

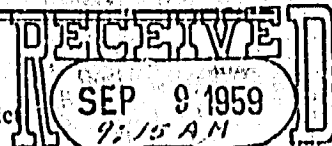
No. ~~4221~~ 559.2

Water Division No. 1

Butte Creek

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 Irvin M. Evans Rt. 2 Box 36
 Postoffice address Hermosa, County Custer, 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)
Already accomplished
 (b) Cash on hand, \$
 (c) Treasury stock, \$
 (d) Bonds to be issued, \$
 (e) Other resources, \$

2. Name of diversion work Irvin M. Evans Water Spreader Project #1
 3. Amount of water claimed 2.1 cubic feet per second or 451.8 Ac. Ft.
 4. Source of water supply Surface runoff from local watersheds (dry draws)
 5. Location of point of diversion S. Div. Pt. #1 is 18.85 degrees and 15 minutes E, a distance of 133.3 rods from the NW Corner of Section 31-28-10E. Div. Pt. #2 is 162.4 rods N 26 degrees West of the SW Corner of Section 31-28-10E on both banks Custer County.
 6. Annual period or periods during which water is to be used Whenever flow occurs during annual period of use.
 7. To be used for:

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

- (a) Number of acres to be irrigated 150.5 acres.
 (b) Legal subdivision to be irrigated See attached sheet #1.

(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

8. Estimated cost of work:

(a) Head Gates, \$.....
 (c) Fluming, \$..... (d) Canal-earth, \$ 30000.....
 (e) Other structures, ditches, flumes and ditches \$ 200,00.....
 (b) Pumping plant, \$ 400,00.....
 Rock, \$.....
 Total, \$ 400,00.....

9. Description of diversion works:

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

A Reservoir at Pt. of Div. # 2 has a ditch (#2) leading out of it into irritable lands on higher ground. Base Grade Diversion ditch (Div. Pt #1) conveys waters onto lower irrig. area.

II. Dimensions of works:

(a) Dam: Height 12 feet; length at bottom 150 feet; length at top 360 feet; thickness at bottom 82 feet; thickness at top 10 feet; slope at front water face 1:1; slope at back face 2:1
 material used in construction Earth
 (b) Reservoir: Capacity when filled 8.8 acre feet. Surface area at highwater mark 3.2 acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	FEET	ACRE-Feet CAPACITY
0.0	0.0		0.0
8.0	3.2		8.8

(c) * Head gate: Width feet; height feet;
 Material

(d) Canal: Total length 0.8 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At 0.0 Mile	3.0 feet	0.0 feet	30.0 feet	5.3 feet
At 0.8 Mile	1.5 feet	0.0 feet	22.0 feet	5.3 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 reduction 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

Project completed in summer of 1955, as a result, vested right is being

STATE OF SOUTH DAKOTA

County of Custer

ss.

submitted for. No
 advertising is necessary.

I, IRVIN M. EVANS, 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.

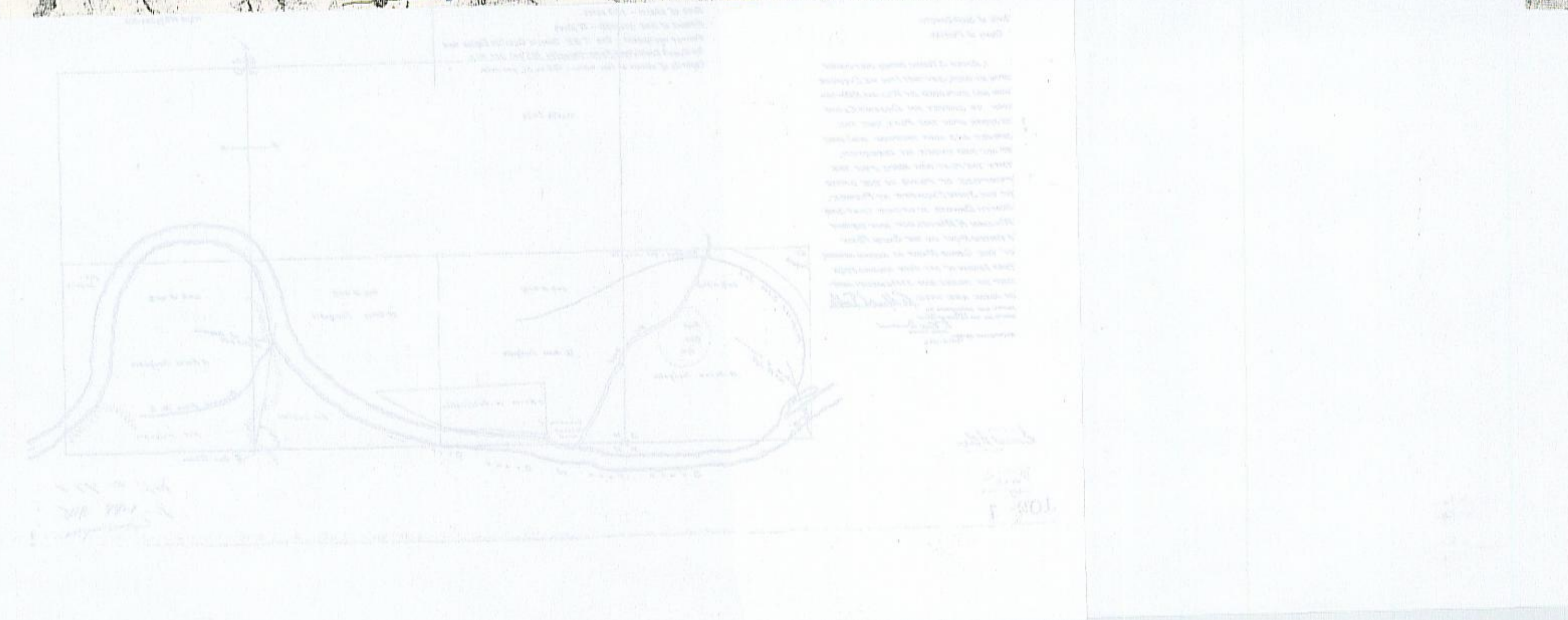
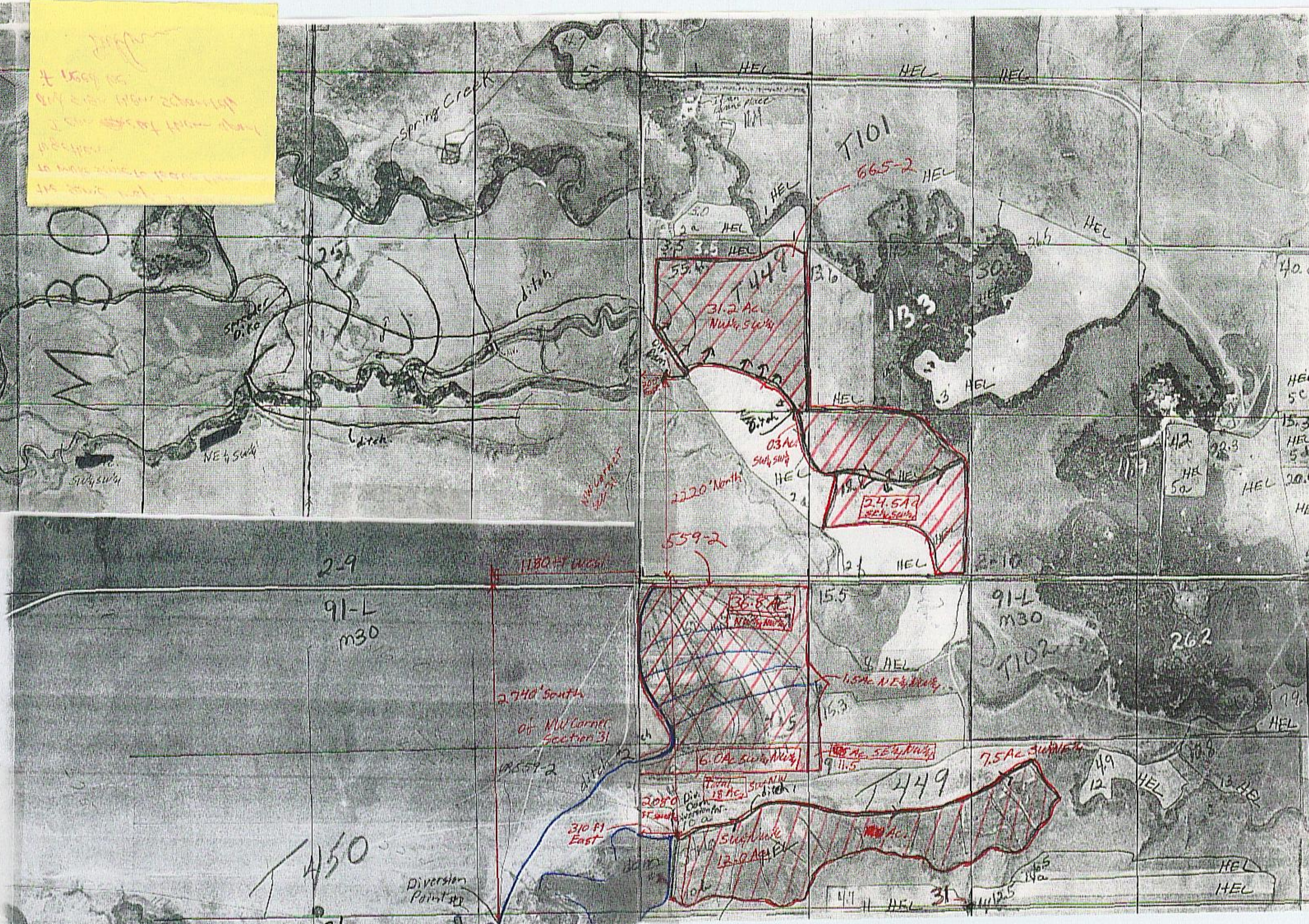
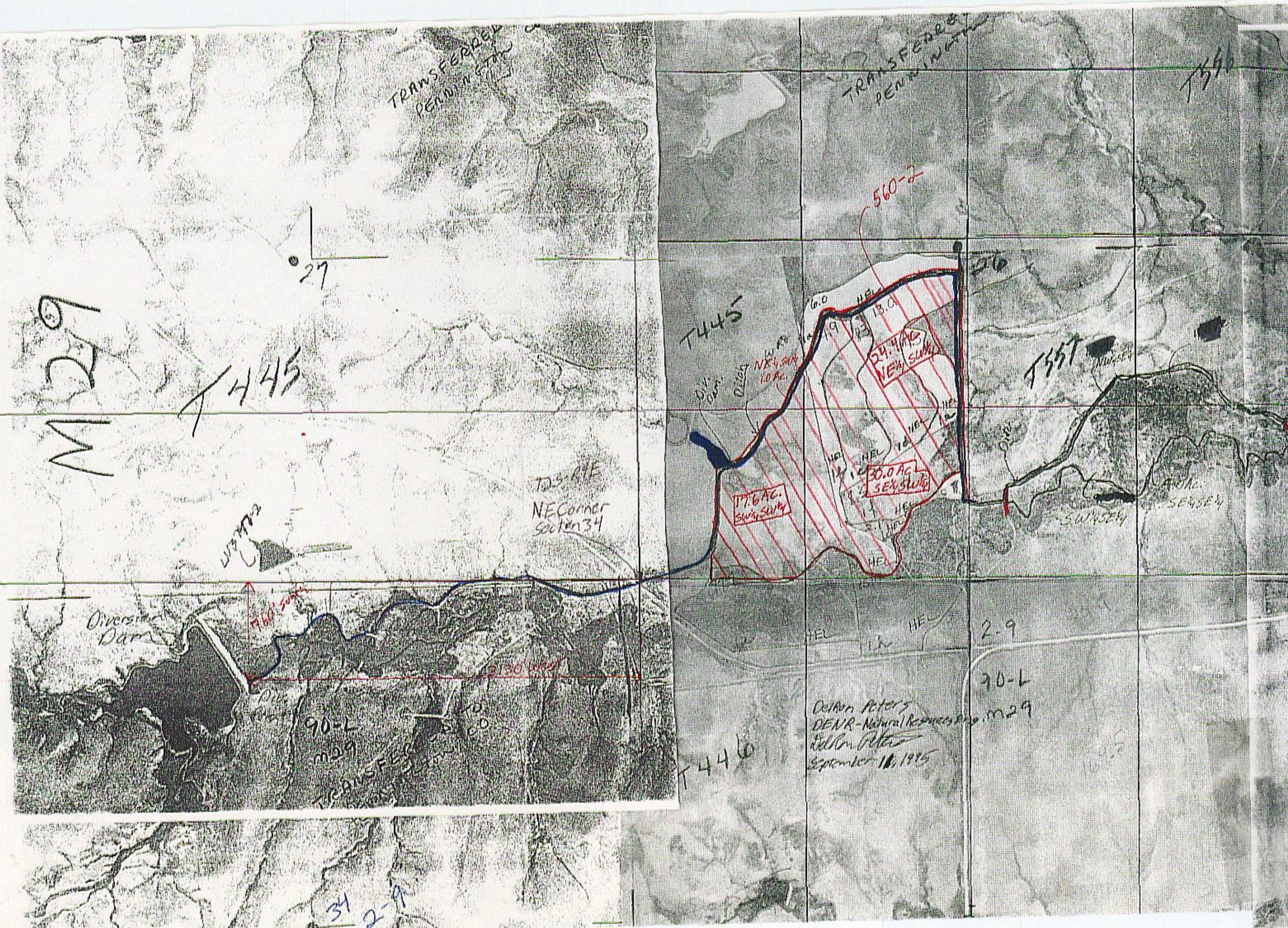
Signed

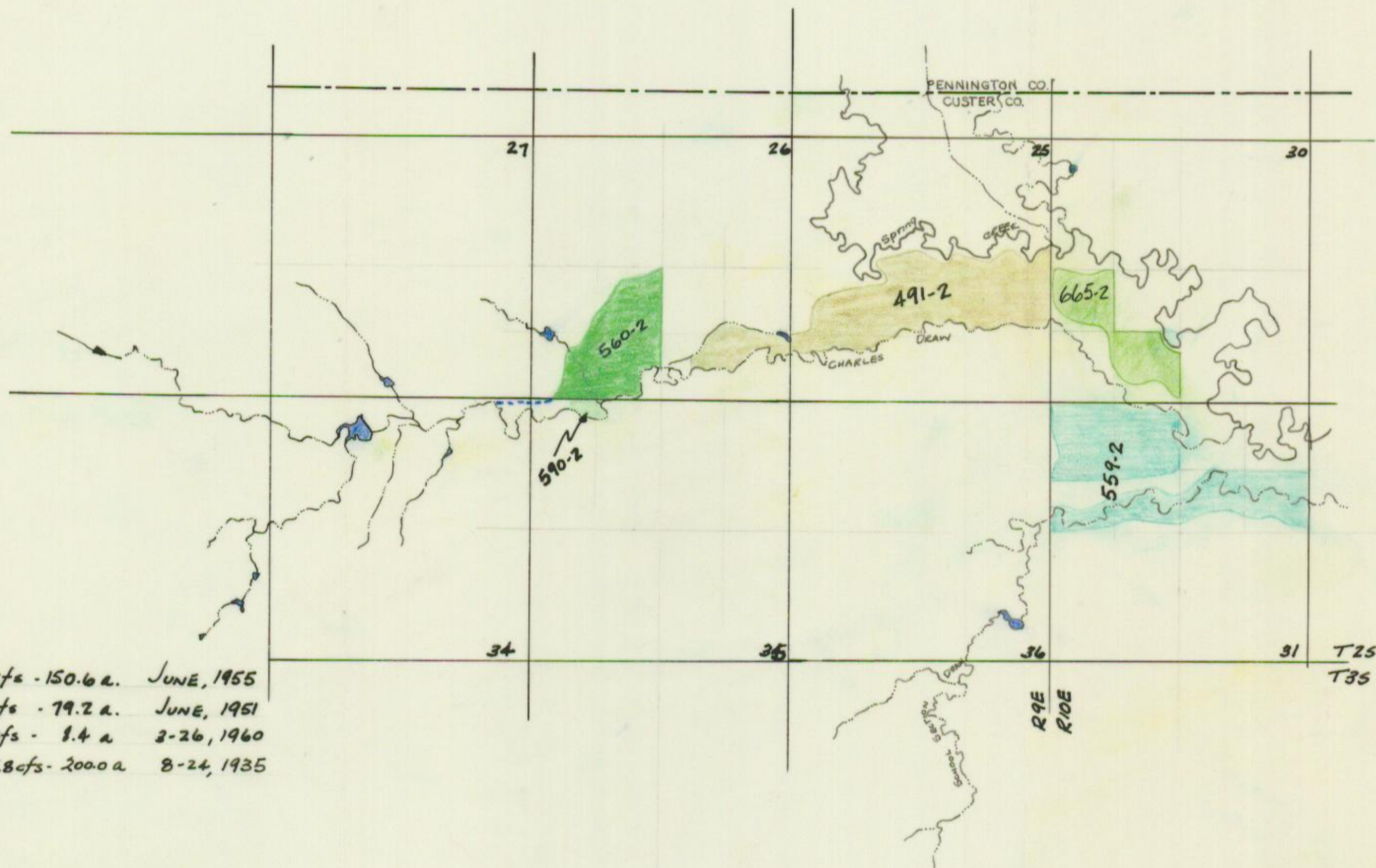
Irvin M. Evans

Subscribed and sworn to before me this 8th day of September 1954

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.





* 559-2 - EVANS - 2.1 cfs - 150.6 a. JUNE, 1955
 560-2 - EVANS - 1.1 cfs - 79.2 a. JUNE, 1951
 590-2 - EVANS - 0.12 cfs - 8.4 a. 8-26, 1960
 491-2 - WEDMORE - 2.8 cfs - 200.0 a. 8-24, 1935

* SOURCE OF WATER FOR 559-2 IS SCHOOL SECTION DRAW
 OTHERS ARE FROM CHARLES DRAW

Map # 549-2

(# 590-2)

Remarks by State Water Resources Commission:

The diversion rate limitation of 1 cubic foot per second for each 70 acres irrigated shall not apply to this Dry Draw irrigation diversion during periods of flood flows, when such flows are in excess of the amount of water required to satisfy domestic use requirements and other water rights.

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, November 7, 1959

This is to certify that the foregoing application was received by Commission at 9:15 o'clock
A.m. upon the 9 day of September, 1959

State Water Resources Commission

By:

Scott R. Rime
Chief Engineer, Executive Officer

Number of permit 559.2

Date of first receipt of application September 9, 1959

Date of return to applicant for correction, amendments or changes required as follows: September 26, 1959

Date of receipt of corrected application September 29, 1959

Date from which applicant may claim right June, 1955

Approved November 7, 1959, Recorded in Book 5 Page 248

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

Completed, 19

2nd. The whole of said work is to be completed on or before Completed, 19

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

Completed, 19

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

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

6th. The amount of the appropriation herein granted shall not exceed 2.1 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 July 1, 1955; said water to be used during the following described annual period:

Whenever flows occur during annual periods of use

Witness my hand this 7th day of November, 1959

State Water Resources Commission

By:

Scott R. Rime
Chief Engineer, Executive Officer

Certificate of Construction issued November 7, 1959

Water License issued November 7, 1959

STATE OF SOUTH DAKOTA

WATER LICENSE No. 559-2

WHEREAS, On the 9th day of September A. D. 1959
Irvin M. Evans

of WYOMING County of Custer and State of
South Dakota duly made application (No. 559-2) to us for a permit to use 2.1
cubic feet per second of the waters of local water sheds (dry draws)
County of Custer, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 7th day of November A. D. 1959
Vested Right Permit No. 559-2 was issued to said applicant for the diversion of said water, and recognizing
completion of the works of diversion therein described ~~XXXXXXXXXXXX~~ XXXX

~~XXXXXXXX~~ and for the application to beneficial use of said
water on or before the 1st day of July A. D. 1955
and,

WHEREAS, On the 9th day of September A. D. 1959
Vested Right the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.1
cubic feet per second of said waters, as evidenced by our Certificate No. 559-2
dated November 7, 1959 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 2.1 cubic feet per second of water, with date of
priority of June 1955 ~~xxx~~ and,

WHEREAS, On the 9th day of September A. D. 1959
proof was duly made of the application to beneficial use of 2.1 cubic feet per second of said water;
to portions of the NW $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$;
SW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$, all in Sec. 31, T 2 S, R 10 E.

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 Irvin M. Evans
of Harmosa the holder and owner of ^{Vested Right} salt/permit No. 559-2
a water right, dating from June 1955 to the use of 2.1
cubic feet per second of the waters of local watersheds (dry draws)
in the County of Custer and State of South Dakota or so much thereof as may be
necessray for the purposes hereinafter mentioned, to be diverted at two points in Sec. 31
more clearly defined in the Certificate of Completion of Works
and conducted to and upon portions of the NW 1/4 and the SE 1/4 of the NE 1/4 Sec.
31, T. 2 S., R. 10 E.

for the purpose of irrigation

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

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 7th day of November A. D. Nineteen
Hundred and Fifty-nine

State Water Resources Commission
By:
J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA	Water License No. _____
To _____	_____
Source of Supply _____	_____
County _____	_____
Am't _____ c. f. s.	_____
Point of Diversion _____	_____
Place of Use _____	_____
Purpose _____	_____
Date of Priority _____	_____
Recorded _____	_____
In Book _____ of _____	Page _____

Permit No. 559-2Battle
Water Division No. 2 Creek Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Irvin M. Evansof Hermosa, County of Custer, and State of
South Dakota, the holder of Permit No. 559-2 issued upon Application
No. 559-2, bearing date of priority of June 1955, authorizing the diversion of2.1 cu. ft. per second of the waters of local watershed (dry draws)County of Custer, State of South Dakota, at a point S 5° 15' E133.3 rods from NW Corner, and a point N 26° W 162.4 rods from theSW Corner Sec. 31, T 2 S, R 10 E. for irrigationpurposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of
Vested Right recognized to be
completion of the works of diversion set out and described in said Permit; that said works are ~~now~~ in satisfactorycondition for diverting and conveying to the place of intended use 2.1 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows:

to-wit: all in Section 31, T 2 S, R 10 ENW 1/4 NW 1/4 36.8 acresNE 1/4 NW 1/4 40.0 "SW 1/4 NW 1/4 18.0 "SE 1/4 NW 1/4 20.2 "SW 1/4 NE 1/4 15.2 "SE 1/4 NE 1/4 20.4 "Witness my hand this 7th day of November A. D. 1959

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

7(I)b Legal Subdivisions irrigated:

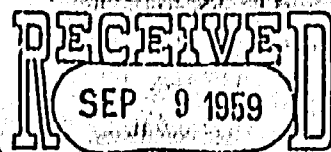
NW 1/4	-----	36.8	Acres
NE 1/4	-----	10.0	"
SW 1/4	-----	18.0	"
SE 1/4	-----	20.2	"
SW 1/4	-----	15.2	"
SE 1/4	-----	20.4	"

All of the above subdivisions are located in Section 37, Township 2 South and Range 10 East.

Location No.

Water Division No.

Water District

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA**Proof of Application of Water to Beneficial Use****PETITION OF HOLDER**

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

Ans. Edwin M. Evans, Hermosa, S. Dak., rancher

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

~~Ans.~~

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

Ans. This is a vested right water right in which case the Right to Appropriate water is being submitted along with Proof of Use.

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

Ans. Source of water supply is surface run off from local watersheds. Div. #1 is 133.3 rods S 5 degrees and 15 minutes East of the NW Corner of Section 31-28-19E. Div. #2 is 162 rods N 26 degrees W of the SW Corner of Section 31-28-19E.

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

Ans. Length of Dam is 360 feet and height is 12 feet. Supply Ditches #1 and 2 from points of Div. #1 and 2 are capable of conveying the max. allowable of 451.8 Ac. Ft. of water onto Irrigable lands. Date of Completion was Summer of 1955.

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

Ans. Water is used for the purpose of Irrigation. See attached sheet #1 for subdivisions as irrigated.

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

~~Ans.~~

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

Ans. The minimum amount of water required is the max. allowable of 451.8 Ac. Ft.

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

~~Ans.~~

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

Ans. Water has been used whenever available during annual period in the amount that was available at the time of runoff to the extent allowed which is 3 Ac. Ft. per Acre for a total of 451.8 Ac. Ft.

(Sign)

Irwin W. Evans

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before

me, at my office in _____, County of Custer

State of South Dakota, on this 8th day of September A. D. 1957

Jack Paulson
(Notary Public)

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

Witnesses

Leo Rausch
Heather F. Flier

Location No. _____	PROOF OF APPLICATION OF WATER TO BENEFICIAL USE	PETITION OF HOLDER	Amount of Water _____ c. f. s.	Source _____	County _____	Purpose _____	Place of Use _____	Date of recording _____	Received and filed _____
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559-7

Evans, Carter Co.

7-23-80

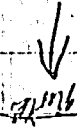
See

31.

35

5000 Ac

75.5



20 x 10
"gate"
Camp
controlled

6 barrier / culvert /
Head Gate

35 Acres. for on

End for spillway to be made

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

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

September 21, 1988

NOTICE

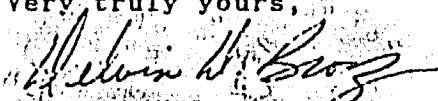
Irvin Evans
Rt. 2, Box 36
Hermosa SD 57744

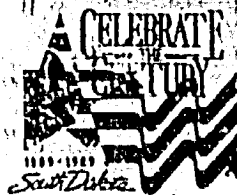
Dear Mr. Evans:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s) 559-2 550-2 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

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

Very truly yours,

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



Report for Validation of Water License No. 559-2

Upper Cheyenne - Water District

Irvin M. Evans

HC 89, Box 255 Hermosa, SD 57744

September 26, 1995

Water License No. 559-2 requires validation of the vested right claim for the appropriation of 2.10 cubic feet of water per second from surface runoff to irrigate 150.6 acres. The construction date for the system originally applied for was June 1955.

The inspection revealed a reduction in acreage from the time of application from 150.6 acres to 75.3 acres with 1.08 cfs as detailed in the Table 1.

Table 1. Lands applied for under Water License No. 559-2 all in T2S-R10E. ^{10 R10}

1/4, 1/4	ACRES IN APPLICATION	PRESENT ACRES IRRIGATED
NW1/4 NW1/4 SEC. 31	36.8	36.8
NE1/4 NW1/4 SEC. 31	40	1.5
SW1/4 NW1/4 SEC. 31	18	18
SE1/4 NW1/4 SEC. 31	20.2	11.5
SW1/4 NE1/4 SEC. 31	15.2	7.5
SE1/4 NE1/4 SEC. 31	20.4	0
TOTAL	150.6	75.3 @ 1.08 cfs

An inspection of Water License 559-2 revealed the diversion point located as shown in Table 2.

Table 2. Diversion Points for Water License No. 559-2.

Diversion	Legal location	Distance from section corner
#1	SW1/4 NW1/4 SEC 31	310' east 2080' south of NW corner SEC. 31-T2S-R10E
#2	NE1/4 SE1/4 SEC. 36	1180' west 2740' south of NE corner Sec. 36-T2S-R9E

The water is utilized for stock watering and irrigation via a water spreading system of 75.3 acres located in the N 1/2 Section 31 in T2S-R10E. ^{10 R10}

Conclusions

1. The project consists of a diversion dam diverting water to a gravity water spreading system. The system was inspected and found to exist with a reduction in the number of acres irrigated to 75.3 acres at 1.08 cfs.
2. Water has been used when available since the time that the system was constructed.
3. The priority date for this vested water right claim should be June 1955 for 1.08 cfs.
4. No increase in the diversion rate or the number of acres irrigated authorized by the vested right application.



DelRon V. Peters
Natural Resources Engineer
DENR



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 6, 1996

NOTICE

TO: Irvin M. Evans
HC 89 Box 255
Hermosa SD 57744

FROM: John Hatch, Chief Engineer
Water Rights Program
605 773-3352

SUBJECT: Hearing to Consider Validation of Recognized Vested Right Claim Nos. 559-2,
560-2 and 665-2

A Notice of Intent to validate Claim Nos. 559-2, 560-2 and 665-2 was published on June 22 and 29, 1988 in the Custer County Chronicle. The Water Rights Program opposed validation of Nos. 559-2, 560-2 and 665-2 for purposes of completing an on-site investigation of the claims. The investigation of Claim Nos. 559-2, 560-2 and 665-2 were completed on September 26, 1995, by DelRon Peters, staff engineer.

The inspection of Claim No. 559-2 found that the number of acres being irrigated has been reduced from 150.6 acres to 75.3 acres. The diversion rate is to be reduced, accordingly, from 2.1 cubic feet of water per second (cfs) to 1.08 cfs. This reduced diversion rate is based on the statutory application rate of 1 cfs per 70 acres ($75.3 \text{ acres}/70 = 1.08 \text{ cfs}$).

The inspection of Claim No. 560-2 found that the number of acres being irrigated has been reduced from 79.2 acres to 73 acres. The diversion rate is to be reduced, accordingly, from 1.1 cubic feet of water per second (cfs) to 1.04 cfs. This reduced diversion rate is based on the statutory application rate of 1 cfs per 70 acres ($73 \text{ acres}/70 = 1.04 \text{ cfs}$).

The inspection of Claim No. 665-2 found that the number of acres being irrigated has been reduced from 61.6 acres to 56 acres. The diversion rate is to be reduced, accordingly, from 0.88 cubic feet of water per second (cfs) to 0.8 cfs. This reduced diversion rate is based on the statutory application rate of 1 cfs per 70 acres ($56 \text{ acres}/70 = 0.8 \text{ cfs}$).

The Water Management Board will consider validation of Claim Nos. 559-2, 560-2 and 665-2 at 10:00 am, July 10, 1996, in the Floyd Matthews Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The agenda time is an estimate. The actual time of the hearing may be later than 10:00 am due to prior agenda items.

(continued)

June 6, 1996

NOTICE

Page 2

Pursuant to the findings of the on-site investigations, validation of Claim Nos. 559-2, 560-2 and 665-2 are recommended for the reduced diversion rates and number of acres as described above. Following the hearing, the Board is authorized to 1) validate the claims as recommended, 2) validate the claims as licensed prior to the on-site investigation, 3) validate the claims based on evidence presented at the public hearing, or 4) defer validation of the claims. Applicable provisions of the published notice of intent to validate Claim Nos. 559-2, 560-2 and 665-2 will still apply at this hearing. A copy of the June 22 and 29, 1988, publication is available upon request.

This hearing is an adversary proceeding. You have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by June 28, 1996, at the above Water Rights Program address to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

c: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on June 6, 1996, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated June 6, 1996, regarding Hearing to Consider Validation of Recognized Vested Right Claim Nos. 559-2, 560-2 and 665-2, addressed as stated below:

Irvin M. Evans, HC 89, Box 255, Hermosa, SD 57744.

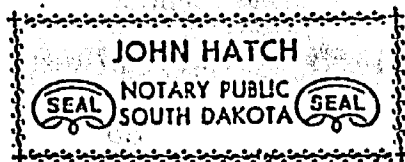
A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, Capitol Building.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of June, 1996




Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 4 1996

Irvin M. Evans
HC 89 Box 255
Hermosa SD 57744

Dear Mr. Evans:

The Water Management Board has validated the enclosed Vested Water Right Nos. 559-2, 560-2 and 665-2. These validations and reissued water licenses reflect the acreage and diversion rate as validated by the Board.

Also, enclosed are Location Notice Water License Nos. 2376-2, 2378-2, 2380-2, 3747-2, 3962-2 and 7195-2. These licenses are issued for stockwatering purposes only. The receipts for transferring several of the water rights and location notices are included.

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

Very truly yours,

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

enclosure

REISSUED STATE OF SOUTH DAKOTA
VESTED RIGHT WATER LICENSE NO. 559-2 FOR IRRIGATION

(1) Irvin M. Evans, HC 89 Box 255, Hermosa SD 57744 was issued Vested Water Right License No. 559-2, November 7, 1959 for a right claim to appropriate 2.10 cubic feet of water per second from a dry draw, Custer County, South Dakota, for irrigation purposes. Vested Water Right No. 559-2 with a priority date of June, 1955 was issued for diversion of water with construction of the described water supply system completed and application of water to beneficial use completed.

On July 10, 1996 the Water Management Board validated Vested Right No. 559-2. Vested Right No. 559-2 is being reissued to include the amount of water claimed to the actual amount applied to beneficial use, based on a September 26, 1995 investigation of the system.

(2) The vested right owner is entitled to divert 1.08 cubic feet of water per second for beneficial use. The location of the diversion points are: 310 feet east and 2,080 feet south of the northwest corner of Section 31-T2S-R10E (SW 1/4 NW 1/4) and 1,180 feet west and 2,740 feet south of the northeast corner of Section 36-T2S-R9E (NE 1/4 SE 1/4).

The location of the irrigated acreage is: Section 31-T2S-R10E

NW 1/4 NW 1/4	36.8 acres
NE 1/4 NW 1/4	1.5 acres
SW 1/4 NW 1/4	18.0 acres
SE 1/4 NW 1/4	11.5 acres
SW 1/4 NE 1/4	7.5 acres
Total	75.3 acres

(3) Pursuant to Section 46-5-30.1 Irvin M. Evans, HC 89 Box 255, Hermosa SD 57744 the holder and/or owner of Vested Water Right No. 559-2 is issued a license to appropriate 1.08 cubic feet of water per second from a dry draw with a priority date of June 1, 1955 from the locations specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 559-2 and subject to South Dakota State Law.


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

NOV 4 1996

date



557-2

SOUTH DAKOTA

VESTED WATER RIGHT NO. 559-2 FOR IRRIGATION

Date of Receipt of Claim September 9, 1959.

Date of Validation July 10, 1996.

The Water Management Board validated Vested Water Right Claim No. 559-2 for irrigation purposes for Irvin M. Evans, HC 89 Box 255, Hermosa SD 57744 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 559-2 appropriates 1.08 cubic feet of water per second from dry draws located in the SW 1/4 NW 1/4 Section 31-T2S-R10E and NE 1/4 SE 1/4 Section 36-T2S-R9E to irrigate 75.3 acres located in the NW 1/4, SW 1/4 NE 1/4 Section 31; all in T2S-R10E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. The water is to be used during the following annual period: January 1 - December 31.
3. The priority date of the Vested Water Right is June 1, 1955.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

John Hatch
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

NOV 4 1996

date



NOT TO SCALE

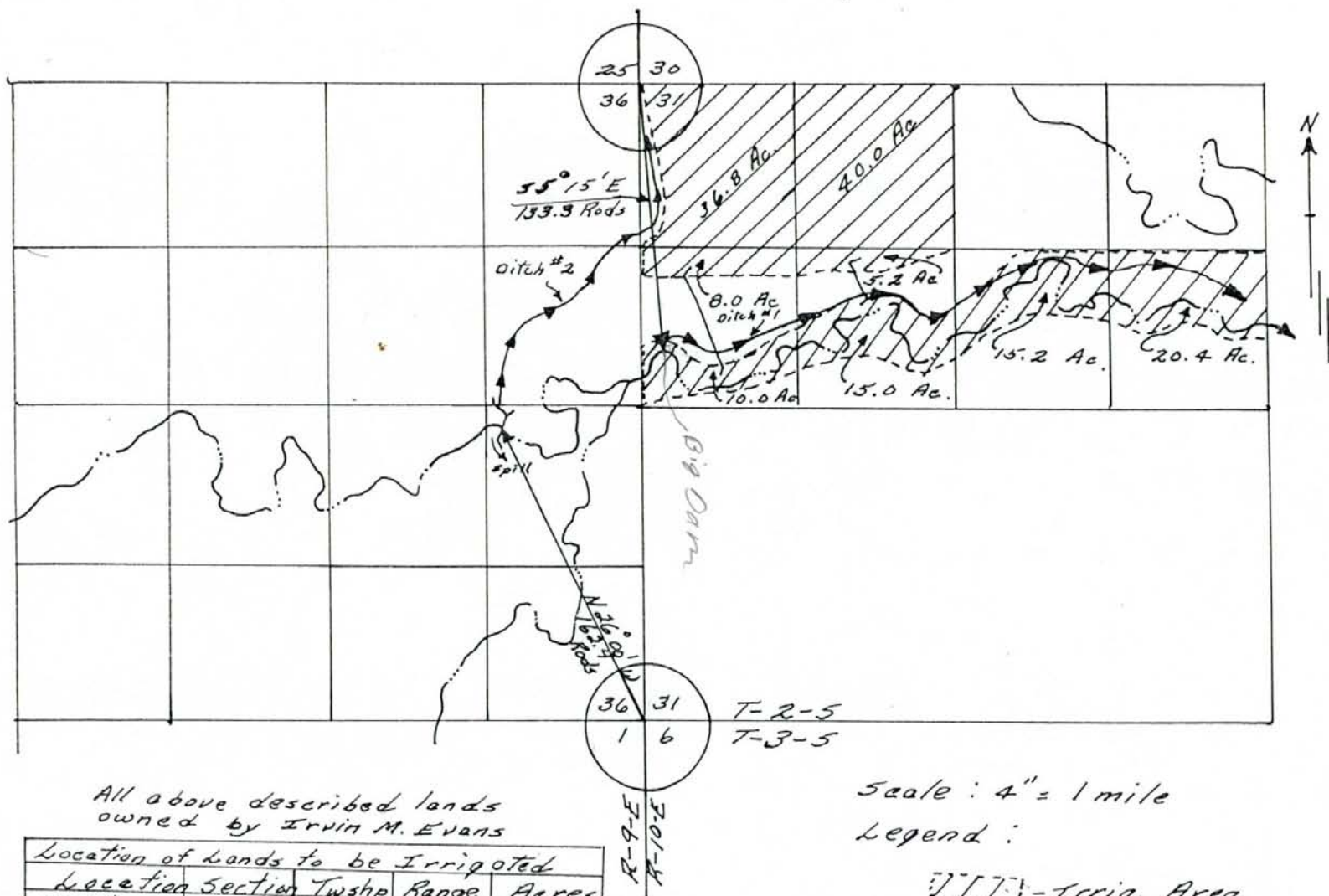


Irvin M. Evans.

(Permit # 559-2)

1971 Aerial map.

Permit # 559-2



All above described lands
owned by Irvin M. Evans

Location of Lands to be Irrigated				
Location	Section	Twship	Range	Acres
NW 1/4 NW 1/4	31	2-5	10-E	36.8
NE 1/4 NW 1/4	31	2-5	10-E	40.0
SW 1/4 NW 1/4	31	2-5	10-E	18.0
SE 1/4 NW 1/4	31	2-5	10-E	20.2
SW 1/4 NE 1/4	31	2-5	10-E	15.2
SE 1/4 NE 1/4	31	2-5	10-E	20.4
Total Acres				150.6

IRVIN M. EVANS
WATERSPREADER PROJECT #1

App1

#559-2

8-655

559-2

RECEIVED

JUN 15 2020

WATER RIGHTS PROGRAM

From: Gronlund, Eric Eric.Gronlund@state.sd.us
Subject: Water Rights on Spring Creek in Custer County
Date: Jun 10, 2020 at 9:23:25 AM
To: Peterson5917@msn.com
Cc: Rath, Mark Mark.Rath@state.sd.us, Duvall, Ron
Ron.Duvall@state.sd.us, McMath, Genny
Genny.McMath@state.sd.us

PAID

JUN 15 2020

Ck# 366

SD EForm - 0495LD V2 NOTICE OF TRANSFER OF OWNERSHIP
For assistance call (605) 773-3352

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 559-2
Date: 6/12/2020

I/We request that Water Right/Permit No. 559-2 formerly owned by:
IRVIN M. EVANS + Geraldine L. EVANS be transferred to:

New Owner Name: IRVIN + GERALDINE EVANS REVOCABLE TRUST
Address: 12190 Village Cre
City, State, Zip: BRIGHTON CO 80603 Telephone No. 303-710-9725

Title to the following described land(s)/property has been transferred as described above: 720-232-8011 daughter cell
transferred from individual ownership to Trust.

☒ I understand that the validity of Water Right/Permit No. 559-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 included to cover the filing fee as required by SDCL 46-2-13.

I, IG EVANS REVOCABLE TRUST the new owner, certify that the above information is true and correct.

Geraldine L. Evans
(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

559-2

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date June 15, 2020RECEIVED OF Irvin/Geraldine Evans 12190 Village Cr E Brighton CO 80603

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>559-2</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$50.00

By Eric Gronlund
Chief EngineerVM

559-2



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 17, 2020

559-2
665-2

Geraldine L Evans
12190 Village Cr E
Brighton CO 80603

Dear Ms. Evans:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted for changing ownership on Water Right Nos. 559-2 and 665-2.

The ownership changes have been completed. The water rights formerly held by Irvin M Evans are now listed under the "Irvin & Geraldine Evans Revocable Trust."

Enclosed for your records are receipts for the filing fees that you paid. If I can answer any questions for you, Please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures