

LOCATION NOTICE

55-2

KNOW ALL MEN BY THESE PRESENTS:

THAT Charles Heppner whose post office is Danison, 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 of NE 1/4 SE 1/4 section three township two south range three east B. H. M. in Fall River 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 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 SE 1/4 section three township two south range three 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 three cubic feet of water per second during the following described annual periods when needed on the land inclusive, each year.

Said location was made on the 8th day of August 1915

Witness my hand and seal this 15th day of August 1915

Charles Heppner Locator.

STATE OF SOUTH DAKOTA } ss
COUNTY OF Fall River

On the 15th day of August 1915, before me William S. Bullington Notary Public in and for the County and State aforesaid, personally appeared Charles Heppner 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. Bullington
Notary Public.

Pierre, South Dakota, October 2nd 1915

This is to certify that the foregoing location notice was received at this office at 9 o'clock a M., upon the 2nd day of October 1915, and after examination it was filed for record

DATE MICROFILMED

State of South Dakota

LOCATION NOTICE Water License No. 55-2

(i) Charles Heppner
of Lamson, South Dakota located and filed Location Notice No. 55-2
made Application No. August 8, 1908 for a right to appropriate
4.0 cubic feet per second of water from a dry draw
Fall River County, South Dakota for irrigation purposes.
Location Notice 55-2, with a priority date of August 8, 1908
Permit No. 55-2, the
was approved, located & filed by/ 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 for the applicant(s) to beneficial use of said
water on or before

Charles Heppner originally located and filed Location Notice 55-2. November 27, 1905,
Location Notice No. 55-2 was transferred to A & Y Cattle Co., Tom Landers, President,
Hot Springs, South Dakota.

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 0.31 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is N 30°W 1050 feet from the SE Corner of
Section 5, T10S, R5E (D9)

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 lands all in T10S, T5E

Section 5	SW $\frac{1}{4}$ SW $\frac{1}{4}$	4
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	10
Section 8	NW $\frac{1}{4}$ NW $\frac{1}{4}$	1
	E $\frac{1}{2}$ NW $\frac{1}{2}$	7
	TOTAL	22 ACRES

(4) Pursuant to §46-5-20.1 A & T Cattle Company
of Star Route, Hot Springs, SD 57747
the holder(s) and/or owner(s) of Location Notice Water Permit No. 55-2 is issued a license to appropriate water, the right to use
0.31 cubic feet per second of water from a dry draw with a priority date
of August 8, 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 Location Notice Water Permit No. 55-2 and subject
to South Dakota State Law.

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

DEC 20 1985

JOHN HATCH

Permit No. LN 55-2

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 AFT Cattle Co.
- Tom Landers of Star Rt., Hot Springs, SD 57742 holder of
 Permit No. LN 55-2, bearing the priority of August 8 1908 authorizing
 the diversion of 4 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 Storage dam: 18' high, 10' top, 400' long, 3' freeboard, 2:1 & 3:1 side slopes, 12" gated comp outlet at the bottom. Water is released into natural stream channel. Dam was rebuilt in the early 1950's. Estimated storage = 15 AF. Estimated drainage area = 1000 ac.
- B. Works used to transport water to place of use: Natural channel and man-made ditches
- 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 N 30° W 1050 feet from the SE corner of section 5, T10S, R5E

The works are capable of diverting and conveying to the place of use 2

cu. ft. per second of water which is to be used for water spreading - irrigation

Water has been put to beneficial use to the maximum extent as follows:

<u>SW & SW 4</u>	<u>Section 5, T10S, R5E</u>	<u>- 4 ac.</u>
<u>SE & SW 4</u>	<u>" " " "</u>	<u>- 10 "</u>
<u>NW & NW 4</u>	<u>Section 8, " "</u>	<u>- 1 "</u>
<u>NE & NE 4</u>	<u>" " " "</u>	<u>- 7 "</u>

comprising a total of 22 acres of land and the license should be issued for 0.31 cfs

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: _____ Date Oct 2, 1985

Delvin M. Bragg, P.E.
 (signature) Hydrologist

October 23, 1985

Tom Landers
A & T Cattle Company
Star Route
Hot Springs, South Dakota 57747

Dear Mr. Landers:

Enclosed is a notice of transfer of water permit form for the Charles Heppner filing. This is for the water spreading project that I inspected with you on October 2, 1985.

The form should be dated and signed in the presence of a Notary and then returned to our office with a filing fee of \$2.50. The map of the project is for your files.

If I can answer any questions, please contact me.

Sincerely,

Delvin D. Boosz, P.E.
Hydrologist

DDB:ms
Enc.

NO. LN 55-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

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

SW $\frac{1}{4}$ of Section 5, T10S, R5E; NW $\frac{1}{4}$ of Section 8, T10S, R5E

formerly owned by Charles Heppner

has been transferred to A & T Cattle Co., Star Route, Hot Springs, SD 57747

(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. LN 55-2 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 Fast River) ss.

I, A & T Cattle Co. 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.

A & T Cattle Co.
By Tom Laudner pres
(Signed)

Subscribed and sworn to before me this 31 Day of October, 1985

William M. Jones
(Notary Public)

RECEIPT

Division of Water Rights

No 410246

South Dakota Department of Water and Natural Resources

Pierre, November 27, 195

RECEIVED OF A & T Cattle Co., Star Route, Hot Springs, SD 57747

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 _____ LN 55-2	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

Chief Engineer JOHN HATCH/ms

No. LN 55-2



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

A & T Cattle Co.
Star Route
Hot Springs, South Dakota 57747

Dear Sir:

Location Notice

Enclosed herewith is, Water License No. 55-2. 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,

A handwritten signature in cursive script that reads "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division

JH:MS

Enclosures

WNR-817 3/83
Transmittal of Water License

 **Department of
Water & Natural Resources**

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

March 23, 1990

NOTICE

656-2
LN55-2

TO: TOM LANDERS
A & T Cattle Co
ST RT
HOT SPRINGS, SD 57747

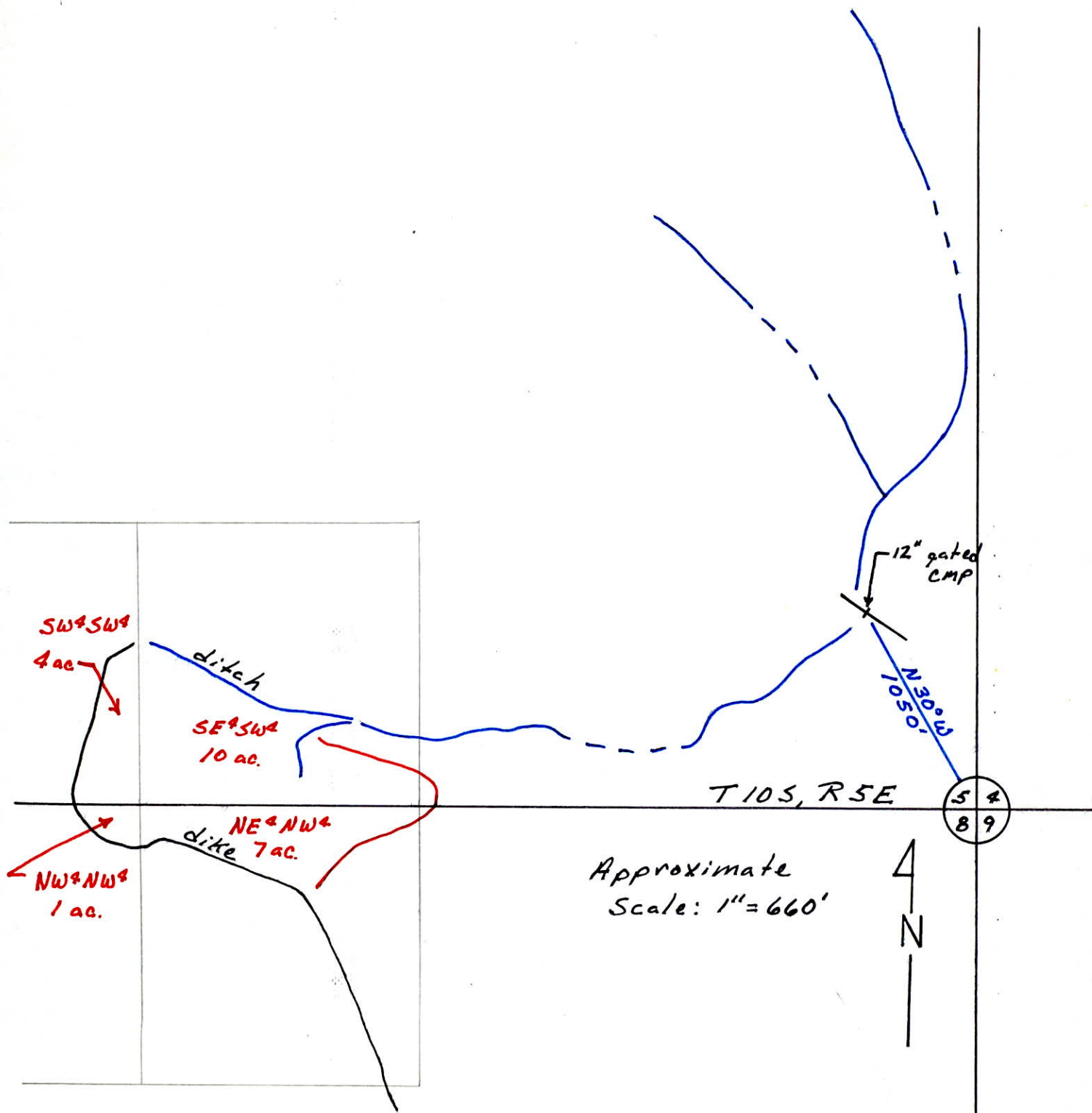
FROM: *for Delvin D. Brosz* JOHN HATCH, CHIEF ENGINEER
Water Rights Division
(605)773-3352

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. 656-2 and Location Notice No. 55-2 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:
Delvin H. Bray, P.E.
Hydrologist
Division of Water
Rights
LN 55-2