

# LOCATION NOTICE

State Publishing Co., Pierre, S. D.

11-5282

KNOW ALL MEN BY THESE PRESENTS:

THAT Preston K. Ellis and Emma Ellis 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: Sec 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 section  
104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120 township  
in Fall River County, South Dakota. Said lands comprising Desert Entry No. \_\_\_\_\_  
Land 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 NW 1-1 of the Sec 34 1-4 section 35, 36  
township 95 range 1 E 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 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 follow-  
ing described annual periods whenever available inclusive each year.

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

From the SE 1/4 Sec 34 of Sec 34 T 95 R 1 E the headgate  
bearing N 44° 25' W 1945 ft distant

The ditch will run in a eastly & northerly direction to and on said  
land for a distance of 11000 feet.

Said location was made on the 10 day of April 1914

Witness my hand and seal this 15 day of April 1914

Preston K. Ellis and Emma Ellis  
Locator

State of South Dakota,  
County of Fall River ss.

On the 15 day of April 1914 before me Howard H.  
Thompson, a notary public in and for the County and State aforesaid, personally  
appeared Preston K. Ellis and Emma Ellis 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.

Howard H. Thompson  
Notary Public.

Pierre, South Dakota, May 22 1914

This is to certify that the foregoing location notice was received at this office at 1 o'clock PM,  
upon the 21 day of May 1914, and after examination it was filed  
Record

State of South Dakota

LOCATION NOTICE Water License No. 528-2

(1) Tom and Peggy Porter  
of Box 2, Edgmont, South Dakota 57735 located and filed Location Notice No. 528-2  
made Application No. April 10, 1914 for a water permit to appropriate  
25.0 cubic feet per second of water from Coffee Creek  
Fall River County, South Dakota for Irrigation purposes.  
Location Notice Permit No. 528-2, with a priority date of April 10, 1914  
located and filed by the and applicant(s) for diversion of water with construction of the described  
The system was  
water supply system to be completed on or before and the water placed in for the application to beneficial use of said  
water on or before

Proctor and Emma Ellis originally located and filed Location Notice No. 528-2  
January 2, 1985, Location Notice No. 528-2 was transferred to Tom and Penny 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 1.5 cubic feet per second of water  
for beneficial use. The location of the diversion point(s) is N50°E 1900' from the SW Corner of  
Section 35, T9S, R1E.

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:

T 9S, R1E, Section 35 T10S, R1E, Section 1 NW1NW1 18 Acres (BB)

NE1SW1 6 Acres (CA)

NE1NW1 2 Acres (BA)

SE1SW1 6 Acres (CD)

SW1NW1 2 Acres (BC)

SW1SE1 26 Acres (DC)

TOTAL 136 ACRES

SE1SE1 11 Acres (DD)

Section 36

SW1SW1 2 Acres (CC)

SE1SW1 16 Acres (CD)

SW1SE1 15 Acres (DC)

SE1SE1 23 Acres (DD)

T 10S, R1E, Section 2

NW1NE1 1 Acre (AB)

NE1NE1 8 Acres (AA)

(4) Pursuant to §46-5-30.1 Tom and Peggy Porter  
of Box Z, Edgemont, South Dakota 57735

Location Notice  
the holder(s) and/or owner(s) of Water Permit No. 528-2 is issued a license to appropriate water, the right to use  
1.9 cubic feet per second of water from Coffee Creek with a priority date  
of April 10, 1914 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. 528-2 and subject  
to South Dakota State Law.

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

JOHN HATCH

January 18, 1985

Permit No. LN528-2Upper 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 Tom  
Porter of Edgemont, S.D. holder of  
 Permit No. LN528-2, bearing the priority of April 10 1914, authorizing  
 the diversion of 25 cu. ft. per second of the waters of Coffee 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: Storage dam with 8" CMP outlet. (see attached sheet). Planning to install 15" gated outlet.

B. Works used to transport water to place of use:  
open canal to the edge of the fields

C. Works used to apply water to beneficial use: Water flows thru cuts in the canal and floods the fields. Planning to install gated pipe outlets

The system is in the following condition Poor

The point of diversion is located N 50° E 1900' from SW corner of  
Section 35, T9S, R1E

The works are capable of diverting and conveying to the place of use 2cu. 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: NE<sup>1</sup>SW<sup>1</sup> - 6 ac., SE<sup>1</sup>SW<sup>1</sup> - 6 ac.,  
SW<sup>1</sup>SE<sup>1</sup> - 26 ac., & SE<sup>1</sup>SE<sup>1</sup> - 11 ac. all in SEC. 35, T9S, R1E. SW<sup>1</sup>SW<sup>1</sup> - 2 ac.,  
SE<sup>1</sup>SW<sup>1</sup> - 16 ac., SW<sup>1</sup>SE<sup>1</sup> - 15 ac., and SE<sup>1</sup>SE<sup>1</sup> - 23 ac. all in SEC. 36, T9S, R1E.  
NN<sup>1</sup>NE<sup>1</sup> - 1 ac., and N<sup>1</sup>E<sup>1</sup>NE<sup>1</sup> - 8 ac. all in Section 2, T80S, R1E. NW<sup>1</sup>N<sup>1</sup> - 18 ac.,  
NE<sup>1</sup>NW<sup>1</sup> - 2 ac. and SW<sup>1</sup>NW<sup>1</sup> - 2 ac. all in Section 1, T10S, R1E.

comprising a total of 136 acres of land and the license should be issued for 1.9 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: \_\_\_\_\_ Date Sept. 19, 1984

Devin D. Bury, P.E.  
 (signature) Hydrologist

LICENSE FOR PERMIT NUMBER LN528-2

1. Legal location of wells: \_\_\_\_\_

dams & structures: SW 1/4 Section 35, T9S, R1E

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:  
a) height to crest 30'  
b) height to spillway 25'  
c) crest width 20'  
d) crest length 1100'  
e) spillway length -  
f) spillway width 100'  
g) approx. storage \_\_\_\_\_  
h) Distribution lines or canals:  
1) size -  
2) type open canal  
3) length 11000'

i) Outlet tubes:  
1) diameter 8"  
2) type CMP  
3) valued (Y/N) Y  
4) valve type -  
5) location on structure  
500' from S end  
Plans to install 15" gated

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 sprinklers  
\_\_\_\_\_  
3) spacing of sprinklers \_\_\_\_\_  
4) nozzle size \_\_\_\_\_

Water Rights Division  
605 773-3352

October 24, 1984

Location Notice  
No. 528-2

Tom & Peggy Porter  
Box 2  
Edgemont SD 57735

Dear Mr. & Mrs. Porter:

Enclosed is a copy of a Notice of Transfer of Location Notice form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. South Dakota Water Law 46-5-30.3 required Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

KAREN SCHLAAK  
Administrative Aide

enci.

P.S. A map of the area is also enclosed.

LOCATION NOTICE  
NOTICE OF TRANSFER OF ~~WATER PERMIT~~

TO: Water Rights  
Foss Building  
Pierre, SD 57501

Date: Dec. 15, 1984

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

SW $\frac{1}{4}$  & S $\frac{1}{2}$  SE $\frac{1}{4}$  Section 35 and S $\frac{1}{2}$  SW $\frac{1}{4}$  & S $\frac{1}{2}$  SE $\frac{1}{4}$  Section 36, T9S, R1E and the

following leased from the USA NE $\frac{1}{4}$  Section 2 & NW $\frac{1}{4}$  Section 1, T10S, R1E

formerly owned by Preston L and Emma Ellis

has been transferred to Tom & Peggy Porter, Box Z, 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 Right Permit~~ No. 528-2 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 Butte ) ss.

I, Edgar M. Erickson 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.

Tom Porter  
(Signed)

Subscribed and sworn to before me this 17<sup>th</sup> Day of December, 1984.

Edgar M. Erickson  
(Notary Public)



WNR-820-9/83

Notice of Transfer of Water Permit

# RECEIPT

Division of Water Rights

No 4 9877

South Dakota Department of Water and Natural Resources

Pierre,

January 2, 1985

Tom Porter, Box Z, Edgemont, SD 57724

RECEIVED OF

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 <del>WDR</del> LN #528-2                                                                  | 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  
523 East Capitol  
Pierre, South Dakota 57501

WATER RIGHTS DIVISION  
Phone (605) 773-3352

January 21, 1985

Tom & Peggy Porter  
Box Z  
Edgemont, South Dakota 57735

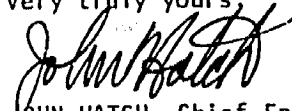
Dear Mr. & Mrs. Porter:

**Location Notice**

Enclosed herewith is, <sup>^</sup>Water License No. 528-2. 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, Chief Engineer  
Water Rights Division

JH:ms

Enclosures

Receipt No. 4 9877 for transfer of LN528-2 is enclosed.

WNR-817 3/83  
Transmittal of Water License

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

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

March 23, 1990

LN528-2

**NOTICE**

TO: Tom/Peggy Porter  
BOX 2  
EDGEMONT, SD 57735

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

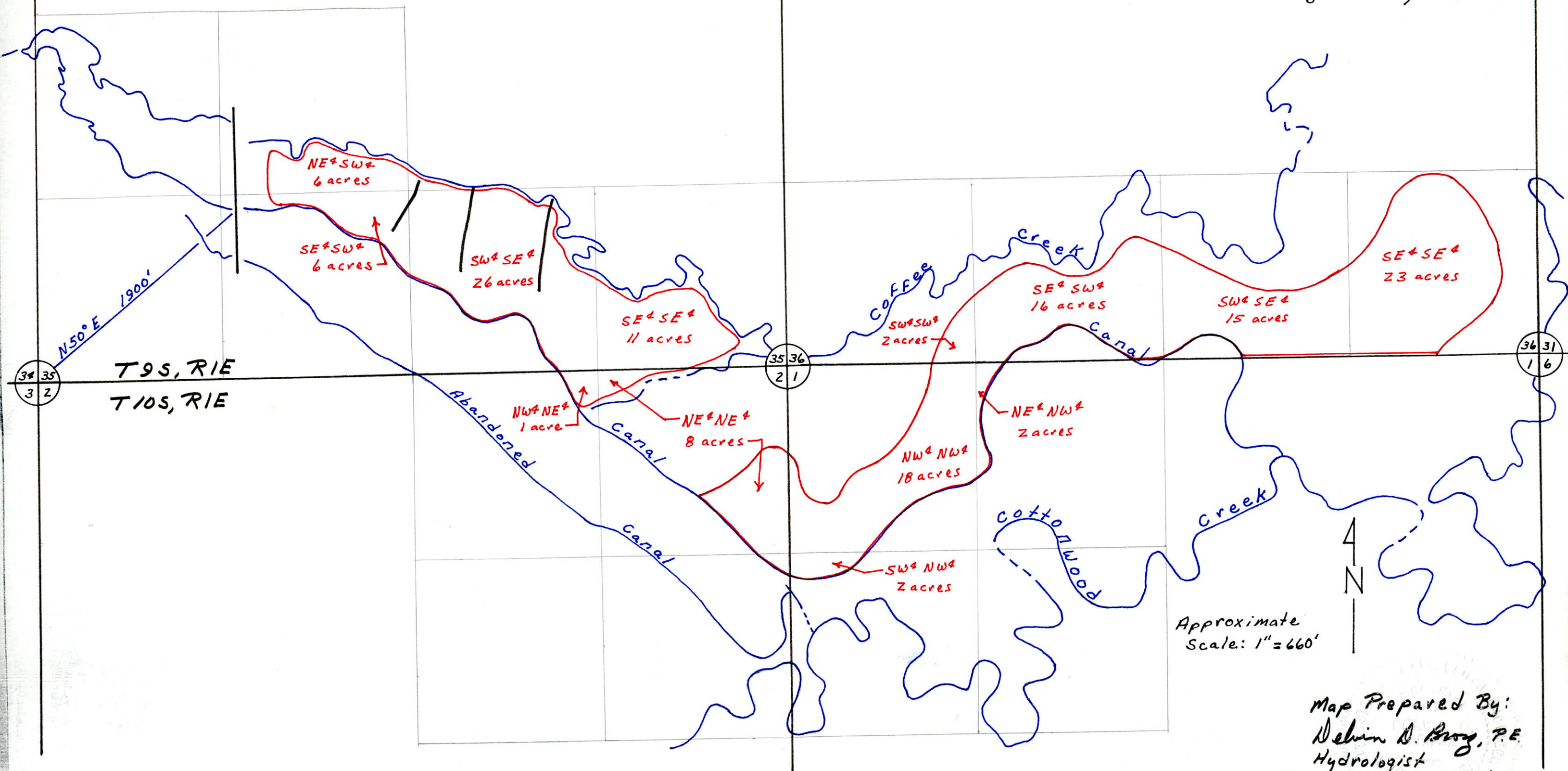
SUBJECT: Low Water Levels in Angostura Reservoir

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. LN528-2 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).

Tom Porter  
Edgemont, S.D.



Approximate  
Scale: 1" = 660'

Map Prepared By:  
Nelson D. Brog, P.E.  
Hydrologist  
Division of Water  
Rights

LN 528-2