

858-2

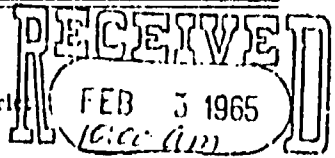
1. Considered 3-10, 19 63
2. Name of Applicant M E CHILDS
3. Post Office Address EDGEMONT
4. Amount of water claimed 9.36
5. Source of water supply CHEYENNE RIVER & ARTESIAN SPRING
6. Water to be used for IRRIGATION WATER
Acres to be irrigated 655.75
7. Water to be diverted and used in FALL RIVER County about
3 miles N of EDGEMONT
8. Proof of Publication Received 1st
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____

10. Remarks:

PERMITS 537-2 & 637-2 WILL HAVE
TO BE CANCELLED BEFORE APPROVAL

No. 858-2

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



APPLICATION FOR PERMIT

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

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

1. Name of applicant M. E. CHILDERS
Postoffice address EDGE MONT, 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 the application.)

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

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

CONTRACT AND DIRECT LABOR

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

2. Name of diversion work M. E. CHILDERS IRRIGATION PROJECT #1

3. Amount of water claimed 936 cubic feet per second

4. Source of water supply CHEYENNE RIVER & GROUND WATER

5. Location of point of diversion SEE ATTACHMENT

on LEFT bank FALL RIVER County.

6. Annual period or periods during which water is to be used APRIL THRU OCTOBER

7. To be used for:

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

(a) Number of acres to be irrigated 655.75 acres.

(b) Legal subdivisions to be irrigated SEE ATTACHMENT

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

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

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

(a) Nature of use
Name any of the above uses claimed

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

Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

MAP NO 572-2

8. Estimated cost of work:

(a) Head Gates, \$ 3000.00(c) Fluming, \$ 2000.00 (d) Canal earth, \$ 2000.00(b) Pumping plant, \$ 6000.00Rock, \$ 1500.00(e) Other structures 6000.00 \$Total, \$ 25,000.00

9. Description of diversion works:

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

PUMPING PLANTS, WELLS, FLUMES, DITCHES & HEADGATES

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 300 acre feet. Surface area at highwater mark 40 acres.

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

(c) Head gate: Width 15 feet; height 2.5 feet;Material REINFORCED CONCRETE(d) Canal: Total length 5 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 _____ years.

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

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

EDGEMONT HERALD TRIBUNE, EDGEMONT, S. DAK

STATE OF SOUTH DAKOTA

County of HUGHES } ss.I, M. F. CHILPERS

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.

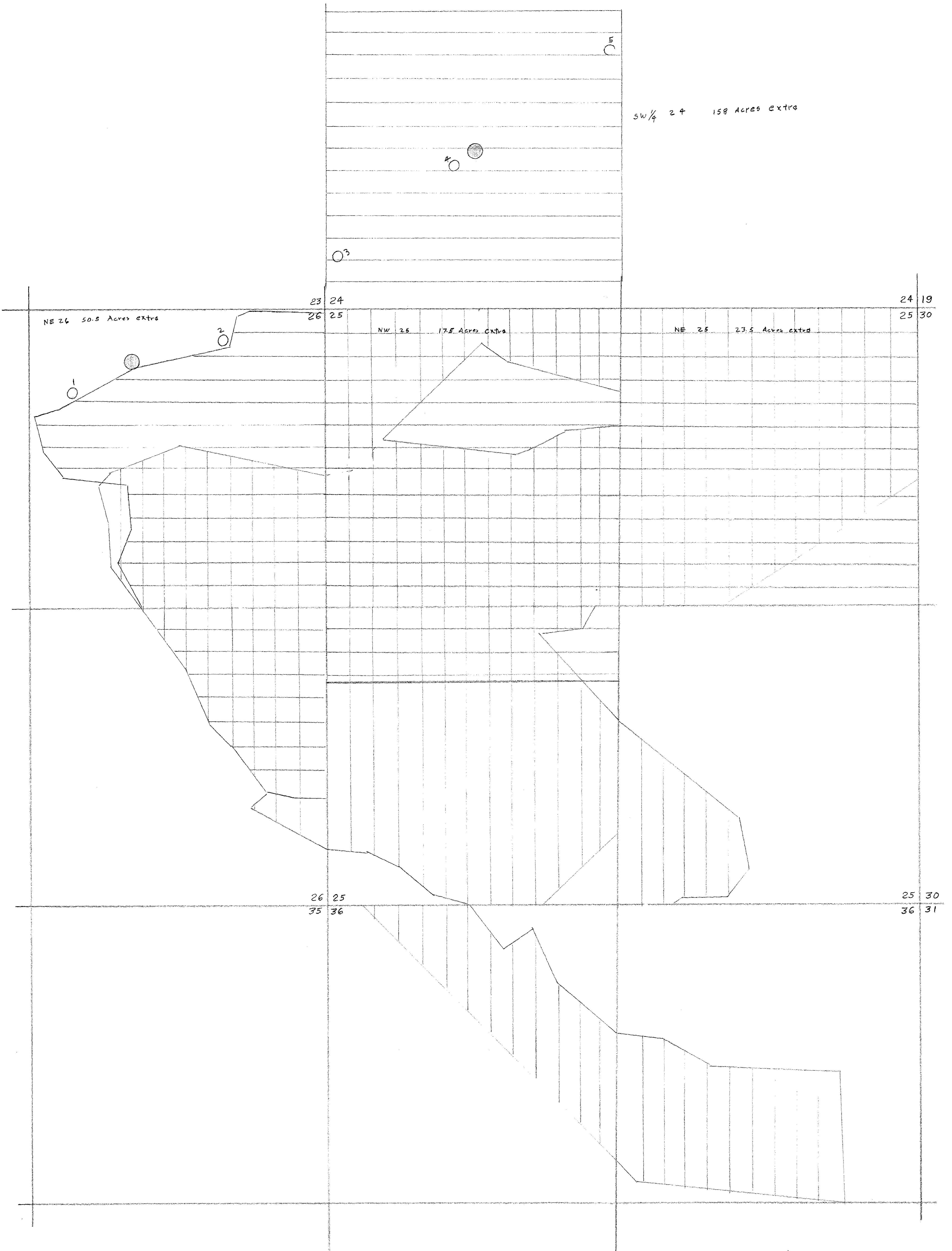
Signed M. F. ChilpersSubscribed and sworn to before me this 15TH day of FEBRUARY 1965H. E. Bowers
Notary Public (or other qualified officer.)

Each diversion must have a headgate or measuring device.

H. E. Bowers, Notary Public
My Commission Expires _____

T 8 S R 2 E

M. F. Childers
Esq.
Appl. # 858-2



Remarks by State Water Resources Commission: APPROVAL OF THIS PERMIT CANCELS 337-2 & 637-2.

DIVERSIONS FROM THE CHEYENNE RIVER SHALL NOT EXCEED THE 9.3 CFS. RELEASED BY THE BUREAU OF RECLAMATION FOR THIS PROJECT. THIS PERMIT IS GRANTED FOR TWO DAKOTA-LAKOTA WELLS SUPPLYING A COMBINED TOTAL OF 2.0 CFS., AND ONE DEEP WELL (FAHASAPA OR MADISON) SUPPLYING UP TO 2.0 CFS. THE REMAINDER OF THE GROUND WATER PORTION OF YOUR APPLICATION WILL REMAIN IN A DEFERRED STATUS UNTIL THE EFFECT OF WITHDRAWALS FROM THESE WELLS IS DETERMINED. ALL OF THESE WELLS MUST BE CONSTRUCTED IN ACCORDANCE WITH WATER RESOURCES COMMISSION MINIMUM SPECIFICATIONS FOR ARTESIAN WELLS, AND MUST BE VALVED AND CLOSED WHEN WATER IS NOT BEING USED FOR IRRIGATION. RESTRICTIONS AS TO FLOW AND TIME OF FLOW MAY BE MADE BY THE COMMISSION TO PROTECT PRIOR WATER RIGHTS.

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, APRIL 7, 1965

This is to certify that the foregoing application was received by the Commission at 10:00 o'clock a.m. upon the 5TH day of FEBRUARY, 1965

State Water Resources Commission

By:

Auston Jones
for Chief Engineer, Executive Officer

Number of permit 858-2

Date of first receipt of application FEBRUARY 5, 1965

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 FROM CHEYENNE RIVER SEPTEMBER 14, 1949
FROM GROUND WATER SEPTEMBER 29, 1960

Approved MARCH 10, 1965, Recorded in Book 8 Page 320

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 RIVER PROJECT COMPLETED, 19____

2nd. The whole of said work is to be completed on or before MAY 10, 1966 *

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

MAY 10, 1970

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

* DATE FOR COMPLETION WAS THAT DATE ASSIGNED UNDER PERMIT 637-2.

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 9.36 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 10, 1970; said water to be used during the following described annual period:

APRIL THRU OCTOBER

Witness my hand this 7TH day of APRIL, 1965.

State Water Resources Commission

By:

W. D. Guinn
Chief Engineer, Executive Officer

Certificate of Construction Issued

JUNE 10, 1974

Water License Issued

JUNE 10, 1974

Remarks by the Applicant:

THIS APPLICATION PROPOSES A CHANGE IN LANDS TO BE IRRIGATED FROM THOSE SHOWN ON PERMIT 637-2, AND DELETES THE LANDS OWNED BY V.L. CHILDERS THAT WERE INCLUDED UNDER WATER RIGHT 337-2. THE APPLICANT PROPOSES THE USE OF BOTH GROUND WATER AND SURFACE FLOWS FROM THE CHEYENNE RIVER TO A TOTAL OF 9,36 C.F.S., BUT NOT TO EXCEED THIS AMOUNT BY A COMBINATION OF THE TWO SOURCES.

ALL DRAIN WATERS FROM THE PROJECT WILL BE PUMPED FROM THE SOUTH EDGE OF THE PROJECT TO A 300 ACRE FOOT RESERVOIR LOCATED IN THE NW⁴ SW⁴, SEC 24, T8S, R2E, FOR RE-USE.

Composite for shallow wells

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 24" , Depth 320'

Type of casing steel
(wood, concrete, steel, etc.)

Size of casing 12" , Thickness of casing

Length of casing 320 If collection gallery, length, size and depth of
gallery

(b) Screens

Type of perforated screen none

Size of perforated screen
(diameter) (length)

Thickness of gravel pack , length of gravel pack

(c) Water Bearing Materials

Distance to water 200 Character of water bearing materials

Thickness of water bearing material 120

(d) Pump and Motor

Type of pump submersible
(centrifugal, propeller, mixed flow, etc.)

Name of pump Reda , size

Kind of motor electric
(gasoline, electric, diesel, etc.)

Horsepower 30 , Name of Motor Fairbanks Morse

(e) Complete well

Capacity 565 gpm at drawdown of Estimated cost \$5000.00

(f) Owner of land upon which well is located M.F. Childers
Name..... Edgemont, South Dakota
Address

(g) Distance to nearest existing wells

On same owner's property 1/4 mi. rods. On property owned by others 1/4 mi. rods

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation Depth

Type of casing steel
(wood, concrete, steel, etc.)

Size of casing 9 5/8 Thickness of casing 5/8

Length of casing 3000 If collection gallery, length, size and depth of
gallery

(b) Screens

Type of perforated screen none

Size of perforated screen
(diameter) (length)

Thickness of gravel pack length of gravel pack

(c) Water Bearing Materials

Distance to water 2800 Character of water bearing materials
..... Madison (?)

Thickness of water bearing material 200'

(d) Pump and Motor

Type of pump Flow
(centrifugal, propeller, mixed flow, etc.)

Name of pump size

Kind of motor
(gasoline, electric, diesel, etc.)

Horsepower Name of Motor

(e) Complete well

Capacity 1100 gpm at drawdown of Estimated cost \$35,000

(f) Owner of land upon which well is located M.F. Childers
Name

..... Edgemont
Address

(g) Distance to nearest existing wells

On same owner's property 2 1/2 miles to nearest deep well rods. On property owned by others rods

DIVERSION POINTS:

FROM THE CHEYENNE RIVER - N 46° 45' W,
1135' FROM THE SE CORNER, SEC 26, T8S, R2E

FROM GROUND WATER (ALL IN T8S, R2E)

DEEP ARTESIAN WELLS

1. S 62° E 570' FROM N 1/4 CORNER, SEC 26

2. N 42° E 1570' FROM SW CORNER, SEC 24

SHALLOW WELLS

1. S 25° E 900' FROM N 1/4 CORNER, SEC. 26

2. S 80° E 1750' FROM N 1/4 CORNER, SEC 26

3. N 11° E 990' FROM SW CORNER, SEC 24

4. N 41° E 1700' FROM SW CORNER, SEC 24

5. N 52° E 3300' FROM SW CORNER, SEC 24

LANDS TO BE IRRIGATED - ALL IN T8S, R2E

SECTION 24	SW ⁴	118.00 ACRES
SECTION 25	NW ⁴	158.00 "
	NE ⁴	160.00 "
	SW ⁴	39.50 "
SECTION 26	NE ⁴	139.08 "
	SE ⁴	41.17 "
TOTALS		655.75 ACRES

Permit No. 858-2Water Diversion No. 2 FALL RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That M. F. Childers

the holder of

Permit No. 858-2, issued upon Application No. 858-2, bearing date of priority of September 14, 1949 and September 29, 1960 authorizing the diversion of 9.36 cu. ft. per second of the waters of ground water and Cheyenne River County of Fall River State of South Dakota from the Cheyenne River; North 40° 45' West, 1135 ft. from SE Corner, Sec. 26; Well #1, South 20° East, 570 feet from the N½ Corner, Sec. 26; Well #2, North 42° East, 1570 feet from the SE Corner, Sec. 24; and Well #3, South 80° East, 1750 feet from the N½ Corner, Sec. 26, all T8S, R2E. for irrigation

purposes, has 8 complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 11.1 cu. ft. per second of water.

Date June 10, 1974By: WATER RIGHTS COMMISSION

DONALD DRISCOLL, Chief Engineer

WATER LICENSE NO. 858-2

(1) WHEREAS, On the 5th day of February A. D. 1965

M. F. Childers

made Water Right Application No. 858-2 for a permit to use 9.36 cubic feet per second of the waters of ground water and the Cheyenne River

County of Fall River State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 7th day of April A. D. 1965

Permit No. 858-2 with a date of priority of September 14, 1949 and September 29, 1960

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 10th day of May A. D. 1966 and for the application to beneficial use of said water on or before the 10th day of May A. D. 1970

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 9.36 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 T8S, R2E

Section 24	SW $\frac{1}{4}$	118.0 acres
Section 25	NW $\frac{1}{4}$	158.0 acres
	NE $\frac{1}{4}$	160.0 acres
	SW $\frac{1}{4}$	39.5 acres
Section 26	NE $\frac{1}{4}$	139.00 acres
	SE $\frac{1}{4}$	41.17 acres
Total		655.75 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 H. F. Childers

_____ of Edgemont, S.D.
the holder _____ and owner _____ of said permit No. 858-2 a water right, dating from September 14, 1949 and
September 29, 1960 to use of 9,36 cubic feet per second of the waters
of ground water and the Cheyenne River

in the County of Fall River and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted from the Cheyenne River; North 46° 45' West, 1135 feet
from the SE Corner, Section 26; Well #1, South 62° East, 570 feet from the N½ Corner,

Section 26; Well #2, North 42° East, 1570 feet from the SW Corner, Section 24;

and Well #3, South 80° East, 1750 feet from the N½ Corner, Section 26, all in T8S, R2E

and conduct to and upon Portions of Sections 24, 25 and 26, T8S, R2E, more fully described on
the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 858-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 10th day of June A.D.
Nineteen Hundred and Seventy-four

WATER RESOURCES COMMISSION

by:

Chief Engineer, Executive Officer DONALD DRISCOLL

858-2

June 14, 1974

Mr. M. F. Childers
Edgemont
South Dakota 57735

Dear Mr. Childers:

As per our telephone conversation of June 14, 1974 enclosed is a Water License No. 858-2 and Certificate of Construction issued to you on June 10, 1974.

The new Certificate of Construction indicates a actual maximum diversion rate of 11.1 c.f.s. (5000 g.p.m.) and the new license shows a maximum rate which can be contained in the license being the 9.36 c.f.s. originally applied for.

Please return the June 10, 1974 issued license and Certificate to this office in the enclosed business reply envelope.

Sincerely,

DONALD DRISCOLL
Chief Engineer

DD/bw
Encl: As stated

6-28-74

June 10, 1974 license and Certificate returned with
destroyed

Permit No. 858-2Water Division 2 FALL RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

WATER RIGHTS COMMISSION

TO: ~~Water Resources Commission~~, State Office Building No. 2, Pierre, South Dakota 57501I have this day made a thorough examination of the water use system constructed by M. F.CHILDERS of EDGEMONT, SOUTH DAKOTA holder FROM GROUND WATER SEPTEMBER 14, 1949
of Permit No. 858-2, bearing date of priority of FROM CHEYENNE RIVER SEPT. 29, 1960authorizing the diversion of 9.36 cu. ft. per second of the waters of CHEYENNE RIVER AND GROUND WATER
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:

SEE ATTACHMENT A

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

24 FEET OF 12 INCH STEEL PIPE USED TO
TRANSPORT WATER FROM THE CHEYENNE RIVER ANDC. Works used to apply water to beneficial use. 30,00 FEET OF DITCHES AS SHOWN
ON MAPSEE ATTACHMENT BThe system is in the following condition: EXCELLENTThe point of diversion is located BETWEEN A POINT 5000 FEETSEE ATTACHMENT CThe works are capable of diverting and conveying to the place of use 6.69 11.1cu. 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:

SEE ATTACHMENT Ccomprising a total of 655.75 acres of land.Date MAY 22, 1974Thomas Gardiner
(Signature)THOMAS GARDINER
WATER RESOURCE ENGINEER

ATTACHMENT A:

CHEYENNE RIVER:

10 INCH - FAIRBANKS MORRIS - MODEL 5710 - PUMP
60 H.P. - FAIRBANKS MORRIS - MODEL QZK ELECTRIC MOTOR

GROUND WATER:

MOVABLE PUMP AND MOTOR -

10 INCH - FAIRBANKS MORRIS - MODEL 5710 - PUMP
60 H.P. - FAIRBANKS MORRIS - MODEL QZK ELECTRIC MOTOR

WELLS -

DEEP WELLS: A-1 AND A-2

3000 FOOT WITH STEEL CASING OF $9\frac{5}{8}$ INCH
CASING THAT IS $\frac{5}{8}$ INCH THICK

SHALLOW WELL: A-3

320 FOOT WITH STEEL CASING OF 1 FOOT
IN WIDTH AND $\frac{5}{8}$ INCH THICK

ATTACHMENT B:

FLOOD IRRIGATED FROM DITCHES BY
SIPHONS AND HOME-MADE 12 INCH CYLINDER
GATES.

PORTIONS OF THE LAND (SHADED AREA
ON WATER RIGHTS MAP NO. 572-2) IS
IRRIGATED BY A SPRINKLER SYSTEM. THIS
WATER IS TAKEN FROM THE WELLS AND
FROM DUGOUTS THAT ACT AS COLLECTING
BASINS FOR RUNOFF FROM FLOOD IRRIGATED
LANDS. THE WORKS USED TO ACCOMPLISH
THIS IS AS FOLLOWS:

3000 FEET OF 6 INCH ALUMINUM MAINLINE

5 INCH PACIFIC - MODEL 4CLUE - PUMP

6 CYL. - CHYSLER INDUSTRIAL PROPANE - 65 H.P. -
MOTOR - MODEL IND 6

12,000 FEET OF 4 INCH ALUMINUM LATERALS
WITH RAINBIRD MODEL 40 AND 70 SPRINKLERS
EVERY 40 FEET FOR A TOTAL OF 300.

ATTACHMENT C

DIVERSION POINTS :

CHEYENNE RIVER - N 46° 45' W, 1135'
FROM THE SE CORNER SE 1/4 SE 1/4 SEC. 26,
T8S, R2E, 5000 FEET IN BOTH DIRECTIONS
ALONG THE CHEYENNE RIVER.

FROM GROUND WATER - (ALL IN T8S, R2E)

DEEP ARTESIAN WELLS:

A-1 : S 62° E 570' N 1/4 CORNER, NW 1/4 NE 1/4 SEC. 26

A-2 : N 42° E 1570' FROM SW CORNER, NW 1/4 SW 1/4 SEC. 24

SHALLOW WELLS :

A-3 : S 80° E 1750' N 1/4 CORNER, SEC. 26

LANDS TO BE IRRIGATED - ALL IN T8S, R2E

SECTION 24	SW 1/4	118.0	ACRES
SECTION 25	NW 1/4	158.0	"
"	NE 1/4	140.0	"
"	SW 1/4	39.5	"
SECTION 26	NE 1/4	139.08	"
"	SE 1/4	41.17	"

TOTAL : 655.75 ACRES

0555-2
339-2
324-2
337-2
637-2
658-2✓

June 30, 1957

Mr. M. F. Childers
Box 431
Edgemont, S.D.

Dear Mr. Childers:

This is in reply to your letter of June 15th in which you inquire about all the water rights on file for the J. R. Johnston property near Edgemont, South Dakota. Following is a description of all the water rights in our files for this particular property.

Water Right 0555-2. This filing was made by Lyda Ward and has a priority date of December 29, 1906. She claimed 6 cfs from "Ward's Draw" for the irrigation of a portion of Sections 34 and 35, T6S, R2E. This location notice is not exact as to which legal subdivisions were to be irrigated. The diversion point was to be located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, T6S, R2E.

As was stated in an earlier letter to you, these old filings are valid only to the extent and continuity of beneficial use through the years. Non-use or abandonment may constitute ground for the forfeiture of the water right.

Water Right 324-2. This water right was filed by B. F. Childers and has a priority date of November 9, 1948. On January 26, 1951, the State Engineer issued water license 324-2 for this filing. This license authorizes the diversion of 2.0 cfs from the Cheyenne River for irrigation on portions of Sections 26, 27, and 35, T6S, R2E. The diversion point for this license is in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 27, T6S, R2E.

Water Right Application 329-2. An application for a water right was submitted by B. F. Childers which proposed irrigation on portions of Sections 25, 26, and 36, T6S, R2E. However, this application was rejected by the State Engineer on May 26, 1949.

Water Permit 337-2. This water right was filed by yourself and was cancelled by the Water Resources Commission when they approved Water Permit 858-2, also in your name.

Water Permit 637-2. This permit was also cancelled when your Permit 858-2 was issued.

Mr. H. P. Childers

(continued)

June 30, 1967

Water Permit 85R-2. This permit was issued to you and authorized the withdrawal of 9.3 cfs from the Cheyenne River and a total of 4.0 cfs from ground water sources. The water is to be used to irrigate portions of the SW $\frac{1}{4}$, Section 24; N $\frac{1}{4}$ and SW $\frac{1}{4}$, Section 25; and E $\frac{1}{4}$, Section 26; all in T8S, R2E. The necessary diversion works were to have been completed on or before May 10, 1966 and the water put to beneficial use on or before May 10, 1970.

These water rights are all that we have on file for the land you describe in your letter. Since most of these water rights are in your or your father's name, you would know better than we their status as to the extent and continuity of beneficial use.

Sincerely,

RICHARD D. SCHROYER
Water Right Specialist

RDS:mf

on or before February 11, 1965
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., February 5, 1965

Notice is hereby given that M. F. Childers whose postoffice address is Edgemont 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 9.36 cubic feet of water per second of time from the Cheyenne River and ground water through the M. F. Childers Irrigation Project #1 from the River the point of diversion of which is to be located on the left bank of said stream in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 26 and from wells located in the NE $\frac{1}{4}$ Section 26, and in the SW $\frac{1}{4}$, Sec. 24, T8S, R2E portions of 24, T8S, R2E Twp. 8S Range 2E / Said water to be used for the purpose of providing irrigation on the following described land:

SW $\frac{1}{4}$ Section 24; NW $\frac{1}{4}$, NE $\frac{1}{4}$ AND SW $\frac{1}{4}$, Section 25, and NE $\frac{1}{4}$ and SE $\frac{1}{4}$, Section 26, all in T8S, R2E

~~XXXXXX~~ and for ~~XXXXXX~~ purposes. This application combines two previous permits and no additional water above that already approved. This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 10th day of March, 1965, at 2 P. M. All interested persons is requested. may appear and be heard.

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

State Water Resources Commission

By:

BURTON F. JONES
Water Right Specialist

CC: Roy H. McKown, Publisher
Edgemont Herald Tribune
Edgemont, S. Dak.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Fall River } ss.

Roy H. McKown 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:

February 11

February 13

February 25

March 4 in each and every issue of the full number thereof, the first publication being made on the 11 day of February 1965 and the last publication on the 4th day of March 1965, 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.

No. 1161, Feb. 11-18-25 Mar. 4
Form 8—Notice of Intention to
Appropriate Water. No. 858-2
First Publication on or before
February 11, 1965.

APPROPRIATION OF WATER
Office of State Water Resources
Commission,

Pierre, S. D., Feb. 5, 1965

Notice is hereby given that M. F. Childers, whose postoffice address is Edgemont, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to change lands to be irrigated and to appropriate for beneficial use 9.30 cubic feet of water per second of time from the Cheyenne River and ground water through the M. F. Childers Irrigation Project No. 1, the point of diversion from the River is to be located on the left bank of said stream in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 26, Twp. 3S, Range 2E and from wells located in the NE $\frac{1}{4}$, Section 26, and in the SW $\frac{1}{4}$, Sec. 24, T8S, R2E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW $\frac{1}{4}$, Section 24; NW $\frac{1}{4}$, NE $\frac{1}{4}$ and SW $\frac{1}{4}$, Section 25, and NE $\frac{1}{4}$ and SE $\frac{1}{4}$, Section 26, all in T8S, R2E.

This application combines two previous permits and no additional water above that already approved is requested.

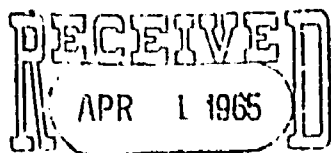
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 10th day of March, 1965, at 2:00 p. m. All interested persons may appear and be heard.

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

State Water Resources
Commission

By:
BURTON F. JONES
Water Right Specialist

Subscribed and sworn to before me this 26th day of March A. D. 1965



STATE WATER RESOURCES COMM

PIERRE, SOUTH DAKOTA

Notary Public Fall River County, S. D.

Storage Dams
Pumping Systems
Sprinkle Systems
Canvas Check Dams
Drainage Ditches
Sprinkler Irrigation
Fertilizer
Diversion Dams
Irrigation Supplies
Head Gates & Pipe

"Prepare for the Dry Years Ahead"

M. F.

Childers

DEVELOPMENT COMPANY

IRRIGATION SPECIALISTS

TELEPHONE 7542 - POST OFFICE BOX 431 - EDMONT, SOUTH DAKOTA

September 8, 1965

Water Resource Commission
Pierre, South Dakota

Dear Sirs:

I have received proposals back from several drilling companies and find that I could drill two or three wells and a more attractive figure than drilling only one. These wells would be about 3200 feet deep to and through the Wahsara formations. under your permit No. 858-2.

Wells to be located as shown on the following sketch.

Since the tests of the Dakota-Lakota wells does not look favorable, we are looking to the deeper depths.

Could I drill the three wells without any further permission from you.

RECEIVED
SEP 9 1965

STATE WATER RESOURCES COMM.

PIERRE SOUTH DAKOTA

12/17

XWELL
NO. 2

XWELL

Thanking you in advance for your prompt attention, I remain.

Yours truly,

M. F. Childers

M. F. Childers

September 22, 1965

Mr. M. F. Childers
P. O. Box 431
Edgemont, South Dakota

Dear Mr. Childers:

Reference is made to your letter of September 8, 1965 in which you ask if you can drill three deep wells to the Pahasapa formation under water right permit No. 858-2 without further authorization from the Water Resources Commission.

In your original application No. 637-2, to withdraw ground water for irrigation you applied for a permit, which among other things, proposed construction of two deep wells to the Pahasapa formation. The Water Resources Commission approved construction of one such deep well and deferred consideration of the second deep well until the effects of withdrawal from the first deep well could be determined.

Your letter of September 8, 1965 was discussed with the State Water Resources Commission at its meeting in Pierre on September 15, 1965. The Commission indicated that it still wanted the effects of withdrawal from one Pasapaha well determined before a decision is reached as to whether a second deep well should be constructed.

As a matter of information, even if the Commission considered your request favorably, under the Water Laws of South Dakota it would be advisable to hold a public hearing before the Commission would authorize the construction of the second well if the first well had not been constructed and operated, and a new application would be required for any deep well, in addition to the two originally applied for.

Sincerely,

JWG:DD:ls

J. W. Grimes

Observations during the Field Inspection on March 27, 1958 of the M. F. Childers Project relative to Application and Permit #337-2.

Merlin Childers accompanied me on this inspection and was very cooperative in helping me complete my work.

This project is a combination gravity and sprinkler system and is located in the E $\frac{1}{2}$, Sec 26; Sec 25; and N $\frac{1}{2}$, Sec 36 all in T8S, R 2E, BHM. It consisted of an estimated 811 acres and was divided into 1 $\frac{1}{2}$ --- 113 acre fields of corn, cane, alfalfa, beans, wheat, and native hay. The pump was located on the left bank of the Cheyenne River at a point about 1100 feet NW along the C B & Q Railroad tracks, from the SE corner, Sec 26 and from this point at a Left Right Angle about 100 - 125 feet to the river.

Equipment consisted of the following:

Pump #1 which is a Fairbanks - Morse Angle Flow Centrifugal, Model #5720, Serial #730192, 8 inch inlet and outlet, rated at 2000 - 2200 gpm when turning over @ 1750 rpms. against 58 feet of head. It is pulled by a F-M electric motor, Model QZK, 40 Hp, 3 phase, 60 cycle, 240 volt. There was no pressure gauge on the pump. There was a 400 amp. Culter - Hammer safety breaker switch in the line. Also, there was an 8 inch gate valve on the discharge side of the pump to regulate flow.

Pump #2 was a like installation including an F-M pump, Centrifugal angle flow, Size 8 inch, Model #5720, 1750 rpm's, Hd. 55 feet, capacity 2200 gpm., and Serial #K 2 39 75. It was pulled by an F-M electric motor, type QZK, Frame #RS404, Serial #F231 459, Sec. #2915-1, 220-V, 40 Hp. continuous, Rpm's 1460, and 3 phase.

Both pumps are housed in block and cement pits which are roofed and each has an automatic shutdown. Each also, has a floating type intake including 65 feet of 12 inch intake pipe, foot valve and large radius elbows. I believe he could pump with a $\frac{1}{2}$ inch submergence.

Mr. Childers also has a standby pump F-M Centrifugal Angle Flow, 8 inch, Model #5720, Capacity 2200 gpm. @ 1750 rpm's and 55 feet of head. The serial number is 733495.

There are two outlet pipes, 400 ft. x 12 inch welded steel, from the pumps to the outlet structures.

One pipe has a 2 foot weir and the other a 3 foot weir with 12 inch diameter measuring wells connected to the discharge structure by a 2 inch pipe. The outlet boxes have anti-surge baffles. All structures are of concrete with plank gate boards.

There was an estimated 45 foot lift from the river to the outlet structure and 10 feet of friction loss.

In addition to this equipment he has a sprinkler system consisting of 1800 feet of 4 inch lateral, 900 feet of 6 inch mainline, 42 Rainbird $\frac{1}{4}$ " x $\frac{5}{32}$ " Model 40 nozzles, and a self contained pumping unit. This system has a capacity varying from 500 gpm @ 25# to 800 gpm @ 60#.

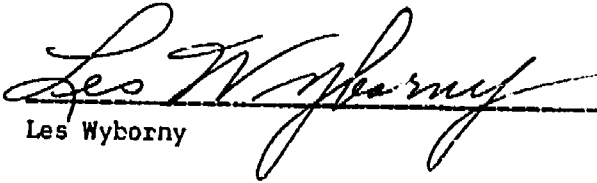
There are an estimated 42,300 feet of laterals, 12,300 feet of drains and 110

Head Gates on the project, plus a complex system of annual ditches. I would say that about 50% or more of the acreage has been leveled.

The system was not in operation during the inspection but there was ample evidence that the project has been irrigated. I have done work on this system and have actually seen irrigation going on at various times in the past. I feel that this is one of the best farm irrigation systems in the state.

All of the equipment, structures, ditches and drains are in very good condition and there is evidence that Mr. Childers does an excellent job of maintaining his project.

The acreage and capacity of the works to divert and convey water to the place of use met the conditions as set forth in the Application and Permit and in addition Mr. Childers has a standby pump to replace either of those in use should he have a breakdown with one of the units.


Les Wyborny

May 21, 1958

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

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

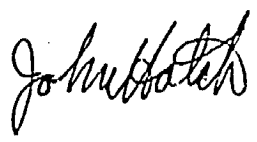
May 11, 1989

858-2

NOTICE

TO: M.F. Childers
Edgemont, SD 57735

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. 858-2. 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).



L



Department of Water & Natural Resources

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

November 17, 1989

858-2

Wayne & Lisa Childers
HCR 59 Box 1A
Edgemont, SD 57735

Dear Mr. & Mrs. Childers:

Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Right No. 858-2. The form is being sent to you in response to the 1989 irrigation questionnaire. Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50.

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,

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

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure

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

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

March 19, 1990

858-2

NOTICE

TO: M.F. Childers
Edgemont, SD 57735

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

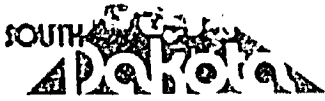


SUBJECT: Shut Off Order for Junior Water Rights Upstream of
Angostura Irrigation District

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. 858-2. You are reminded that the order is still in effect and will remain in effect until Angostura Reservoir has filled. The May 10, 1989 order stated that the order was effective until the reservoir had reached an elevation of 3183.7 feet above mean sea level (msl). This has been changed and the order will remain in effect until the reservoir has reached the full elevation of 3187.2 msl. On March 6, 1990 the reservoir elevation was 3171.1 msl.

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

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



Department of Water & Natural Resources

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

April 26, 1990

858-2

Wayne F Childers
HCR 59 Box 1
Edgemont, SD 57735

Dear Mr. Childers:

I am contacting you in response to the "Notice of Transfer" you submitted for filing an ownership change on Water Right No. 858-2. Since the time the form was sent to you in November, 1989 and the present, we have changed the contents of the form.

Enclosed is the "Notice of Transfer" form we are now using. Please complete the form and sign in the presence of a notary. We have already received a \$2.50 filing fee from you. An additional fee will not be necessary. Upon completion of the form, return it to our office for processing.

I apologize for any inconvenience this may have caused you. If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

encl

 **Department of
Water & Natural Resources**

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

June 22, 1990

858-2

Wayne F Childers
HCR 59 Box 1
Edgemont, SD 57735

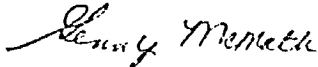
Dear Mr. Childers:

I am contacting you in regard to filing an ownership change on Water Right No. 858-2. In April, I mailed you a revised "Notice of Transfer of Ownership" form and to date, have not received this form back from you.

Enclosed is an additional form. Please check over the form for accuracy and then sign it in the presence of a notary. You have already submitted a filing fee for processing of the transfer. An additional fee is not required.

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

Sincerely,



Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

858-2

No. _____

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

Date: 7/12/90



I/We request that Water ~~Permit~~/Right No. 858-2

formerly owned by: M L Childers

be transferred to: (name & address) Wayne F Childers

HCR 59 Box 1A Edgemont, SD 57735

(telephone No.) 662-6197

Title to the following described land(s)/property has been transferred as described above:
655.75 acres - SW $\frac{1}{2}$ Section 24, N $\frac{1}{2}$, SW $\frac{1}{2}$ Section 25, E $\frac{1}{2}$ Section 26, T8S, R2E

I/We understand that the validity of Water ~~Permit~~/Right No. 858-2 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 Sioux Falls)

I/We Wayne F Childers 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.

(Signed)

Subscribed and sworn to before me this 18 day of July, 19 90.

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

Pierre, July 11 1944, 1944

RECEIVED OF Marion F. Chiblers, HCR 1 for L. E. Carpent, SD 5771,

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 _____ Water Right No. 177-1		1.50
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 [Signature]
Chief Engineer

 **Department of
Water & Natural Resources**

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

858-2

September 28, 1990

Wayne F. Childers
HCR 59 Box 1
Edgemont SD 57 5

Dear Mr. Childers:

Enclosed is Receipt No. 412213 in the amount of \$2.50 which you paid for transfer of Water Right No. 858-2.

Our records now reflect you as the owner of this Water Right.

Sincerely,



MARIE R. ARTHUR
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

858-2

NOTICE

TO: M.F. Childers
Edgemont, SD 57735

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

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

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

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

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



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 20, 1991

858-2

RESCISSION OF SHUTOFF ORDER

TO: M.F. Childers
Edgemont, SD 57735

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

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

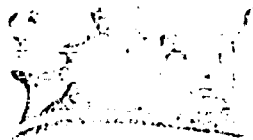
The recent rains in the Upper Cheyenne River Basin have provided large inflows for Angostura Reservoir. Now that Angostura Reservoir has filled, the shutoff order for all junior water rights upstream of the reservoir is rescinded for the 1991 irrigation season.

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

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested. 1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)							
3. Article Addressed to: WAYNE F CHILDERS HCR 59 BOX 1A EDGEMONT SD 57735	4. Article Number P694 057 382 Type of Service: <table border="0"> <tr> <td>☐ Registered</td> <td>☐ Insured</td> </tr> <tr> <td>☒ Certified</td> <td>☐ COD</td> </tr> <tr> <td>☐ Express Mail</td> <td>☐ Return Receipt for Merchandise</td> </tr> </table> Always obtain signature of addressee or agent and DATE DELIVERED.	☐ Registered	☐ Insured	☒ Certified	☐ COD	☐ Express Mail	☐ Return Receipt for Merchandise
☐ Registered	☐ Insured						
☒ Certified	☐ COD						
☐ Express Mail	☐ Return Receipt for Merchandise						
5. Signature -- Addressee X <i>Wayne Childers</i>	8. Addressee's Address (ONLY if requested and fee paid)						
6. Signature -- Agent X							
7. Date of Delivery <i>2/5/91 SM</i>							

858-2

South Dakota



GREAT FACES. GREAT PLACES.

February 1, 1991

DEPARTMENT OF WATER & NATURAL RESOURCES

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-2181

WAYNE F CHILDERS
HCR 59 BOX 1A
EDGEMONT SD 57735

NOTICE

RE: Violation of Requirement to Submit 1990 Irrigation Questionnaire

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 858-2. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

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

1. Amend Permit No(s) 858-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

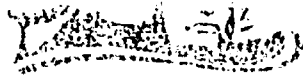
If the questionnaire(s) is received in this office before the February 27th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Ron Duvall".

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 13, 1991

858-2

Wayne Childers
HCR 59 Box 1A
Edgemont, SD 57735

Dear Mr. Childers:

I am writing to acknowledge receipt of your 1990 irrigation questionnaire for Water Right No. 958-2. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaire, your name has been deleted from the February Water Management Board meeting agenda.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division

CERTIFICATION

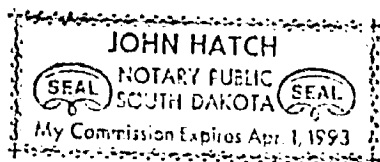
I hereby certify that on March 25, 1992, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 25, 1992, regarding Shut Off Order for Junior Water Right Holders Upstream of the Angostura Irrigation District addressed as stated on the attached list:

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 26th day of March, 1992.



John Hatch
Notary Public



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 25, 1992

858-2

NOTICE

TO: WAYNE F CHILDERS
HCR 59 BOX 1A
EDGEMONT, SD 57735

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. 858-2 which is junior in priority to Water Right No. US579-2 held by the US Bureau of Reclamation for the Angostura Irrigation District.

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

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

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

PERMIT NO	FIRST NAME	LAST NAME	ADDRESS 1	ADDRESS 2	CITY	STATE	ZIP/CODE	PERM2	PERM3
851-2		A & T CATTLE CO	TOM LANDERS	ST RT	ROST SPRINGS	SD	57747		
308-2	RICHARD	ANDERSON	A CHAR ANDERSON	RR 59 BOX 18	FITZWATER	SD	57735		
1614-2	IRENE R	ANDERSON		RR 59 BOX 20	FITZWATER	SD	57735		
314-2		B & H RANCH INC	D F CHILDERS	PO BOX 713	FITZWATER	SD	57735		
534-2		BALL BROS		BOX 817	FITZWATER	SD	57735		
1995-2	LESTER I	BARTLEY		BOX 740	FITZWATER	SD	57735		
1493-2	NICK/MICHAEL	BOGNER	ANICK BOGNER JR	HC 46 BOX 24	OFFERTON	SD	57763	1134-2	
755-2		BRAINERD INDIAN SCHOOL			ROST SPRINGS	SD	57747		
858-2	WAYNE F	CHILDERS		RR 59 BOX 1A	FITZWATER	SD	57735		
634-2	V L	CHILDERS		BOX 723	FITZWATER	SD	57735		
654-2	OSCAR	COFF			OFFERTON	SD	57763		
1991-2	JOHN	DEGERING		SR 1 BOX 136	LUCK	NY	82225		
561-2	HAROLD E	DODSON		RR 59 BOX 5A	FITZWATER	SD	57735	1410-2	
2058-2	LEROY/BERTHA	DUNSON		HC 48 BOX 248	PROTO	SD	57774		
1985-2	DAVID M	DUNBAR		RR BOX 32	OFFERTON	SD	57763		
748-2		HAID BROTHERS, INC.	CARL P HAID, FAFS	RR 46 BOX 5	OFFERTON	SD	57763	1695-2	
421-2	HEFMAN	HECK		BOX 441	FITZWATER	SD	57735		
510-2	DARRELL E	HELMAN		BOX 402	FITZWATER	SD	57735		
1879-2	DORA R	HENDERSON	ART 245	5141 INDIAN RIVER	LAS VEGAS	NV	89103		
1940-2	JOHN W	HENRY		BOX 276	ARMONKE	SD	57715		
179-2	HENRY C	HOLLENBECK		DENEY ROUTE	FITZWATER	SD	57735		
1593-2		HU RANCH INC	SH CORPORATION	RR 59 BOX 102	FITZWATER	SD	57735		
350-2	DARREL D	HUNTER		BOX D	ARMONKE	SD	57715		
1641-2	JAMES/PATRICIA	JOHNSTON		HC 68 BOX 7	LAKEVIEW	NE	68251		
1870-2	JIM	KANE		BOX 19A	PRATO	SD	57774		
743-2	CAPE	KAYVOLT	ART 207	BLANIE HOTEL	CHADRON	NE	69337		
1496-2	JOHN W	KOLTER		BOX 715	FITZWATER	SD	57735		
844-2	A J	LANDERS	STAR CATTLE CO	BOX 159B RR 52	ROST SPRINGS	SD	57747		
1810-2	R L/ALLEN	LANDENCE		BOX 159	YOGA	ND	58852		
676-2	MELVIN	LUFF			ROST SPRINGS	SD	57747		
17295-2	JOHN D(JACK)	MANKE	(ESTATE)	RR 71 BOX 179C	ROST SPRINGS	SD	57747		
11447-2	KENNETH	MARTINSON		BOX 361	FITZWATER	SD	57735		
785-2	ARNDT W	MCLAIN		BOX 164	OFFERTON	SD	57763		
410-2	RAUL L	MEFFORD, JR		RR 48 BOX 22	PROTO	SD	57774		
1923-2	A J	NELSON		PROVIN'S STAGE	MILES CITY	MT	59301		
2015-2		PETERSON & SON, INC		RR 59 BOX 16	FITZWATER	SD	57735		
1016-2	PAUL & JEAN	PETTY	A NORFOLK PETTY	RR 52 BOX 136	ROST SPRINGS	SD	577479E03		
1716-2	MELVIN	PORTER		N10 RT BOX 17	FITZWATER	SD	57735		
711-2	DONALD	PURMAN		BOX 188	OFFERTON	SD	57763	2013-2	
1816-2	GLEN	REASER		HC 46 BOX 48	OFFERTON	SD	57763		
472-2	EDWARD/WANDA	REUTER		RR 59 BOX 90	FITZWATER	SD	57735	1789-2	
293-2	CHANCE/NETTIE	REYNOLDS		RR 59 BOX 28	FITZWATER	SD	57735	234-2	
669-2	OLIVER M	ROMNEY		BOX 175	OFFERTON	SD	57763		
718-2	VERNON	SCHNOSE		ST RT BOX 155	ROST SPRINGS	SD	57747	1700-2	
1619-2		SEYER RANCH INC		BOX 95	OFFERTON	SD	57763	671-2	1831-2
97-2	BERNARD D	SIMONS		BOX 381	FITZWATER	SD	57735		
1137-2	ROBERT/MARK	TURBS		BOX 363	FITZWATER	SD	57735		
1019-2		WAR BOWNET RANCH LTD	BOX 132	105 E 5TH ST	WYOMING	SD	57559		
392-2	VINCENT M	WASSERBURGER		BOX 83	ARMONKE	SD	57715	853-2	2115-2

858-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 12, 1993

358-2

NOTICE

TO: WAYNE F CHILDERS
HCR 59 BOX 1A
EDGEMONT, SD 57735

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

Delvin W. 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. 858-2 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

Copy Sent To:

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

Cheryl F. Frost

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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

John H. H. H. H.
Notary Public





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 14, 1993

858-2

RESCISSION OF SHUTOFF ORDER

TO: WAYNE F CHILDERS
HCR 59 BOX 1A
EDGEMONT, SD 57735

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



858-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 15, 1995

858-2

NOTICE

TO: WAYNE F CHILDERS
HCR 59 BOX 1A
EDGEMONT, SD 57735

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. 858-2 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



858-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 26, 1995

858-2

RESCISSION OF SHUTOFF ORDER

TO: WAYNE F CHILDERS
HCR 59 BOX 1A
EDGEMONT, SD 57735

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 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



858-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2000

NOTICE

TO: WAYNE F CHILDERS, HCR 59 BOX 1A, EDMONT, SD 57735

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire has not been submitted for Permit No(s) 858-2. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 1:30 pm, March 1, 2000, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 858-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2000, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

858-2

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

WAYNE F CHILDERS
HCR 59 BOX 1A
EDGEMONT SD 57735

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

1/18/00

C. Signature

X *Wayne Childers*

☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

2 227 670 320



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 2, 2000

858-2

Wayne F Childers
HCR 59 Box 1A
Edgemont, SD 57735

Dear Mr. Childers:

I am writing to acknowledge receipt of your 1999 irrigation questionnaire. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Right No. 858-2.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



**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: WAYNE F CHILDERS
HCR 59 BOX 1A
EDGEMONT SD 57735

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. 858-2

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.



858-2

**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: WAYNE F CHILDERS
HCR 59 BOX 1A
EDGEMONT SD 57735

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. 858-2

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

858-2
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: WAYNE F CHILDERS
HCR 59 BOX 1A
EDGEMONT SD 57735

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. 858-2

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

July 18, 2006

NOTICE OF SHUTOFF ORDER

TO: WAYNE F CHILDERS
HCR 59 BOX 1A
EDGEMONT SD 57735

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

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

Shutoff Order for Water Right Nos. 858-2

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

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

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

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

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

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



**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: WAYNE F CHILDERS
HCR 59 BOX 1A
EDGEMONT, SD 57735

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. 858-2

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: WAYNE F CHILDERS
11086 BURLINGTON DAM RD
EDGEMONT SD 57735

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. 858-2

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:

WAYNE F CHILDERS
11086 BURLINGTON DAM
EDGEMONT SD 57735

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. 858-2

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.



858-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: WAYNE F CHILDERS, 11086 BURLINGTON DAM RD, EDGEMONT, SD 57735

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire has not been submitted for Permit No(s) 858-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 7, 2012**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 858-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

858-2

English

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2303216000008018772		Delivered	January 25, 2012, 3:08 pm	EDGEMONT, SD 57735	Signature Confirmation™ Proof of Delivery
		Notice Left	January 25, 2012, 10:48 am	EDGEMONT, SD 57735	
		Out for Delivery	January 25, 2012, 9:35 am	EDGEMONT, SD 57735	
		Sorting Complete	January 25, 2012, 9:25 am	EDGEMONT, SD 57735	
		Arrival at Post Office	January 25, 2012, 8:29 am	EDGEMONT, SD 57735	
		Depart USPS Sort Facility	January 25, 2012	RAPID CITY, SD 57701	
		Processed through USPS Sort Facility	January 25, 2012, 2:04 am	RAPID CITY, SD 57701	

Check on Another Item

What's your label (or receipt) number?

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WAYNE F CHILDERS
11086 BURLINGTON DAM RD
EDGEMONT SD 57735

Waiver of Signature ☐ YES ☐ NO

Postmark Here
Delivered January 25th

B. Childers

POSTAL CUSTOMER:
 Keep this receipt. For Inquiries:
 Access internet web site at
www.usps.com®
 or call 1-800-222-1811

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 7, 2012

NOTICE OF AMENDMENT OF WATER RIGHT

TO: Wayne F Childers, 11086 Burlington Dam Rd, Edgemont SD 57735

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Amendment to Water Right No. 858-2

On March 7, 2012, the Water Management Board amended Water Right No. 858-2 to add the following qualification:

"This water right is subject to the Irrigation Water Use Questionnaire being submitted each year."

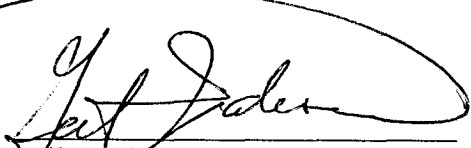
This action was taken for failure to return the 2011 irrigation questionnaire. The addition of this qualification to your water right means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water right with no use of water for up to one year for the first violation.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

I hereby certify that on March 7, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 7 2012 regarding suspensions addressed as stated below:

Peterson Management, 324 Dak Dunes Blvd, # 200 N Sioux City SD 57049	3871-3
Wayne F Childers, 11086 Burlington Dam Rd, Edgemont SD 57735	858-2
Erik Roth, 1001 S 3 rd St, Parkston SD 57366	607-3
Nathan Stencil, Stencil Const. PO Box 2786, Sioux Falls SD 57101	6739-3
Stuart Rice, 2300 Skyline Ranch Rd, Rapid City SD 57701	2106-2
Kenneth Braunschmidt, 2294 White Dr, Durham CA 95938	521-3
Danny L Adams, 2010 Avalon Pkwy # 400 McDonough GA 30253	1828-1
Lee Ahrlin, 531 Fox Run Dr, Rapid City SD 57701	1769-1

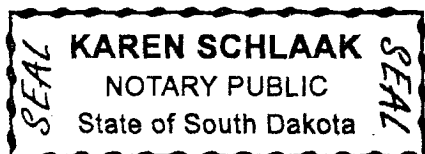


Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of March, 20 12.


Karen Schlaak
Notary Public
My Commission expires April 1, 2013



RECEIVED

JAN 14 2013

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 858-2
Date: January 10, 2013

I/We request that Water Right No. 858-2

formerly owned by: Wayne F Childers, 11086 Burlington Dam Rd, Edgemont SD 57735

be transferred to: (name & address) Wyoming Dakota Railroad Properties Inc.
c/o Real Estate Department, Canadian Pacific 900 Canadian Pacific Plaza
120 South Sixth Str., Minneapolis, MN 55402 Telephone No. 612-904-6319

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

655.75 acres – SW ¼ Section 24; NW ¼, NE ¼, SW ¼ Section 25; E ½ Section 26, all in T8S, 2E

I/We understand that the validity of Water Right No. 858-2 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).

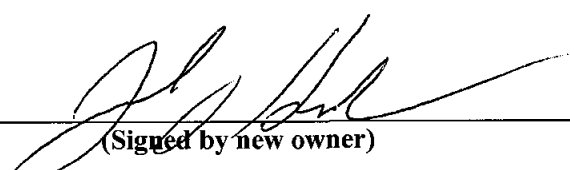
You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

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.

Wyoming Dakota Railroad

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

By


(Signed by new owner)

John Huber, President

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

RECEIVED OF David Drach 1208 Carlton Dr Arden Hills MN 55112 Date 1/14, 20 13

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>858-2</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. _____	50 00	
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. **05941**

By *David Drach*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 23, 2013

858-2

John Huber, President
Wyoming Dakota Railroad Properties Inc
Real Estate Department
900 Canadian Pacific Plaza
120 S 6th St
Minneapolis MN 55402

Dear Mr. Huber:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership on Water Right No. 858-2.

The ownership change has been completed. Water Right No. 858-2 formerly held by Wayne F Childers of Edgemont SD is now listed in the name of Wyoming Dakota Railroad Properties Inc.

The receipt for the filing fee is being forwarded by copy of this letter to David Drach, Arden Hills MN. If you have any questions, please contact me.

Sincerely,

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

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

c: David Drach



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: WAYNE F WYOMING DAKOTA RAILROAD PROPERTIES INC
DAVID DRACH
900 CANADIAN PACIFIC PLAZ
120 S 6TH ST - 9TH FLOOR
MINNEAPOLIS MN 55402

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. 858-2**

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

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

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

CERTIFICATION

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

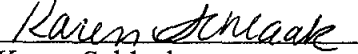
LAST_NAME	FIRST_NAME	ADDRESS2	CITY	STATE	ZIP
INDIAN CREEK CATTLE LLP		32296 190TH ST	SLEEPY EYE	MN	56085
INDIAN CREEK LAND & CATTLE LLC		PO BOX 538	EDGEMONT	SD	57735
WEINREIS BROTHERS		230908 HIGHLAND RD	SCOTTSBLUFF	NE	69361
SEGER RANCH INC		RR 1 BOX 100A1	HOT SPRINGS	SD	57747
REUTTER	EDWARD/WANDA	HCR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

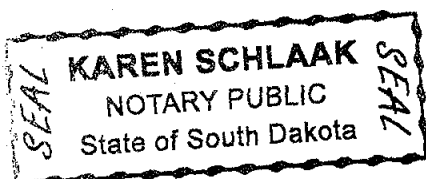
SCHNOSE	VERNON	12685 MAITLAND RD	HOT SPRINGS	SD	57747
SEABECK	DORIS SEABECK &	2533 PARK AVE	LARAMIE	WY	82070
SIMONS	THOMAS	BOX 381	EDGEMONT	SD	57735
TUBBS LAND & CATTLE LLC	BERNARD D	10891 RIVER RD	EDGEMONT	SD	57735
WALKER	FRED S & CYNTHIA K	30301 CASCADE RD	ARDMORE	SD	57735
WYOMING DAKOTA RAILROAD	WAYNE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


 Gail Jacobson
 Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
 COUNTY OF HUGHES)

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


 Karen Schlaak
 Notary Public
 My Commission expires April 1, 2013



2015 WATER MANAGEMENT BOARD IRRIGATION QUESTIONNAIRE**Please fill out and return before December 1, 2015**

Permit/Right No. 858-2

Name Wyoming Dakota Railroad Properties Inc. Owner ☒ Operator ☐
 Address 120 S. 6th St., Suite 900 Email david_drach@cpr.ca
 City, State, Zip Minneapolis MN 55402 Phone 612-904-6139

1. Did you irrigate in 2015? *yes ☐ **no ☒

*If yes, number of acres irrigated? _____

**If no, check reason(s) for not irrigating and proceed to the end of the questionnaire to submit your form:

- ☐ sufficient moisture ☐ no water available
☐ system not constructed ☐ use abandoned
☐ enrolled in CRP, through what year? _____
☐ other, please explain in comment box: _____

2. Does this permit allow use of both ground water and surface water? *yes ☐ no ☐

*If yes, which source was used?

☐ ground (well), or ☐ surface, or ☐ both3. Did you apply chemicals or fertilizer through the irrigation system? yes ☐ no ☐**Comment Box:**

Please note that this property was sold on December 31, 2015 to
 John & Heidi McBride
 PO Box 95
 Edgemont, SD 57735
 (605) 662-6344
 JMcBride@gwtc.net

Attention: Multiple irrigation permit holders!

If possible, please complete a separate questionnaire for each one of your water permits/rights. However, if you are unable to do this and you plan to report water usage for all your water permits/rights on one report, please answer the following:

☐ I am reporting the combined water usage under the following permits/rights:

List combined Permits/Rights

List any Permits/Rights under which **no** irrigation occurred

The water use reporting form is on the next page. However, if you prefer reporting your water use based on kilowatt-hours, please provide the following information and then proceed to the last page to submit this form.

of Kilowatt-hours _____

Crop types irrigated and number of acres for each crop: _____

Operating pressure lb/sq.in. _____

Depth to water (feet) _____

If you need more space, please provide the additional
 kilowatt-hours information on the last page of this form.

If you need assistance completing the water use information on the next page, here is a sample completed form:*In June and July, a total of 190 acres were irrigated -- 130 acres were alfalfa and 60 acres were corn:**Alfalfa -- using center pivot @ 900 gallons per minute (gpm) for 5 days in June only at 24 hours per day**Corn -- using big gun @ 380 gpm for 8 days in June and for 10 days in July at 12 hours per day*

MONTH	CROP	ACRES	PUMP RATE (GPM)	# DAYS	AVE/HRS DAY
JUNE	ALFALFA	130	900	5	24
	CORN	60	380	8	12
JULY	CORN	60	380	10	12

For personal assistance please contact Genny McMath at (605) 773-3352 or by email at genny.mcmath@state.sd.us



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 1, 2016

858-2

John & Heidi McBride
PO Box 95
Edgemont SD 57735-0095

Dear Mr. & Mrs. McBride:

Our office was recently notified you had purchased land from Wyoming Dakota Railroad Properties authorized under Water Right No. 858-2.

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

I have included a copy of the water right for your records. If you have any questions when completing the transfer form, please let me know.

Sincerely,

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

enclosures

RECEIVED

MAR 14 2016

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 858-2

Date: 3-10-16

I/We request that Water Right No. 858-2

formerly owned by: Wyoming Dakota Railroad Properties Inc.

be transferred to: (name & address) John & Heidi McBride
28097 Dewey Rd Edgemont SD 57735
Telephone No. (605) 662-6344

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

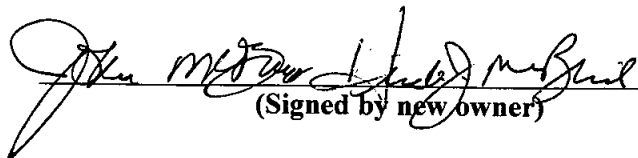
655.75 acres – SW ¼ Section 24, N ½ and SW ¼ Section 25, E ½ Section 26, all in T8S, R2E

I/We understand that the validity of Water Right No. 858-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We John & Heidi McBride, the new owner, certify that the above information is true and correct.


(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 3/14, 20 16

RECEIVED OF John D McBride 28097 Dewey Rd PO Box 95 Edgemont SD 57735

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>858-2</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. **07788**

By *James Goodman*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 15, 2016

858-2

John & Heidi McBride
PO Box 95
Edgemont SD 57735-0095

Dear Mr. & Mrs. McBride:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership on Water Right No. 858-2. The ownership change has been completed. Water Right No. 858-2 formerly held by Wyoming Dakota Railroad Properties Inc., is now listed in your names.

For informational purposes, enclosed is a sample of our annual irrigation questionnaire. This will give you an idea of what type of information to keep track of during the irrigation season. The actual form you will need to complete and return will be mailed to you in mid-October.

Enclosed, for your records, is Receipt No. 07788 in the amount of \$50 which you paid for filing the ownership change. If you have any questions when completing the transfer form, please let me know.

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 05, 2026

TO: John & Heidi McBride
28097 Dewey Road
Edgemont SD 57735

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

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

Shutoff Order for Water Permit No(s). 858-2

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 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.

Water Right No. 858-2 is authorized to divert water from the Cheyenne River (with priority date of 9/14/1949) and the Madison aquifer (with priority date of 9/29/1960). The shutoff order in this notice only pertains to the diversion of water from the Cheyenne River. Diversions under this permit are still allowable from the Madison aquifer.

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.