

No. 665-2Water Division, No. 2 BATTLE CREEK District 2

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

MAR 17 1966

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 M. Evans
 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 I.M. Evans Water Spreader ~~XXXXXX~~ Project #3
 3. Amount of water claimed 0.88 cubic feet per second or 184.8 Acre feet
 4. Source of water supply Surface runoff from local water sheds—dry draws
 5. Location of point of diversion 20.0 rods North 2 degrees and 30 minutes East of the SW Corner of Sec. 30-T2S-R10E on Left bank Custer County.
 6. Annual period or periods during which water is to be used Whenever available during ~~XXXXX~~ annual period.
 7. To be used for:

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

- (a) Number of acres to be irrigated
- 61.6
- acres.

- (b) Legal subdivisions to be irrigated NW 4 SW 4 & SW 4 SW 4 & SE 4 SW 4 31.2 1.2 29.2 acres or may be respective
 (NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written or may be appended as a part of this application. Care 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 used 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, \$ 25.00(b) Pumping plant, \$ (c) Plumbing, \$ (d) Canal earth, \$ 130.00Rock, \$ (e) Other structures Plug & Spreader \$ 500.00Total, \$

9. Description of diversion works:

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

Plug across dry draw divert water into series of spreader ditches & ditches

II. Dimensions of works.

(a) Dam: Height 14.5 feet; length at bottom 150 feet; length at top 500 feet; thickness at bottom 70 feet; thickness at top 14 feet; slope at front water face 3:1; slope at back face 2:1; material used in construction Earth(b) Reservoir: Capacity when filled acre feet. Surface area at highwater mark acres.

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

(c)* Head gate: Width 62 feet; height 5 feet;Material Wood(d) Canal: Total length 0.6 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At <u>0.0</u> Mile	<u>1.5</u> feet	<u>0</u> feet	<u>6</u> feet	<u>10.6</u> feet
At <u>0.6</u> Mile	<u>1.5</u> feet	<u>0</u> feet	<u>6</u> feet	<u>10.6</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 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 This is a vested right - no advertising necessary.

STATE OF SOUTH DAKOTA

County of Custer

ss.

I, Orvin 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 by my own personal knowledge that the matters therein stated and shown are true.

Signed

Orvin M. EvansSubscribed and sworn to before me this 14th day of March, 1961

Notary Public (or other qualified officer.)



Remarks by State Water Resources Commission:

"VESTED RIGHT" CLAIMED

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, JULY 10, 1962

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock
a m. upon the 17TH day of MARCH, 1961

State Water Resources Commission
By: [Signature]
for Chief Engineer, Executive Officer

Number of permit 665-2

Date of first receipt of application MARCH 17, 1961

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 1939, 19—

Approved JULY 10, 1962, Recorded in Book 7 Page 137

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~~ —

2nd. The whole of said work is ~~to be~~ completed ~~on or before~~ —

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

COMPLETED, 19—

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

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

6th. The amount of the appropriation herein granted shall not exceed .38 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water ~~is~~ was actually

and beneficially applied for irrigation on or before JUNE 30, 1955; said water to be used during the following described annual period:

WHENEVER AVAILABLE DURING ANNUAL SEASON

Witness my hand this 10TH day of JULY, 1962

State Water Resources Commission

By: [Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued JULY 10, 1962

Water License Issued JULY 10, 1962

Permit No. 665-2

Water 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 Water Right Permit No. 665-2, issued upon Application No. 665-2, bearing date of priority of 1937, authorizing the diversion of

.38 cu. ft. per second of the waters of a dry draw County of Custer, State of South Dakota, at a point N 20° 10' E, 60 rods from the SW Corner, Section 30, T 2S, R 10E.

for Irrigation purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit: that said works are recognized as satisfactory ~~for~~ for diverting and conveying to the place of intended use .38 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 30, T 2S, R 10E

NW $\frac{1}{4}$ SW $\frac{1}{4}$	31.2 acres
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SW $\frac{1}{4}$ SW $\frac{1}{4}$	1.2 acres
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SE $\frac{1}{4}$ SW $\frac{1}{4}$	29.2 acres
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Total	61.6 acres
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Witness my hand this 10th day of July A. D. 1962

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J.W. CRIF3

*See also
w/L 1189-2*

STATE OF SOUTH DAKOTA

WATER LICENSE No. 665-2

WHEREAS, On the 17th day of March A. D. 1961

Irvin M. Evans

of Hermosa County of Custer and State of South Dakota duly made application (No. 665-2) to us for a permit to use Vested Right .88

cubic feet per second of the waters of a dry draw

County of Custer State of South Dakota, for irrigation purposes; and

WHEREAS, On the 10th day of July A. D. 1962 Vested Right Permit No. 665-2 was issued to said applicant... for the diversion of said water, recognizing ~~xxx~~ ~~providing for~~ the

completion of the works of diversion therein described ~~on or before the~~ ~~date of~~

~~xxx~~ ~~Dec 1962~~ and ~~xxx~~ ~~xxx~~ application to beneficial use of said

water ~~xxx~~ ~~before the~~ ~~xxx~~ ~~xxx~~ ~~Dec 1962~~

and,

WHEREAS, On the 17th day of March A. D. 1961 the holder of said permit duly made proof of the completion of adequate works for the diversion of .88

cubic feet per second of said waters, as evidenced by our Certificate No. 665-2

dated July 10, 1962 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use .88 cubic feet per second of water, with date of

priority of 1952 ~~xxx~~ and,

WHEREAS, On the 17th day of March A. D. 1961 proof was duly made of the application to beneficial use of .88 cubic feet per second of said water;

for irrigating 61.8 acres in the SW 1/4, Section 30, T-23, R-10E.

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 Hemlock the holder and owner of Vested Right of said permit No. 66'-2
a water right, dating from 1939 to the use of .88
cubic feet per second of the waters of a dry draw
in the County of Chater and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at a point N 2° 30' E, 90 rods from
the SW Corner, Section 30, T. 2S, R. 10E
and conducted to and upon 61.6 acres in the SW 1/4 Section 30, T. 2S, R. 10E, more
specifically described in the Certificate of Completion of Works,
for the purpose of irrigation

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

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 10th day of July A. D. Nineteen
Hundred and sixty-Two

State Water Resources Commission

By:

Chief Engineer, Executive Officer

J.W. GRIMES

STATE OF SOUTH DAKOTA

Water License No. _____

Source of Supply _____

County _____

Am't _____ c.f.s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In & of _____ Page _____

WATER LICENSE NO. 1189-2

(1) WHEREAS, On the 21st day of May A. D. 1974
Irvin M. Evans

made Water Right Application No. 1189-2 for a permit to use .68 cubic feet per second of the waters
of Spring Creek
County of Custer State of South Dakota, for irrigation

purposes; and
(2) WHEREAS, On the 11th day of September A. D. 1974
Permit No. 1189-2, with a date of priority of May 21, 1974

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 11th day of September A. D. 1976 and for the
application to beneficial use of said water on or before the 11th day of September A. D. 1978

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 .68 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:

to irrigate the following lands in Section 30-T2S-R10E

	acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$	4.8
NW $\frac{1}{4}$ SW $\frac{1}{4}$	29.6
SE $\frac{1}{4}$ SW $\frac{1}{4}$	13.2
Total	47.6 acres

Land covered under this Water License No. 1189-2 is also
covered under Vested Right No. 665-2. Combinations of
diversions under the two Water Rights shall not exceed the
Statutory limit of 1 c.f.s. for each 70 acres of land to
be irrigated.

Copy

(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 Irvin M. Evans

_____ of Hermosa, SD
the holder _____ and owner _____ of said permit No. 1189-2 a water right, dating from May 21, 1974
_____ to use of .68 cubic feet per second of the waters
of Spring Creek

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 175' north and 130' east of W $\frac{1}{4}$
Corner, Section 30-T2S-R10E

and conducted to and upon portions of land in Section 30-T2S-R10E, more
fully described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1189-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 22nd day of January A. D.
Nineteen Hundred and eighty-one

WATER MANAGEMENT BOARD

By:

Chief Engineer, Executive Officer JOHN HATCH

Location No.

Water Division No. Water District

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. I. M. Evans, Custer County
Rancher, Hermosa, S. D. K.

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 being submitted
along with this form - A Vested Right.

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

Ans. Surface runoff out of Dry Draw.

pt. of Diversion - 90.0 Rods North 2 degrees
& 30' East of SW Corner of Sec 30-25-10E

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. BHM

Ans. Dam length - 320', Height of Dam - 14.5'
Capable of Conveying maximum allowable of
0.88 cfs. Name of Canal is Main Canal.
Date of Completion was summer of 1939

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. Used for Irrigation and place of use is:
31.2 Acres - NW 1/4 SW 1/4 - 30-T25-R10E, BHM
6.2 Acres - SW 1/4 SW 1/4 - 30-T25-R10E, BHM
29.2 Acres - SE 1/4 SW 1/4 - 30-T25-R10E, BHM

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. 0.88 Cfs. or equivalent of 184.8 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 is used whenever available
during annual period for gravity irrigation
in the amount available to the extent
of 18 1/2 acre feet

(Sign) Irvin M. Jones

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 _____

State of South Dakota, on this 14th day of March A. D. 1964

Lawyer
(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 Ramsdell
Charles Thies

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 _____

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

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

September 21, 1988

NOTICE

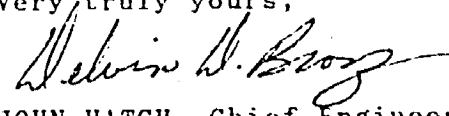
Irvin M. Evans
Rt 2, Box 36
Hermosa SD 57744

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). 665-2 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. 665-2

Upper Cheyenne - Water District
 Irvin M. Evans
 HC 89, Box 255 Hermosa, SD 57744
 September 26, 1995

Water License No. 665-2 requires validation of a vested right claim for the appropriation of 0.88 cubic feet of water per second from surface runoff to irrigate 61.6 acres. The construction date for the system originally applied for was June 1939.

The inspection revealed a reduction in acreage from the time of application from 61.6 acres to 56.0 acres with 0.80 cfs as detailed in the Table 1.

Table 1. Lands applied for under Water License No. 665-2 all in T2S-R10E.

1/4, 1/4	ACRES IN APPLICATION	PRESENT ACRES IRRIGATED
NW1/4 SW1/4 SEC. 30	31.2	31.2
SW1/4 SW1/4 SEC. 30	1.2	0.3
SE1/4 SW1/4 SEC. 30	29.2	24.5
TOTAL	61.6	56.0 @ 0.8 cfs

An inspection of Water License 665-2 revealed the diversion point located as shown in Table 2.

Table 2. Diversion Point for Water License No. 665-2.

Diversion	Legal location - T2S-R10E	Distance from section corner
#1	NW1/4 SW1/4 SEC. 30	200' EAST 2220' NORTH of SW corner SEC. 30

The water is utilized for irrigation via a water spreading system of 56.0 acres located in the SW 1/4 Section 30 in T2S-R10E.

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 acre irrigated to 56 acres at 0.80 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 1939 for 0.8 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: E. Jane Best, Assistant Attorney General

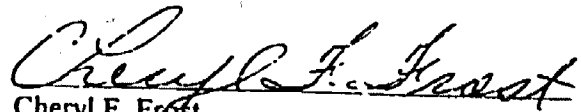
CERTIFICATION

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 57714.

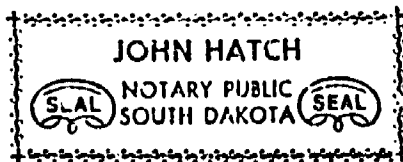
A copy of the above described Notice was sent Inter-office to:

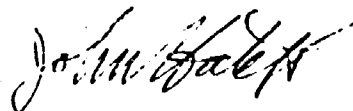
Diane Best, Assistant Attorney General, Capitol Building.


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
H.C. 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. 665-2 FOR IRRIGATION

(1) Irvin M. Evans, HC 89 Box 255, Hermosa SD 57744 was issued Vested Water Right License No. 665-2, July 10, 1962 for a right claim to appropriate 0.88 cubic feet of water per second from a dry draw, Custer County, South Dakota, for irrigation purposes. Vested Water Right No. 665-2 with a priority date of 1939 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. 665-2. Vested Right No. 665-2 is being reissued to reduce the amount of water claimed to the actual amount applied to beneficial use, based on a September 26, 1995 inspection of the system.

(2) The vested right owner is entitled to divert 0.80 cubic feet of water per second for beneficial use. The location of the diversion point is: 200 feet east and 2.220 feet north of the southwest corner of Section 30-T2S-R10E (NW 1/4 SW 1/4)

The location of the irrigated acreage is: Section 30-T2S-R10E

NW 1/4 SW 1/4	31.2 acres
SW 1/4 SW 1/4	0.3 acres
SE 1/4 SW 1/4	24.5 acres
Total	56.0 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. 1 -2 is issued a license to appropriate 0.80 cubic feet of water per second from a dry draw with a priority date of January 1, 1939 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. 665-2 and subject to South Dakota State Law.

John Hatch

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

MAY 4 1996

date



665-2

SOUTH DAKOTA

VESTED WATER RIGHT NO. 665-2 FOR IRRIGATION

Date of Receipt of Claim March 17, 1961.

Date of Validation July 10, 1996.

The Water Management Board validated Vested Water Right Claim No. 665-2 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. 665-2 appropriates 0.80 cubic feet of water per second from a dry draw located in the NW 1/4 SW 1/4 Section 30 to irrigate 56 acres located in the W 1/2 SW 1/4, SE 1/4 SW 1/4 Section 30; 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 January 1, 1939.
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

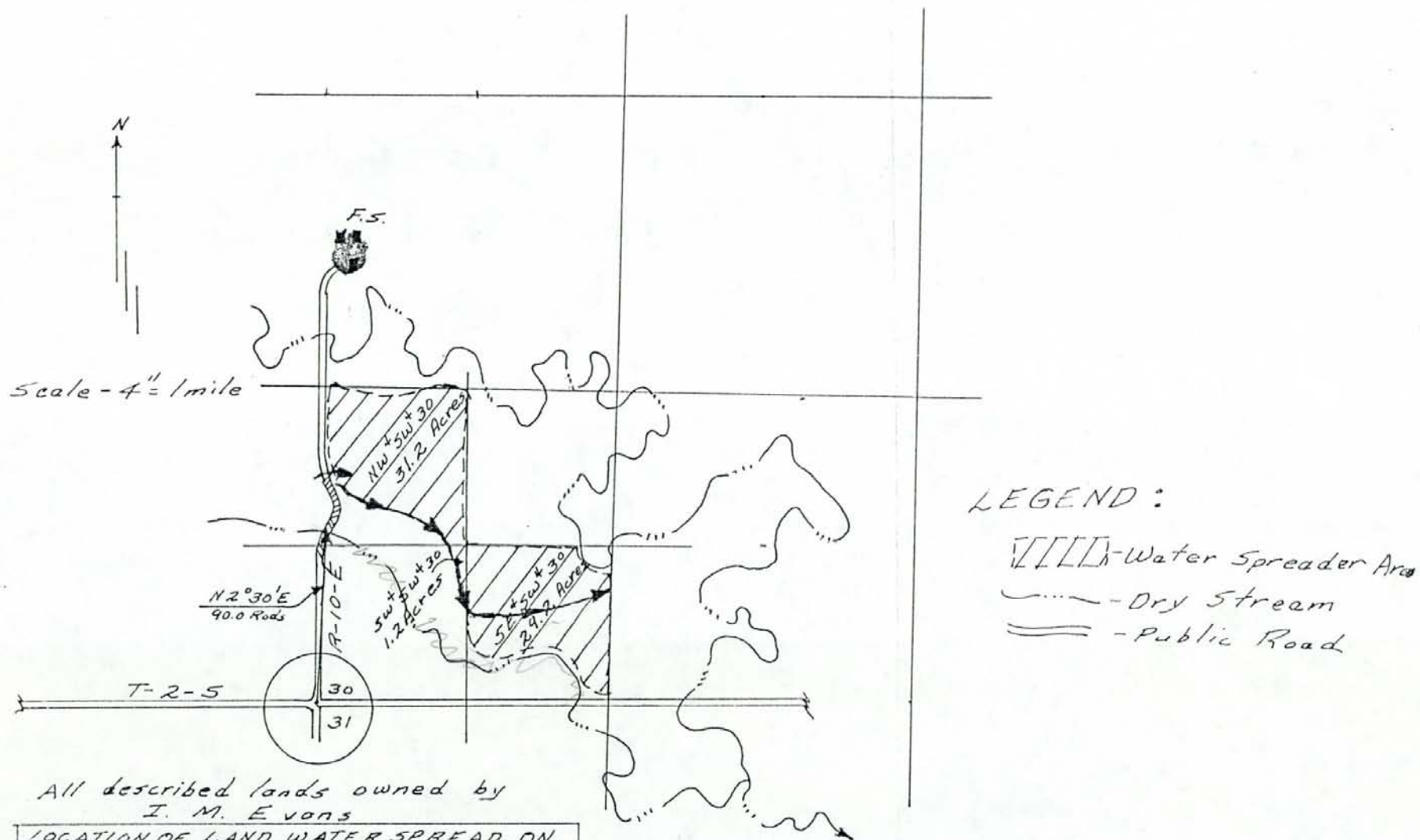
NOV 4 1996

date



665-2

I. M. EVANS WATER SPREADER PROJECT #3



LOCATION OF LAND WATER SPREAD ON				
Location	Sec	Twp	Range	Acres
NW 1/4 SW 30	30	2-5	10-E	31.2
SW 1/4 SW 30	30	2-5	10-E	1.2
SE 1/4 SW 30	30	2-5	10-E	29.2
TOTAL ACRES				61.6

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#11.5.3

[illegible]

665-2

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. 665-2

Date: 6/12/2020

I/We request that Water Right/Permit No. 665-2 formerly owned by:
IRVIN M EVANS + Geraldine L EVANS be transferred to:

New Owner Name: IRVIN + GERALDINE EVANS REVOCABLE TRUST

Address: 12190 Village Ctr E

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. 665-2 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:

665-2

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>665-2</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*VM*

665-2



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