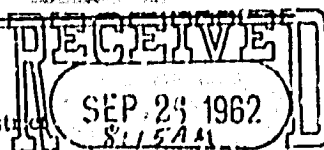


No. 785-2Water Division No. 2 SOUTH CAYENNE RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant JOHN N. McLain
Postoffice address DELRICH County FALL RIVER, State S. DAK.

I. If a corporation

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

(NOTE—A certified copy of articles of incorporation must accompany this 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 (work completed)

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work McLain Diversion #1

3. Amount of water claimed .73 cubic feet per second 152.4 A.C. ft.

4. Source of water supply Surf. & runoff from local watersheds

5. Location of point of diversion NE 1/4 Sec 18, T11S., R. 8E., BHM South 10° West
128 rods from NE corner on south bank Fall River County.

6. Annual period or periods during which water is to be used Whenever flow occurs during annual period.

7. To be used for:

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

- (a) Number of acres to be irrigated 50.8 acres.

- (b) Legal subdivisions to be irrigated See attached & see map.

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

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

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

- (a) Nature of use

Name any of the above uses claimed

- (b) Amount of power to be generated

horse power.

Amount claimed for engine cooling

- (c) Location of plant

- (d) Method of developing power

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

VIR

8. Estimated cost of work:

(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.)

Series of dikes and ditches for waterspreading

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 Earth
 (b) Reservoir: Capacity when filled ----- acre feet. Surface area at highwater mark ----- acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY

(c)* Head gate: Width 12" con p. ----- feet; height ----- feet;
 Material -----

(d) Canal: Total length none ----- 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 work completed

11. Time required for complete application of water to the proposed beneficial use now being utilized years.

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

STATE SOUTH DAKOTA

County of Sully ss.

I, John M. McLean, 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 John M. McLean

Subscribed and sworn to before me this 21 day of September 1962

Notary Public (or other qualified officer.)

Remarks by State Water Resources Commission:

"Vested right" claimed

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, October 15, 1962

This is to certify that the foregoing application was received by the Commission at 8:15 o'clock

4 m. upon the 26TH day of September, 1962

State Water Resources Commission

By:

Burton Z. Jones
for Chief Engineer, Executive Officer

Number of permit 785-2

Date of first receipt of application September 26, 1962

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 1945, 19—

Approved October 15, 1962, Recorded in Book 7 Page 185

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 ~~was~~ completed on or before

2nd. The whole of said work is ~~was~~ completed on or before

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

completed, 19—

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 73 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~~ ^{was} actually and beneficially applied for irrigation on or before June 1, 1955; said water to be used during the following described annual period:

whenever available during annual period

Witness my hand this 15TH day of October, 1962

State Water Resources Commission

By:

Robert Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued OCTOBER 15, 1962

Water License Issued October 15, 1962

Remarks by the Applicant:

Map taken from records of Fall River
Soil Conservation District.

Point of diversion determined from U.S. Dept.
of Agriculture air survey map BNY-IT-2 of
9-24-57.

Point of diversion for Area #1 - SE⁴ Sec. 18,
T. 11 S., R. 8 E., B4M; from SE corner, 58° north,
167 rods.

AREA NO.	DESCRIPTION	ACRES
1	NW-SE 7-11-8	10.8
2	NE NW NW-NE 18-11-8	4.0
3	NW-NE	20.0
4	NE-NE	5.2
5	SW-NE	.8
6	SE-NE	10.0

Permit No. 725-2Water Division No. 2 So. Cheyenne River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That John F. McIn

of Oelrichs, County of Fall River, and State of
South Dakota, the holder of Vested Right Permit No. 725-2, issued upon Application
 No. 735-2, bearing date of priority of 1945, authorizing the diversion of
.73 cu. ft. per second of the waters of dry draws

County of Fall River, State of South Dakota, at a point S10°W 123 rods
from the NE corner, Section 13, T11S, R8E

for irrigation
 purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of
 completion of the works of diversion set out and described in said Permit; that said works are recognized as
satisfactory for diverting and conveying to the place of intended use .73 cu. ft.
 per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit: all in T11S, R8E

Section 7	NW ¹ SE ¹	10.8 acres
Section 18	NE ¹ NW ¹	4.0 "
	NW ¹ NE ¹	20.0 "
	NE ¹ NE ¹	5.2 "
	SW ¹ NE ¹	.8 "
	SE ¹ NE ¹	10.0 "
Totals....		50.3 "

Witness my hand this 15thday of OctoberA. D. 1962

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. J. BRINES

STATE OF SOUTH DAKOTA

WATER LICENSE No. 735-2

WHEREAS, On the 26th day of September A. D. 1962
John H. McMain

of DeRi'che County of Fall River and State of
South Dakota duly made application (No. 735-2) to us for a Vested Right permit to use .73
cubic feet per second of the waters of dry draws
County of Fall River State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 15th day of October A. D. 1962
recognizing the
Vested Right Permit No. 735-2 was issued to said applicant for the diversion of said water, and providing for the
completion of the works of diversion therein described on or before the day of
and making application to beneficial use of said
water on or before the day of
and,

WHEREAS, On the 26th day of September A. D. 1962
the holder of said permit duly made p. the completion of adequate works for the diversion of .73
cubic feet per second of said waters, as evidenced by our Certificate No. 735-2
dated October 15, 1962 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use cubic feet per second of water, with date of
priority of 1945 and,

WHEREAS, On the 26th day of September A. D. 1962
proof was duly made of the application to beneficial use of .73 cubic feet per second of said water;
for irrigating 50.3 acres in Sections 7 and 18, T11S, R2E

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,

We hereby grant and confirm to John H. McLain Vested Right
of Oelrichs the holder and owner of said permit No. 785-2
a water right, dating from 1945 to the use of .73
cubic feet per second of the waters of dry draws
in the County of Fall River and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted at a point S10°W, 128 rods from the
NE corner, Section 18, T11S, R8E
and conducted to and upon 50.3 acres in Sections 7 and 18, T11S, R8E more specifically
described in the Certificate of Completion of Works

for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 15th day of October A. D. Nineteen
Sixty-two
Hundred and

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. GRIMES

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

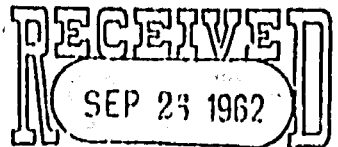
Purpose _____

Date of Priority _____

Recorder _____

in Book _____ of _____ Page _____

Location No. _____



Water Division No. _____

Water District _____

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. JOHN N. MCCLAIN, Slim Butte Twp., Oelrichs, S. Dak.
Rancher

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. Vested Right is being submitted along with
Application for Permit

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. From surface runoff of local watersheds. South 10°
West 128 rods from NE corner of NE⁴ Sec 18, T11S., R2E, B1M.

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. Ditch capacity adequate to carry max. 152.4 Ac. ft.
water allowable during annual period of use, through
MCCLAIN Diversion #1, completed 1945

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Water is used for irrigation. See attached
map and listing for acreage.

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. _____

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 152.4 Ac. ft., or .73 CFS.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. Water has been applied to area shown on attached map by gravitational means through a series of dikes and ditches, in the amount available when available.

(Sign)

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Delaware, County of Fair River

State of South Dakota, on this 21 day of September A. D. 1962

Witnesses.

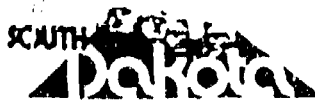
I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or lands above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Pease Cope
Carl P. Hald

Location No. -----	
PROOF OF APPLICATION OF WATER TO BENEFICIAL USE	
PETITION OF HOLDER	
Amount of Water ----- c. f. s.	
Source -----	
County -----	
Purpose -----	
Place of Use -----	

Date of recording -----	

Received and filed -----	



Department of Water & Natural Resources

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

September 21, 1988

NOTICE

John McLain
Oelrichs SD 57763

Dear Mr. McLain:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to ~~oppose~~ validate of your water right claim No(s). 784-2, 785-2 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,

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



SOUTH



Department of Water & Natural Resources

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

December 1, 1988

Vested Water Right
Claim No. 784-2, 785-2

John McLain
Delrichs SD 57763

Dear Mr. McLain:

Enclosed is a copy of a letter received from the U.S. Department of Interior, Bureau of Reclamation. The Bureau of Reclamation is opposing those vested water right claims in Pennington, Perkins, Butte and Fall River counties which have never been investigated by the Division of Water Rights. Earlier, you received a letter stating that I was opposing your claim until an investigation can be completed.

After the investigation has been completed, you and the Bureau of Reclamation will be notified as to the date, place and time of the hearing on your vested water right claim. At that time all parties of record will have an opportunity to testify on the validation.

If we can answer any questions, please contact us.

Very truly yours,

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

cc: Bruce Laymon, Bureau of Reclamation





Department of Water & Natural Resources

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

May 11, 1989

785-2

NOTICE

TO: John N. McLain
Oelrichs, 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. 785-2. 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).



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

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

March 19, 1990

785-2

NOTICE

TO: John N. McLain
Oelrichs, 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. 785-2. 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).

NOTICE OF TRANSFER OF OWNERSHIP

No. 785-2

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: 7-2-90I/We request that Vested Water Right Claim No. 785-2formerly owned by: John McLain

be transferred to: (name & address) Ardis W. McLain
Box 164 Del Rio SD 57763 (telephone No.) 535-6332

Title to the following described land(s)/property has been transferred as described above:
50.8 acres - NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 7, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ Section 18, T11S, R8E

I/We understand that the validity of Vested Water Right Claim No. 785-2 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 Beau Rivage)

I/We Ardis W. McLain 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.

Ardis W. McLain
(Signed)

Subscribed and sworn to before me this 2 day of July, 1990.

Cynthia Hunt
(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 water 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

412297

Division of Water Rights
South Dakota Department of Water and Natural Resources

Pierre, _____ July 3, 19__

RECEIVED OF Ardith McLain, Box 164, Delrichs, SD 57763-0164

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 Permi. No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____

Fee for Filing Transfer Form _____ Vested Water Right Claim No. 725-2

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

John Thorton
Chief Engineer



Department of Water & Natural Resources

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

July 5, 1990

No. 784-2
(785-2)

Ardith W. McLain
Box 164
Oelrichs SD 57763

Dear Mrs. McLain:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Vested Water Right Claim Nos. 784-2 and 785-2.

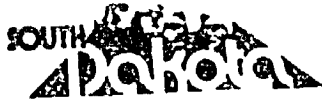
Our records now show you as the owner of these Vested Water Right Claims.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Senior Secretary
Water Rights Division
605 773-3352

enclosure



Department of Water & Natural Resources

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

March 14, 1991

785-2

NOTICE

TO: John W. McLain
Oelrichs, SD 57763

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

Delwin D. Brosz

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

785-2

RESCISSION OF SHUTOFF ORDER

TO: John N. McLain
Oelrichs, SD 57703

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

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.

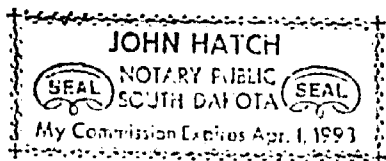
If you have any questions, please contact Mark Rath or Del Brosz (605) 773-3352.

7.05-2

Chas. F. Frost

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Notary Public





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 25, 1992

785-2

NOTICE

TO: ARDITH W MCCLAIN
BOX 184
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. 785-2 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	ZIPCODE	PERM1	PERM2
657-2		A & T CATTLE CO	TOM LANDERS	ST RT	HOT SPRINGS	SD	57747		
306-2	RICHARD	ANDERSON	A CHAR ANDERSON	HCR 50 BOX 18	FICKMONT	SD	57735		
1614-2	JEFFRE R	ANDERSON		HCR 53 BOX 20	FICKMONT	SD	57735		
326-2		R & H RANCH INC	R F CHILDERS	PO BOX 723	FICKMONT	SD	57735		
534-2		PAUL BROS		BOX 417	FICKMONT	SD	57735		
1935-2	LESTER L	BARLEY		BOX 740	FICKMONT	SD	57735		
1693-2	NICK/MICHAEL	BOGNER	ANTON BOGNER JR	HC 46 BOX 24	OFFICHS	SD	57763	1734-2	
755-2		BRAINERD INDIAN SCHOOL			HOT SPRINGS	SD	57747		
658-2	WAYNE F	CHILDERS		HCR 53 BOX 14	FICKMONT	SD	57735		
636-2	V T	CHILDERS		BOX 723	FICKMONT	SD	57735		
654-2	OSCAR	COFF			OFFICHS	SD	57763		
1324-2	JOHN	DEGERING		SR 1 BOX 136	LUSK	WY	82225		
567-2	HAROLD F	DUNSON		HCR 50 BOX 54	FICKMONT	SD	57735	1410-2	
2058-2	EDDY/BERTHA	DUNSON		HC 48 BOX 248	STENO	SD	57774		
1585-2	DAVID M	DUNBAR		RR BOX 32	OFFICHS	SD	57763		
288-2		HAID BROTHERS, INC.	CARL P HAID, PRES	HCR 46 BOX 5	OFFICHS	SD	57763	1585-2	
421-2	HEFMAN	HEER		BOX 441	FICKMONT	SD	57735		
540-2	DARRELL E	HEFMAN		BOX 462	FICKMONT	SD	57735		
1873-2	DORA R	HEHNERSON	ATT 285	5141 INDIAN RIVER	LAS VEGAS	NV	89103		
1080-2	DOX W	HENRY		BOX 276	ARMORE	SD	57715		
375-2	HENRY C	HOLLENBECK		NEWBY A MTD	FICKMONT	SD	57735		
1523-2		HUI RANCH INC	SD CORPORATION	HCR 52 BOX 102	FICKMONT	SD	57735		
350-2	DARRELL D	HUNTER		BOX D	ARMORE	SD	57715		
1441-2	JAMES/PATRICIA	JOHNSTON		HC 46 BOX 7	LAKEVIEW	NE	68351		
18770-2	JIM	KANE		BOX 124	STENO	SD	57774		
763-2	CAFE	KANNOIT	ATT 207	PLANTE HOTEL	CHANDLER	NE	68337		
1626-2	JOHN W	KOSTER		BOX 715	FICKMONT	SD	57735		
866-2	A J	LANDERS	STAR CATTLE CO	BOX 1550 HCR 52	HOT SPRINGS	SD	57747		
1640-2	R L ALLEN	LAMPENCE		BOX 750	TIOGA	ND	58752		
676-2	WELVIN	LEE			HOT SPRINGS	SD	57747		
17225-2	JOHN (JACK)	MANEY	(ESTATE)	PR 41 BOX 1720	HOT SPRINGS	SD	57747		
11447-2	KENNETH	MARTINEON		BOX 341	FICKMONT	SD	57735		
785-2	ARLITH M	MCLAIN		BOX 164	OFFICHS	SD	57763		
410-2	RAITH E	MEFFERD, JR		HCR 48 BOX 22	STENO	SD	57774		
1373-2	A J	NEILSON		BROADBENT STAGE	WILLES CITY	VT	52301		
2015-2		PETERSON & SON, INC		HCR 59 BOX 16	FICKMONT	SD	57735		
1045-2	PAUL A JEAN	PETTY	A NORMAN PETTY	HCR 52 BOX 136	HOT SPRINGS	SD	577470601		
1716-2	WELVIN	PORTER		PO RT BOX 17	FICKMONT	SD	57735		
701-2	DONALD	PUTNAM		BOX 168	OFFICHS	SD	57763	2043-2	
1646-2	CLEN	REASER		HC 45 BOX 48	OFFICHS	SD	57763		
422-2	EDWARD/MANDA	REUTTER		HCR 53 BOX 90	FICKMONT	SD	57735	1741-2	
233-2	CHANCE/NETEPI	REYNOLDS		HCR 53 BOX 26	FICKMONT	SD	57735	234-2	
669-2	OLIVER M	ROMNEY		BOX 175	OFFICHS	SD	57763		
718-2	VERNON	SCHNOSF		ST RT BOX 155	HOT SPRINGS	SD	57747	1700-2	
1643-2		STEVE RANCH INC		BOX 95	OFFICHS	SD	57763	571-2	1837-2
927-2	BERNARD D	SIMONS		BOX 361	FICKMONT	SD	57735		
1732-2	ROBERT/MARK	TUERS		BOX 363	FICKMONT	SD	57735		
1013-2		WAR BONNET RANCH LTD	BOX 132	105 F 5TH ST	ARMORE	SD	57552		
102-2	VINCENT M	WASSERBURGER		BOX 43	ARMORE	SD	57715	853-2	2115-2

Water Rights Division - DVNR
Conversation or File Documentation

File No. 785-2

NAME OF PERSON OR FILE: John N. McLain

ADDRESS: Delrichs, SD COUNTY Fall River

DATE: June 27, 1990 TELEPHONE _____

RE: Inspection of Vested Water Right Claim No. 785-2

COMMENTS:

I inspected this claim on June 20, 1990. I was accompanied
by Mrs John McLain's son-in-law (Dad). The water
spreading irrigation system exists as described on the
claim and is in working condition.

John McLain is deceased. The claim should be transferred
to Mrs John McLain.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

4/82

NAME: William W. Bragg, P.E.
N.R. Engineer

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

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

June 28, 1990

784-2
785-2

Mrs. John McLain
Oelrichs, SD 57763

Dear Mrs. McLain:

Enclosed are partially completed "Notice of Transfer" forms for use in filing ownership changes on Vested Water right Claim Nos. 784-2 and 785-2. The claims are currently listed in the name of John McLain.

The transfer forms should be checked over for accuracy and signed 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 \$5.00).

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

SOUTH DAKOTA

VESTED WATER RIGHT NO. 785-2 FOR IRRIGATION

Date of Receipt of Claim September 26, 1962.

Date of Validation May 6, 1992.

The Water Management Board validated Vested Water Right Claim No. 785-2 for irrigation purposes for Ardith W. McLain, Box 164, Oelrichs SD 57763 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 785-2 appropriates 0.73 cubic feet of water per second from dry draws located in the SE 1/4 NE 1/4 Section 18 to irrigate 50.8 acres located in the NW 1/4 SE 1/4 Section 7; NE 1/4 NW 1/4, NE 1/4 Section 18; all in T11S-R8E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: January 1 - December 31.
3. The priority date of the Vested Water Right is January 1, 1945.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: John H. Helt
Chief Engineer

JUL 1 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources

785-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUL 1 1992

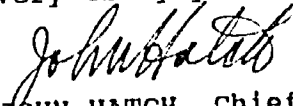
Ardith McLain
Box 164
Oelrichs SD 57763

Dear Mrs. McLain:

The Water Management Board has validated the enclosed Vested Water Right Ncs. 784-2 and 785-2. These validations give legal status to the claim and are the final document for your vested rights.

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

Very truly yours,


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

enclosure



785-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 12, 1993

785-2

NOTICE

TO: ARDITH W MCLAIN
BOX 154
OELRICHS, SD 57763

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

Delvin D. Brosz

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. 785-2 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

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.

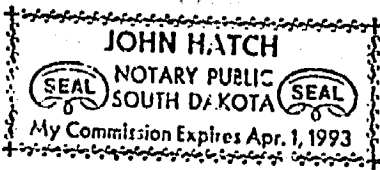
Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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

John H. Hatch
Notary Public





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 14, 1993

785-2

RESCISSION OF SHUTOFF ORDER

TO: ARDITH W MCLAIN
BOX 164
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



100-100000
100-100000

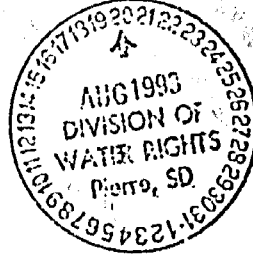
WTR 4.10
BF-439

United States Department of the Interior

BUREAU OF RECLAMATION

Great Plains Region
Belle Fourche Projects Office
P.O. Box 226
Newell, South Dakota 57760-0226

AUG 18 1993



Mr. John Hatch, Chief Engineer
Water Rights Division
South Dakota Department of Water and Natural Resources
523 E. Capitol
Pierre SD 57501-3181

Subject: Vested Water Right Claims in Western South Dakota (Your Letter
Dated April 20, 1993) (Water Rights)

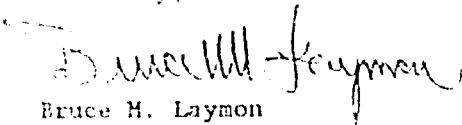
Dear Mr. Hatch,

We have reviewed the vested water right claims located in Perkins, Pennington, Fall River, and Butte Counties as listed in your letter dated April 20, 1993. We have also discussed these rights with contract water users. We appreciate the assistance of your staff in providing documentation of inspections and validation proceedings for specific claims as we requested.

We are satisfied with all of the actions taken by the board. Our intent in opposing validation of the water rights was to assure that all of the rights were reviewed prior to validation. That review has been completed by your staff. Thank you for notifying us of the board's actions and extending the opportunity to reconsider the actions if it would have been deemed necessary. We understand that future notification will be made in advance of board actions.

If we can be of further assistance, please contact Craig Kjar or me at (605) 456-2695.

Sincerely,


Bruce H. Laymon
Project Manager

cc: Mr. Joe Kramer, Manager
Angostura Irrigation District
PO Box 346
Oral SD 57766

Mr. James E. Winterton, Project Manager
Belle Fourche Irrigation District
PO Box 225
Newell SD 57760



785-2

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

March 15, 1995

785-2

NOTICE

TO: ARDITH W MCLAIN
BOX 164
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. 785-2 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



785-2

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

May 26, 1995

785-2

RESCISSION OF SHUTOFF ORDER

TO: ARDITH W MCLAIN
BOX 164
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

L



**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: ARDITH W MCLAIN
BOX 164
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. 785-2

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.



785-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 15, 2005

NOTICE OF SHUTOFF ORDER

TO: ARDITH W MCLAIN
BOX 164
OELRICHS SD 57763

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

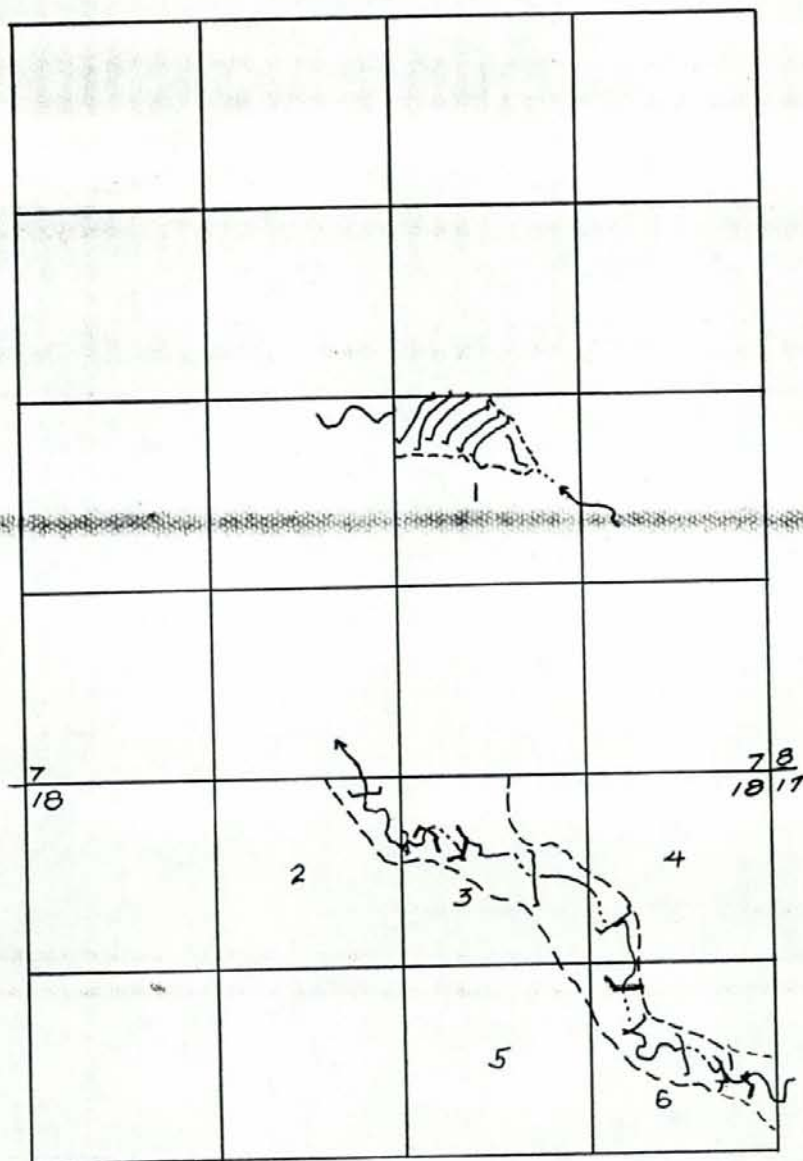
SUBJECT: Shutoff Order for Junior Priority Date Water Rights Upstream of
Angostura Dam

Shutoff Order for Water Right Nos. 785-2

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.



J. M^cLAIN

785-21



IN REPLY REFER TO:

DK-700
PRJ 13.00

785-2
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: ARDITH W MCLAIN
BOX 164
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. 785-2

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.



March 23, 2005

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

784-2

785-2

Hald Brothers
HC 46 Box 5
Oelrichs SD 57763

Wayne Cope
PO Box 112
Oelrichs SD 57763

Dear Sirs:

Recently, when mailing out shutoff orders for junior water right holders, it came to our attention that ownership on Vested Water Right Nos. 784-2 and 785-2 had changed. The vested rights are currently listed in the name of Ardith McLain.

Your names were obtained from the Fall River County Assessor's office as owning portions of the land described in the vested rights. Enclosed are copies for your review.

Also enclosed are partially completed Notice of Transfer of Ownership forms for filing an ownership change. Please complete the forms by including the correct legal descriptions of the land you own. Upon completion, please sign the forms and return them to our office with a required filing fee of \$2.50 each. The check or money order for the fee can be made payable to the Water Rights Program.

If you only own a portion of each one, list only the legal descriptions you own and we will divide the water right accordingly.

Thank you for your assistance in this matter and if you have any questions, please let me know.

Sincerely,

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

enclosures

RECEIVED

APR - 8 2005

WATER RIGHTS
PROGRAM

April 4 05

Chief Engineer
Water Rights Program
523 East Capitol
Pierre SD 57501-3181.

Sirs; in reference to your ownership of water rights on land formerly owned by "andichome, fair" their water rights are in the NW $\frac{1}{4}$ - NE $\frac{1}{4}$ not NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 18-11-8

Hall Bros land is lot 1-2 - E $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec 18-11-8 - and no water rights are on this land.

As for water rights on section 7-11-8,

Hall Bros land is lot 2-3 - SE $\frac{1}{4}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ section 7-11-8 - and water rights are on this land.

As for transfer of ownership of water rights we are not interested in transferring ownership at this time.

Thank you.

Hall Bros. Rt 46 Box 5

Oelrichs SD 57763-9701

Land described in Vested Water Right Nos. 784-2 and 785-2 (Ardith McLain):

Vested Water Right No. 784-2		Vested Water Right No. 785-2	
Section 24, T11S, R7E		Section 7, T11S, R8E	
NW ¼ NE ¼	12.4 acres	NW ¼ SE ¼	10.8 acres
NE ¼ NE ¼	30.0 acres		
SW ¼ NE ¼	18.4 acres	Section 18, T11S, R8E	
SE ¼ NE ¼	7.6 acres	NE ¼ NW ¼	4.0 acres
NE ¼ SW ¼	25.2 acres	NW ¼ NE ¼	20.0 acres
SW ¼ SW ¼	2.8 acres	NE ¼ NE ¼	5.2 acres
SE ¼ SW ¼	18.8 acres	SW ¼ NE ¼	0.8 acres
		SE ¼ NE ¼	10.0 acres

Held Bros

lots 1+2 E ½ NW ¼ 115 BE 518
 lots 2-3 SE ¼ NW ¼ 115 BE 57
 E ½ SW ¼ 115 BE 57



**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 9, 2005

784-2
785-2

Wayne Cope
PO Box 112
Oelrichs SD 57763

Dear Mr. Cope:

On March 23, 1005, I wrote to you and "Hald Brothers" concerning ownership of land described in Vested Water Right Nos. 784-2 and 785-2. The vested rights are currently listed in the name of Ardith McLain.

We received a response back from Hald's saying they do not have an interest in the water rights. We need to know whether you own the land and if you want to maintain the vested water rights.

The vested rights are transferable as long as they have not been abandoned or forfeited for non-use. Under South Dakota water law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years unless legal excuse exists for not irrigating. Enclosed are excerpts of the laws and rules dealing with these issues.

Please contact us as to whether or not you do indeed own the land and if so, do you wish to maintain the water rights on them. If you do not own the land and we need to be contacting someone else, let me know.

Sincerely,

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

enclosures

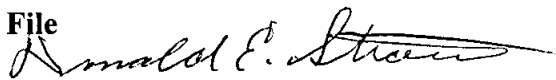


**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 28, 2006

MEMO

To: File

From: Donald E. Stroup, DENR Natural Resources Project Engineer

Subject: Water Right Nos. 784-2 & 785-2

Persons Contacted: Mr. Hald & Mr. Cope

On April 27, 2006 I spoke with Mr. Hald, the present owner of a portion of the property (NE¼ NW¼ Section 18 T11S R8E) irrigated under Water Right No. 785-2. Mr. Hald advised me that the property never should have been listed as irrigated under 785-2 since Mr. McLain did not own that acreage. He also stated that he advised some one from the state years ago of this and that the acreage should be removed from the water right.

On April 28, 2006 I spoke with Mr. Leslie Cope who now owns all of the lands previously owned by Mr. McLain. I advised him that we would send him the forms to transfer Water Rights 784-2 and 785-2 to him and that the acreage in the NE¼ NW¼ Section 18 T11S R8E would be removed from 785-2. Mr. Cope agreed to this.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 1, 2006

784-2
785-2

Leslie Cope
14160 Fhirk Rd
Oelrichs SD 57763

Dear Mr. Cope:

Recently, Don Stroup with our program, visited with you about ownership of land described in Vested Water Right Nos. 784-2 and 785-2. The vested rights are currently listed in the name of Ardith W McLain.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing ownership changes. Please review the forms and make any necessary corrections. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

Vested Water Right No. 785-2 describes a portion of land in the NE ¼ NW ¼ Section 18, T11N, R8E. It has been brought to our attention that the land should never have been placed on the vested right. It appears that the legal description was written in after the claim was filed and subsequently was carried along through the validation process. We have received a request from Hald Brothers, the owner of the land in question, to remove the legal description from the vested right. They have indicated they do not have any interest in the water right.

Upon receipt of both of the transfer forms and the filing fees, Vested Water Right Nos. 784-2 and 785-2 will be transferred to your name. No. 785-2 will be reissued to remove the portion of land discussed above.

If you have any questions, please contact me.

Sincerely,

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

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

MAY 12 2006

WATER RIGHTS
PROGRAM

No. 785-2

Date: _____

I/We request that Vested Water Right No. 785-2

formerly owned by: Ardith McLain

be transferred to: (name & address) Cope Ranch
1460 Shish Creek Rd.
Delvids SD 57763 Telephone No. 605-535-6910

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

50.8 acres – NW ¼ SE ¼ Section 7, NE ¼ Section 18, T11S, R8E

I/We understand that the validity of Vested Water Right No. 785-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Cope Ranch, the new owner, certify that the above information is true and correct.

Cope Ranch by Leslie Cope (PTR)
(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 May 12, 20 06

RECEIVED OF Cope Ranch, HC 46 Box 3, 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		
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>785-2</u>	2	50
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.

02440

By

Darland Ebel

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 17, 2006

784-2

785-2

Leslie Cope
Cope Ranch
14160 Shirk Creek Rd
Oelrichs SD 57763

Dear Mr. Cope:

The ownership changes you filed with Vested Water Right Nos. 784-2 and 785-2 have been received. The transfers have been completed. The vested water rights formerly listed in the name of Ardith McLain are now listed in the name of Cope Ranch.

Enclosed are your Receipt Nos. 02440 and 02441 in the amount of \$2.50 each. You may keep them for your records.

Also enclosed is Reissued Vested Water Right License No. 785-2. Hald Brothers have requested that the portion of land they own in the NE ¼ NW ¼ Section 18, T11S, R8E be removed from the license because it was never part of the project and was never owned by the McLain's. The license was reissued to remove the legal description with the remaining portions of the license left as is.

As long as you use the water beneficially as described in the vested water right, South Dakota Water Law provides that you have a continuing right to the use of the water.

If you have any questions concerning the ownership changes or the reissued license, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

enclosures

STATE OF SOUTH DAKOTA

REISSUED VESTED WATER RIGHT LICENSE NO. 785-2

(1) John McLain was issued Water License No. 785-2, October 15, 1962. The vested right claim was validated by the Water Management Board on May 6, 1992 for a right to divert 0.73 cubic feet of water per second from dry draws, Fall River County, South Dakota for irrigation purposes. Vested Water Right No. 785-2, with a priority date of January 1, 1945 was issued to Ardith W McLain for diversion of water with construction of the described water supply system and the application to beneficial use completed.

On May 12, 2006, Vested Water Right No. 785-2 was transferred to Cope Ranch.

When the original application was submitted, an additional legal description in the NE ¼ NW ¼ Section 18, T11S, R8E was added. This entry continued on through the licensing process and subsequent validation. Hald Brothers, the owner of the land in the NE ¼ NW ¼ Section 18 advised the staff person who conducted the 1990 field investigation the legal description should not have been included on the application, license or validation because it was not part of the project and McLain's did not own the land. At the request of Hald Brothers and agreed upon by Cope Ranch, the NE ¼ NW ¼ Section 18 will be removed from the water license. The remaining portions of the original license will remain the same.

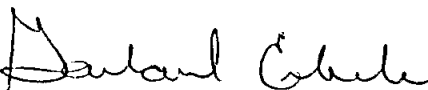
(2) It is certified that the vested right holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.73 cubic feet of water per second for beneficial use. The location of the diversion point is a point S 10°W, 123 rods from the NE corner of Section 18, T11S, R8E (SE ¼ NE ¼).

(3) The vested right holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate a total of 50.8 acres as described below:

Section 7, T11S, R8E		Section 18, T11S, R8E	
NW ¼ SE ¼	10.8 acres	NW ¼ NE ¼	24.0 acres
		NE ¼ NE ¼	5.2 acres
		SW ¼ NE ¼	0.8 acres
		SE ¼ NE ¼	10.0 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Cope Ranch, 14160 Shirk Creek Rd, Oelrichs SD 57763 the holder and/or owner of Vested Water Right No. 785-2 is issued a license to appropriate water, the right to use 0.73 cubic feet of water per second from dry draws with a priority date of January 1, 1945 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Vested Water Right No. 785-2.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 16 2006

date





**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: COPE RANCH
14160 SHIRK CREEK
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. 785-2

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: COPE RANCH
14160 SHIRK CREEK 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. 785-2

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: LESLIE COPE, PARTNER
COPE RANCH
14160 SHIRK CREEK 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. 785-2

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

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

denr.sd.gov

March 06, 2013

NOTICE OF SHUTOFF ORDER

TO: COPE RANCH
LESLIE COPE, PARTNER
14160 SHIRK CREEK 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. 785-2**

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:

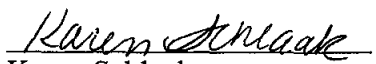
LAST_NAME	FIRST_NAME	ADDRESS2	CITY	STATE	ZIP
INDIAN CREEK CATTLE LLP		32296 190TH ST	SLEEPY EYE	MN	56085
INDIAN CREEK LAND & CATTLE LLC		PO BOX 538	EDGEMONT	SD	57735
WEINREIS BROTHERS		230908 HIGHLAND RD	SCOTTSBLUFF	NE	69361
SEGER RANCH INC		RR 1 BOX 100A1	HOT SPRINGS	SD	57747
REUTTER	EDWARD/WANDA	HCR 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 DACOTA 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

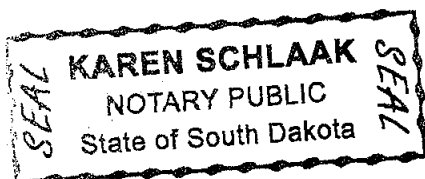
SCHNOSE	VERNON	12685 MAITLAND RD	HOT SPRINGS	SD	57747
SEABECK	DORIS SEABECK &	2533 PARK AVE	LARAMIE	WY	82070
SIMONS	THOMAS	BOX 381	EDGEMONT	SD	57735
TUBBS LAND & CATTLE LLC	BERNARD D	10891 RIVER RD	EDGEMONT	SD	57735
WALKER	FRED S & CYNTHIA K	30301 CASCADE RD	ARDMORE	SD	57735
WYOMING DAKOTA RAILROAD	WAYNE 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: COPE RANCH
14160 SHIRK CREEK 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). 785-2

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.