

Battle Creek
LN 2378 - 2

CHART

Dam Present
no irrigation
4' deep.

Barometer Reading

Barometer

Barometer

Barometer

WE

28

2

9

100

4.7

The following is a list of the names of the persons who were present at the meeting of the Board of Directors of the Battle Creek Water Company, held on the 10th day of June, 1901, at the office of the Company, in Battle Creek, Michigan.

100

Barometer

September

Barometer

Barometer

June 7, 1901

Barometer

Barometer

Barometer

Barometer

Barometer



January 29, 1995

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Irvin Evans
HC 89, Box 255
Hermosa, SD 57744



Dear Mr. Evans,

I realize that you have already filled out some of these transfer forms but as you indicated on the phone, you did not receive Location Notices 2378-2, 2380-2, and 3747-2 which are all under the name Hermosa Hereford Ranch. These location notices must be transferred into the name of the owner in order to be licensed. 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.

In addition in order to process these and the previous transfer forms in Pierre there is a \$2.50 filing fee associated with each transfer. Since there were five dams transferred, a check for \$12.50 needs to accompany the transfer notices.

I apologize for the confusion and hope this has not caused you any inconvenience. 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

Location Notice No. 2378-2
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 1, 1995 made a thorough examination of the water use system owned by Irvin Evans of HC 89, Box 255 Hermosa, SD 57744 holder of Location Notice No. 2378-2, bearing the priority of June 28, 1950 authorizing storage of 30.7 acre-ft of the waters of an unnamed dry draw for irrigation and livestock purposes, in Custer 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 NW1/4 of the NE1/4 Sec. 23-T2S-R9E; 810 ft. south and 1600 ft west of the NE Corner of Sec. 26-T2S-R9E. The works are not capable of diverting and conveying water. The storage capacity of the dam is approximately 4.5 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 4.5 acre-feet of storage as a stock water domestic use location notice filing.

Date Report Completed: December 8, 1995

DelRon Peters /ks

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

December 13, 1995

Irvin Evans
HC 89, Box 255
Hermosa, SD 57744

Dear Mr. Evans,

Location Notices 2376-2, 2378-2, 2380-2, 3120-2 and 3747-2 are all under the name Hennosa Hereford Ranch. As we discussed on the phone, these location notices must be transferred into the name of the owner in order to be licensed. 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 57501-3181

No. LN2378-2



Date: 2-16-96

I/We request that Water Location Notice No. 2378-2

formerly owned by: Hermosa Hartford Ranch

be transferred to: Irvin Evans HC 89, Box 255 Hermosa, SD 57744

Telephone No. (605) 255-4315

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

NW 1/4 NE 1/4 Sec. 28 T2S-R9E

I/We understand that the validity of Water Location Notice No. 2378-2 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 CUSTER)

I/We Irvin 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, and that I know of my own personal knowledge that the information herein stated is true.

Irvin M. Evans
(Signed)

Subscribed and sworn to before me this 16 day of February, 1996.

Shirley M. White
(Notary Public)

MY COMMISSION EXPIRES 5-04-1997

NOTE: Water permits may be canceled 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.

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

414800

Pierre, _____

February 20, 19 96

RECEIVED OF Irvin Evans, HC 89, Box 255, 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 <u>Location Notice No. 2378-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By

John Hatch (Signature)
Chief Engineer

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
WATER RIGHTS PROGRAM

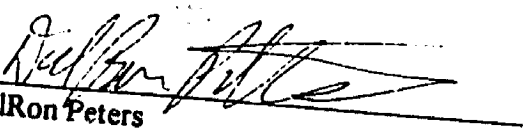
July 24, 1996

Subject: Change in use of a irrigation diversion dam for Location Notice No. 2378-2, Irvin
Evans.

An inspection of Location Notice No. 2378-2 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. 2378-2 has a priority date of June 28, 1950 and is located in the NW 1/4 NE 1/4 Section 28 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. 2378-2 with a June 28, 1950 priority date can be approved.


DelRon Peters
Natural Resources Engineer
Water Rights Program

 8-7-96
John Hatch, Chief Engineer
Water Rights Program
Dept. of Environment and Natural Resources



**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

STATE OF SOUTH DAKOTA

LOCATION NOTICE WATER LICENSE NO. 2378-2

(1) Hermosa Hereford Ranch, Hermosa SD located and filed Location Notice No. 2378-2, June 28, 1950 for a right to store 30.7 acre feet of water from an unnamed dry draw, Custer County, South Dakota, for irrigation and livestock purposes. Location Notice No. 2378-2 with a priority date of June 28, 1950 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.

February 20, 1996, Location Notice No. 2378-2 was transferred to Irvin Evans.

An investigation of Location No. 2378-2 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 owner 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 4.5 acre feet of water for beneficial use. The location of the diversion point is 810 feet south and 1,600 feet west of the northeast corner of Section 28-T2S-R9E (NW 1/4 NE 1/4).

(3) The owner 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 Irvin Evans, HC 89 Box 255, Hermosa SD 57744 the holder and/or owner of Location Notice No. 2378-2 is issued a license to appropriate water, the right to store 4.5 acre feet of water from an unnamed dry draw with a priority date of June 28, 1950 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. 2378-2 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

NOV 4 1996

date



89-L
m28

4'00"

810'S

1600'W

T445

28

2-9

89-L
m28

TRAPED

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date July 10, 2020RECEIVED 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>L2378-2</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 EngineerEM

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. LN 2378-2Date: 7/6/2020I/We request that Water Right/Permit No. LN 2378-2 formerly owned by:IRVIN M. EVANS

be transferred to:

New Owner Name: IRVIN M + Geraldine L. Evans Revocable TrustAddress: 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:

Jan - (daughter)
cellTransferred from individual ownership to Trust

☒ I understand that the validity of Water Right/Permit No. LN 2378-2 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 black ink, appearing to read "Genny McMath". The signature is fluid and cursive.

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures