

LOCATION NOTICE

166-7

KNOW ALL MEN BY THESE PRESENTS:

THAT Louis J. Pettigrew whose post office is Outrich, South Dakota, a citizen of the United States, above the age of 21 years, being in possession of the following described land, to-wit: NE 1/4 Sec 14 T14N R14E section Eight township Fourteen North range Fourteen East B. H. M. In _____ County, South Dakota. Said lands comprising Desert Entry No. 23421 Rapid City Land District, availing him self of the right granted _____ under the provisions of Section 31 of Chapter 160 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 NE 1/4 of the NE 1/4 section Eight township Fourteen North range Fourteen 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 1.7 cubic feet of water per second during the following described annual periods _____ inclusive, each year.

Said location was made on the 5th day of April 1912

Witness my hand and seal this 5th day of April 1912

Louis J. Pettigrew

Locator.

STATE OF SOUTH DAKOTA } ss
COUNTY OF _____

On the _____ day of _____, 1912, before me _____

_____, a Notary Public in and for the County and State aforesaid, personally appeared _____ 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.

Notary Public.

Pierre, South Dakota, August 31st 1912

This is to certify that the foregoing location notice was received at this office at 2 o'clock a. M., upon the 31st day of August 1912, and after examination it was filed for record

L.N 166-2

LOCATION NOTICE

KNOW ALL MEN BY THESE PRESENTS: That Lois K. Pettegrew, whose post office address is Oelrichs, South Dakota, a citizen of the United States, above the age of 21 years, being in possession of the following described land, to-wit: Desert No. 03475, Rapid City Land District, for the NE-SE1, Section 6, SW1 Section 5, NE-NW1 Section 8, Twp. 12, S. Range 7 E.B.N.M. in Fall River County, S.D. availing herself of the right granted under the provisions of Chapter 31 of the Session Laws of South Dakota, of 1907, has located and claims the right to construct a certain dam across a dry draw on the NE Quarter of NW Quarter, Section 8 Township 12, S. Range 7 E.B.N.M. 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

-1- claims the right of way across any land for the purpose of so conveying said waters.

Said locator claims for the above purpose 1.7 cubic feet of water per second during the whole of each year, prior to all subsequent appropriations. The location of the point of diversion of the reservoir is as follows:

From the initial point of the dam, the NW Section corner of said Section 8 bears N. 73° 30' W., 2082 feet.

The ditch will run in a northwesterly direction to and on said land for distance of 8300 feet.

Said location was made on the 5th day of April, 1909.

Witness my hand and seal this 5th day of April, 1909.

Caro Yost) Witnesses.
Ernest Pettegrew)

Lois K. Pettegrew
Locator

State of Nebraska) ss
County of Dawes)

Lois K. Pettegrew of lawful age, being first duly sworn deposes and says that she posted a true copy of the above location certificate at the proposed point of diversion and ditch on the 5th day of April 1909.

Subscribed and sworn to before me this 31st day of October, 1912.

(Seal)

Frederick S. Baird
Notary Public

Filed for record in the office of the Register of Deeds of Fall River County, South Dakota, November 1st, 1912 at 11:30 A.M. and recorded in Book 5 M on page 322.

UNITED STATES

To

Lois K. Pettegrew

: Patent
: Dated May 2nd, 1918
: Filed February 17th, 1920 at 10 A.M.
: Book 7 of Patents on page 300
: Recorded Patent No. 628742

-2-

Grants the Southwest quarter of Section Five in Township Twelve South of Range Seven The Northeast Quarter of the Southeast Quarter of Section Six, and the Northeast Quarter of the Northwest quarter of Section eight in Township 12 S.R. 7 E.B.N.M. South Dakota, containing two hundred and sixty acres.
United States General Land Office Seal attached.

UC 10120106

State of South Dakota
Water License No. LN 166-2

(1) Rodney Loren Pettegrew
of DeRichts, South Dakota 57763
was issued Water License LN 166-2 March 14, 1966 for a water right mark to appropriate
1.70 cubic feet per second of water from Grouse Creek
Fall River County, South Dakota for Irrigation and livestock purposes.

Water License
Permit No. LN 166-2, with a priority date of April 5, 1909
was approved and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before and for the application to beneficial use of said
water on or before

The system was originally constructed by Lois Pettegrew, was obtained by Loree Pettegrew
in 1963. In 1983, Thelma M. Elwess, daughter of Loree, inherited the system. The Water
License is being issued to Thelma M. Elwess.

This Water Right was previously issued for 1.7 cubic feet per second of water covering
240 acres. As a result of a May 16, 1984 inspection of the water use system, this license
is being reissued to reflect what is actually being irrigated.

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 1.04 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is S 87°E 2360 feet from the NW Corner of
Section 8, T12N, R7E (BA)

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to ^{for} beneficial use to the following extent, to irrigate the following land, all in T12N, R7E

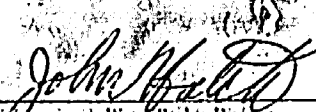
Section 5	SW1SW4	5.3 Acres	(CC)
	NW1SW4	28.8 Acres	(CB)
	NE1SW4	17.0 Acres	(CA)
	SE1SW4	16.9 Acres	(CD)
Section 8	NE1NW4	5.0 Acres	(BA)
	TOTAL	73.0 ACRES	

(4) Pursuant to §46-5-30.1 Thelma M. Elwess

of RR#1, Chadron, NE 69337

the holder(s) and/or owner(s) of Water ~~Permit~~ ^{Right} No. LN 166-2 is issued a license to appropriate water, the right to use 1.0 cubic feet per second of water from Grouse Creek with a priority date of April 5, 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 Water Permit No. LN 166-2 and subject to South Dakota State Law.


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

JOHN HATCH

July 6, 1984

Conversation or File Documentation

NAME OF PERSON OR FILE: Lois K. Pettegrew

ADDRESS: _____ COUNTY _____

DATE: _____ TELEPHONE _____

RE: _____

COMMENTS:

The system was constructed by Lois Pettegrew in 1909. Loree Pettegrew obtained the system in 1963. In 1963 Thelma M. Elwess, ~~daughter~~ daughter of Loree, inherited the system. The new water license should be issued to Thelma M. Elwess

RR # 1

Chadron, Neb

The system presently does not irrigate as much land as when it was constructed. See the attached map.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: William D. Braz, P.E.

Hydrologist

STATE OF SOUTH DAKOTA

WATER LICENSE No. L.N. 166-2

WHEREAS, On the 5th day of April A. D. 1909
Lois K. Pettegrew

of Oelrichs County of Fall River and State of
South Dakota Filing No. L.N. 166-2
duly made application (X) to us for a permit to use 1.7
cubic feet per second of the waters of Grouse Creek, a dry draw
County of Fall River, State of South Dakota, for irrigation and stockwater
purposes; and

WHEREAS, On the 31st day of August A. D. 1909
Certificate L.N. 166-2 was issued to said applicant for the diversion of said water, and providing for the
Notification to the State Engineer of
completion of the works of diversion therein described on or before the

~~XXXXXX~~ and ~~XXXX~~ the application to beneficial use of said
water ~~XXXXXX~~ ~~XXXXXX~~ ~~XXXXXX~~

and, WHEREAS, on the 7th day of February, 1966, notification was given of a transfer
of said right to Rodney Lorie Pettegrew, and

WHEREAS, On the 7th day of February A. D. 1966
the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.7

cubic feet per second of said waters, as evidenced by our Certificate No. L.N. 166-2
dated March 14, 1966 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 1.7 cubic feet per second of water, with date of
priority of April 5, 1909 and,

WHEREAS, On the 7th day of February A. D. 1966
proof was duly made of the application to beneficial use of 1.7 cubic feet per second of said water;
for irrigation of portions of Sections 5, 6, and 8, T12S, R7E, and for stockwater
purposes

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 Rodney Loree Pettogrew
of Celrichs the holder and owner of said permit No. L.N.166-2
a water right, dating from April 5, 1909 to the use of 1.7
cubic feet per second of the waters of Grouse Creek, a dry draw
in the County of Fall River 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 the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8,
T12S, R7E
and conducted to and upon portions of Sections 5, 6, and 8, T12S, R7E

for the purpose of irrigation and stockwater use

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 14th day of March A. D. Nineteen
Hundred and Sixty-Six

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. L.N.166-2Cheyenne River
Water Division No. 2 South Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Lois K. Pettegrew *of Oelrichs, County of Fall River, and State of
South Dakota, the holder of Location Notice 166-2, FilingNo. L.N.166-2, bearing date of priority of April 5, 1909, authorizing the diversion of
1.7 cu. ft. per second of the waters of Grouse Creek, a dry drawCounty of Fall River, State of South Dakota, at a point in the NE $\frac{1}{4}$ NW $\frac{1}{4}$,
Section 8, T12S, R7Efor irrigation and stockwaterpurposes, 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 assatisfactory for diverting and conveying to the place of intended use 1.7 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 T12S, R7EPortions of: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5SW $\frac{1}{4}$, Section 6

* Lands now owned by Rodney Loree Pettegrew

Witness my hand this 14th day of March A. D. 1966

State Water Resources Commission

By:

J. W. GRIMES

Chief Engineer, Executive Officer

LICENSE FOR PERMIT NUMBER _____

1. Legal location of wells: _____

dams & structures: _____

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____

b) model _____ b) model no. _____

c) size _____ c) horsepower rating _____

d) capacity _____ GPM d) motor efficiency rating _____

e) turbine pump _____

no. of stages _____

3. Distribution lines:

a) size of lines _____

b) type _____

c) length _____

4. Dam Information:

a) height to crest 25'

b) height to spillway 20'

c) crest width 20'

d) crest length 550'

e) spillway length 100'

f) spillway width 250'

g) approx. storage 80 ac. ft.

h) Distribution lines or canals:

1) size _____

2) type None

3) length _____

i) Outlet tubes:

1) diameter None

2) type _____

3) valued (Y/N) _____

4) valve type _____

5) location on structure _____

5. System Type: a) sizeroll:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers _____

4) spacing of sprinklers _____

5) nozzle size _____

b) towline:

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) nozzle size _____

Permit No. LN 166-2~~Northwest~~Upper Cheyenne
Water District

10130106

(Ew)

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 Lois H. Pethegrew of Delrichs, S.D. holder of Permit No. LN 166-2, bearing the priority of April 5 1909 authorizing the diversion of 1.7 cu. ft. per second of the waters of Grouse Creek for irrigation & livestock purposes, in Fall River County.

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

- A. Works used to divert the water: Dam & reservoir located in the NE & NW Sec 8, T12, R7.
- B. Works used to transport water to place of use: Water overflows the spillway of the dam and the spreads onto the low lands.
- C. Works used to apply water to beneficial use: spreader dikes

The system is in the following condition goodThe point of diversion is located S 87° E 2360 feet from the northwest corner of Sec 8, T12, R7.The works are capable of diverting and conveying to the place of use 100 cfs cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: SW & SW - 5.3 acres, NW & SW - 28.8 acres, NE & SW - 17.0 acres, SE & SW - 16.9 acres, all in Section 5, T12, R7 and NE & NW Section 8, T12, R7 - 5.0 acrescomprising a total of 73.0 acres of land and the license should be issued for 104 cfs.Applicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: See attached sheet Date May 16, 1984

Delwin D. Bury, P.E.
(signature) Hydrologist

No. 166-2



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

July 9, 1984

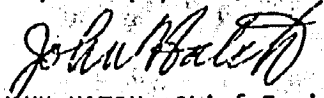
Thelma M. Elwess
Route #1
Chadron, Nebraska 69337

Dear Mr. Elwess:

Enclosed herewith is, Water License No. 166-2. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

Enclosures

WNR-817 3/83
Transmittal of Water License

L

South Dakota
Department of
Water & Natural Resources

Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501-3131

March 23, 1990

NOTICE

LN166-2

TO: Thelma M Elwess
RR 1
CHADRON, NE 69337

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

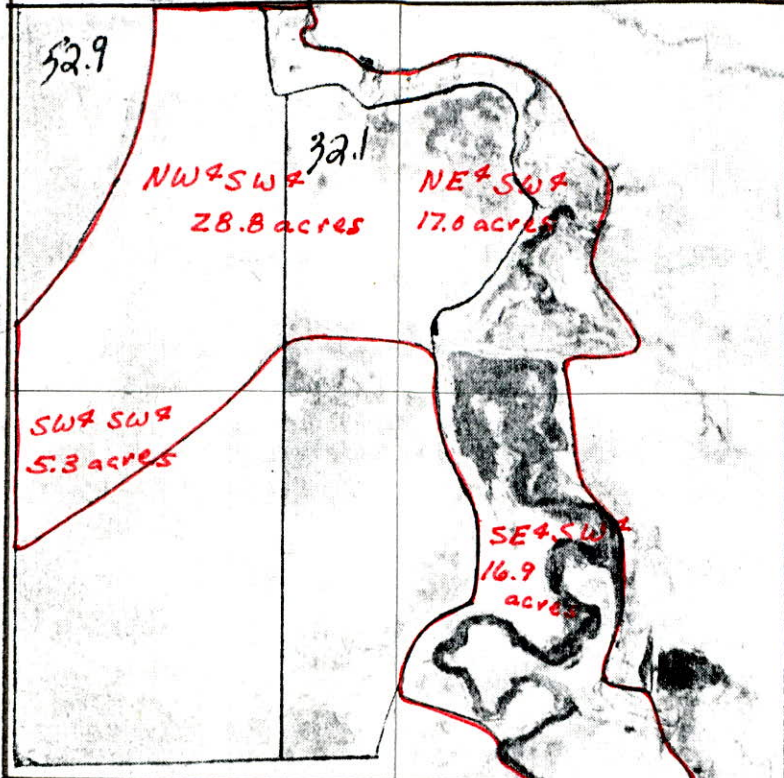
SUBJECT: Low Water Levels in Angostura Reservoir

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.

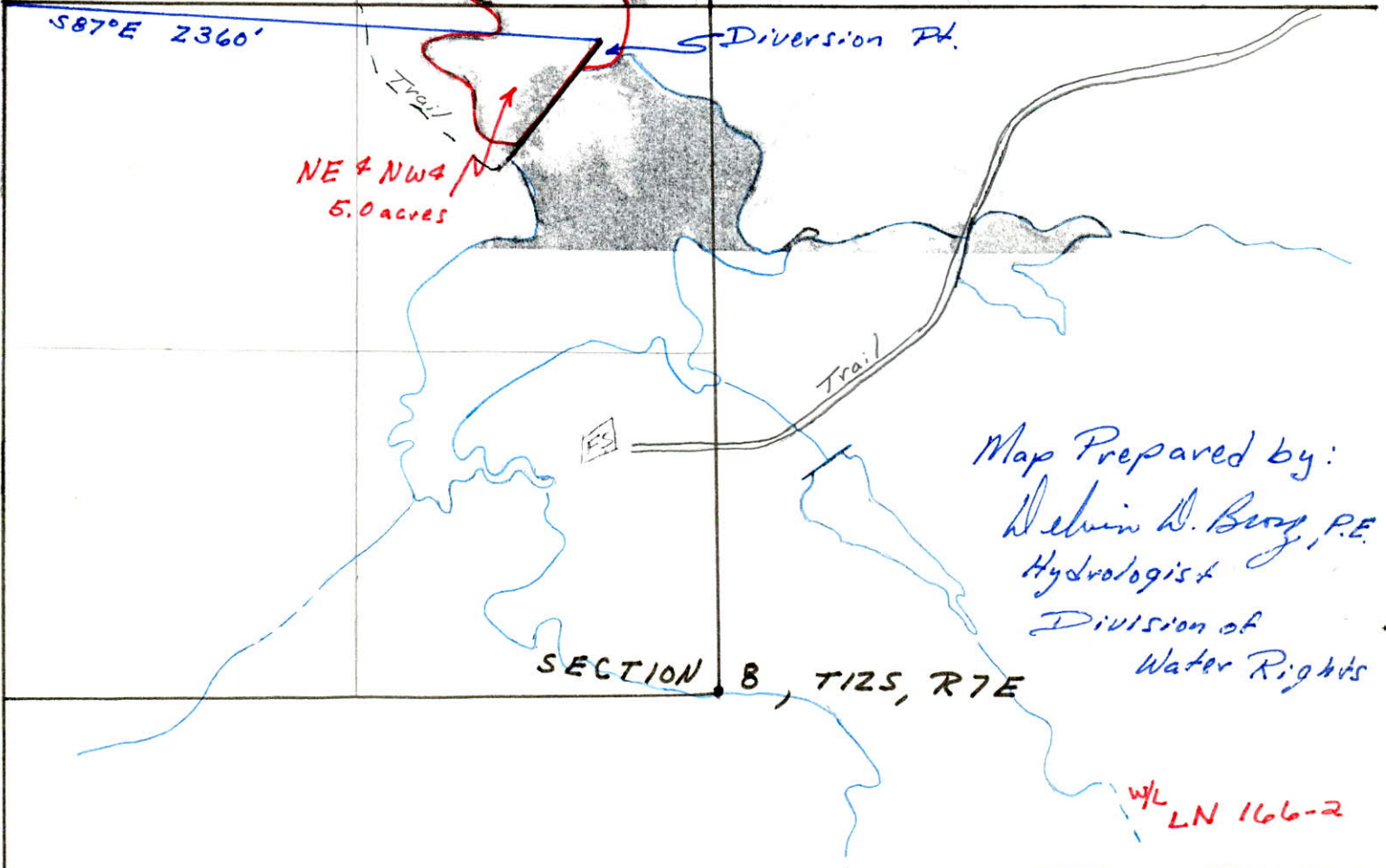
Since your Water Right No. LN166-2 has a priority date that is senior to the April 11, 1941 priority for Angostura Irrigation Water Right No. 579-2, your permit is not directly affected by the Junior Priority Order. However, I am requesting that all Senior Water Right holders comply with any qualifications 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).

SECTION 5, T12S, R7E



12-7



Map Prepared by:
Delvin D. Berg, P.E.
Hydrologist
Division of
Water Rights

W/L LN 166-2