.4
6	NW 1/4 SW 1/4	13	12S	2E	31.8
7	NE 1/4 SW 1/4	13	12S	2E	4.7
8	SE 1/4 SE 1/4	14	12S	2E	14.2
9	SW 1/4 SW 1/4	13	12S	2E	5.1
10	SE 1/4 NW 1/4	13	12S	2E	27.5
11	SW 1/4 NW 1/4	13	12S	2E	1.7
12	NE 1/4 SW 1/4	13	12S	2E	12.1
13	NW 1/4 SE 1/4	13	12S	2E	15.2
TOTAL					192.5

Remarks by State Water Resources Commission:

PORTIONS OF THE LANDS SPECIFIED IN THIS PERMIT ARE IRRIGATED FROM INDIAN CREEK UNDER WATER RIGHT 312-2. WHEN DIVERSIONS ARE BEING MADE FROM INDIAN CREEK, DIVERSIONS UNDER THIS PERMIT MUST BE REDUCED SO THE TOTAL DIVERSION DOES NOT EXCEED THE 2.75 CFS DIVERSION RATE GRANTED UNDER THIS PERMIT.

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, SEPTEMBER 24, 1962

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock A.m. upon the 31ST day of MARCH, 1961

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Number of permit 670-2

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 9, 1962, Recorded in Book 7 Page 181

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 NOVEMBER 9, 1964

2nd. The whole of said work is to be completed on or before MAY 9, 1967

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

MAY 9, 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 2.75 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 MAY 9, 1967; said water to be used during the following described annual period:

when available
Witness my hand this 24TH day of SEPTEMBER, 1962

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued OCTOBER 8, 1970

Water License Issued OCTOBER 8, 1970

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 670-2

(1) WHEREAS, On the 31st day of March A. D. 19 61
Clinton Caylor

made Water Right Application No. 670-2 for a permit to use 2.75 cubic feet per second of the waters of Cow Creek

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

(2) WHEREAS, On the 24th day of September A. D. 19 62
 Permit No. 670-2, 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 9th day of May A. D. 19 67 and for the application to beneficial use of said water on or before the 9th day of May A. D. 19 67

and, Whereas on the 21st day of September, 1970, the Permit was transferred to Caylor Bros.,

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 2.75 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 T12S, R2E

Acres		
Section 13	NW $\frac{1}{4}$ NW $\frac{1}{4}$	5.1
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	1.7
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	26.2
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	27.5
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	31.8
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	16.8
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	5.1
Section 14	NW $\frac{1}{4}$ SE $\frac{1}{4}$	15.2
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	6.7
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	39.4
	SR $\frac{1}{4}$ SE $\frac{1}{4}$	14.2
Total		192.5 Acres

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

_____ of Ardmore, South Dakota
the holder s and owner s of said permit No. 670-2 a water right, dating from March 31, 1961
_____ to use of 2.75 cubic feet per second of the waters
of Cow 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 two points in the NW 1/4, NE 1/4, Section 13, T12N, R2E

and conduct to and upon portions of Sections 13 and 14, T12N, R2E, described on the
face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 670-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 2th day of October A. D.
Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

Form 15.

Permit No. 670-2

Water Diversion No. 2 SOUTH CHEYENNE RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the Caylor Bros.

_____ the holder _____ of
Permit No. 670-2, issued upon Application No. 670-2, bearing date of priority of March 31, 1961

_____ authorizing the diversion of 2.75 cu. ft. per second of the waters of _____
Cow Creek _____ County of Fall River, State of South Dakota at _____
two points in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, T12S, R2E

_____, for irrigation

_____ purposes, have _____ 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 _____ and _____ up to 10 cu. ft. per second of water.

Date October 8, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

on or before
(First Publication) April 11 19 62

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., March 15, 19 62

Notice is hereby given that Clinton Caylor whose postoffice address is Ardmore S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.75 cubic feet of water per second of time from ~~near~~ Cow Creek through the Caylor Irrigation Project #1, the point of diversion of which is to be located on ~~both~~ banks of said stream in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 13 Twp. 12N Range 2E Said water to be used for the purpose of providing irrigation on ^{Portions of} the following described land:

NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ AND SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13; E $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14, all in
T. 12N, R. 2E

~~Notice~~ This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 9th day of May, 19 62, 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.

Charles E. Donnelly, Jr. - Publisher
Edgemont Herald, Tribune
Edgemont, South Dakota

State Water Resources Commission

By:

~~XXXXXXXXXXXXXXXXXXXX~~
BURTON F. JONES
Water Right Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Fall River } ss.

Charles E. Donnelly, Jr. being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Edgemont Herald-Tribune 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 Edgemont County of Fall River and State of South Dakota; that the said notice was published in said newspaper on the following dates:

March 22, March 29, April 5 and
April 12, all in the year 1962

In each and every issue of the full number thereof, the first publication being made on the 22 day of March 1962, and the last publication on the 12 day of April 1962, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was editor the printer and publisher of the said newspaper.

Subscribed and sworn to before me this 20th day of September A. D. 1962

Notary Public Fall River County, S. D.

No. 504, Mar. 22, 29, Apr. 5, 12, 1962
 Form 8—Notice of Intention to Appropriate Water
 No. 670-2
 on or before _____
 (First Publication April 11, 1962)
APPROPRIATION OF WATER
 Office of State Water Resources Commission, Pierre, South Dakota
 March 15, 1962
 Notice is hereby given that Clinton Caylor whose postoffice address is Ardenmore, 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 2.75 cubic feet of water per second of time from Cow Creek through the Caylor Irrigation Project No. 2 at the point of diversion of which is to be located on both banks of said stream in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 13, Twp. 12S, Range 2E, Said water to be used for the purpose of providing irrigation on portions of the following described land: NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ AND SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, E $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 14, all in T. 12S, R. 2E.
 This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 9th day of May, 1962, 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.
Charles E. Donnelly, Jr.
 Publisher
 Edgemont Herald-Tribune
 Edgemont, South Dakota
 State Water Resources Commission
 By: Burton F. Jones
 Water Right Specialist

NOTICE OF TRANSFER OF WATER PERMIT

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

Date September 21, 1970

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

Portions of Sections 13 and 14, T12S, R2E, described in Water Permit
No. 670-2

formerly owned by Clinton Caylorhas been transferred to Caylor Bros.

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No.
670-2 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.

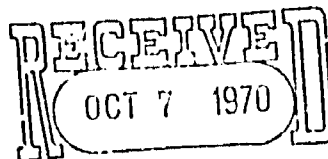
STATE OF SOUTH DAKOTA)
County of FALL RIVER) ss.

I, Clinton Caylor, 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.

Clinton Caylor
(Signed)

Subscribed and sworn to before me this 29th day of September, 19 70

[Signature]
(Notary Public)

My commission expires 11-15-70

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Permit No. 670-2
SOUTH CHEYENNE
 Water Division 2 RIVER Water District

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

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

I have this day made a thorough examination of the water use system constructed by CAYLOE
BROS. of ARDMORE holder 2
 of Permit No. 670-2, bearing date of priority of MARCH 31, 1961
 authorizing the diversion of 2.75 cu. ft. per second of the waters of COW CREEK
 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:

TWO DIVERSION DAMS - #1 10' HIGH X 70' LONG
#2 10' HIGH X 80' LONG

BOTH W/ 24" HEADGATES

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

#1 DITCH ABOUT 1 1/4 MILE LONG
#2 DITCH ABOUT 1/2 MILE LONG

C. Works used to apply water to beneficial use.

SERIES OF LEVEL DITCHES SPREADS WATER

The system is in the following condition: GOOD

The point of diversion is located AT TWO POINTS IN THE NW¹ & NW²
SECTION 13, T12S, R2E

The works are capable of diverting and conveying to the place of use UP TO 10 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 T12S, R2E

SECTION 14

SE¹ NE¹ 6.7 AC.
NE¹ SE¹ 89.4 AC.
SE¹ SE¹ 14.2 AC.

SECTION 13

NW¹ NW¹ 5.1 AC. NW¹ SW¹ 31.8 AC.
NE¹ NW¹ 1.7 AC. NE¹ SW¹ 16.3 AC.
SW¹ NW¹ 26.2 AC. SW¹ SW¹ 5.1 AC.
SE¹ NW¹ 27.5 AC. NW¹ SE¹ 10.2 AC.

comprising a total of 192.5 acres of land.

Date SEPTEMBER 15, 1970

Anton J. Fine
 (Signature)

WATER RIGHT SPECIALIST
 WATER RESOURCES COMMISSION



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 6, 1991

670-2

Jim Hollenbeck
Farm Credit Services
PO Box 3130
Rapid City, SD 57709-3130

Enclosed, as you requested, are copies of Water Right Nos. 267-2, (Roe Ditch) 670-2, 806-2, and 1020-2 (Caylor Brothers). You were interested in water rights which authorize irrigation of land within T8S-R4E, T8S-R5E and T12S-R2E.

Vested Water Right No. 2013-2, Oakley Lamphere, is also within the above legal description; however, it has not yet been issued by the Chief Engineer. As soon as it is signed, I will forward a copy to you.

If you have any questions concerning the enclosed information, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 8, 1993

312-2 670-2
806-2 1020-2
1641-2

Jerry Wyatt
Wyatt Real Estate
309 N River
Hot Springs, SD 57747

Dear Mr. Wyatt:

Enclosed, as we discussed, are partially completed "Notice of Transfer" forms for use in filing ownership changes on Water Right Nos. 312-2, 670-2, 806-2, 1020-2 and 1641-2. Also enclosed are copies of the water rights for your review.

The transfer forms should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (total of \$12.50).

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Genny McMath

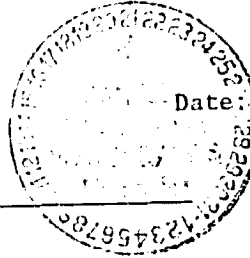
Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

No. 670-2

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



Date: January 15, 1992

I/We request that Water Right No. 670-2

formerly owned by: Clinton Caylor

be transferred to: (name & address) James and Patricia Johnston

HC 68 Box 7 Lakeside, NE 69351 (Telephone No.) 308-762-5134

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

NW 1/4, N 1/2 SW 1/4, SW 1/4 SW 1/4, NW 1/4 SE 1/4 Section 13 and SE 1/4 NE 1/4,

E 1/2 SE 1/4 Section 14, T12S, R2E (192.5 acres)

I/We understand that the validity of Water Right No. 670-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Fall River)

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

James E. Johnston
(Signed)

Subscribed and sworn to before me this 15th day of January, 19 92.

James Wyatt
(Notary Public)

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

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413018

Pierre, January 21, 19²²

RECEIVED OF Russell Wyatt Real Estate Trust Account, Hot Springs, SD 57747
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 670-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By *R. L. Wyatt* Chief Engineer



January 29, 1992

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

No. 312-2, 670-2,
806-2, 1020-2,
1641-2

Jerry Wyatt
Wyatt Real Estate
309 N. River
Hot Springs, SD 57747

Dear Mr. Wyatt:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 312-2, 670-2, 806-2, 1020-2, and 1641-2.

Our records now show James and Patricia Johnston as the owner of Water Right Nos. 312-2, 670-2, 806-2, 1020-2, and 1641-2.

Sincerely,

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

enclosure

cc: James and Patricia Johnston

Water Right No. 670-2
Upper Cheyenne River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

During October, 1993, M. Rassool Ahadi made a re-examination of the water use system constructed by James E. and Patricia Johnston of Box 722, Edgemont, SD 57735 holder of Water Right No. 670-2, bearing the priority of March 31, 1961 authorizing the diversion of 2.75 cu. ft. per second of the waters of Cow Creek for irrigation purposes, in Fall River County.

The following is a report on the conditions of the same as follows:

A. Works used to divert the water:

Two ten foot high diversion dikes across the channel of Cow Creek.

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

Earthen canals.

C. Works used to apply water to beneficial use:

Flood irrigation.

The system is in the following condition good. The point of diversion is located 210 feet north from the ~~the~~ east 1/4 corner of Section 11; and 925 feet south and 70 feet east from the West 1/4 corner of Section 12; all in T12S-R2E. The works are capable of diverting and conveying to the place of use 10 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 T12S-R2E

Section 13:

SE1/4NW1/4 - 12.4 acres

SW1/4NW1/4 - 1.7 acres

NW1/4SW1/4 - 24.0 acres

SW1/4SW1/4 - 1.5 acres

NE1/4SW1/4 - 4.1 acres

Section 14:

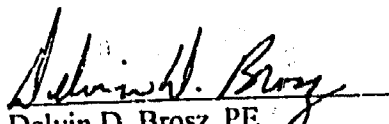
SE1/4SE1/4 - 10.3 acres

NE1/4SE1/4 - 25.0 acres

comprising a total of 79 acres of land and the license should be issued for 1.1 cfs.

Applicable permit qualifications have been complied with: Y

Exceptions to compliance are: None


Delvin D. Brosz, PE
Natural Resources Engineer
DENR, Water Rights Program

2-24-98
Date

Approval of Location Change for Diversion Points

NAME: James E. and Patricia Johnston

ADDRESS: Box 722, Edgemont, SD 57735

DATE: February 24, 1998

COUNTY: Fall River

TELEPHONE: 605-459-2637

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- Developed water source same as permitted source and no additional water appropriated

The water source remains the same – Cow Creek

- If irrigation, no new land is irrigated

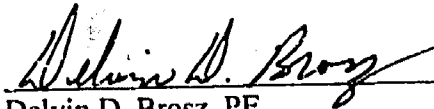
Irrigated acreage has been decreased from 192.5 acres to 79.0 acres all in the original project area.

- Review of Existing Diversions

The two original diversion points were to be located in the NW1/4NW1/4 of Section 13; the constructed diversion points are located in the SE1/4NE1/4, Section 11 and in the NW1/4SW1/4, Section 12; all in T12S-R2E. The constructed diversion points are approximately ½ mile upstream from the original diversion points.

RECOMMENDED ACTION

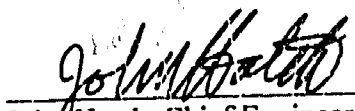
Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Delvin D. Brosz, PE
Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.


John Hatch, Chief Engineer
Water Rights Program

3-16-98



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

JUN 12 1998

James E and Patricia Johnston
Box 722
Edgemont SD 57735

Dear Mr. & Mrs. Johnston:

Enclosed for your records are the following:

- Reissued Water License Nos. 312-2, 670-2 and 806-2,
- Water Permit No. 2401-2 and Water License No. 2401-2,
- Receipts for payment of the application and license fee for Water License No. 2401-2,
- A map outlining the areas covered by the various water rights.

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

Very truly yours,

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

ks

enclosures

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 670-2

(1) Caylor Brothers, Ardmore SD were issued Water License No. 670-2, October 8, 1970 for a water right to divert 2.75 cubic feet of water per second from Cow Creek, Fall River County, South Dakota for irrigation purposes. Water License No. 670-2, with a priority date of March 31, 1961 was issued to the permit holders for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed. On January 21, 1992, Water Right No. 670-2 was transferred to James and Patricia Johnston.

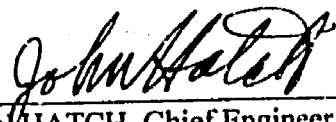
In 1993, an investigation was conducted of the water use system described in Water License No. 670-2. The investigation found the diversion points were moved approximately 1/2 mile upstream from what was authorized by the license. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the change in location of diversion points does not increase the potential for interference with existing water rights. Water License No. 670-2 is being reissued to reflect what is actually being irrigated and to correct diversion point locations.

(2) It is certified that the water right holders have complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and are entitled to divert 1.1 cubic feet of water per second for beneficial use. The location of the diversion points are 210 feet north from the east 1/4 corner of Section 11 (SE 1/4 NE 1/4); and 925 feet south and 70 feet east from the west 1/4 corner of Section 12 (NW 1/4 SW 1/4); all in T12S-R2E.

(3) The water right holders have complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 13-T12S-R2E		Section 14-T12S-R2E	
SE 1/4 NW 1/4	12.4 acres	SE 1/4 SE 1/4	10.3 acres
SW 1/4 NW 1/4	1.7 acres	NE 1/4 SE 1/4	25.0
NW 1/4 SW 1/4	24.0 acres		
SW 1/4 SW 1/4	1.5 acres		
NE 1/4 SW 1/4	4.1 acres		
Total acres irrigated: 79			

(4) Pursuant to South Dakota Water Law 46-5-30.1 James and Patricia Johnston, Box 722 Edgemont SD 57735 the holders and/or owners of Water Right No. 670-2 are reissued a license to appropriate water, the right to use 1.1 cubic feet of water per second from Cow Creek with a priority date of March 31, 1961 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 670-2 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 12 1998

date



670-2

WOOD RANCH

P O BOX 166
PRINGLE SD 57773

281 358 8067 FAX
email: oonagh@earthlink.net

August 1 2003

Dept. of Environment & Naural Resources
Joe Foss Building
523 East Capitol,
Pierre, SD 57501-3182

RECEIVED

AUG - 5 2003

WATER RIGHTS
PROGRAM

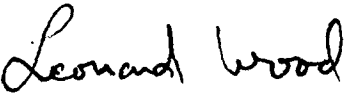
Dear Sirs,

We purchased property from James and Patricia Johnston, in March 2003. A copy of the Warranty Deed with the legal descriptions is enclosed.

We are requesting that the water rights currently held by James and Patricia Johnston, which go along with this property (1641-2, 312-2, 670-2, 806-2, 2310-2, 2401-2) be transferred to Leonard and Oonagh Wood. Six Notice of transfer of Ownership are attached along with check # 1725 in the amount of \$15.00 to cover the filing fees.

Thank you for your assistance in this matter.

Yours truly,


Leonard & Oonagh Wood.



028711

670-2

DOCUMENT PREPARED BY:
KENNETH L. HEISTERKAMP
P. O. BOX 290
RAPID CITY, SD 57709
(605) 343-2410

RECORDED 8157
COMPARED C
INDEXED n

State of South Dakota } SS
County of Fall River }
Filed For Record
3rd Day of March, 20⁰³
at 4:40 P M, and recorded in.
Book 122 Page 356 thru 357
Anita Cope
Register of Deeds
Recording \$12.00 ck
Transfer \$926.50 ck
Return To: FRA pd by Pent title

WARRANTY DEED

James E. Johnston and Patricia M. Johnston, husband and wife, Grantors, of P.O. Box 226, Harrison, NE 69346, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, grant, convey and warrant to Leonard J. Wood and Oonagh Wood, husband and wife as joint tenants with rights of survivorship and not as tenants in common, Grantees, of P.O. Box 166, Pringle, SD 57773, the following described real estate in the County of Fall River in the State of South Dakota:

**SEE EXHIBIT "A" HERETO TO & INCORPORATED
HEREIN BY THIS REFERENCE.**

TRANSFER FEE \$926

Dated this 30th day of March, 2003

James E. Johnston
James E. Johnston

Patricia M. Johnston
Patricia M. Johnston

STATE OF SOUTH DAKOTA)
COUNTY OF Fall River) SS.

Transfer Fee
\$926.50

On this the 30th day of March, 2003, before me the undersigned officer, personally appeared James E. Johnston and Patricia M. Johnston, husband and wife, known to me or satisfactorily proven to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged that they executed the same for the purposes therein contained.

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

SEAL SHELLEY R. SWANSON
NOTARY PUBLIC
(SEAL)
State of South Dakota SEAL

Shelley R. Swanson
Notary Public
My Commission Expires: 7-5-2005

Exhibit "A"
Legal Description

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

Sec. 24: S1/2NE1/4; N1/2SE1/4
Sec. 33: SW1/4SW1/4

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

Sec. 8: S1/2SW1/4; S1/2SE1/4
Sec. 17: ALL
Sec. 18: N1/2; NE1/4SW1/4; SE1/4
Sec. 19: NE1/4; N1/2SE1/4; Lot 3
Sec. 20: N1/2NE1/4; NW1/4

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

Sec. 3: S1/2SW1/4
Sec. 4: W1/2NE1/4; W1/2; SE1/4
Sec. 8: N1/2SE1/4, Less County Road 5A; SE1/4SE1/4
Sec. 9: ALL, Less County Road 5A
Sec. 10: W1/2; SE1/4; that portion of the NE1/4 lying south of County Road 5A
Sec. 11: S1/2SW1/4
Sec. 13: ALL
Sec. 14: NW1/4; N1/2S1/2; Lot 4; S1/2NE1/4
Sec. 15: E1/2 Less County Road 6412; NW1/4

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 5, 20 03

RECEIVED OF Leonard & Oonagh Wood, PO Box 166, Pringle SD 57733

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>670-2</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. 000057

By

Daniel E. Eide
Chief Engineer *gm*

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

AUG - 5 2003

WATER RIGHTS
PROGRAM

No. 670-2

Date: 8.1.03

X/We request that Water Right/Permit No. 670-2

formerly owned by: JAMES & PATRICIA JOHNSTON

be transferred to: (name & address) LEONARD & DONAGH WOOD
P.O. Box 166, PRINGLE, SD 57773

Telephone No. 605 673 2625

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

Sec 13: SE4NW4, SW4NW4, NW4SW4, SW4SW4, NE4SW4, T12S R2E Fall River Co
Sec 14: SE4SE4, NE4SE4 T12S R2E Fall River County.

I/We understand that the validity of Water Right/Permit No. 670-2 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.

X/We LEONARD & DONAGH WOOD, the new owner, certify that the above information is true and correct.

Leonard Wood
(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.



670-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 6, 2003

Leonard & Oonagh Wood
Wood Ranch
PO Box 166
Pringle SD 57773

RE: Ownership changes on Water Right Nos. 312-2, 670-2, 806-2, 1641-2, 2310-2 and 2401-2

Dear Mr. & Mrs. Wood:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted for changing ownership on Water Right Nos. 312-2, 670-2, 806-2, 1641-2, 2310-2 and 2401-2. The transfers have been completed. The water rights formerly listed in the names of James and Patricia Johnston are now listed in your names.

Each year in October, we mail out the annual irrigation questionnaire to all irrigators in the State with the exception of those with water spreading systems. Enclosed are sample copies for your review. This will give you an idea of what type of information you will need to keep track of during the irrigation season. You will only receive questionnaires for Water Right Nos. 312-2 and 2310-2.

Also enclosed are Receipt Nos. 000855, 000856, 000857, 000858, 000859 and 000860 in the amounts of \$2.50 each. You may keep these for your records. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures



**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: LEONARD/OONAGH WOOD
PO BOX 166
PRINGLE SD 57773

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. 1641-2, 312-2, 670-2, 806-2, 2310-2

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.



670-2
**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: LEONARD/OONAGH WOOD
PO BOX 166
PRINGLE SD 57773

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. 1641-2, 312-2, 670-2, 806-2, 2310-2

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

070-2
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: LEONARD/OONAGH WOOD
PO BOX 166
PRINGLE SD 57773

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. 1641-2, 312-2, 670-2, 806-2, 2310-2

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 19, 2008

NOTICE OF SHUTOFF ORDER

TO: LEONARD/OONAGH WOOD
PO BOX 166
PRINGLE SD 57773

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. 1641-2, 312-2, 670-2, 806-2, 2310-2

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:

LEONARD/OONAGH WOOD
PO BOX 166
PRINGLE SD 57773

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. 1641-2, 2310-2, 312-2, 670-2, 806-2, 2401-2

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.

RECEIVED

JAN - 3 2012

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 670-2

Date: _____

I/We request that Water Right No. 670-2

formerly owned by: Leonard & Oonagh Wood, PO Box 166, Pringle SD 57773

be transferred to: (name & address) Indian Creek Cattle LLP
32296 190th St

Sleepy Eye MN 56085 Telephone No. 507-794-5779

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

79 acres - S 1/2 NW 1/4, W 1/2 SW 1/4, NE 1/4 SW 1/4 Section 13, E 1/2 SE 1/4 Section 14, T12S, R2E

I/We understand that the validity of Water Right No. 670-2 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 Indian Creek Cattle LLP, the new owner, certify that the above information is true and correct.

Indian Creek Cattle LLP
(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 1/3, 20 12

RECEIVED OF Indian Creek Cattle LLP 32296 190th St Sleepy Eye MN 56085

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>670-2</u>		50 00
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. **05195**

By

Donald E. Erbe
Chief Engineer

670-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 12, 2012

Joe Schwartz
Indian Creek Cattle LLP
32296 190th St
Sleepy Eye MN 56085

RE: Water Right Nos. 312-2, 670-2, 806-2, 1641-2, 2310-2 and 2401-2

Dear Mr. Schwartz:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right Nos. 312-2, 670-2, 806-2, 1641-2, 2310-2 and 2401-2.

The ownership changes have been completed. The water rights formerly held by Leonard and Oonagh Wood are now listed in your name.

Recently when I sent you email correspondence, I forwarded copies of all of the water rights to you for your review. The water rights for No. 312-2 and 2310-2 are the only two that will need annual irrigation questionnaires filed to report water use. Our records show that these two were set up to use pumping equipment for irrigation. When irrigating the land described in either of those water rights, if you use a pump to divert water, please keep track of the pump rate and the hours water was applied. This information will need to be reported annually. If you use only water spreading type systems, you will need to let us know that when submitting the forms each fall.

Enclosed for your records are the receipts for the filing fees. If you have any questions, please contact me.

Sincerely,

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 06, 2013

NOTICE OF SHUTOFF ORDER

TO: INDIAN CREEK CATTLE LLP
JOE SCHWARTZ
32296 190TH ST
SLEEPY EYE MN 56085

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. 2401-2 2310-2 1641-2 806-2 (670-2) 312-2

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:

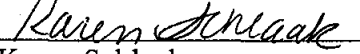
LAST_NAME	FIRST_NAME	ADDRESS2	CITY	STATE	ZIP
INDIAN CREEK CATTLE LLP		32296 190TH ST	SLEEPY EYE	MN	56085
INDIAN CREEK LAND & CATTLE LLC		PO BOX 538	EDGEMONT	SD	57735
WEINREIS BROTHERS		230908 HIGHLAND RD	SCOTTSBLUFF	NE	69361
SEGER RANCH INC		RR 1-BOX 100A1	HOT SPRINGS	SD	57747
REUTTER	EDWARD/WANDA	HCR 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 & THOMAS	2533 PARK AVE	LARAMIE	WY	82070
SIMONS	BERNARD D	BOX 381	EDGEMONT	SD	57735
TUBBS LAND & CATTLE LLC		10891 RIVER RD	EDGEMONT	SD	57735
WALKER	FRED S & CYNTHIA K	30301 CASCADE RD	ARDMORE	SD	57735
WYOMING DAKOTA RAILROAD PROPERTIES INC	WAYNE F	120 S 6TH ST - 9TH FLOOR	MINNEAPOLIS	MN	55402


 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

