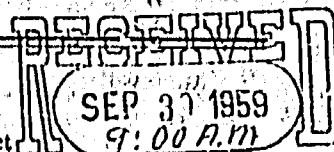


No. ~~560-2~~Water Division No. 1

(Blanks to be Filled by the Engineer for the W. R. C.)

District Bella CreekVested RightSTATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant Irvin H. Evans Et 2, Box 36
 Postoffice address Harrison, 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)

Is accomplished (A Vested Water Right)

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work Irvin H. Evans Water Spreader Project #23. Amount of water claimed 1.1 cubic feet per second 237.6 Acre Feet4. Source of water supply Surface runoff from local watersheds5. Location of point of diversion 130.0 rods S. 73 degrees and 40 minutes E. of the NW corner of Section 34-T25-R9E, 115th on both banks Custer County.6. Annual period or periods during which water is to be used Whenever flow occurs during the period

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 79.2 acres(b) Legal subdivisions to be irrigated See attached sheet

(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 may also be shown on accompanying map.)

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

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

(a) Nature of use None any of the above are 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, \$ 50.00(b) Pumping plant, \$ 11(c) Fluming, \$ (d) Canal-earth, \$ 600.00Rock, \$ (e) Other structures Ditches, dam, tube \$ 5000.00Total, \$

9. Description of diversion works:

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

A Dam Reservoir with tube through it that leads into a Supply Ditch that Conveys water to Irrigable Area.

II. Dimensions of works:

(a) Dam: Height 21 feet; length at bottom 500 feet; length at top 682 feet; thickness at bottom 166 feet; thickness at top 12 feet; slope at front water face 5:1 slope at back face 2:1 material used in construction Earth(b) Reservoir: Capacity when filled 103.4 acre feet. Surface area at highwater mark 15.2 acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	ACRE-Feet CAPACITY
0.0	0.0	0.0
17.0	15.2	103.4

(c)* Head gate: Width 1 feet; height 1 feet; Material Metal(d) Canal: Total length .6 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At <u>0.0</u> Mile	<u>2.0</u> feet	<u>0.0</u> feet	<u>12</u> feet	<u>10.56</u> feet
At <u>0.6</u> Mile	<u>2.0</u> feet	<u>0.0</u> feet	<u>12</u> feet	<u>10.56</u> feet
At <u> </u> Mile	<u> </u> feet	<u> </u> feet	<u> </u> feet	<u> </u> feet
At <u> </u> Mile	<u> </u> feet	<u> </u> feet	<u> </u> feet	<u> </u> feet
At <u> </u> Mile	<u> </u> feet	<u> </u> feet	<u> </u> feet	<u> </u> feet
At <u> </u> Mile	<u> </u> feet	<u> </u> feet	<u> </u> feet	<u> </u> feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work Completed years.11. Time required for complete application of water to the proposed beneficial use being used years.12. Choice of newspaper for publication of notice of intention to appropriate Vested Right, no need to advertise.

STATE OF SOUTH DAKOTA

County of Custer

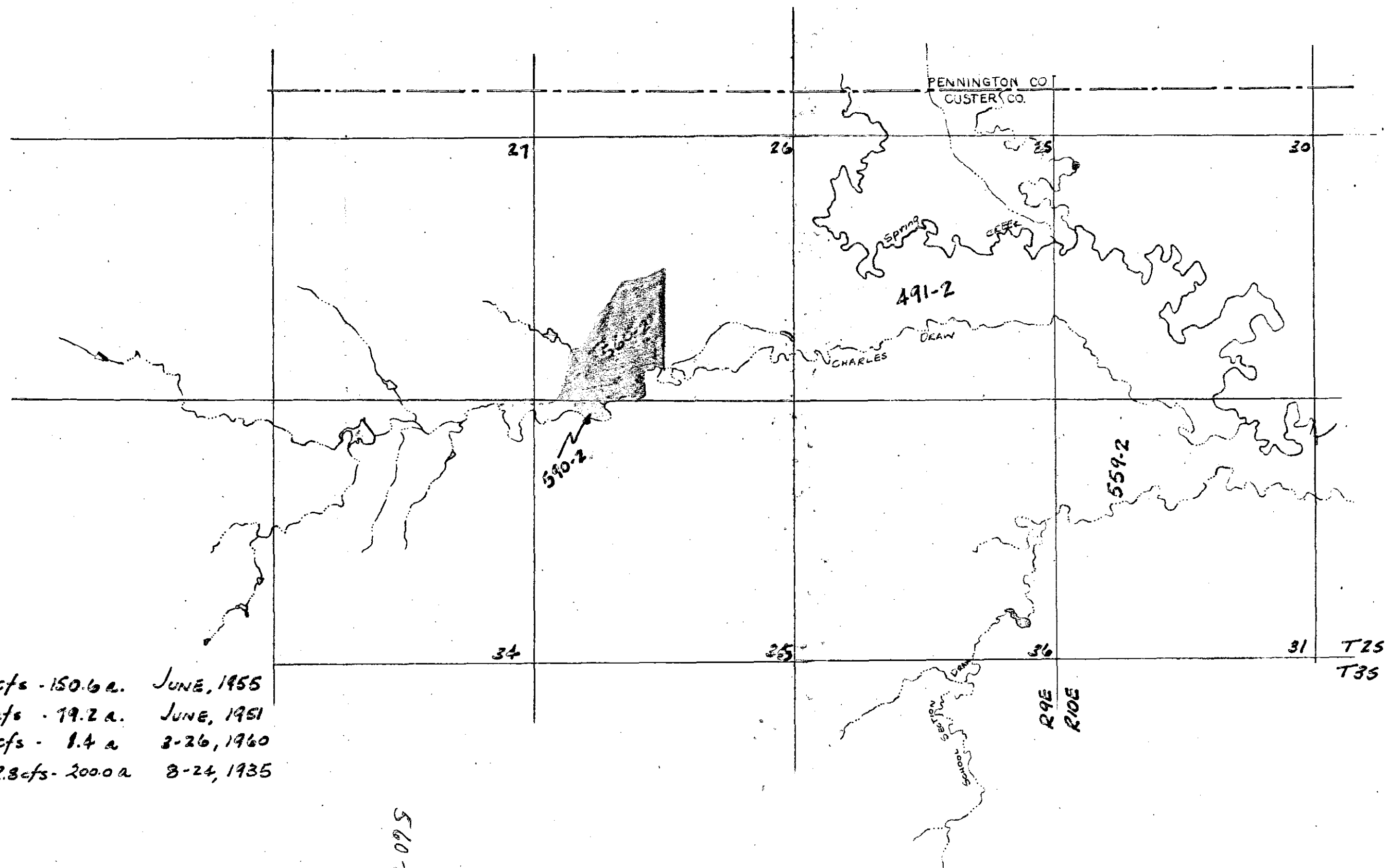
ss.

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. EvansSubscribed and sworn to before me this 28th day of Sept 1927

Notary Public (or other qualified officer)

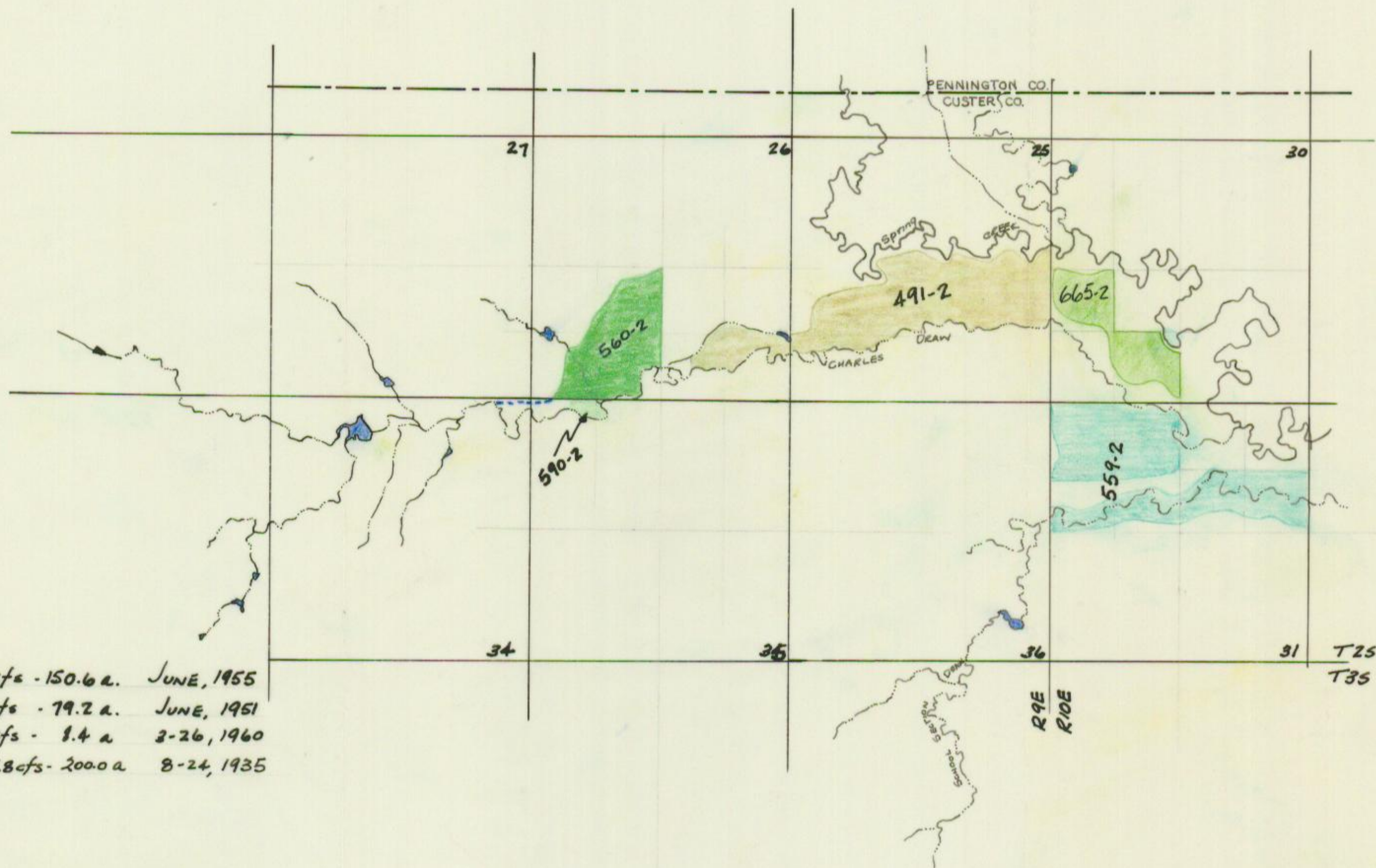
*Each diversion must have a headgate or measuring device.





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

Appl. = 560-2

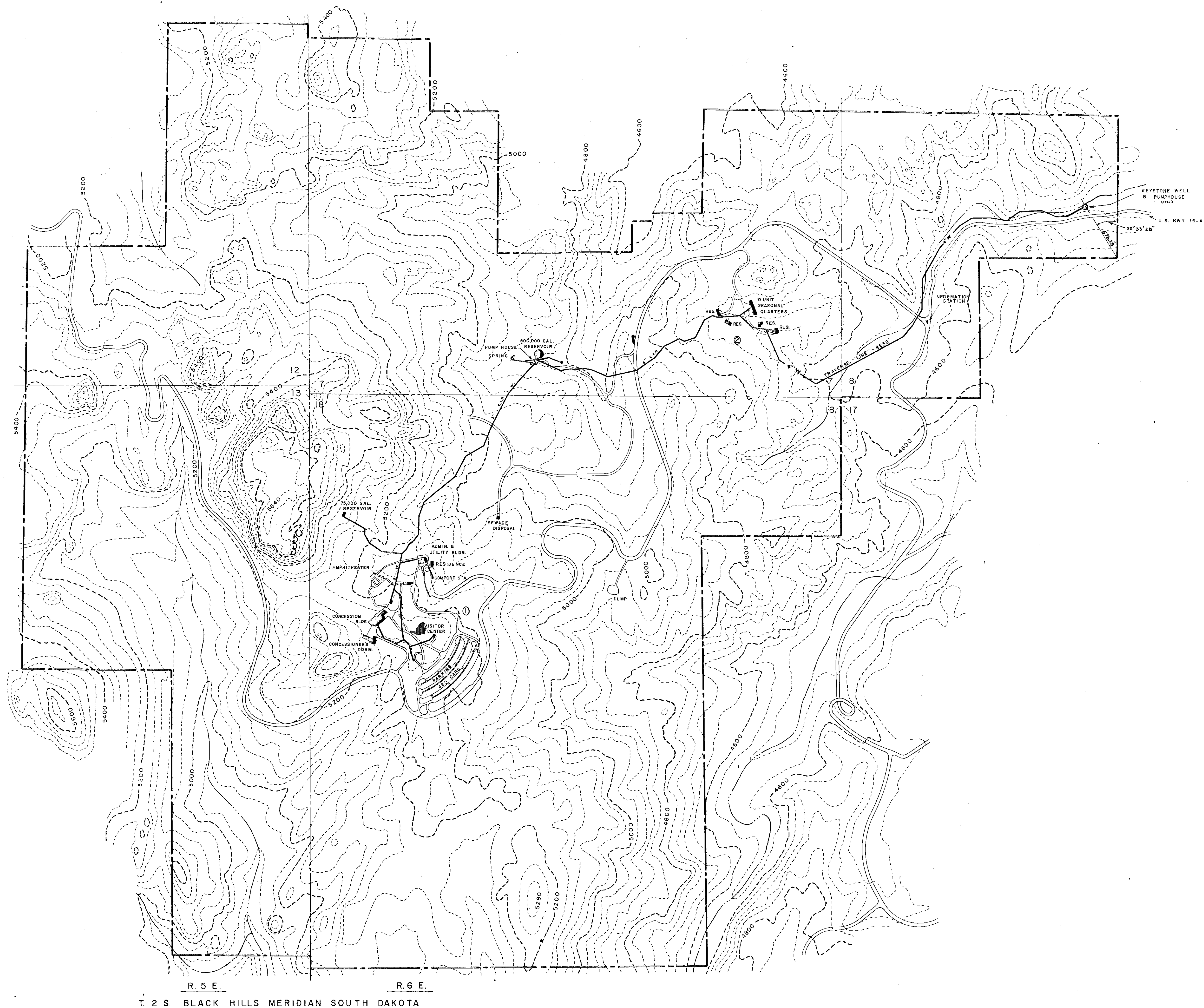


* 559-2 - EVANS - 2.1 cfs - 150.6 a. JUNE, 1955
 560-2 - EVANS - 1.1 cfs - 79.2 a. JUNE, 1951
 590-2 - EVANS - 0.12 cfs - 8.4 a. 8-26, 1960
 491-2 - WEDMORE - 2.8 cfs - 200.0 a. 8-24, 1935

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

Map # 549-2

(# 590-2)



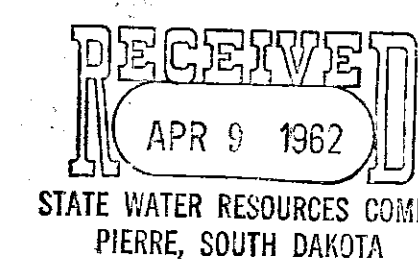
ENGINEER CERTIFICATE

I, William A. Mott, registered Civil Engineer and Land Surveyor, in the State of Iowa, do hereby certify the location of East (Keystone) Entrance Well, drilled to provide a supplemental supply of water for the Headquarters area at Mt. Rushmore National Memorial. It was surveyed and located by Government Engineers using surveying instruments and procedures. Said well is within the boundaries of Mt. Rushmore National Memorial and in N.E. 1/4, S.W. 1/4 Sec. 8, T. 2 S., R. 6 E., BHM, Pennington County, South Dakota, at a point from which the E. 1/4 corner of S.W. 1/4 bears S. 32° 33' E. a distance of 676.28 ft.

I hereby certify that this plat correctly represents the location of East Entrance Well.

William A. Mott
 William A. Mott P.E.
 Region Two
 National Park Service

- (1) VISITING CENTER AREA
- (2) RESIDENTIAL AREA



REVISED DATE INITIAL	UNITED STATES DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE BRANCH OF LANDS REGION TWO OFFICE		REGION II
	WATER USE MAP GENERAL		SHEET 1 OF 1
	MT. RUSHMORE NATIONAL MEMORIAL		DRAWING NO. NMEM-M 2106
			DATE: AUG

MAP NO. 631-2A (U.S. 560-2)

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 the Commission at 9:00 o'clock
A. M. upon the 30th day of September, 1959.

State Water Resources Commission

By:

John Rimmer

Chief Engineer, Executive Officer

Number of permit 560-2

Date of first receipt of application September 7, 1959

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 June, 1951

Approved November 7, 1959, Recorded in Book 5 Page 249

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 1.0 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:

John Rimmer

Chief Engineer, Executive Officer

Certificate of Construction issued November 7, 1959

Water License issued November 7, 1959

Permit No. 560-2Water Division No. 2 Battle Creek Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Irvin M. Evans

of Hermosa, County of Custer, and State of South Dakota, the holder of Vested Right Permit No. 560-2, Issued upon Application No. 550-2, bearing date of priority of June 1951, authorizing the diversion of 1.1 cu. ft. per second of the waters of local watersheds (dry draws) County of Custer, State of South Dakota, at a point S 73° 40' E of the NW corner Sec. 34, T 2 S, R 9 E

for irrigation purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are recognized to be in satisfactory condition for diverting and conveying to the place of intended use 1.1 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 34, T 2 S, R 9 E

<u>NW 1/4 SW 1/4</u>	<u>1.2 acres</u>
<u>NE 1/4 SW 1/4</u>	<u>24.4 "</u>
<u>SE 1/4 SW 1/4</u>	<u>36.0 "</u>
<u>SW 1/4 SW 1/4</u>	<u>17.6 "</u>

Witness my hand and this 7th day of November A. D. 1959

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 560-2

WHEREAS, On the 30th day of September A. D. 1959

Irvin M. Evans

of Hermosa County of Custer State of South Dakota Vested Right
duly made application (No. 560-2) to us for a permit to use 1.1
cubic feet per second of the waters of local watersheds (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 560-2 was issued to said applicant for the diversion of said water, and recognizing
Permit No. 560-2 for the completion of the works of diversion therein described ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

~~XXXXXX~~ 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 30th day of September A. D. 1959

the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.1
cubic feet per second of said waters, as evidenced by our Certificate No. 560-2
dated November 7, 1959 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 1.1 cubic feet per second of water, with date of
priority of June 1951 ~~and,~~

WHEREAS, On the 30th day of September A. D. 1959

proof was duly made of the application to beneficial use of 1.1 cubic feet per second of said water;
to portions of the SW 1/4, Sec. 34, T 2 S, R 9 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 Hermosa the holder and owner of said Vested Right Permit No. 560-2

a water right, dating from June 1951 to the use of 1.1

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
necessary for the purposes hereinbelow mentioned, to be diverted at a point in Sec. 34, T 2 S,

R 9 E more clearly defined in Certificate of Completion of Works

and conducted to and upon portions of the SW² Sec. 34, T 2 S, R 9 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 water 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 _____

7(I) b, Subdivisions of lands irrigated:

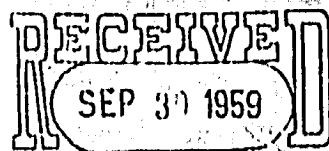
NE $\frac{1}{4}$ SW $\frac{1}{4}$ ---- 1.2 Acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$ ---- 24.4 Acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ ---- 36.0 Acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ ---- 17.6 Acres

All above subdivisions are located in Section 26,
Township 2 South, and Range 9 East, BHM

-----Sheet #1-----

Location No. 423-1Water Division No. 1Butte Creek

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. Irvin 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. Application For Permit to appropriate Water being submitted along with this Form,
Proof of Application of Water to Beneficial Use.

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

Ans. Source is surface runoff from local watersheds. Pt. of diversion is 130.0 rods
South 73 degrees and 10 minutes East of the NW Corner of Section 36-T2S-R9E, BHM

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. Dam length is 682 feet and height is 21 feet. Diversion is capable of conveying
the maximum allowable of 237.6 Acre Feet or the equivalent of 1.1 CFS. Name of ditch is
Main Supply Ditch. Date of Completion was Summer of 1951.

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

Ans. Water is used for irrigation. See attached Sheet #1 for subdivisions on
which water is being used and number of acres in each subdivision.

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 237.6 Acre Feet.

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. ~~_____~~

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

Ans. Water is used whenever flow occurs during annual period for the purpose of irrigating hayland in the amount available to the extent of the maximum allowable of 237.6 Acre Feet or the equivalent of 1.1 CFS

(Sign) Irvine M 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 Hermosa, County of Custer State of South Dakota, on this 28th day of Sept A. D. 1959

Jack Zasadil

(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----

Ferdinand Reub
Jonathan Walker

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 -----	

Ques. 6. Subdivisions of lands irrigated:

NW 1/4 SW 1/4 --- 1.2 Acres
NE 1/4 SW 1/4 --- 24.4 Acres
SE 1/4 SW 1/4 --- 36.0 Acres
SW 1/4 SW 1/4 --- 17.6 Acres

All above subdivisions are located in Section 26,
Township 2 South, and Range 9 East, BHM

November 29, 1960

Mr. Sam Wedmore
Hermosa, South Dakota

Dear Mr. Wedmore:

At the Range Management meeting last week, I promised to look into the water right situation on Charles Draw and let you know.

Three water rights, 560-2, Irvin Evans, 590-2 Irvin Evans and your 491-2, are matters of record of Charles Draw in the vicinity of your land. A fourth, 559-2 Irvin Evans, is below you on the draw. The location of these water rights are shown on the enclosed map.

These water rights are listed below in order of priority:

491-2, Sam Wedmore, 2.8 cubic feet per second to irrigate 200 acres in Sec's. 25, 26, T 9 S, R 2 E with priority date August 24, 1935. This is a "vested right" water right record.

560-2, Irvin M. Evans, 1.1 cubic feet per second to irrigate 79.2 acres in the SW 1/4, Sec. 26, T 9 S, R 2 E with priority date June 1955. This is a "vested right" water right record.

559-2, Irvin M. Evans, 2.1 cubic feet per second to irrigate 150.6 acres in the NW 1/4, Sec. 31, T 9 S, R 3 E with priority date June 1955. This is a "vested right" water right record.

590-2, Irvin M. Evans, 0.12 cubic feet per second to irrigate 8.4 acres in the NW 1/4, Sec. 35, T 9 S, R 2 E with priority date March 26, 1960.

Sam Redmore

2

November 29, 1960

Apparently, the storage reservoir, to which you referred during our talk, is located in the NW $\frac{1}{4}$, Sec. 35, T 9 S, R 2 E. No record of this reservoir was made under water right 560-2. Storage of 103.4 acre feet was included in water right 590-2. The reservoir is shown on official maps prepared by the United States Geological Survey in 1953 and no doubt was and is used to supply water for diversion to lands under water right 560-2.

Under provisions of the State water laws, Mr. Evans should allow water to pass his diversion point for water right 560-2 and 590-2 at the amount of 2.8 cubic feet per second during periods that you need water, or, if agreeable to both of you, a larger amount for correspondingly shorter periods of time whenever water is flowing in the draw immediately above his dam. He is not required to furnish water from his dam for this purpose when water is not flowing into his reservoir.

Because of these conditions and because both your water right, 491-2, and his water right, 560-2, were established under "vested right" provisions of the new State water laws (meaning that the water right records were established by you and Mr. Evans covering irrigation use of water prior to July 1, 1955 but not having acquired water rights under provisions of then existing State water laws), I believe that the best solution to your problem and his duties with respect to your water right would be to agree among the two of you to a sharing of the water supply. If you arrive at some agreement, it would be well to let me know what it is so that I can make it a part of your and his water right record. If you cannot agree with Mr. Evans as to a satisfactory sharing of the water supply in Charles Draw let me know and I shall take the matter up officially.

Sincerely,

J. W. GRIMES
Executive Officer

JWG:ls

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, 560-2 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 *Helvin H. Broz*
JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



560-2

Report for Validation of Water License No. 560-2
Upper Cheyenne - Water District
Irvin M. Evans
HC 89, Box 255 Hermosa, SD 57744
September 25, 1995

Water License No. 560-2 requires validation of a vested right claim for the appropriation of 1.10 cubic feet of water per second and the storage of 103.4 ac-ft of water from surface runoff to irrigate 79.2 acres in Custer county. The construction date for the system originally applied for was June 1951.

The inspection revealed a reduction in acreage from the time of application from 79.2 acres to 73.0 acres with 1.04 cfs as detailed in the Table 1.

Table 1. Lands applied for under Water License No. 560-2 all in T2S-R9E.

1/4, 1/4	ACRES IN APPLICATION	PRESENT ACRES IRRIGATED
SW1/4 SW1/4 SEC. 26	17.6	17.6
SE1/4 SW1/4 SEC. 26	36	30
NW1/4 SW1/4 SEC. 26	1.2	1
NE1/4 SW1/4 SEC. 26	24.4	24.4
TOTAL	79.2	73.0 @ 1.04 cfs

An inspection of Water License 560-2 revealed the diversion point located as shown in Table 2.

Table 2. Diversion Point for Water License No. 560-2.

Diversion	Legal location - T2S-R9E	Distance from section corner
#1	NE1/4 NW1/4 SEC. 34	3130' west 760' south of NE corner SEC. 34

The water is utilized for stock watering and irrigation via a water spreading system of 73.0 acres located in the SW 1/4 Section 26 in T2S-R9E. Further research revealed that Location Notice 3120-2 covered the same diversion dam at 103.4 acre-ft of storage bearing the priority date of October 12, 1950.

Conclusions

1. The project consists of a 103.4 acre-ft 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 73.0 acres at 1.04 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 1951 for 1.04 cfs.
4. No increase in the diversion rate or the number of acres irrigated is authorized by Water License No. 560-2.



DelRon V. Peters
Natural Resources Engineer
Department of Environment and Natural Resources

Location Notice No. 3120-2
Upper Cheyenne - Water District

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

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

I have this day, September 26, 1995 made a thorough examination of the water use system owned by Irvin Evans of MC 89, Box 255 Hermosa, SD 57744 holder of Location Notice No. 7195-2, bearing the priority of October 12, 1950 authorizing storage of 103.4 ac-ft of the waters of Charles Draw for irrigation and livestock purposes, in Guster County.

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

A. Works used to divert the water:

An 103.4 acre-ft dam is used to divert water to gravity spreader ditches for irrigation purposes. Some work needs to be done to the outlet works as lands were being irrigated involuntarily during the inspection.

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

There is approximately 2,600 ft of gravity ditch.

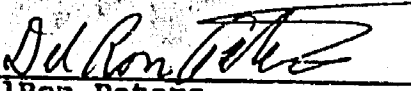
C. Works used to apply water to beneficial use:

Spreader ditches and spreader dikes divert water on lands in the S1/2 of Sec. 26-T2S-R2E.

The dam is in the following condition, good, with repairs needed on the outlet works. The diversion dam is located in the NW1/4 of the NW1/4 Sec. 34-T2S-R2E: 760 ft. south and 3130 ft west of the NE corner of Sec. 34-T2S-R2E. The works are capable of diverting and conveying 1.04 cfs of water. The storage capacity of the dam is approximately 103.4 acre-feet of water which is to be used for irrigation and stock watering purposes. Water has been put to beneficial use as irrigation and stock watering.

Location Notice 3120-2 corresponds to the diversion dam and irrigation system described in Vested Water License No. 560-2. Therefore, Location Notice 3120-2 should be incorporated into Water License 560-2.

Date Report Completed: December 11, 1995


DelRon Peters
Natural Resources Engineer
DENR, Water Rights Program



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:

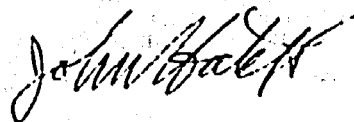
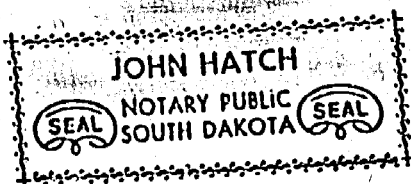
Diane Best, Assistant Attorney General, Capitol Building.



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. 560-2 FOR IRRIGATION

(1) Irvin M. Evans, HC 89 Box 255, Hermosa SD 57744 was issued Vested Water Right License No. 560-2, November 7, 1959 for a right claim to appropriate 1.10 cubic feet of water per second from a dry draw, Custer County, South Dakota, for irrigation purposes. Vested Water Right No. 560-2 with a priority date of June, 1951 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. 560-2. Vested Right No. 560-2 is being reissued to reduce the amount of water claimed to the actual amount applied to beneficial use, based on a September 25, 1995 inspection of the system.

The applicable portions of Location Notice No. 3120-2 have been incorporated into this Reissued Vested Water Right License No. 560-2.

(2) The vested right owner is entitled to divert 1.04 cubic feet of water per second for beneficial use. The location of the diversion point is: 3.130 feet west and 760 feet south of the northeast corner of Section 34-T2S-R9E (NE 1/4 NW 1/4).

The location of the irrigated acreage is: Section 26-T2S-R9E

SW 1/4 SW 1/4	17.6 acres
SE 1/4 SW 1/4	30.0 acres
NW 1/4 SW 1/4	1.0 acres
NE 1/4 SW 1/4	24.4 acres

Total

73.0 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. 560-2 is issued a license to appropriate 1.04 cubic feet of water per second from a dry draw with a priority date of June 1, 1951 from the location 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. 560-2 and subject to South Dakota State Law.

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

NOV 4 1996
date



560-2

SOUTH DAKOTA

VESTED WATER RIGHT NO. 560-2 FOR IRRIGATION

Date of Receipt of Claim September 30, 1959.

Date of Validation July 10, 1996.

The Water Management Board validated Vested Water Right Claim No. 560-2 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. 560-2 appropriates 1.04 cubic feet of water per second from a dry draw located in the NE 1/4 NW 1/4 Section 34 to irrigate 73 acres located in the SW 1/4 Section 26; all in T2S-R9E.
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, 1951.
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.

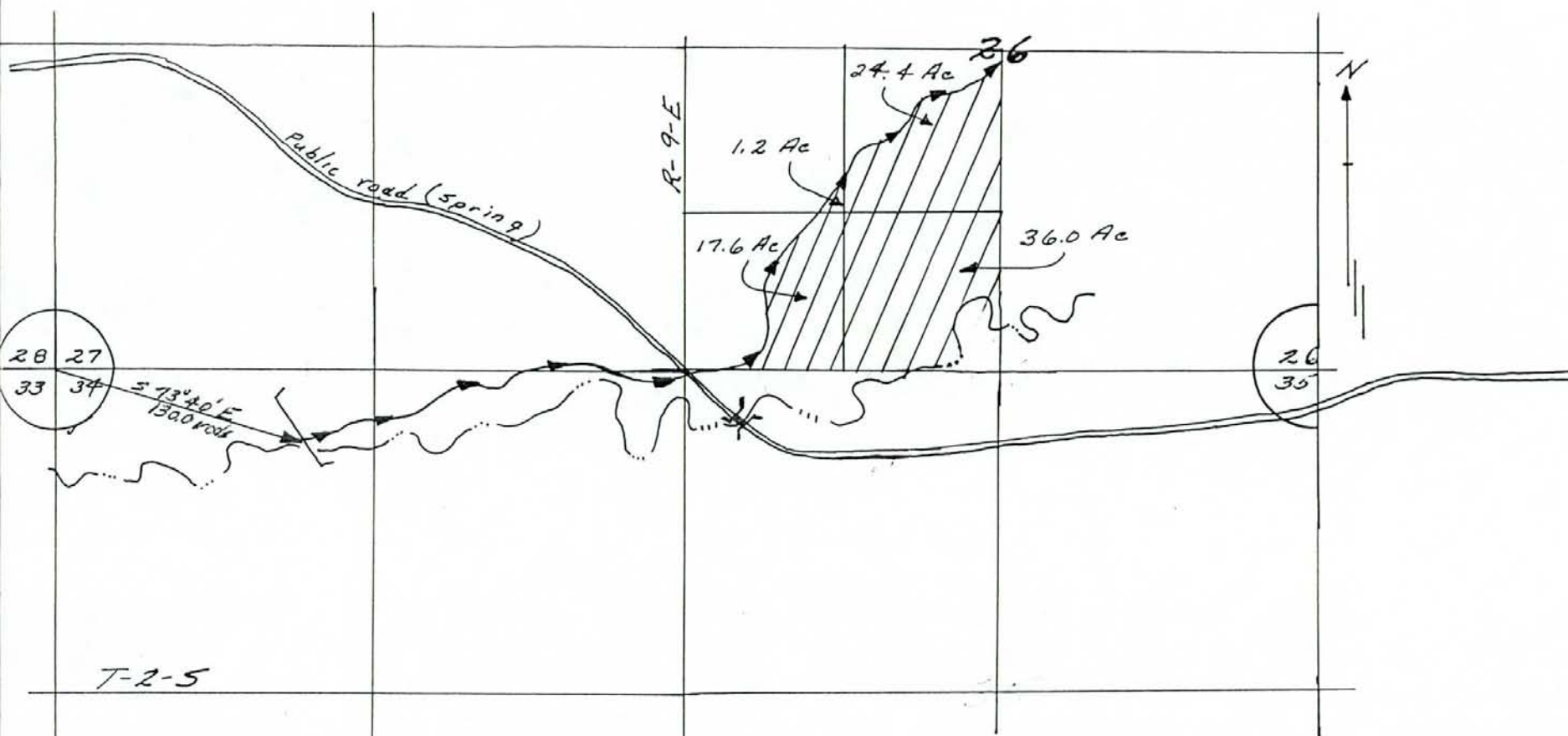
WATER MANAGEMENT BOARD

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

NOV 4 1996
date



560-2



Scale: 4" = 1 mile

Legend:

- — — Intermittent Stream
- ==== Public Road
- → → Supply Canal
- ▤ ▤ ▤ ▤ Irrigable Area

All above described lands
are owned by IRVIN M. EVANS

LOCATION OF LANDS				
Location	Section	Twshp	Range	Acres
NW 1/4 SW 1/4	26	2-5	9-E	1.2
NE 1/4 SW 1/4	26	2-5	9-E	24.4
SW 1/4 SW 1/4	26	2-5	9-E	17.6
SE 1/4 SW 1/4	26	2-5	9-E	36.0
Total Acres				79.2

IRVIN M. EVANS
Water Spreader Project #2

(1991 #560-2)

560-2

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date July 10, 2020

RECEIVED OF Irvin M/Geraldine L 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>560-2</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 Engineer

EG

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

PAID

JUL 10 2020

Ck# 371

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

Water Right/Permit No. 560-2
Date: 7/6/2020

I/We request that Water Right/Permit No. 560-2 formerly owned by:
IRVIN M EVANS be transferred to:

New Owner Name: IRVIN M + Geraldine L EVANS Revocable Trust
Address: 12190 VILLAGE CR. E.
City, State, Zip: BRIGHTON CO 80603 Telephone No. 720-232-8011

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

Transferred from individual ownership to Trust.

☒ I understand that the validity of Water Right/Permit No. 560-2 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)

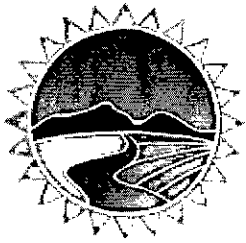
NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

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.

RECEIVED

JUL 10 2020

WATER RIGHTS
PROGRAM



DENR
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

July 21, 2020

Geraldine L Evans
12190 Village Cr E
Brighton CO 80603

RE: Water Right Nos. LN7195-2, LN3962-2, LN3747-2, LN2380-2, LN2378-2, LN2376-2, 590-2, 560-2

Dear Ms. Evans:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted to our program for changing ownership on the above listed water rights.

The ownership changes have been completed. Water Right Nos. LN7195-2, LN3962-2, LN3747-2, LN2380-2, LN2378-2, LN2376-2, 590-2, 560-2 formerly held by Irvin M Evans are now listed under **"Irvin M & Geraldine L Evans Revocable Trust"**.

Enclosed are the receipts for the filing fees. You may keep this for your records. If you have any questions, 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