

# LOCATION NOTICE

KNOW ALL MEN BY THESE PRESENTS:

66-2  
THAT Robert L. Hewitt whose post office is  
Edgewood, South Dakota, a citizen of the United States, above the age of  
21 years, being in possession of the following described land, to-wit: SE 1/4 of Section 16 section  
Twenty-one township Nine North range Two 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 \_\_\_\_\_ 1-4 of the NW 1-4 section Twenty-one  
township Nine North range Two 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 100 cubic feet of water per second during the following  
described annual periods March 1st to October 1st inclusive, each year.

Said location was made on the 22nd day of August 1912

Witness my hand and seal this 22nd day of August 1912

Robert L. Hewitt  
Locator.

STATE OF SOUTH DAKOTA }  
COUNTY OF Fall River } ss

On the 22nd day of August 1912, before me \_\_\_\_\_

James A. Stewart a Notary Public in and for the County and State aforesaid, personally  
appeared Robert L. Hewitt 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.

Filed, South Dakota, September 12th 1912

State of South Dakota

LOCATION NOTICE Water License No. 266-2

(1) Richard Porter of Box 154, Edgemont, South Dakota, located and filed Location Notice No. 266-2  
made Application No. August 27, 1910 for a right 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 Permit No. 266-2, with a priority date of August 22, 1910  
was ~~approved~~ located and filed by the applicant  
and issued to applicant(s) for diversion of water with construction of the described  
water supply system. The system was completed on or before and the water placed for the application to beneficial use of said  
water on or before

Robert L. Hewitt originally located and filed Location Notice No. 266-2. January  
14, 1985, Location Notice No. 266-2 was transferred to Richard Porter.

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 0.16 cubic feet per second of water  
for beneficial use. The location of the diversion point(s) is S 38°W 3030 feet from the NE Corner of  
Section 21, T9S, R2E (AC)

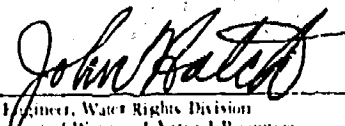
and

(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, R2E

|                    |                                                             |                 |             |
|--------------------|-------------------------------------------------------------|-----------------|-------------|
| <u>Section 21,</u> | <u>SW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math></u> | <u>2 ACRES</u>  | <u>(AC)</u> |
|                    | <u>NW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math></u> | <u>9 ACRES</u>  | <u>(DB)</u> |
| <u>TOTAL</u>       |                                                             | <u>11 ACRES</u> |             |

(4) Pursuant to §46-5-30.1 Richard Porter  
of Box 154, Edgemont, South Dakota 57735  
the holder(s) and/or owner(s) of Location Notice  
Water Permit No. 266-2 is issued a license to appropriate water, the right to use  
0.16 cubic feet per second of water from a dry draw with a priority date  
of August 22, 1910 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  
Water Permit No. 266-2 and subject  
to South Dakota State Law.

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

JOHN HATCH

January 22, 1985

Permit No. LN 266-2Upper Cheyenne Water District**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 Richard Porter of Edgemont, S.D. holder of Permit No. LN 266-2, bearing the priority of August 22 1910 authorizing the diversion of 10 cu. ft. per second of the waters of dry draw for irrigation purposes, in Fall River County.

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

- A. Works used to divert the water: Storage dam (see attached sheet). The dam is a short distance downstream from the legal description in the notice.
- B. Works used to transport water to place of use: open canal to edge of field
- C. Works used to apply water to beneficial use: Flood irrigation. Water flows from the end of the canal & also overflows the canal onto the field

The system is in the following condition goodThe point of diversion is located S 38° W 3030 ft. from the NE corner of section 21, T9S, R2EThe works are capable of diverting and conveying to the place of use 2 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<sup>1</sup>NE<sup>1</sup> - 2 acres and NW<sup>1</sup>SE<sup>1</sup> - 9 acres all in section 21, T9S, R2Ecomprising a total of 11 acres of land and the license should be issued for 0.16 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: \_\_\_\_\_ Date Sept. 19, 1984

William D. Berg, P.E.  
(signature) Hydrologist

LICENSE FOR PERMIT NUMBER LN 266-2

1. Legal location of wells: \_\_\_\_\_

dams & structures: SW<sup>2</sup> NE<sup>2</sup> Section 21, T9S, R2E

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 18'  
b) height to spillway 15'  
c) crest width 16'  
d) crest length 350'  
e) spillway length -  
f) spillway width 20'  
g) approx. storage 20 AF

h) Distribution lines or canals:

1) size \_\_\_\_\_  
2) type open Canal  
3) length 700'

i) Outlet tubes:

1) diameter 10"  
2) type Steel  
3) valued (Y/N) Y  
4) valve type gate  
5) location on structure  
West end of dam

5. System Type: a) sideroll:

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 \_\_\_\_\_

# RECEIPT

Division of Water Rights

No 4 9891

South Dakota Department of Water and Natural Resources

Pierre, January 14, 1989

RECEIVED OF Richard Porter, Box 154, 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 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 #LN 266-2 _____                                                                               |       | 2 50 |
| 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 |

By John Hatch  
Chief Engineer JOHN HATCH

## NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights  
Foss Building  
Pierre, SD 57501

Date: 1-3-85

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

SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$  and N $\frac{1}{2}$ SE $\frac{1}{4}$ , Section 21, T9S, R2E

formerly owned by Robert L. Hewitt

has been transferred to Richard Porter, Box 154, Edgemont, SD 57735  
(please include complete mailing address)  
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. LN 266-2 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.

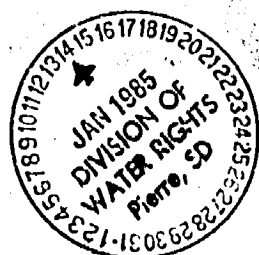
STATE OF SOUTH DAKOTA )  
County of FALL RIVER ) ss.

I, RICHARD PORTER 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.

Richard Porter  
(Signed)

Subscribed and sworn to before me this 4th Day of January, 1985.

David P. Russell  
(Notary Public)





# Department of Water & Natural Resources

Joe Foss Building  
623 East Capitol  
Pierre, South Dakota 57501

WATER RIGHTS DIVISION  
Phone (605) 773-3352

January 23, 1985

Richard Porter  
Box 154  
Edgemont, South Dakota 57735

Dear Mr. Porter:

Enclosed herewith is, Location Notice No. 266-2. 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

Receipt No. 4 9891 in the amount of \$2.50 is enclosed for transfer of Location Notice No. 266-2.

WNR-817 3/83  
Transmittal of Water License

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

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

March 23, 1990

LN389-2

LN266-2

1918-2

**NOTICE**

TO: Richard Porter  
BOX 154  
EDGEMONT, SD 57735

FROM: *for Delvin D. 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. 1918-2 and Location Notice Nos. 289-2 and 266-2 have priority dates that are senior to the April 11, 1941 priority for Angostura Irrigation Water Right No. 579-2, your permits are 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).



July 8, 2003

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

LN266-2  
LN389-2  
1918-2

Jo Cunningham  
Farrell, Farrell & Ginsbach  
441 N River St  
Hot Springs SD 57747

Dear Ms. Cunningham:

Thank you for contacting us regarding the ownership changes for Richard Porter's land in Fall River County. In the event you do not have them, I am sending copies of Location Notice Nos. 266-2, 389-2 and Vested Water Right No. 1918-2.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing ownership changes. Please review the forms and complete as needed (be sure to include the mailing address of the new owner). The forms should be signed by the new owner(s). A filing fee of \$2.50 is required for each transfer filed. The check or money order for the fee can be made payable to the Water Rights Program.

If the land described in Vested Water Right No. 1918-2 was not included in the sale, go ahead and toss the copy of the water right and the transfer form. 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](mailto: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. LN 266-2

Date: 9/01/03

I/We request that Location Notice No. 266-2

formerly owned by: Richard Porter

be transferred to: (name & address) Rory or Wanda Brown  
Hc 59 Box 8  
Edgement, SD 57735 Telephone No. 605-462-7868

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

11 acres - SW 1/4 NE 1/4 and NW 1/4 SE 1/4 Section 21, T9S, R2E

I/We understand that the validity of Location Notice No. 266-2 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 Rory Brown  
Wanda Brown, the new owner, certify that the above information is true and correct.

RECEIVED

SEP - 8 2003

WATER RIGHTS  
PROGRAM

Rory Brown  
Wanda Brown

(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.

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 8, 2003

RECEIVED OF Richard Porter, PO Box 154, PEdgemont 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 |       |      |
| 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>LN 266-2</u>                                                                   |       | 2 50 |
| 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. _____                                         |       |      |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                      |       |      |
| (Any Other Work Provided by Law)                                                                               | TOTAL | 2.50 |

No.

000874

By

Darlene Ebele  
Chief Engineer gm



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

September 9, 2003

LN266-2  
LN389-2  
1918-2

Rory or Wanda Brown  
HC 59 Box 8  
Edgemont SD 57735

Dear Mr. & Mrs. Brown:

I am writing to acknowledge receipt of the ownership changes for Location Notice Nos. 266-2 and 389-2 and Vested Water Right No. 1918-2. The transfers have been completed.

LN 266-2, LN389-2 and Vested Water Right No. 1918-2 formerly listed in the name of Richard Porter are now listed in your names.

Receipt Nos. 000872, 000873 and 000874 in the amounts of \$2.50 each are being forwarded to Richard Porter. 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](mailto:genny.mcmath@state.sd.us)

c: Richard Porter w/receipts for filing fees

Dick Porter

T9S, R2E

16 15  
21 22

Road

Drive way

S38°W 3030'

Drive way

SW\*NE\*  
2 acres

NW\*SE\*  
9 acres

Canal

Creek

Cottonwood



Approximate  
Scale: 1" = 660'

Map Prepared By:  
Delvin D. Brey, P.E.  
Hydrologist  
Division of Water  
Rights

Location Notice 266-2