

LOCATION NOTICE

37

KNOW ALL MEN BY THESE PRESENTS:

THAT Anna W. Petas whose post office is Edgemoor, South Dakota, a citizen of the United States, above the age of 21 years, being in possession of the following described land, to-wit: N 2 1/2 section 14 of Range 3 Township 10 N Range 3 E East B. H. M., Butte County, South Dakota. Said land comprising Desert Entry No. 1000 Land District, availing herself of the right granted her under the provisions of Section 31 of Chapter 197 of the Session Laws of South Dakota of 1907, has located and claims the right to construct a certain dam across a draw situated in the N 2 1/2 section 14 of the 10 N Township 10 N Range 3 E East B. H. M. 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 nr above described, and claims the right of way across any land for the purpose of conveying said waters for irrigation purpose.

Said locator claims, or the above purpose three cubic feet of water per second during the following described annual periods at any and all times during the year inclusive each year.

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

From the land

The ditch will run in a direction to and on said land for a distance of feet.

Said location was made on this 1st day of August 1910.

Witness my hand and seal this 10th day of August 1910.

Anna W. Petas

Locator.

State of South Dakota,

County of Butte

On the 10th day of August 1910, before me

Harry E. Clark, a notary public in and for the County and State aforesaid, personally appeared Anna W. Petas 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.

Harry E. Clark

Notary Public.

Pierre, South Dakota, April 6th 1912

This is to certify that the foregoing location notice was received at this office at 9 o'clock a.m., upon the 6th day of April 1912, and after examination it was filed for

recd

Samuel H. Lee

State Engineer.

State of South Dakota

LOCATION NOTICE Water License No. 444-2

(1) Anna A Petro
of Eganmont, SD located and filed Location Notice No. 444-2
made Application No. 444-2, August 1, 1910 for a ^{right} ~~water~~ permit to appropriate
3.0 cubic feet per second of water from Plains Creek
Fall River County, South Dakota for Irrigation purposes.
Location Notice 444-2, with a priority date of August 1, 1910
Permit No. 444-2, located and filed the and issued to applicant(s) for diversion of water with construction of the described
water supply system The system was and water placed and for the application to beneficial use of said
water on or before

Mrs. Anna A Petro originally located and filed Location Notice No. 444-2. September 16, 1985, Location Notice No. 444-2 was transferred to Alta Wheeler.

The applicable portions of Location Notice No. 18-2 and Water Right Filing No. 0577-2 have been incorporated into this Location Notice Water License No. 444-2. Location Notice No. 18-2 and Water Right Filing No. 0577-2 are identical. An October 5, 1905 priority date will be retained for diversion of 2.4 cfs (Notice No. 18-2 and Filing No. 0577-2) and an August 1, 1910 priority date is retained for 3.0 cfs (Notice No. 444-2).

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 5.40 cubic feet per second of water for beneficial use. The location of the diversion point is 542°W 3100 feet, S20°W 1800 feet, all from the NE corner of Section 23, T11

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 T10S, R3E:

<u>Priority date - October 5, 1905</u>	<u>Priority date - August 1, 1910</u>
<u>Section 23 NW$\frac{1}{4}$ NE$\frac{1}{4}$ 30 acres</u>	<u>Section 23 SE$\frac{1}{4}$ SE$\frac{1}{4}$ 40 acres</u>
<u>NE$\frac{1}{4}$ NE$\frac{1}{4}$ 6 "</u>	<u>Section 24 NW$\frac{1}{4}$ SW$\frac{1}{4}$ 29 "</u>
<u>SW$\frac{1}{4}$ NE$\frac{1}{4}$ 36 "</u>	<u>NE$\frac{1}{4}$ SW$\frac{1}{4}$ 3 "</u>
<u>SE$\frac{1}{4}$ NE$\frac{1}{4}$ 31 "</u>	<u>SW$\frac{1}{4}$ SW$\frac{1}{4}$ 40 "</u>
<u>NW$\frac{1}{4}$ SE$\frac{1}{4}$ 28 "</u>	<u>SE$\frac{1}{4}$ SW$\frac{1}{4}$ 21 "</u>
<u>NE$\frac{1}{4}$ SE$\frac{1}{4}$ 40 "</u>	<u>Section 25 NW$\frac{1}{4}$ NW$\frac{1}{4}$ 37 "</u>
	<u>NE$\frac{1}{4}$ NW$\frac{1}{4}$ 40 "</u>
	<u>TOTAL acres 381</u>

(4) Pursuant to §16-5-30.1 Alta Wheeler

of 14 Crook, Custer, South Dakota 57730

Location Notice
the holder(s) and/or owner(s) of Water Permit No. 444-2 is issued a license to appropriate water, the right to use 5.4 cubic feet per second of water from Plains Creek with a priority date of 2.4 cfs from October 5, 1905 and 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. 444-2 and subject to South Dakota State Law.

John Hatch
Chief Engineer, Water Rights Division
Department of Water and Natural Resources
DEC 20 1985



NO. LH 444-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 9-12-85

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

NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, T10S, R3E; S $\frac{1}{4}$ of Section 24, T10S, R3E;
and N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 25, T10S, R3E.

formerly owned by Anna A. Petro and Charles H. Petro

has been transferred to Alta Wheeler, 14 Crook, Custer, South Dakota 57730

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. LH 444-2 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 Custer } ss.

I, Alta M. Wheeler 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.

x Alta M. Wheeler
(Signed)

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

[Signature]
(Notary Public)

Permit No. LN 222-2Incorporating LN 18-2 and
Water Right Filing 0577-2

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 AltaWheeler of 14 Crook, Custer, SD 57730 holder ofPermit No. LN 222-2, LN 18-2 & 0577-2, bearing the priority of Aug. 1, 1910 & Oct. 5, 1905 authorizingthe diversion of 12 cu. ft. per second of the waters of Plains Creekfor 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: Dikes constructed across the channel of
Plains Creek and an adjoining tributary.B. Works used to transport water to place of use: DitchesC. Works used to apply water to beneficial use: spreader dikes and ditchesThe system is in the following condition FairThe point of diversion is located S42°W 3100 feet, S20°W 1800 feet, S03°E
2700 feet all from the NE corner of section 23, T10S, R3E

The works are capable of diverting and conveying to the place of use _____

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: _____

(See attached sheet)comprising a total of 381 acres of land and the license should be issued for 2.6 cfs -- Oct. 5, 1905
3.0 cfs -- Aug. 1, 1910Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: _____

Date May 23, 1985William D. Brey, P.E.
Hydrologist

LN 444-2.

Irrigated Acres.

Priority date Oct 5, 1905:

NW ² NE ²	Section 23, T10S, R3E	- 30 acres
NE ² NE ²	" " "	- 6
SW ² NE ²	" " "	- 36
SE ² NE ²	" " "	- 31
NW ² SE ²	" " "	- 28
NE ² SE ²	" " "	- 40

Priority date August 1, 1910:

SE ² SE ²	Section 23, T10S, R3E	- 40
NW ² SW ²	Section 24, T10S, R3E	- 29
NE ² SW ²	" " "	- 3
SW ² SW ²	" " "	- 40
SE ² SW ²	" " "	- 21
NW ² NW ²	Section 25, T10S, R3E	- 37
NE ² NW ²	" " "	- 40

RECEIPT

Division of Water Rights

No 410176

South Dakota Department of Water and Natural Resources

Pierre, September 16, 1925

RECEIVED OF (Alta Wheeler) Martinson Ranch, Harrison NE 69346

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 for Location Notice No. 6542	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

(S)

Location Not. No. 444-2

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

DEC 20 1985

Alta Wheeler
14 Crook
Custer SD 57730

Dear Ms. Wheeler: Location Notice

Enclosed herewith is, Water License No. 444-2. 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
JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

Enclosures

WNR-817 3/83
Transmittal of Water License

I, Charles H. Petro, a resident of Fall River County, State of South Dakota, hereby claim and appropriate the water of Plains Creek to the extent of Nine (9) cubic feet of water per second of time for storage in a reservoir (see accompanying map) for irrigation and domestic purposes. The said reservoir is situated in the channel of Plains Creek (see map) in the east-half of the North-east quarter (W 2 N.E.4) of Section Twenty-three (23) Town (10) South Range three (3), east Black Hills Meridian, and is filled from the water and tributaries of Plains Creek.

Area Twenty-three and 85/100 (23.85) Acres.

The point of diversion of water from the reservoir is N 31° 12' W. 2040 feet from the quarter corner ($\frac{1}{4}$) common to sections Twenty-three (23) and Twenty-four (24) in town ten (10) South Range three (3) east Black Hills Meridian, and in the Southwest quarter of the Northeast quarter (S.W. 4 N.E. 4) of Section (23) twenty three town and range above, by box outlet 12 by 32 inches and ditches (see map) also outlet boxes 8x10 inches as shown on map. A copy of this notice duly posted at the point of diversion.

signed

1-2

18-2

WATER RIGHT NOTICE.

Charles H. Petro

To
The Public.

I, Charles H. Petro, a resident of Fall River County, State of South Dakota, hereby claim and appropriate the water of Plains Creek to the extent of Nine (9) cubic feet of water per second of time for storage in a reservoir (see accompanying map), for irrigation and domestic purposes.

The said reservoir is situated in the channel of Plains Creek (see map), in the West half of the Northeast quarter (NW¹/₄) of Section Twenty-three (23) Town Ten (10) South, Range Three (3) East, Black Hills Meridian, and is filled from the waters and tributaries of Plains Creek.

Area	Twenty-three and 85/100 (23.85) acres.
Capacity	Seventy-one (71) Area feet.
Maximum depth	Seven (7) feet
Average mean "	Three (3) "

The point of diversion of water from the reservoir is N. 81° 12' W. 2040 feet from the quarter corner (1/4) common to Sections Twenty-three (23) and Twenty-four (24) in Town Ten (10) South, Range Three (3) East, Black Hills Meridian, and in the Southwest quarter of the Northeast quarter (SW¹/₄ NE¹/₄) of Section Twenty-three (23), Town and Range above by box outlet 12 x 32 inches, and ditches, (see map) also outlet boxes 8 x 10 inches as shown on map.

A copy of this notice duly posted at the points of diversion. Dated Oct. 5th, 1905.

Signed Charles H. Petro,
Claimant.

Pierre, So. Dak., April 7th, 1907.

This is to certify that the foregoing location notice was received at this office at 9 o'clock A.M., upon the 21st day of March, 1907, and after examination it was filed for record.
(signed) Samuel H. Lea,
State Engineer.

Pierre, South Dakota, April 7th 1907.

This is to certify that the foregoing location notice was received at this office at 9 o'clock A. M., upon the 21st day of March 1907, and after examination it was filed for record.

Samuel H. Lea
State Engineer.

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

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

March 23, 1990

LN46-2
LN444-2

NOTICE

TO: Alta Wheeler
14 CROOK
CUSTER, SD, 57730

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 Location Notice Nos. 444-2 and 46-2 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).

LN 444-2

SOUTH DAKOTA

VESTED LOCATION NOTICE NO. 444-2 FOR IRRIGATION

Date of Claim October 5, 1905 and August 1, 1910.

Date of Validation May 6, 1992.

The Water Management Board validated Vested Water Right Claim No. 444-2 for irrigation purposes for Alta Wheeler, 14 Crook, Custer SD 57730 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 444-2 appropriates 5.4 cubic feet of water per second (cfs) from Plains Creek located in the SW 1/4 NE 1/4, SE 1/4 NE 1/4 Section 23, NW 1/4 SW 1/4 Section 24; all in T10S-R3E to irrigate 381 acres. The location of the land irrigated is the NE 1/4, N 1/2 SE 1/4, SE 1/4 SE 1/4 Section 23, SW 1/4 Section 24, N 1/2 NW 1/4 Section 25; all in T10S-R3E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: January 1 - December 31.
3. The priority dates of the Vested Water Right are:
2.4 cfs - October 5, 1905
3.0 cfs - August 1, 1910
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

The applicable portions of Location Notice No. 18-2 and Water Right Filing No. 0577-2 have been incorporated into Vested Location Notice No. 444-2 and the abandoned portions cancelled.

WATER MANAGEMENT BOARD

By: _____

John H. H. H.
Chief Engineer

JUL 2 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources



LN 444-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 2 1992

Alta Wheeler
14 Crook
Custer SD 57730

Dear Ms. Wheeler:

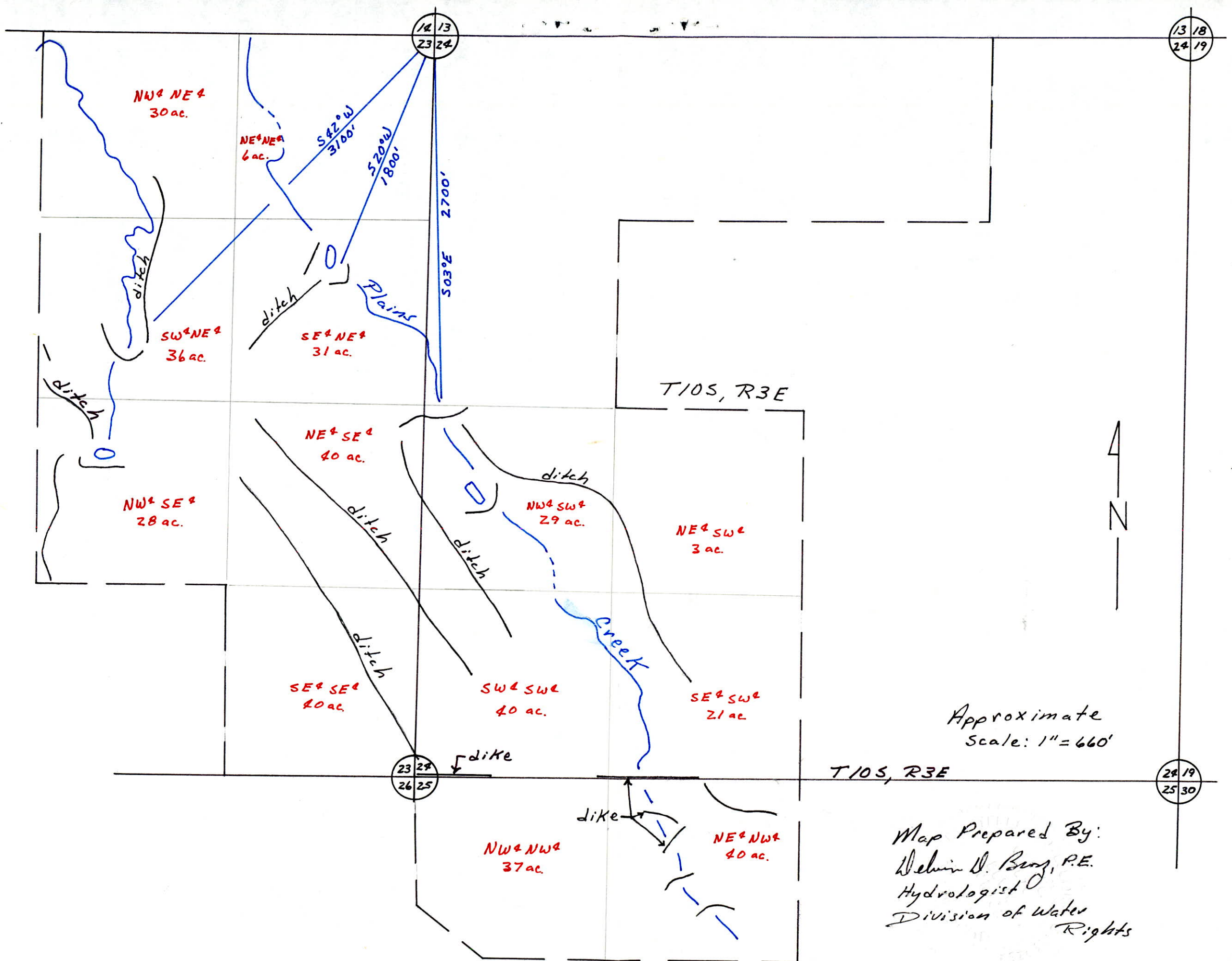
The Water Management Board has validated the enclosed Vested Location Notice No. 444-2. This validation gives legal status to the claim and is the final document for your vested right.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosure



Map Prepared By:
Wesley D. Berg, P.E.
Hydrologist
Division of Water Rights