

**REPORT ON INSPECTION OF PERMIT NO. LN 1421-2**

**Other permit(s) associated with the project:**

**DATE OF INSPECTION:** December 4, 1995

**NAME & ADDRESS OF INSPECTION CONTACT/**

**RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE:** Wesley Harrison (OWNER)

HC 83

Hermosa, SD 57744

**NAME & ADDRESS OF PERMIT HOLDER:** SAM WEDMORE - (NO LONGER OWNER)

**DIVERSION POINT LEGAL LOCATION:** SW1/4 SE1/4 SEC. 12 T2S-R9E

**DISTRIBUTION LINES OR CANALS:** NONE -

**DAM INFORMATION:**

- 1) Height to crest 15 feet
- 2) Height to primary spillway 8 feet
- 3) Height to secondary spillway ft
- 4) Crest width 17 feet
- 5) Crest length 260 feet
- 7) Spillway width feet
- 8) Approx. storage 7 ac-ft
- 9) Approx. storage to crest ac-ft
- 10) Date constructed: NOVEMBER 29, 1949

**PERMIT QUALIFICATIONS AND REGULATIONS:**

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A
- 2) Special qualifications to permit being abided by NO IRRIGATION PRESENT - CANCEL IRRIGATION PORTION DUE TO NONUSE AND LICENSE FOR STOCK WATERING
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end construction period N/A

**Location Notice No. 1421-2**  
**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, December 4, 1995 made a thorough examination of the water use system owned by Wesley Harrison of HC 63, Hermosa, SD 57744 holder of Location Notice No. 1421-2, bearing the priority of December 14, 1949 authorizing storage of 7 acre-ft of the waters of an unnamed dry draw for irrigation and livestock purposes, in Pennington County.

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

A. Works used to divert the water:

The dam is no longer used for irrigation purposes.

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

No longer used.

C. Works used to apply water to beneficial use:

The dam is used for stock watering purposes only.

The dam is in the following condition, good. The storage dam is located in the SW 1/4 of the SE1/4 Sec. 12-T2S-R9E; 900 ft. north and 1380 ft west of the SE Corner of Sec.12-T2S-R9E. The works are not capable of diverting and conveying water. The storage capacity of the dam is approximately 7 acre-feet of water which is to be used for stock watering. Water has been put to beneficial use as stock watering.

In accordance with South Dakota Codified Law (SDCL) 74:02:01:40.01, the license should be issued for 7.0 acre-feet of storage as a stock water domestic use location notice filing.

Date Report Completed: January 4, 1995



Dellron Peters  
Natural Resources Engineer  
DENR, Water Rights Program

1421-2



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-318

January 4, 1996

Wesley Harrison  
HC 83  
Hermosa, SD 57744

Dear Mr. Harrison,

Location Notices 1214-2, 1419-2, 1420-2, 1421-2, 1422-2, 1424-2, 1425-2 and 1426-2 are all under the name Sam Wedmore. As we discussed during the inspection, these location notices must be transferred into the name of the owner in order to be licensed. Additionally, vested water license 510-2 needs to be transferred to your name from the name Lee Harrison in order to be validated.

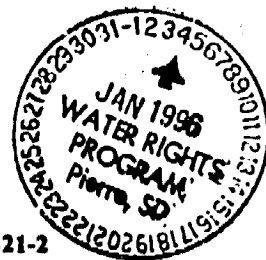
Partially completed 'Transfer of Ownership' forms are enclosed. Please complete and notarize these forms and send them to the address on the top, left of the form along with the associated filing fees.

We have a notary in the office if you wish to stop in. The office is located across from Bacon Park along the railroad tracks at 2050 West Main in Rapid City. If you have any questions, you may contact DelRon with our Rapid City Regional Office at (605) 394-2229.

Very truly yours,

DelRon Peters  
Natural Resources Engineer  
Water Rights Program

## NOTICE OF TRANSFER OF OWNERSHIP



To: Chief Engineer  
Water Rights Program, DENR  
523 E. Capitol  
Pierre, SD 57501-3121

No. 1421-2

Date: \_\_\_\_\_

I/We request that Water Location Notice No. 1421-2

formerly owned by: Sam Wedmore

be transferred to: (name & address) Wesley Harrison HC 83 Box 4 Hermosa, SD 57744

Telephone No. (605) 255-4136

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

SE 1/4 SEC. 12 T2S-R9E

I/We understand that the validity of Water Location Notice No. 1421-2 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 attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA )

County of Pennington

I/We Wesley Harrison 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 that I know of my own personal knowledge that the information herein stated is true.

Wesley Harrison  
(Signed)

Subscribed and sworn to before me this 5<sup>th</sup> day of January, 1996.

Steve White  
(Notary Public)  
commission expires 5-4-97

**NOTE:** Water permits may be cancelled for nonconstruction within the five year construction period. 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.

1421-2



January 31, 1996

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

Wesley Harrison  
HC 83  
Hermosa SD 57744

Dear Mr. Harrison:

On January 8, 1996 you stopped in at our Rapid City regional office and submitted nine Transfer of Ownership forms. DelRon Peters with that office has forwarded the forms to us. The filing fee for each of these transfers will be \$2.50 for a total of \$22.50. The check can be made out to the Water Rights Program and sent to the Water Rights Program at the address given above.

If you have any questions, please contact DelRon Peters at (605) 394-2229 or me at (605) 773-3352.

Sincerely,

*Karen Schlaak*

Karen Schlaak  
Environmental Scientist  
Water Rights Program

1421-2



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

March 26, 1996

Wesley Harrison  
HC 83  
Hermosa SD 57744

Dear Mr. Harrison:

On January 31, 1996, a letter was sent to you requesting the filing fee for the transfer of several Location Notices which you filed at our Rapid City regional office. The filing fee for each of these transfers will be \$2.50 for a total of \$22.50. As of today, we have not received this amount. Before we can continue processing the location notices, the filing fee is required.

If you have any questions, please contact DelRon Peters at (605) 394-2229 or me at (605) 773-3352.

Sincerely,

*Karen Schlaak*

Karen Schlaak  
Environmental Scientist  
Water Rights Program

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
WATER RIGHTS PROGRAM

July 24, 1996

**Subject: Change in use of a irrigation diversion dam for Location Notice No. 1421-2,  
Wesley Harrison.**

An inspection of Location Notice No. 1421-2 found that the cancellation of the irrigation portion of location notice and retaining the stockwater portion for stockwater only does not impair other water rights or domestic use. SDCL 46-5-31.1 provides that a diversion dam may be utilized for stock watering if permitted irrigation use from a storage dam is abandoned or forfeited without application or publication of a notice of hearing if no diversion is made from the stock dam and does not increase the potential for impairment with existing water rights.

Location Notice No. 1421-2 has a priority date of December 14, 1949 and is located in the SW 1/4 SE 1/4 Section 12 T2S-R9E.

No adverse effects or interference with existing water rights are expected. The change in use of the dam covered by Location Notice No. 1421-2 with a December 14, 1949 priority date can be approved.



DelRon Peters  
Natural Resources Engineer  
Water Rights Program



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

# RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

414886

Pierre. April 4, 19 96

RECEIVED OF Wesley Harrison, HC 83, Box 4, Hermosa, SD 57744

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 Water Location Notice No. 1421-2 \_\_\_\_\_

Fee for Filing Extension Request \_\_\_\_\_

Fee for \_\_\_\_\_

(Any Other Work Provided by Law)

Total

2 50

2 50

By

Chief Engineer

*John Hatch*



1421-2

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

DEC 26 1996

Wesley Harrison  
HC 83  
Hermosa SD 57744

Dear Mr. Harrison:

The Water Management Board has validated the enclosed Vested Water Right Nos. 491-2 and 510-2. These validations give legal status to the claims and are the final document for your vested right. Enclosed are the reissued water licenses which reflect the acreage and the diversion rates as validated by the Board.

Also, enclosed are Location Notice Water License Nos. 1214-2, 1419-2, 1420-2, 1421-2, 1422-2, 1424-2, 1425-2, and 1426-2, as well as the receipts for transfer of the location notices and water right.

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

enclosures

# STATE OF SOUTH DAKOTA

## LOCATION NOTICE WATER LICENSE NO. 1421-2

(1) Sam Wedmore, Hermosa SD located and filed Location Notice No. 1421-2, December 14, 1949 for a right to store 7.0 acre feet of water from an unnamed dry draw, Pennington County, South Dakota, for irrigation and livestock purposes. Location Notice No. 1421-2 with a priority date of December 14, 1949 was located and filed by the applicant for diversion of water and construction of the described water supply system. The system was completed and the water placed to beneficial use.

April 4, 1996. Location Notice No. 1421-2 was transferred to Wesley Harrison.

An investigation of Location No. 1421-2 found the irrigation use from the permitted storage dam had been abandoned and/or forfeited. Pursuant to 46-5-31.1, stock watering may be added as a water use to the license provided no diversion is made from the dam. The Chief Engineer makes a finding that adding stock watering use to the license will not be impair existing water rights.

(2) It is certified that the applicant 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 store 7.0 acre feet of water for beneficial use. The location of the diversion point (storage dam) is 900 feet north and 1,380 feet west of the southeast corner of Section 12-T2S-R9E (SW 1/4 SE 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use for stock watering purposes.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Wesley Harrison, HC 83, Hermosa SD 57744 the holder and/or owner of Location Notice No. 1421-2 is issued a license to appropriate water, the right to store 7.0 acre feet of water from an unnamed dry draw with a priority date of December 14, 1949 from the location specified in (2) of this license, for the purpose of stockwatering. This license is subject to any limitations or qualifications listed in Location Notice No. 1421-2 and subject to South Dakota State Law.

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

DEC 26 1996

date



3-69

12

2S-9E

1580' west

20' north

LN 1421-2