

46-2

KNOW ALL MEN BY THESE PRESENTS:

THAT David Kellerman 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 24 52 27 N 13 E section 36 township 36 N range 13 E B. H. M. in Hall 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 160 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 SW 1/4 section 36 township 36 N range 13 E 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 three cubic feet of water per second during the following described annual periods when needed upon the land inclusive, each year.

Said location was made on the 8th day of July 1918.

Witness my hand and seal this 8th day of July 1918.

David Kellerman
Locator.

STATE OF SOUTH DAKOTA }
COUNTY OF Hall } ss

On the 8th day of July 1918, before me

William S. Bitterbough, a Notary Public in and for the County and State aforesaid, personally appeared David Kellerman 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.

William S. Bitterbough
Notary Public.

Pierre, South Dakota, August 20th 1918

This is to certify that the foregoing location notice was received at this office at 9 o'clock P. M., upon the 20th day of August 1918, and after examination it was filed for record

Samuel K. Lee
State Engineer.

State of South Dakota

LOCATION NOTICE Water License No. 46-2

(1) Fred Kellermann

of Edgemont SD located and filed Location Notice No. 46-2

made Application No. July 8, 1908 for a right water permit to appropriate

3.0 cubic feet per second of water from a dry draw

Fall River County, South Dakota for irrigation purposes.

Location Notice Permit No. 46-2, with a priority date of July 8, 1908

located and was approved and issued to applicant(s) for diversion of water with construction of the described

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

Fred Kellermann originally located and filed Location Notice No. 46-2.

September 16, 1985, Location Notice No. 46-2 was transferred to

Alta Wheeler.

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 0.5 cubic feet per second of water

for beneficial use. The location of the diversion point(s) is S33°W 980 feet from the N 1/4 corner

of Section 14, T10S, R3E (BA)

DATE MICROFILMED

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

Section 14 NW 1/4 NW 1/4	5	acres
SE 1/4 NW 1/4	7	"
NW 1/4 NE 1/4	10	"
SW 3/4 NE 1/4	15	"
37 acres		

(4) Pursuant to §16-5-30.1 Alta Wheeler
of 14 Crook, Center SD 57730
Location Notice
the holder(s) and/or owner(s) of Water Permit No. 46-2 is issued a license to appropriate water, the right to use
0.5 cubic feet per second of water from a dry draw with a priority date
of July 3, 1908 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 Water Permit No. 46-2 and subject
to South Dakota State Law.

John W. G. [Signature]
Chief Engineer, Water Rights Division
Department of Water and Natural Resources
DEC 20 1985

Permit No. LN 46-2

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 Alta
Wheeler of 14 CROOK, CUSTER, SD 57730 holder of
Permit No. LN 46-2, bearing the priority of July 8 1908 authorizing
the diversion of 3 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: Small ditch across the channel of the dry draw just below a stock dam. Ditch diverts overflow from the stock dam
- B. Works used to transport water to place of use: a small diversion ditch. Water runs over and out of the end.
- C. Works used to apply water to beneficial use: flood irrigation - water spreading

The system is in the following condition Fair

The point of diversion is located S33°W 980 feet from the north 1/4 corner of section 14, 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:

<u>NE & NW</u>	<u>Sec. 14, T10S, R3E</u>	<u>- 5 ac.</u>
<u>SE & NW</u>	<u>" " "</u>	<u>- 7</u>
<u>NW & NE</u>	<u>" " "</u>	<u>- 10</u>
<u>SW & NE</u>	<u>" " "</u>	<u>- 15</u>

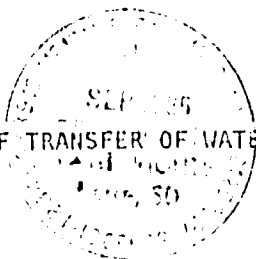
comprising a total of 37 acres of land and the license should be issued for 0.5 ds

Applicable permit qualifications have been complied with Yes No

Exceptions to compliance are: _____ Date May 23, 1915

Herwin H. Brown, P.E.
Hydrologist

NO. LN 46-2



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:

E $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 14, T10S, R3E

formerly owned by Fred Kellermann

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. LN 46-2 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 Cent' (\$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, _____ 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.

Alta M. Wheeler
(Signed)

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

[Signature]
(Notary Public)

RECEIPT

Division of Water Rights

No 416177

South Dakota Department of Water and Natural Resources

Pierre, September 16, 1925

RECEIVED OF (Alta Wheeler) Hartinson 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. _____	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 KS

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. 46-2. 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

cc: Martinson Ranch

NOTE: The receipt in the amount \$2.50 sent to Martinson Ranch for the transfer of this location notice.

WNR-817 3/83
Transmittal of Water License

WATER RIGHTS DIVISION
(605) 773-3352

August 27, 1985

Larry Martinson
Box 444
Harrison, Nebraska 69346

Dear Mr. Martinson:

Enclosed are two Notice of Transfer of Water Permit Forms. These are for the water spreading projects on your mother's (Alta Wheeler) land in Fall River County. Mrs. Wheeler should date and sign these forms in the presence of a notary. The forms should be returned to our office with filing fees of \$5.00 (\$2.50 each). Water licenses will then be issued for the projects.

I have also enclosed copies of the maps and the original location notices for your files. Please check the maps and let me know if you disagree with anything on the maps.

South Dakota law requires that water spreading projects have a water right. Please let us know if you ever plan to construct other diversion dikes and/or ditches.

If I can answer any questions, please contact me.

Sincerely,

Delvin D. Brosz, P.E.
Hydrologist

DDB:MS
Enc.

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

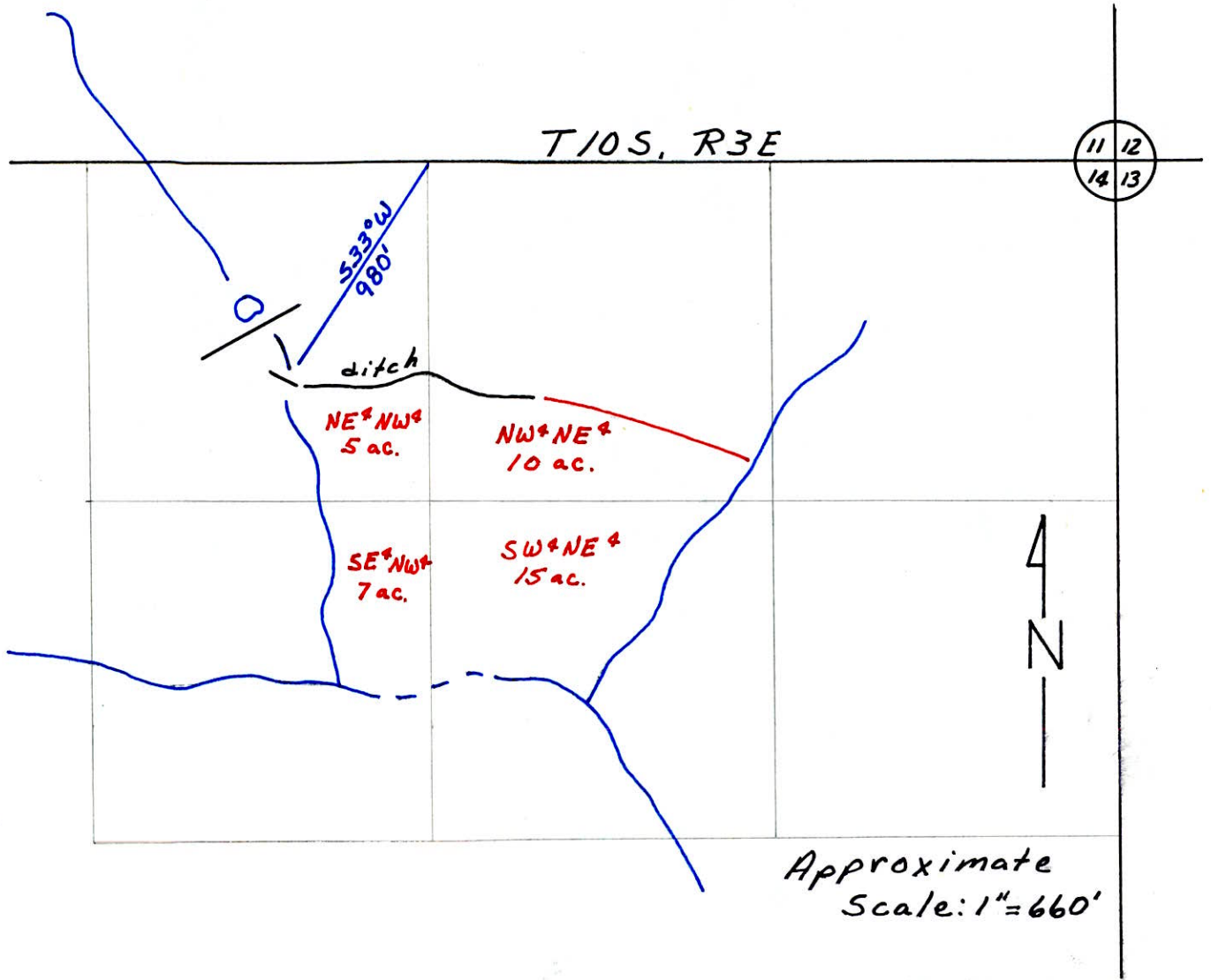
FROM: *for Delwin W. Brosz*
JOHN HATCH, CHIEF ENGINEER
Water Rights Division
(605)773-3352

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.

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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).



Map Prepared By:
 Melvin J. Broz, P.E.
 Hydrologist
 Division of Water Rights

Location Notice 46-2

