

383-2

KNOW ALL MEN BY THESE PRESENTS:

THAT Jerome A. Gehring whose post office is
Derry, South Dakota, a citizen of the United States, above the age of
21 years, being in possession of the following described land, to-wit: 1-1-1-1 section
Desertum township Six north range one east B. L. M.
in Butte 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 NE 1-4 of the 1-1-1-1 section Desertum
township Six north range one east and has located and claims the right to construct ditches and
umes 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 5 cubic feet of water per second during the following
described annual periods when water available inclusive, each year.

Said location was made on the 31st day of July 1911.

Witness my hand and seal this 31st day of July 1911.

Jerome A. Gehring Locator.

STATE OF SOUTH DAKOTA }
COUNTY OF Butte } ss

On the 31st day of July 1911, before me James B. Starns
United States Commissioner, a Notary Public in and for the County and State aforesaid, personally
appeared Jerome A. Gehring 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. Starns
United States Commissioner Notary Public.

Pierre, South Dakota, August 14th 1911.

This is to certify that the foregoing location notice was received at this office at 9 o'clock A.M.,
upon the 14th day of August 1911, and after examination it was filed for
record

Samuel H. Lee
State Engineer.

State of South Dakota

LOCATION NOTICE Water License No. 383-2

(1) Jerome A. Zehring
of Dewey, South Dakota located and filed Location Notice No. 383-2
made Application No. , August 14, 1911 for a right for ~~water permit~~ to appropriate
5.00 cubic feet per second of water from a dry draw
Custer County, South Dakota for irrigation purposes.
Location Notice 383-2, with a priority date of August 14, 1911
~~Permit~~ was approved located & filed by the 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 completed and the water placed to beneficial use.

Jerome A. Zehring originally located and filed Location Notice No. 383-2. On October 21, 1987, the location notice was transferred to Vivian L. Cook, Edgemont, South Dakota.

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 0.54 cubic feet per second of water for beneficial use. The location of the diversion point(s) is S69°W, 1720 feet from the NE Corner of Section 17, T6S, R1E (NW4NE4)

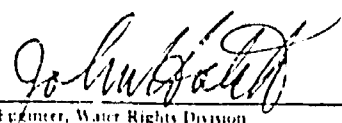
and

(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:

<u>T6S, R1E Section 17</u>	<u>NE$\frac{1}{4}$NE$\frac{1}{4}$</u>	<u>26 Acres</u>
	<u>NE$\frac{1}{4}$NE$\frac{1}{4}$</u>	<u>12 Acres</u>
<u>TOTAL</u>		<u>38 ACRES</u>

(4) Pursuant to §16-5-30.1 Vivian Cook
of HCR 59, Box 46, Edgemont, South Dakota 57735
Location Notice
the holder(s) and/or owner(s) of Water ~~Permit~~ No. 383-2 is issued a license to appropriate water, the right to use
0.54 cubic feet per second of water from a dry draw with a priority date
of August 14, 1911 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

Location Notice
This license is subject to any limitations or qualifications listed in Water ~~Permit~~ No. 383-2 and subject
to South Dakota State Law.



Chief Engineer, Water Rights Division
Department of Water and Natural Resources
DEC 16 1987
JOHN HATCH

Permit No. LN 383-2Upper Cheyenne Water District
10/20/07**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 Vivian
Cook, HCR 59, Box 46 at Edgemont, SD 57735 holder of
 Permit No. LN 383-2 bearing the priority of August 18, 1911 authorizing
 the diversion of 5 cu. ft. per second of the waters of dry draw
 for irrigation purposes, in Custer County.

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

A. Works used to divert the water:

A small dike across a dry draw

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

Ditches and dikes. The system is more or less a terrace system since a water right had been filed, Mrs Cook wants to retain the water right.

C. Works used to apply water to beneficial use:

Water spreadingThe system is in the following condition FairThe point of diversion is located S 69° W, 1720 feet from the NE corner of
Section 17, T6S, R1E. Present point is downstream from original point.The works are capable of diverting and conveying to the place of use all flows in dry draw
 cu. ft. per second of water which is to be used for irrigation, water spreading

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

NW & NE 1/4, Sec. 17, T6S, R1E - 26 acresNE & NE 1/4, " " " - 12 acrescomprising a total of 38 acres of land and the license should be issued for 0.58 cfsApplicable permit qualifications have been complied with Yes No

Exceptions to compliance are

Date Aug. 26, 1987

Alvin D. Brown, P.E.
 Hydrologist

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

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

September 17, 1987

LN 383-2

Vivian Cook
HCR 59, Box 46
Edgemont SD 57735

Dear Ms. Cook:

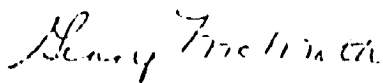
The inspection of your water use system as it exists under Location Notice No. 383-2 has been completed. A water license can now be issued.

The Location Notice is currently listed under the name of Jerome A Zehring. Before the Location Notice can be licensed, you will need to file a "Notice of Transfer".

Enclosed is a partially completed "Notice of Transfer". Please complete the form by signing in the presence of a notary. Upon completion, return the form to our office with a required filing fee of \$2.50. A water license will be issued upon receipt of the completed form and filing fee.

If you have any questions, please contact us.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: Oct 14, 1987

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

38 acres - NE 1/4 NE 1/4 Section 17, T6S, R1E

formerly owned by Jerome A Zehring

has been transferred to Vivian Cook, HCR 59, Box 46, Edgemont SD. 57735

(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by
Location Notice

Water ~~RIGHTS~~ No. 383-2 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.

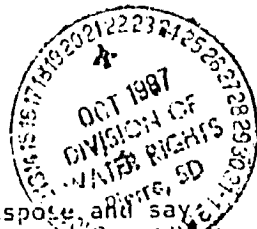
STATE OF SOUTH DAKOTA,)
County of Fall River) ss.

I, Vivian L Cook 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.

Vivian L Cook
(Signed)

Subscribed and sworn to before me this 14 Day of Oct, 1987.

Heidi A Reichardt
(Notary Public)



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, October 10, 1947

RECEIVED OF Vivian Co., P.O. Box 46, 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 <u>LE 307-2</u>	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



**Department of
Water & Natural Resources**

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

Water Rights Division
605 773-3352

No. 383-2

DEC 16 1987

Vivian Cook
HCR 59, Box 46
Edgemont, South Dakota 57735

Dear Mr. Cook:

Enclosed is Location Notice Water License No. 383-2. As long as the water is used beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

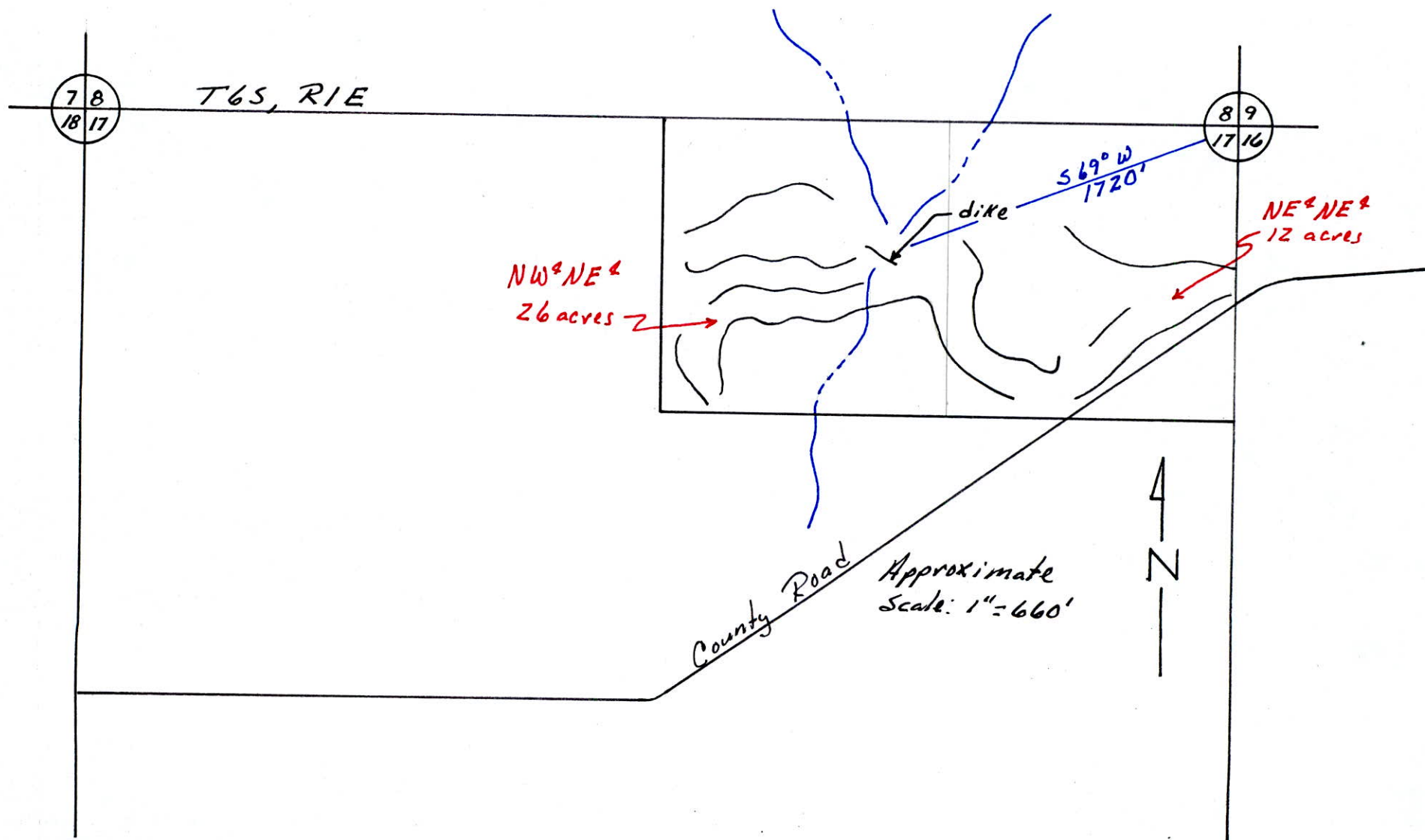
Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

enclosure

NOTE: Enclosed is receipt No. 4110201 in the amount of \$2.50 for transfer of Location Notice No. 383-2.



Map Prepared By:
Melvin H. Brong, P.E.
Hydrologist
Division of Water
Rights
LN 383-2

South Dakota
Department of
Water & Natural Resources

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

March 23, 1990

NOTICE

LN383-2

TO: Vivian Cook
HCR 59 BOX 46
EDGEMONT, SD 57735

FROM: *John W. 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. LN383-2 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).