

PIERRE, SOUTH DAKOTA

Application No. 31

Application Received Sept 6 - 1957

Plans Received

Acknowledgements

Notice for Pub. Mailed

Receipt from Newspaper *Dec - 13 - 1907*

Copy of Newspaper Rec'd.

Notice of Correction, *Feb* 14-1905

Proof of Pub. Rec'd. Dec - 13 - 1907

Hearing December 1, 24 - 1901.

Approved February 21 - 1908

Recorded and Filed

REMARKS:

No. 34

Division No. 2, St. Charles District
Name of Applicant: H. H. Jones &
Name of Divisor: H. H. Jones &
St. Charles, Missouri
Date of First Receipt: Sept. 16, 1911
Returned to Applicant by: Carson

September 17, 1947

Corrected application received:-
Sept. 11th Dec 14, 1917

Location of point of diversion is
north 23° E. & dist 83 ft from the
N. sec corner of sec 10 between
Sec 4 & 5 in T. 100 N. R. 3 E. B. 4 7/8.

Beneficial Use - Conservation

Approved: February 21, 1908.

Picardet Cook 1- page 65

Remarks: - 1st to 10th Sept.

all in Sec. 28, 53734, 196, P. 3

18(B) 477-2000-111

[illegible]

Bill from the Legislature

COPY

No. 31 Water
Division No. 2 S. Cheyenne District

PERMIT

to appropriate water from Flood
Water from head of Plum Creek
Fall River (County, South Dakota)

Name of Applicant

Heppler Co.

Name of diversion works

The Heppler Reservoirs

Date of first receipt at office of State
Engineer Sept. 6 1907

Returned to applicant for correction

Sept. 7 1907

Corrected application received

Sept. 14 1907

Date of water right

September 6, 1907

Recorded in Book -1- Page 65

One-fifth of work to be completed

August 21 1910

Whole work to be completed

February 21 1913

Final proof of use of water

February 21 1913

Approved February 21 1908

Samuel H. Lea
State Engineer.

By Deputy.

STATE OF SOUTH DAKOTA
COUNTY OF HUGHES.

I hereby certify that the within and
foregoing instrument is a true, correct and
complete transcript of the instrument which
it purports to be, as the same was filed for
record in the office of the State Engineer.

Witness my hand and official seal done
at my off. in Pierre, State of South Dakota

this 16 day of April 1908

Samuel H. Lea
State Engineer.

By One S. H. Lea

No. 31.

Water Division No. 2, So., Cheyenne Water District.
(Returns to be filled by the State Engineer.)

00.0000

COPY.

APPLICATION FOR A PERMIT
To appropriate Water Within the State of South DakotaI. Name of applicant Heppner Co.Postoffice address Edgemont, County Fall River, State South Dakota

II. If a corporation, give the following information:

Date of incorporation 1907Place of incorporation Edgemont, S. D.Amount of capital stock \$100,000Amount paid in \$100,000

List names and addresses of directors

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

(a) Method of accomplishing the work. (Whether by contract, employment of others, or by direct labor) By Labor(b) Cash on hand, \$ 100,000 (c) Treasury stock, \$ 0(d) Bonds to be issued, \$ 0 (e) Other resources, \$ 02. Name of diversion works The Heppner Reservoirs.3. Quantity of water claimed Four cubic feet per second.4. Source of water supply Flood water from the head of Plum Creek.5. Location of point of diversion North 239 ft. & East 83 ft. from the 1/4 sec. cor. of draw between sec. 4 & 5, in Town 10S R3 E. B. 1/4. Left bank
(Right or left bank looking down stream.)

6. Annual periods during which water is to be used when needed on the land

7. To be used for: IrrigationIrrigation or domestic use: Irrigation(a) Number of acres to be irrigated 960 acres.(b) Legal subdivisions to be irrigated is attached

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

SW1/4 SE1/4, NE1/4 NW1/4, Sec. 22; NE1/4, E1/2 NW1/4, SW1/4, E1/2 SE1/4, Sec. 33; and SW1/4 Sec. 34, Twp. 9 S. Range 2 E. B. 1/4; SE1/4 NW1/4, E1/2 NW1/4, NE1/4, Sec. 4; E1/2 NW1/4 NW1/4 SE1/4 Sec. 7 Twp. 10 S. Range 5 E. B. 1/4.

MAPS 172 30.2 & 31.2

8. Estimated cost of works:

(a) Head gates, \$ 350 (b) Pumping plant \$
 (c) Fluming, \$ (d) Canal-earth, \$ 750 rock, \$
 (e) Other structures \$ 3000.00 Total, \$ 4100.00

9. Description of diversion works:

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

Dams and Ditches

II. Dimensions of works:

(a) Dam: Height 68 & 17 feet; length at bottom 1050 300 100 feet; length at top 12 feet; slope of front (water) face 3 to 1; slope of back face 2 to 1; thickness at bottom 97 52 42 feet; thickness at top 12 feet; material used in construction Earth, Gunbo

Reservoir; Capacity when filled 2527 19 acre feet. Surface area at highwater mark 43 acres.

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

(c) Head gate: Width 3 feet; height one & half feet

Material 2 inch plank made double

(d) Canal: Total length 11800 feet

LOCATION BELOW HEADGATE	DEPTH feet	BOTTOM WIDTH feet	WIDTH AT WATER LINE feet	GRADE PER MILE
At mile	One	Five	Eight	about 3 feet
At mile				feet
At mile				feet
At mile				feet
At mile				feet

[Give dimensions where reductions in size are made.]

10. Time required for completion of work Five years.

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

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

Edgemont Express

STATE OF SOUTH DAKOTA

County of Fall River

Paul Hennner, being first duly sworn, on my oath depose and say: That my relation to the above-described undertaking is that of

Owner

(Owner, manager or engineer)

foregoing statement, and examined the documents accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed Paul Hennner

Subscribed and sworn to before me this 12 day of September, 1907

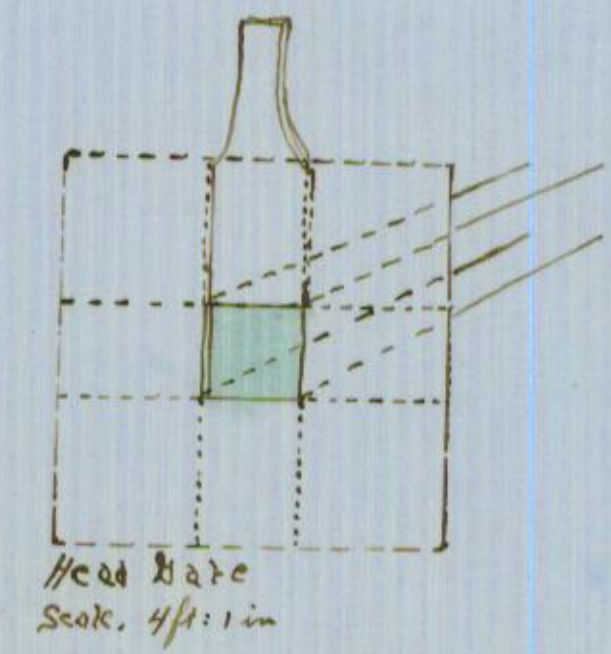
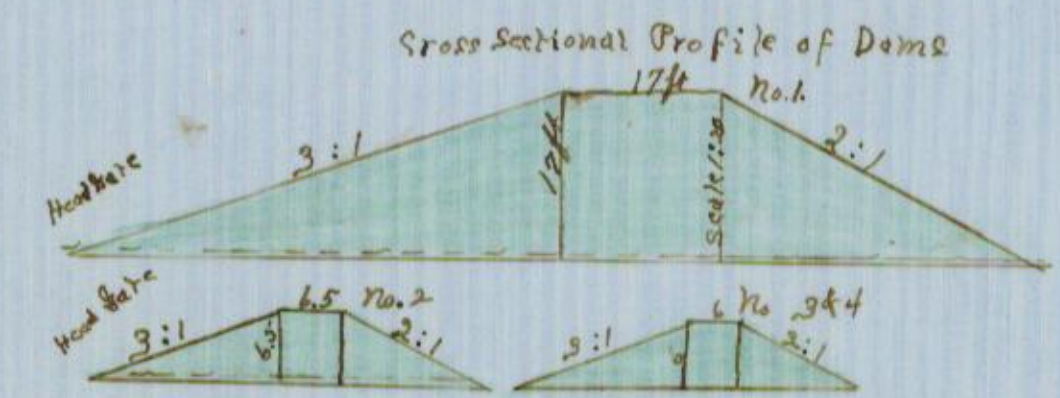
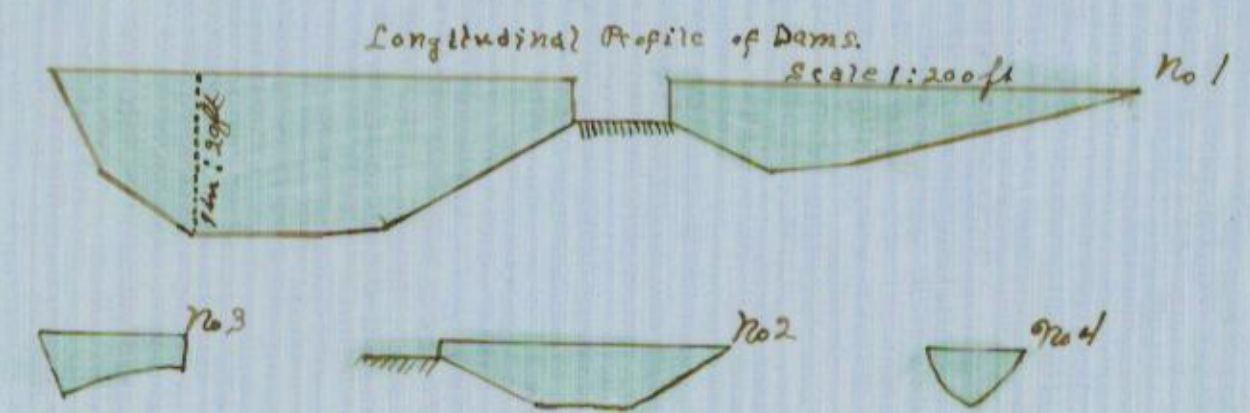
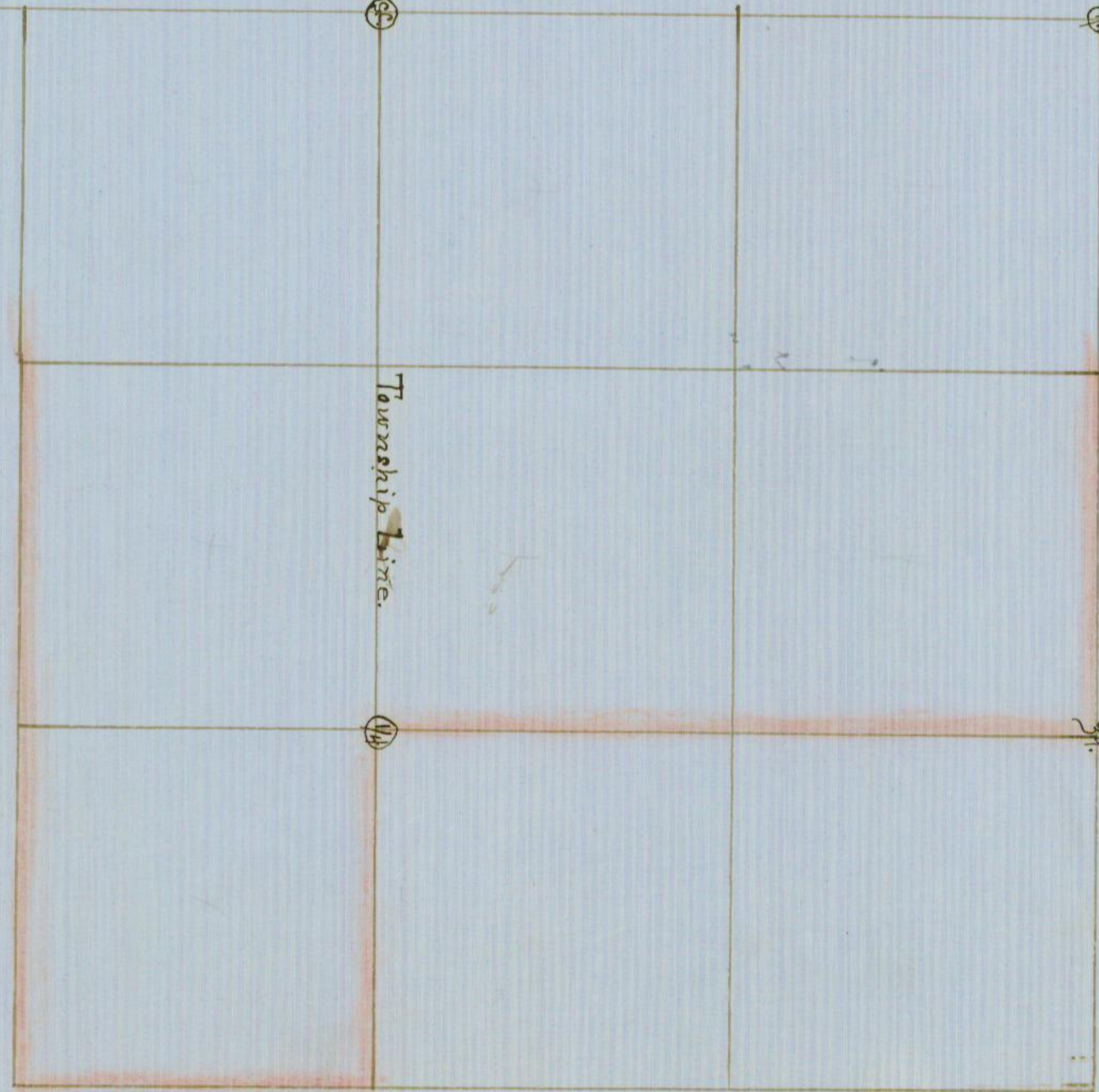
Howard H. Thompson

Notary Public (or other qualified officer).

Heppner Map No. 2.

Sec. 3.

Township Line.



North

(W.R. # 31-2)
MAP # ~~30-2~~
31-2

Heppner Co.

The Heppner, Co. Reservoirs & Ditches

Surveyed by the true meridian
By Robt Wallace, D.S. Surveyor.
S. Dak

Surveyed June 1907

I Robt Wallace, upon oath do say
that this map & survey were
made by me & the same are correct

Robt. Wallace
D.S. Surveyor
S. Dak

Subscribed and sworn to before me this
11th day of July 1907. Jara Anderson,
my commission expires Nov. 14-1908. Notary Public.

Lewis Heppner's Desert.

All Lands to be Irrigated.

North

Map No. 1.

(W.R. # 31-2)
MAP # 30-2



Remarks by State Engineer:

This application is for the right to store and appropriate for irrigation purposes flood water from the head of Plum Creek

STATE OF SOUTH DAKOTA

County of Hughes

} ss

Pierre, South Dakota, February 21 1908

This is to certify that the foregoing application was received at this office at nine o'clock a. m. on the sixth day of September 1907 and that after examination it was returned to applicant for correction. The corrected application was received September 14, 1907, and after examination was found to comply with the provisions of the Water Laws of South Dakota. Notice of intention was duly published and a hearing was held in this office on December 24, 1907.

Samuel H. Lea
State Engineer.

By Deputy.

Number of permit 51

Date of first receipt of application September 6 1907

Date of return to applicant for correction September 7 1907

Date of receipt of corrected application September 14 1907

Date from which applicant may claim right September 6, 1907

Approved February 21 1908, Recorded in Book 1, Page 65

This is to certify that I have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and I 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 August 21 1910

2d. The whole of said work is to be completed on or before February 21 1913

3d. The limit of time for proof of beneficial use of water appropriated in accordance herewith is February 1913

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

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed four cubic feet of water per second of time; 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 on or before February 21 1913; said water to be used during the following described annual periods.

when needed on the land

Witness my hand this day of February 1908

CERT OF COMP ISSUED 9-17-74

W/L ISSUED 9-17-74

Samuel H. Lea
State Engineer.

By Deputy.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 31-2.

(1) WHEREAS, On the 6th day of September A. D. 19 07
Heppner Company

made Water Right Application No. 31-2 for a permit to use 4.0 cubic feet per second of the waters of Plum Creek Tributaries

County of Fall River, State of South Dakota, for Irrigation

purposes; and

(2) WHEREAS, On the 21st day of February A. D. 19 08

Permit No. _____, with a date of priority of September 6, 1907

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 21st day of February A. D. 19 13 and for the application to beneficial use of said water on or before the 21st day of February A. D. 19 13

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 4.0 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 described land:

T10S, R3E, Section 9	SW $\frac{1}{4}$ SE $\frac{1}{4}$	Acres
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	8
Section 10	SE $\frac{1}{4}$ SW $\frac{1}{4}$	3
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	7
Section 11	NE $\frac{1}{4}$	160
	NW $\frac{1}{4}$	160
T9S, R3E, Section 28	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40
	NE $\frac{1}{4}$	50
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	30
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40
Section 32	E $\frac{1}{2}$ NE $\frac{1}{4}$	25
Sect:	SE $\frac{1}{4}$	130
	S $\frac{1}{2}$ NW $\frac{1}{4}$	70
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	8
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	22
	NW $\frac{1}{4}$	100
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	25
Section 34	W $\frac{1}{2}$ SW $\frac{1}{4}$	70

TOTAL

360 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 _____

Heppner Company

_____ of **Edgemont, S.D.**

the holder _____ and owner _____ of said permit No. **31-2** a water right, dating from **September 6, 1907**
_____ to use of **4.0** cubic feet per second of the waters
of **Plum Creek Tributaries**

in the County of **Fall River** and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at
a point 239 feet North and 83 feet East from the E $\frac{1}{2}$ Corner, Section 5, T10S, R3E

and conduct to and upon **portions of Sections 9, 10, 11, T10S, R3E and Sections 28, 32, 33,
and 34, T9S, R3E, more fully described on the face of this License.**

for the purpose of **irrigation**

Subject to any limitations listed in Water Right Permit No. **31-2** and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this **17th** day of **September** A. D.

Nineteen Hundred and **Seventy-four**

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer **DONALD DRISCOLL**

Form 15.

Permit No. 31-2

Water Diversion No. 2 SOUTH CHEYENNE RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Heppner Company

_____ the holder _____ of
Permit No. 31-2, issued upon Application No. 31-2, bearing date of priority of September 6,
1907 authorizing the diversion of 4.0 cu. ft. per second of the waters of _____
Plum Creek Tributaries County of Fall River, State of South Dakota at _____
a point 239 feet North and 83 feet East from the E $\frac{1}{4}$ Corner, Section 5,
T108, R3E
_____, for irrigation.

purposes, ha. 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 12.0 cu. ft. per second of water:

Date September 17, 1974

By: WATER RIGHTS COMMISSION

DONALD DRISCOLL, Chief Engineer

DEC 13 1907

No. 31

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA } ss
County of Fall RiverW. Goddard being duly

sworn, deposes and says the annexed printed copy of Notice

Intention to appropriate Water was taken from the

Edgewood Express 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 Edgewood County ofFall River and State of South Dakota,

That the said notice was published in said newspaper on the

following dates:

November 15th November 22nd1907

in each and every issue of the full number thereof, the first

publication being made on the 15th day of November1907 and the last publication on the 22nd day ofNovember 1907, upon which days or times

of publication aforesaid the newspaper was regularly pub-

lished, and that during the whole time of said publication

he was the printer and publisher of

the said newspaper.

W. GoddardSubscribed and sworn to before me this 11 day ofDecember A. D. 1907Edward J. Thompson
Notary Public Fall River County, S. D.

Appropriation of Water.

For a Notice of Intention to appropriate

Water. No. 31.

Office of State Engineer.

Pierre, S. D., October 23, 1907.

Notice is hereby given that Paul Heppner whose residence address is Edgewood, Fall River County, S. D., has made an application in accordance with the provisions of the first article of the laws of South Dakota for a permit to appropriate for beneficial use for 4 cubic feet of water per second of time from Plum Creek through the Heppner Reservoir, the point of diversion which is to be located upon the bank of said stream in the S. E. 1/4 of the N. E. 1/4 of Section 4, Township 10 S., Range 3 E., 11th M. said water to be used for the purpose of irrigation upon the S. W. 1/4 S. E. 1/4 S. E. 1/4 S. W. 1/4 Section 28 N. E. 1/4 E. 1/4 N. W. 1/4 E. 1/4 S. W. 1/4 Section 31 and S. W. 1/4 Section 31, Township 9 S., Range 3 E., 11th M., S. W. 1/4 N. W. 1/4 E. 1/4 N. W. 1/4 S. E. 1/4 Section 4 N. E. 1/4 N. W. 1/4 S. E. 1/4 Section 3 Township 10 S., Range 3 E., 11th M.

This application will be taken up by the State Engineer at his office at Pierre for consideration and appropriate action upon the 21st day of December, 1907, at 9 a. m., at which time all persons who believe that the prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare, and also parties making the application, and to be benefited, are notified to be present either by sworn affidavit or in person for the purpose of presenting any relative testimony.

SAMUEL H. LEE,
State Engineer.

(First Publication _____ 190____)

APPROPRIATION OF WATER

Office of the State Engineer

Pierre, S. D.,

1907

Notice is hereby given that Paul Heppner
 whose postoffice address is Edgemont

Gall River County, S. D., has made an application in
 accordance with the provisions of the irrigation laws of South Da-
 kota for a permit to appropriate for beneficial use 4 cubic
 feet of water per second of time from Plum Creek

through the Heppner Reservoir, the point of diversion of which
 is to be located upon the _____ bank of said stream in the S.E.
 $\frac{1}{4}$ of the N.E. $\frac{1}{4}$ of section 5 township 10 S. range 3 E. said water
 to be used for the purpose of Irrigation

upon the S.W. $\frac{1}{4}$ Sec. 28; N.E. $\frac{1}{4}$, E. $\frac{1}{2}$ NW $\frac{1}{4}$, S.E. $\frac{1}{4}$, E. $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 33;
 and SW $\frac{1}{4}$ Sec. 34, all in Twp. 9 S., R. 3 E., B. N. M.
S.W. $\frac{1}{4}$ NW $\frac{1}{4}$, E. $\frac{1}{2}$ NW $\frac{1}{4}$, N.E. $\frac{1}{4}$ Sec. 4, N. $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$
 Sec. 3 Twp. 10 S. Range 5 E. 10 H.M.

This application will be taken up by the state engineer at his
 office at Pierre for consideration and appropriate action upon the
15th day of November 1907, at 9 a. m., at which time all
24th persons who believe that the prior rights would be injuriously af-
 fected, or that the allowance of the permit would be detrimental
 to the public welfare, and also parties making the application, and
 to be benefited, are notified to be present either by sworn affi-
 davit or in person for the purpose of presenting any relative tes-
 timony.

Samuel H. Lea
 State Engineer

Permit No. 31-2Water Division 2 SOUTH CHEYENNE Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by HEPPNER
Co. of EDGE MONT, SOUTH DAKOTA holder
of Permit No. 31-2, hearing date of priority of SEPTEMBER 6, 1907
authorizing the diversion of 4 cu. ft. per second of the waters of PLUM CREEK TRIBUTARIES
for IRRIGATION purposes, in FALL RIVER County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

TWO LARGE ~~SLUICED~~ DAMS - CONTROLLED BY 18" STEEL CURVED
#1: 40 FT. HIGH - 1000 FT. WIDE - $\frac{1}{2}$ TO $\frac{3}{4}$ SLOPE
#2: 2000 FT. WIDE - 50 FT. HIGH - $\frac{1}{2}$ TO $\frac{3}{4}$ SLOPE

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

10,000 FT. OF DITCH 25 FT WIDE AND 5 FT. DEEP

VARIOUS DICES LOCATED IN KEY POSITIONS

C. Works used to apply water to beneficial use.

FLOOD IRRIGATED WITH TUBES IN THE DITCH CONTROLLED
BY WOODEN PLUGS

The system is in the following condition: GOOD

The point of diversion is located 239 FEET NORTH AND 83 FEET EAST
FROM THE 1/4 SECTION LINE BETWEEN SEC. 4 & 5; T10S; R3E.B.M.

The works are capable of diverting and conveying to the place of use 12 c.f.s.cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows:

(SEE ATTACHMENT B)

comprising a total of 960 acres of land.

SEND TO: HEPPNER CO.
MR. RICHARD E. GROSSHAUS
ATTORNEY AT LAW
FALL RIVER COURTHOUSE
HOT SPRINGS, S.D. 57747

Date AUGUST 15, 1974

Thomas A Gardner
(Signature)

THOMAS A GARDNER
WATER RESOURCES ENGINEER

ATTACHMENT B

<u>LANDS</u>					<u>ACRES</u>
NW 1/4	SEC. 11	T ¹⁰ S, R3E	B.H.M.		160
NE 1/4	SEC. 10	T ⁹ S, R3E	B.H.M.		160
SE 1/4 SW 1/4	SEC. 10	T ⁹ S, R3E	B.H.M.		3
SW 1/4 S ¹ N 1/4	SEC. 10	T ⁹ S, R3E	B.H.M.		7
SW 1/4 SE 1/4	SEC. 9	T ⁹ S, R3E	B.H.M.		12
SE 1/4 SE 1/4	SEC. 9	T ⁹ S, R3E	B.H.M.		8
W 1/2 SW 1/4	SEC. 34	T ¹⁰ S, R3E	B.H.M.		70
SE 1/4	SEC. 33	T ¹⁰ S, R3E	B.H.M.		130
S 1/2 NW 1/4	SEC. 33	T ¹⁰ S, R3E	B.H.M.		70
SE 1/4 NW 1/4	SEC. 33	T ¹⁰ S, R3E	B.H.M.		8
NE 1/4 SW 1/4	SEC. 33	T ¹⁰ S, R3E	B.H.M.		22
SW 1/4 NW 1/4	SEC. 33	T ¹⁰ S, R3E	B.H.M.		100
NW 1/4 SW 1/4	SEC. 33	T ¹⁰ S, R3E	B.H.M.		25
E 1/2 NE 1/4	SEC. 32	T ¹⁰ S, R3E	B.H.M.		25
SE 1/4 NW 1/4	SEC. 28	T ¹⁰ S, R3E	B.H.M.		40
SW 1/4 NE 1/4	SEC. 28	T ¹⁰ S, R3E	B.H.M.		50
NE 1/4 SW 1/4	SEC. 28	T ¹⁰ S, R3E	B.H.M.		30
NW 1/4 SE 1/4	SEC. 28	T ¹⁰ S, R3E	B.H.M.		40

TOTAL

960

OVERSIZING

DOCUMENT

APPEARS ON

SEPARATE PLOT

The field notes of the Springer Co. Dam. Reservoir & Ditches. The Dam is located in Sec 5 from the 1/4 Sec corner between Sec 4 & 5, in Town 10 S. R. 3 E B. H. M. West 760 ft. & South 125 ft. to the south end of dam No. 1. Then dam runs N 22° W 450 ft. N 6° W 100. Then waste way N 2° W 100 ft. then dam N 2° W 500 ft. & the Headgate is located 90 ft. from south end of dam, & to be made of 2 inch plank & to be 3 ft wide & 1 1/2 ft deep & to be 120 ft long. & the dam in the deepest is 17 ft. with an average of 10 ft in the length of dam, & the depth of water at dam when full will be 14 ft. When starting at south end of dam Reservoir runs.

M S 22° E . 202

M W 7° S . 171

M W 8° S . 129

M S 39° W . 220

M S 1° W . 255

M S 23° E 80

M W 22° S 66

M N 37° W 400

M W 2° N 201

M W 32° S 102

M S 20° E 161

M S 43° W 277

M W 20° S 252

M S 29° E 377

M N 35° W 135

M W 6° N 210

M W 41° S 93

M N 13° E 90

M N 11° W 90

M N 30° N 169

M N 17° W 138

M N 12° E . 144

M S 41° E . 139

M E 35° S 172

M S 2° E 111

M E 41° N 251

M N 15° E 283

M N 12° W 100

M N 15° E 335

M E 19° N 385

M E 44° N 250

M N 39° W 174

M N 42° W 239

M W 24° N 325

M N 32° W 418

M E 33° N 166

M E 24° S 271

M E 42° S 289

M E 2° S 251

M E 26° N 197

M E 16° N 164

1888 Commencing to the
 Dam 125 ft from the north end of dam,
 then ditch starts at Headgate & runs
 E 7° N 100 ft. + E 25° N. 616 ft. to the east end
 of dam No 2 + dam No 2 is located in
 sec 5 from the 1/4 sec. corner between sec 4 + 5.
 North 239 ft + West 83 ft. to east end of dam
 + dam runs W 42° S. 300 ft. + is 8 ft high.
 + commencing at southwest end of dam
 Reservoir runs,

N	W 7° S	186	N	N 32° W	326
N	W 16° S	277	N	N 15° W	119
N	N 22° W	365	N	E 28° S	157
N	E 18° N	210	N	S 40° E	295
N	N 26° W	154	N	S 32° E	435
N	E 21° N	283	N	Commencing to the	

north east end of the dam + the Headgate
 is located at the east end of dam + shall
 be 3 ft wide + 1 1/2 ft deep + 48 ft Long. +
 made of 2 inch plank + reservoir No 1 when
 full holds 252 1/4 acre feet of water + No 2 when
 full holds 19 acre feet of water. + ditch starts
 at Headgate No 2 + runs,

N	E 10° S	100	N	E 23° N	100
	E 11° S	100		E 32° N	100
	E 8° S	100		E 38° N	200
N	E 21° N	100		E 39° N	200
	E 20° N	200	N	E 26° N	100
N	E 40° N	100	N	N 11° W	300
	E 26° N	100		N 7° W	200
	E 27° N	100		N 8° W	200
	E 28° N	100		N 9° W	100
	E 18° N	200		N 1° W	300
N	E 43° N	100	N	N 7° W	44
	E 37° N	100	N	E 31° N	221
	E 29° N	100	N	E 17° S	100

	E 25° h.	1 00
Λ	E 24° h.	1 00
Λ	E 32° h.	1 00
	E 32° h.	1 00
Λ	h 8° E.	1 00
Λ	h 24° W.	2 00
Λ	W 25° h.	1 00
	W 9° h.	1 00
	W 2° S.	2 50
Λ	h 2° W.	6 9
Λ	E 12° h.	1 00
	E 18° h.	1 00
Λ	h 32° E.	1 00
	h 26° E.	1 00
	h 39° E.	1 00
	E 40° h.	1 00

Λ	E 10° S.	1 00
	E 3° S.	1 00
	E 12° h.	1 00
	E 11° h.	1 00
	E 7° h.	2 00
	E 6° h.	2 00
Λ	h 9° W.	1 00
	h 38° W.	1 00
Λ	W 29° h.	9 00
Λ	W 35° h.	1 00
	W 36° h.	1 00
	W 38° h.	1 00
	W 40° h.	1 00
	W 43° h.	2 00

Dam No 3 is to catch and
water from ditch No 1 + is
located from the north $\frac{1}{4}$ sec. cor.
of sec. 4 in town 10 S. R 3 E. B. N. M.
+ is just a flood water dam
in dry draw, to throw water over
the land + is 6 feet in the deepest
place, + is 100 ft long. + ditch
starts at north end of dam
Dam is 1030 ft east + 120 ft
south, from $\frac{1}{4}$ cor + ditch runs

N	E 6° S	600
N	S 44° E	400
N	E 22° S	400
N	E 15° N	200
N	N 32° W.	160

Dam No 4 is a flood
water dam + is same as
No 3 + is located
from the north $\frac{1}{4}$ sec.
corner of sec. 4 East 720
ft. + south 990 ft. +
ditch starts at north end
of dam + runs,

N	N 10° E.	100
N	E 5° N.	200
N	E 6° S.	100
N	E 34° S	100
N	S 18° E	200
N	S 45° E	150
N	E 20° N.	400
N	E 4° N	100
N	E 13° S	100
N	E 31° S	200
N	E 19° S	300
N	E 3° S	115

This field notes survey
+ maps made by
Robt Wallace
D. S. Surveyor
S. Date

31-2

QUESTIONNAIRE PROBABLY ISSUED

BY
SAMUEL H. LEA
STATE ENGINEER

RECEIVED

OCT 15 1908

OFFICE OF STATE ENGINEER,
PIERRE, S. DAK.

Name of Company

Paul & Minnie Heppner

Officers

Location of Main Office

and Plant

Near what large city or Town

and how far from

it _____ miles. On what Stream

Glenn Creek a dry flood stream

Point of Compass from the Town

from the stream

What is the Power used, or intended for

No. and kind of wheels used or proposed

Maximum Horse-power developed or that can be developed

Horse-power during Low Water Season

Volume of flow in stream: name amount in a given time, as cubic feet
per minute

Fall in feet actual _____ or approximate

Is Water-storage resorted to, the amount

271 1/2 acre feet

Any dams existing or proposed, and size, ht. *1748* length *11504* 300 ft.

Distance power transmitted _____ Miles. Horse-power at wheel

What additional H. P. can be developed upon other parts of same stream
or others nearby

Any steam reserve used _____ Horse-power

Is operation obstructed in winter, by ice, how long

Price of Coal at same place \$ _____ per ton.

Your address and that of others furnishing this information

Paul Heppner Edgemont S. Dak.

Please state any additional information you may have that is not covered
by the above statement. *This storage is for the irrigation*

of the desert claims of Paul & Minnie & the heirs
of Louis Heppner. they are not incorporated

June 3, 1974

Heppner Company
% Russell Heppner
907 E.
Edgemont, South Dakota 57735

Dear Mr. Heppner:

On May 22, 1974, Mr. Thomas A. Cardner of this office made a field investigation pertaining to Water Permit No. 31-2, authorizing the diversion of 4 cubic feet per second of water from Plum Creek for irrigation purposes of 960 acres of land. The original permit was filed by Heppner Company on September 6, 1907.

The investigation indicated that lands pertaining to the permit are presently owned by relatives of the original applicants, Mr. Russell Heppner, who acts as manager for said lands, indicated that there has not been any irrigation for many years.

South Dakota Water Laws provide that when any person entitled to the use of appropriated water fails to beneficially use the water for a period of three years, or longer, such water shall revert to the public.

Therefore cancellation of Water Permit No. 31-2 will be considered by the Water Rights Commission at 3:30 P.M., D.S.T., on July 17, 1974, at its office in Pierre, South Dakota.

Sincerely,

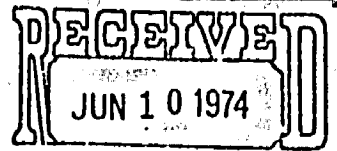
DONALD DRISCOLL
Chief Engineer

LD/TG/bw

ROLAND E. GROSSHANS
ATTORNEY AT LAW
FALL RIVER COUNTY COURTHOUSE
HOT SPRINGS, SOUTH DAKOTA 57747

June 7, 1974

745-4866



STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

Mr. Donald Driscoll
Chief Engineer
South Dakota State Department
Natural Resource Development
Water Rights Commission
Office Building #2
Pierre, South Dakota 57501

Re: Water Permit #31-2 - Heppner Company

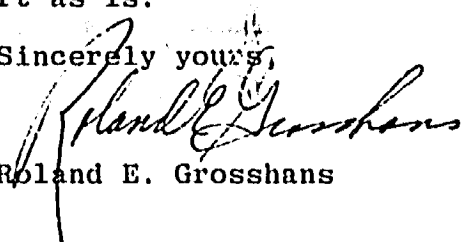
Dear Mr. Driscoll:

Please be advised that Mr. Russell Heppner, the successor in interest to Heppner Company and the present user of Water Permit #31-2 has retained our firm to represent him in maintaining the water permit #31-2.

I refer you to your letter of June 13, 1974. Apparently there was some misunderstanding when Mr. Gardner of your office made his investigation concerning this permit. The Heppners have used this permit and have diverted water from Plumb Creek every occasion that it has rained enough for the creek to flow. They estimate that the use has been made at least once every year or so, at least as far back as their memory serves them. However, Mr. Heppner did mention to Mr. Gardner that it never rained enough to really make total use of the permit. It was not to say that they would not use it if it did rain, and they do use it when the creek runs.

As a result thereof, the Heppners are interested in retaining the water permit and in the event that our appearance there on the 17th is necessary, I would appreciate it very much if you would advise us. We would also like to know if this letter alone will be a sufficient basis upon which you will permit the Heppners to retain the Water Permit #31-2. If not, what you will expect from us by way of evidence to sustain our position that the permit should be left as is.

Sincerely yours,


Roland E. Grosshans

REG:jme

South Dakota
Department of
Water & Natural Resources

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

March 23, 1990

NOTICE

31-2

TO: RUSSELL HEPNER
Heppner Co
907 E. 1st St.
EDGEMONT, SD 57735

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

SUBJECT: Low Water Levels in Angostura Reservoir

The water level in Angostura Reservoir on March 6, 1990 was at 3171.1 feet above mean sea level (msl). This is approximately 16 feet below the full elevation of 3187.2 msl. The present estimates are that the Angostura Irrigation District will be able to deliver less than 50% of full service water to project lands during the 1990 irrigation season. We are contacting you to advise you of the actions we have taken due to the low water situation in Angostura Reservoir. Junior Water Right owners above Angostura have been ordered not to use water until Angostura fills.

Since your Water Right No. 31-2 has a priority date that is senior to the April 11, 1941 priority for Angostura Irrigation Water Right No. 579-2, your permit is not directly affected by the Junior Priority Order. However, I am requesting that all Senior Water Right holders comply with any qualifications and limitations as stated on their water right. With the existing low runoff conditions, we expect to monitor all water rights above Angostura Reservoir.

I want to thank all Water Right Holders above Angostura for the cooperation that we have received up to this time. If you have any questions, please contact Del Brosz (605 773-3352).