

LOCATION NOTICE

KNOW ALL MEN BY THESE PRESENTS:

THAT James B. Ball whose post office is Edgemont, South Dakota, a citizen of the United States, above the age of 21 years, being in possession of the following described land, to-wit: Section 28 section Twenty eight township Nine South range Four East B. H. M. in Fall River County, South Dakota. Said lands comprising Desert Entry No. _____ Land District, availing himself of the right granted him under the provisions of Section 31 of Chapter 180 of the Session Laws of South Dakota of 1907, has located and claims the right to construct a certain dam across a dry draw situated in the SW 1-4 of the SW 1-4 section Twenty nine township Nine South range Four East and has located and claims the right to construct ditches and flumes for the purpose of directing flood waters from said dam for irrigation of the land first above described, and claims the right of way across any land for the purpose of conveying said waters for said purpose.

Said locator claims for the above purpose four cubic feet of water per second during the following described annual periods when water is available inclusive, each year.

Said location was made on the 16th day of March 1912

Witness my hand and seal this 16th day of March 1912

James B. Ball Locator.

STATE OF SOUTH DAKOTA }
COUNTY OF Fall River } ss

On the 16th day of March 1912, before me James B. Stewart, Notary Public, a Notary Public in and for the County and State aforesaid, personally appeared James B. Ball to me personally known to be the person who executed the foregoing instrument and acknowledged that he executed the same for the uses and purposes therein set forth.

Witness my hand and official seal, the day and date above written.

James B. Stewart, Notary Public
Notary Public.

Pierre, South Dakota, July 5th 1912

This is to certify that the foregoing location notice was received at this office at 2 o'clock P. M., upon the 30th day of April 1912, and after examination it was filed
record

State of South Dakota

LOCATION NOTICE Water License No. 138-2

(1) James A. Ball

of Edgemont, South Dakota located and filed Location Notice No. 138-2

made Application No. March 18, 1909 right for a water permit to appropriate

10.0 cubic feet per second of water from a dry draw

Fall River County, South Dakota for irrigation purposes.
Location Notice

138-2 with a priority date of March 18, 1909

located and filed by the and issued to applicant(s) for diversion of water with construction of the described
was approved The system was placed
water supply system, completed and the water placed for application to beneficial use of said

water to be used

James A. Ball originally located and filed Location Notice No. 138-2. June 17, 1985, Location Notice No. 138-2 was transferred to John D. (Jack) Manke.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.21 cubic feet per second of water for beneficial use. The location of the diversion point(s) is S 36⁰⁰, 950 feet from the NW Corner of Section 28, T9S, R4E (NE 1/4 Section 29)

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in T9S, R4E

Section 28	NW $\frac{1}{4}$ NW $\frac{1}{4}$	11 Acres	(BB)
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	4 Acres	(BA)
TOTAL		15 Acres	

(4) Pursuant to §16-5-30.1 John D. (Jack) Manke
of RR#1, Box 179 C, Hot Springs, South Dakota 57747
the holder(s) and/or owner(s) of Location Notice
Water Permit No. 138-2 is issued a license to appropriate water, the right to use
3.21 cubic feet per second of water from a dry draw with a priority date
of March 18, 1909 from the location specified in (2) of this license. The water to be
conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in Location Notice 138-2 and subject
to South Dakota State Law.

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

JOHN HATCH

NOV 27 1965

Permit No. LN 138-2Upper Cheyenne Water District
10120106**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by (Jack) John
D. Manke of RR #1, Box 1770, Hot Springs, SD holder of
 Permit No. LN 138-2, bearing the priority of March 16, 1909 authorizing
 the diversion of 10 cu. ft. per second of the waters of dry draw
 for irrigation purposes, in Lin River County.

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

A. Works used to divert the water: A dike 5' high, 100' long, 10' top and 2:1 side slopes constructed across the channel of the dry draw.

B. Works used to transport water to place of use: The dike diverts the water into a small delivery canal.

C. Works used to apply water to beneficial use: Water flows from the canal and floods the field. Water spreading.

The system is in the following condition FairThe point of diversion is located S 36° W, 750 feet from the NW corner of Section 28, T9S, R4EThe works are capable of diverting and conveying to the place of use 2 cfs
cu. ft. per second of water which is to be used for irrigation

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

NW 1/4 NW 1/4 - Section 28, T9S, R4E - 11 acresNE 1/4 NW 1/4 - " " - 2 acrescomprising a total of 15 acres of land and the license should be issued for 0.21 cfsApplicable permit qualifications have been complied with Yes NoExceptions to compliance are: diversion point has been changed Date May 23, 1985

William H. Burg, P.E.
 (signature) Hydrologist

WATER RIGHTS DIVISION

(605) 773-3352

June 10, 1985

John D. (Jack) Manke
RR#1, Box 179 C
Hot Springs, South Dakota 57747

Dear Mr. Manke:

Enclosed is a Notice of Transfer of Water Permit Form. Please sign this form in the presence of a Notary and return it to this office with a filing fee of \$2.50. Upon receipt of the enclosed form and the filing fee, Location Notice 138-2 will be transferred to your name. We will then also issue you a Water License for this Location Notice.

I have enclosed a map of the project and a copy of the original Location Notice. You may keep these for your files.

Also enclosed is a map of the project for the Location Notice that you filed in 1957. We are in the process of licensing this Notice.

If I can answer any questions, please contact me.

Sincerely,

Delvin D. Brosz, P.E.
hydrologist

DDB:ms
Enc.

NO. LN 138-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

This is to notify you that the title to the lands described as follows:

N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 28, T9S, R4E

formerly owned by James A. Ball

has been transferred to John D. (Jack) Manke, RR#1, Box 179 C, Hot Springs, SD 57747
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. LN 138-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Faith) ss.

I, John D. Manke being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

John D. Manke
(Signed)

Subscribed and sworn to before me this 13th Day of June, 1995.

Patricia R. Jackson
(Notary Public)



WNR-820-9/83

Notice of Transfer of Water Permit

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

No 410076

Pierre, June 17, 1985

RECEIVED OF John D. Hanke, Route 11, Box 179C, Hot Brook Road, Hot Springs, SD 57747
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____

Fee for Filing Transfer Form LR 138-2 _____

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____
(Any Other Work Provided by Law)

Total

2 50

2 50

By

John Hatch
Chief Engineer JOHN HATCH (15)

South Dakota
Department of
Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

LN 138-2

November 27, 1985

John D. (Jack) Manke Estate
RR#1, Box 179 C
Hot Springs, South Dakota 57747

Enclosed herewith is, Water License No. LN 138-2. This is the final water right document completing the process of obtaining a water right.

As long as the water is used beneficially, as stated in the Water License, the State Water Laws provide that there is a continuing right to use the water.

Very truly yours,

John Hatch
John Hatch, Chief Engineer
Water Rights Division

JH:ms
Enclosures

Enclosed are transfer forms for transfer of Water Right No. LN 138-2.

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

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

March 23, 1990

138-2

NOTICE

TO: John D. Manke Estate
RR 1 BOX 1179C
HOT SPRINGS, SD 57747

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

SUBJECT: Low Water Levels in Angostura Reservoir

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

Since your Water Right No. 138-2 has a priority date that is senior to the April 11, 1941 priority for Angostura Irrigation Water Right No. 579-2, your permit is not directly affected by the Junior Priority Order. However, I am requesting that all Senior Water Right holders comply with any qualifications and limitations as stated on their water right. With the existing low runoff conditions, we expect to monitor all water rights above Angostura Reservoir.

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

LN138-2



March 14, 2005

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

LN138-2
LN7295-2

Manke Land & Cattle
PO Box 599
Edgemont SD 57735

Dear Sirs:

Recently, when mailing out shutoff orders for junior water right holders, it came to our attention that Location Notice Nos. 138-2 and 7295-2 were still listed in the name of the Jack Manke Estate.

Don Stroup with our program visited with the Fall River County Assessor's office to obtain current ownership. It is our understanding that the land is now held by the Manke Land and Cattle Company. Enclosed are partially completed Notice of Transfer of Ownership forms for filing ownership changes. Please review the forms and make any necessary corrections. Upon completion, please sign the forms and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

Enclosed are copies of Location Notice Nos. 138-2 and 7295. You may keep them for your records. I believe a shutoff order pertaining to this land was forwarded to your address. If you have any questions concerning the shutoff order or completion of the transfer forms, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. LN138-2

Date: MAR 16-05

I/We request that Location Notice No. 138-2

formerly owned by: John D (Jack) Manke Estate

be transferred to: (name & address) MANKE LAND & CATTLE CO. LLC
BOX 599 EDGEMONT, S.D.

Telephone No. 605-662-7912

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

15 acres - N ½ NW ¼ Section 28, T9S, R4E

I/We understand that the validity of Location Notice No. 138-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We MANKE LAND & CATTLE, the new owner, certify that the above information is true and correct.

Franklin Manke
(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

MAR 17 2005

WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 17, 20 05

RECEIVED OF Manke Land & Cattle Co LLC, Box 599, Edgemont SD 57735

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2.50	
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>LN136-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	2.50	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

001365

By

Barland Eide

Chief Engineer

gm

LN138-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 17, 2005

LN138-2
L7295-2

Franklin Manke
Manke Land & Cattle Co LLC
PO Box 599
Edgemont SD 57735-0599

Dear Mr. Manke:

Thank you for sending in the ownership changes for Location Notice Nos. 138-2 and 7295-2. The transfers have been completed. The Location Notices formerly held by the "Jack Manke Estate" are now listed in the name of "Manke Land & Cattle Co LLC".

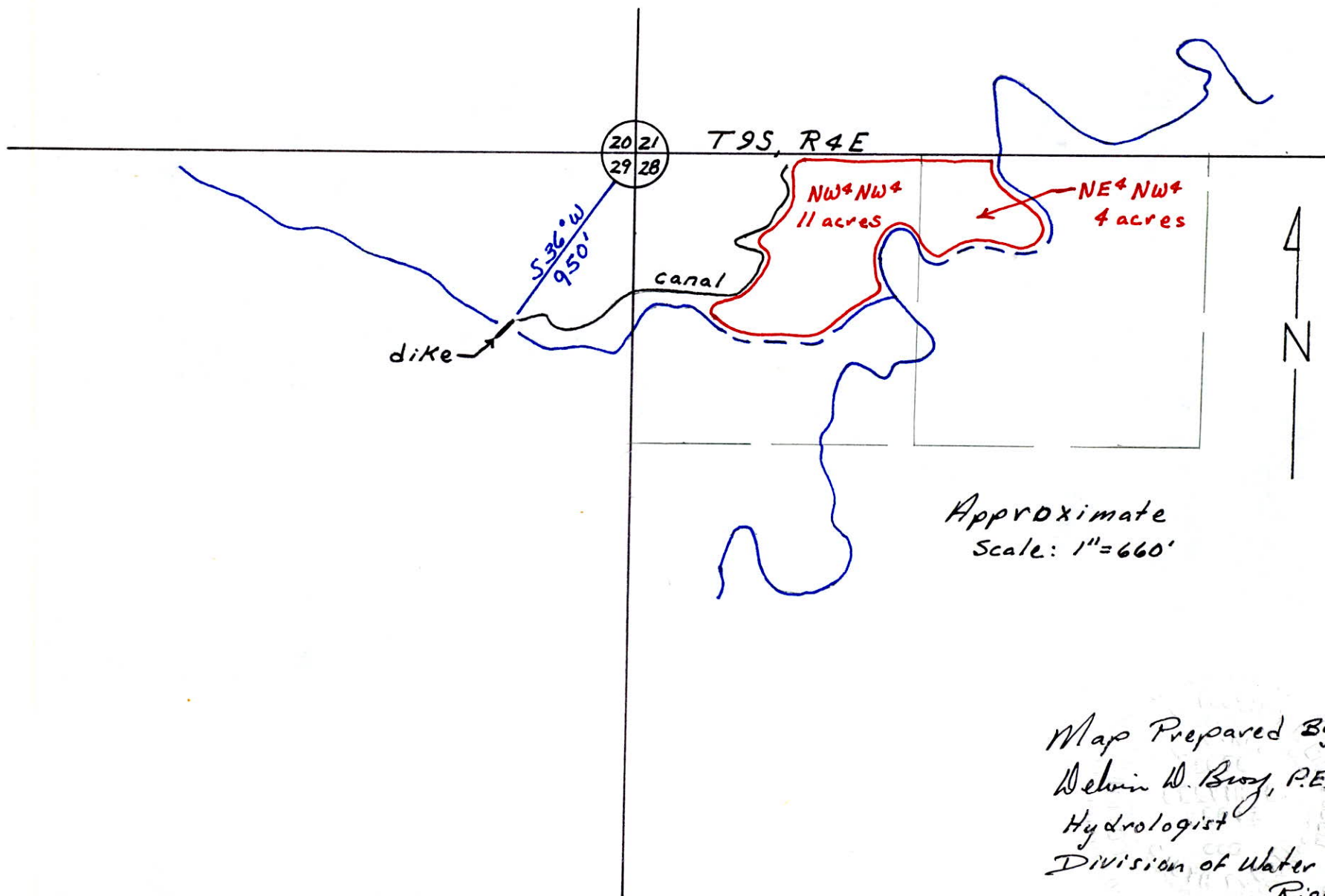
Enclosed are your Receipt Nos. 001805 and 001806 in the amounts of \$2.50 each. You may keep these for your records.

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

Sincerely,

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

enclosures



Approximate
Scale: 1"=660'

Map Prepared By:
Delvin W. Broy, P.E.
Hydrologist
Division of Water
Rights

LOCATION NOTICE No. 138-2