

LOCATION NOTICE

Butte Creek
44-3462-2

6' deep

RECEIVED

7/26/51

STATE OF SOUTH DAKOTA
DEPT. OF STATE ENGINEERS

1951

NOTICE TO LOCATE

That I, John A. Smith, of the County of Butte, State of South Dakota, do hereby certify that the above described land, being in possession of the land owner, by the above all farm serial number, of which the land upon which the water described below are to be constructed is a part, in Butte County, South Dakota, and that John A. Smith is the owner of the right granted John A. Smith under the provisions of Act No. 10,000, Chapter 10, Laws of 1907, and under the provisions of the right of construction and dam across a dry stream situated in the Butte County, South Dakota, 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 for live stock purposes, and claims the right to convey water for the purpose of conveying water for said purposes.

Said location notice for the above purpose 12.0 feet of water of said.

The location of the point of diversion of the stream is as follows:

From the BY current of Sec. 1, Twp. 1, Range 9, 2400 feet East and 75 feet South to the point of diversion.

The stream will run in a direction of and at least feet of feet.

Said location was made on the	<u>23rd</u>	day of	<u>July</u>	19 <u>51</u>
Witness my hand and seal this	<u>23rd</u>	day of	<u>July</u>	19 <u>51</u>

Locate

Hereby is declared and attested to in the State Engineer's Office as shown by the proper signature of the State Engineer, July 26, 1951.

STATE OF SOUTH DAKOTA

County of Butte

In the 24th day of July, 1951, before me Glenn G. Smith, a Notary Public in and for the County and State aforesaid, personally appeared John A. Smith to me personally known to be the person who executed the foregoing instrument and acknowledged that he executed the same for the use and purposes therein set forth.

Witness my hand and official seal on my and date above written.

Glenn G. Smith
Notary Public

My commission expires 5/5/53

Location Notice No. 3962-2
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. 3962-2, bearing the priority of July 26, 1951 authorizing to regulate 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 NE1/4 of the NE1/4 Sec. 3-T38-R9E; 980 ft. south and 1240 ft east of the SW Corner of Sec.3-T38-R9E. The works are not capable of diverting and conveying water. The storage capacity of the dam is approximately 5.5 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 5.5 acre-feet of storage as a stock water domestic use location notice filing bearing the priority of June 26, 1951.

Date Report Completed: December 8, 1995

Del Ron Peters /ks

DelRon Peters
Natural Resources Engineer
DENR, Water Rights Program

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
WATER RIGHTS PROGRAM

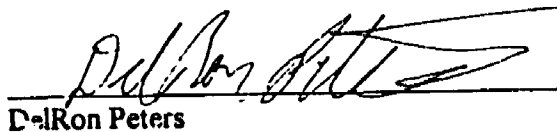
July 24, 1996

Subject: Change in use of a irrigation diversion dam for Location Notice No. 3962-2, Irvin Evans.

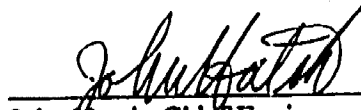
An inspection of Location Notice No. 3962-2 found that the cancellation of the irrigation portion of location notice and retaining the stockwater portion for stockwater only does not impair other water rights or domestic use. SDCL 46-5-31.1 provides that a diversion dam may be utilized for stock watering 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. 3962-2 has a priority date of July 26, 1951 and is located in the NE 1/4 NW 1/4 Section 3 T3S-R9E.

No adverse effects or interference with existing water rights are expected. The change in use of the dam covered by Location Notice No. 3962-2 with a July 26, 1951 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
HIC 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 provided 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. 3962-2

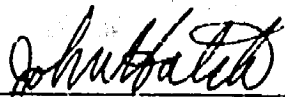
(1) Irvin Evans, HC 89 Box 255, Hermosa SD 57744 located and filed Location Notice No. 3962-2, July 26, 1951 for a right to store 12.0 acre feet of water from an unnamed dry draw, Custer County, South Dakota, for irrigation and livestock purposes. Location Notice No. 3962-2 with a priority date of July 26, 1951 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.

An investigation of Location No. 3962-2 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 5.5 acre feet of water for beneficial use. The location of the diversion point is 980 feet south and 1,240 feet east of the southwest corner of Section 3-T3S-R9E (NE 1/4 NW 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. 3962-2 is issued a license to appropriate water, the right to store 5.5 acre feet of water from an unnamed dry draw with a priority date of July 26, 1951 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. 3962-2 and subject to South Dakota State Law.



NOV 4 1996

date



JOHN HATCH, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

2460
10 West
line

980'S

377-141R

3

35-9E

377-141R

LN 3962-2

LN 3962-2

LN 3962-2

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>L3962-2</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 Engineer
ERG

PAID

JUL 10 2020

Ck# 371

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. LN 3962-2
Date: 7/6/2020

I/We request that Water Right/Permit No. LN 3962-2 formerly owned by:
IRVIN M EVANS be transferred to:

New Owner Name: IRVIN M + Geraldine L EVANS REVOCABLE TRUST
Address: 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 cell)

transferred from individual ownership to Trust.

☒ I understand that the validity of Water Right/Permit No. LN 3962-2 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.

2009-07

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, with the first name "Genny" being more prominent.

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

enclosures