

LOCATION NOTICE

389-2

KNOW ALL MEN BY THESE PRESENTS:

THAT George W. Miller and Mary B. Miller whose post office is Edgemont, 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, NE 1/4, Sec 14, T. 25 N., R. 25 E., S. 14

County township Sioux range Two East B. H. M. in Fall River County, South Dakota. Said lands comprising Desert Entry No. _____

(and District, availing himself of the right granted ~~them~~ 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 SE 1/4 of the NE 1/4 section Section 14 township Sioux 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 25 cubic feet of water per second during the following described annual periods when water is available during inclusive, each year.

Said location was made on the 2nd day of June 1902

Witness my hand and seal this 2nd day of June 1902

George W. Miller and Mary B. Miller
Locators.

STATE OF SOUTH DAKOTA
COUNTY OF Fall River

On the 2nd day of June 1902, before me James A. Starrett
United States Commissioner, a Notary Public in and for the County and State aforesaid, personally appeared George W. Miller and Mary B. Miller 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 A. Starrett
United States Commissioner Notary Public.

Pierre, South Dakota, September 25th 1911

This is to certify that the foregoing location notice was received at this office at 9 o'clock a. M., upon the 25th day of September 1911, and after examination it was filed for record

Chas. J. Blair

State of South Dakota

LOCATION NOTICE Water License No. 389-2

(1) Richard Porter
of Box 154, Edgemont, South Dakota located and filed Location Notice No. 389-2
made Application No. June 2, 1909 for a right permit to appropriate
25.0 cubic feet per second of water from Fiddle Creek
Fall River County, South Dakota for Irrigation purposes.
Location Notice
Permit No. 389-2, with a priority date of June 2, 1909
located and filed by the and issued to applicant(s) for diversion of water with construction of the described
was approved. The system was
water supply system to be completed on or before and the water placed and for the application to beneficial use of said
water on or before

George and Mary Miller originally located and filed Location Notice No. 389-2.
January 14, 1985, Location Notice No. 389-2 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 0.8 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is S 37°W 1100 feet from the NE Corner
of Section 19, T9S, R2E (AA)

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

Section 20 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 14.00 Acres (CA)

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 1.00 Acre (DB)

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 3.00 Acres (AD)

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 31.00 Acres (DA)

Section 21 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 8.00 Acres (CB)

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 2.00 Acres (CC)

TOTAL 59.00 ACRES

(4) Pursuant to §46-5-30.1 Richard Porter

of Box 154, Edgemont, South Dakota 57735

Location Notice

the holder(s) and/or owner(s) of Water Permit No. 389-2 is issued a license to appropriate water, the right to use

6.8 cubic feet per second of water from Fiddle Creek with a priority date

of June 2, 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

Location Notice

This license is subject to any limitations or qualifications listed in Water Permit No. 389-2 and subject

to South Dakota State Law.

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

JOHN HATCH

January 22, 1985

Upper Cheyenne Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWRN, 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. LN389-2, bearing the priority of June 2 1909 authorizing the diversion of 25 cu. ft. per second of the waters of Fiddle Creek 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: Two dams on Fiddle Creek. The west dam diverts water to the East dam thru a canal. The East dam releases the water to the delivery canal. The dams are located a short distance upstream from the location noted in the Notice.
- B. Works used to transport water to place of use: open canal to the edges of the fields.

- C. Works used to apply water to beneficial use: 12" PVC pipes release water from the canal onto the west field. The water flows from the end of the canal onto the east field. The water is spread thru the use of spreader dikes.

The system is in the following condition goodThe point of diversion is located S37°W 100 ft from the NE corner of Section 19, T9S, R2EThe works are capable of diverting and conveying to the place of use 8cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows: NE¹SW⁴ - 14 acres, NW²SE² - 1 acre, SE²NE² - 3 acres and NE²SE² - 21 acres all in Section 20, T9S, R2E. NW²SW⁴ - 8 acres and SW²SW² - 2 acres in Section 21, T9S, R2E.

comprising a total of 59 acres of land and the license should be issued for 0.8 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date Sept. 19, 1984

Devin D. Broy P.E.
Hydrologist

LICENSE FOR PERMIT NUMBER LN 389-2

1. Legal location of wells: _____

dams & structures: NE² NE² Section 19, 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: West Dam

a) height to crest 25'

b) height to spillway 21'

c) crest width 12'

d) crest length 400'

e) spillway length -

f) spillway width 50'

g) approx. storage _____

h) Distribution lines or canals:

1) size -

2) type open canal to East dam

3) length 220'

i) Outlet tubes:

1) diameter _____

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 sprinkler _____

3) spacing of sprinklers _____

4) nozzle size _____

LICENSE FOR PERMIT NUMBER LN389-2

1. Legal location of wells: _____

dams & structures: NE⁴ NE⁴ Section 19, 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: East Dam

a) height to crest 25'
b) height to spillway 21'
c) crest width 14'
d) crest length 800'
e) spillway length on west dam
f) spillway width " " "
g) approx. storage _____
h) Distribution lines or canals:

1) size _____
2) type open canal
3) length 6500'

i) Outlet tubes:

1) diameter 24"
2) type CMP
3) valued (Y/N) Y
4) valve type gate
5) location on structure
East end of dam

5. System Type: a) sideroll:

1) length _____ feet
2) diameter of pipe _____
3) make, model & number of sprinklers

4) spac _____ sprinklers
5) nozzle size _____

b) towline:

1) length _____ feet
2) make, model & number of sprinklers

3) spacing of sprinklers _____
4) nozzle size _____

LOCATION NOTICE
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:

SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ Section 20, T9S, R2E, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 21,

T9S, R2E

formerly owned by George and Mary Miller

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 389-2 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.

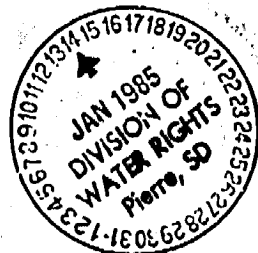
STATE OF SOUTH DAKOTA)
County of Fall River) ss.

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. Russett
(Notary Public)



RECEIPT

Division of Water Rights

No 4 9890

South Dakota Department of Water and Natural Resources

Pierre, January 14, 1985

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 XXXXXX LN#389-2	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 (ms)

South Dakota 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:

Location Notice

Enclosed herewith is, Water License No. LN 398-3. 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
JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

Enclosures

Receipt No. 4 9890 is enclosed for transfer of Location Notice No. 398-3.



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 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. 1918-2 and Location Notice Nos. 389-2 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

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. LN 389-2

Date: 9/01/03

I/We request that Location Notice No. 389-2

formerly owned by: Richard Porter

be transferred to: (name & address) Rory or Wanda Brown

HC 59 Box 8

Edgemont, SD 57735

Telephone No. 605 662-7868

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

59 acres – NE ¼ SW ¼, N ½ SE ¼ and SE ¼ NE ¼ Section 20; W ½ SW ¼ Section 21, T9S, R2E

I/We understand that the validity of Location Notice No. 389-2 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, 20 03

RECEIVED OF Richard Porter, PO 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 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 389-2</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. 000873

By Darlene Erbe
Chief Engineer *gm*



LN389-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
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

c: Richard Porter w/receipts for filing fees

Dick Porter

TGS, RZE

Approximate
Scale: 1" = 660'

← Z —

Map Prepared By:
 Edwin A. Ruz, P.E.
 Hydrologist
 Division of Water
 Rights

Road

NE & SE
31 acres

~~NW 4 SW 4~~
8 acres

5w4sw4
Zacres

NE 4 SW 4
14 acres

NW 4 SE 4
10000

A hand-drawn map of the study area. It shows a river labeled 'Creek' and a road labeled 'Cottonwood Creek'. A red dot marks the 'Study Site'.

Location Notice No. 389-2.