

LOCATION NOTICE

State Publishing Co., Pierre, S. D.

591-2

KNOW ALL MEN BY THESE PRESENTS:

THAT Albert H. Utter whose post office is Pierre, S. D., South Dakota, a citizen of the United States, above the age of 21 years, being in possession of the following described land, to-wit: S 20, Sec 29, T 20 N, R 20 W section 20 township 20 North range 20 E B. H. M. in Fall River County, South Dakota. Said lands comprising District Entry No. 1000 Land District, availing himself of the right granted him under the provisions of Section 31 of Chapter 190 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 S 20, T 20 N, R 20 W township 20 N range 20 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 1/2 cubic feet of water per second during the following described annual periods whenever there is a flow of water inclusive each year.

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

From the

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

Said location was made on the 2 day of July 1917

Witness my hand and seal this 2 day of July 1917

Albert H. Utter

Locator.

State of South Dakota,
County of Fall River }

On the 20th day of July 1917, before me H. H. Thompson

a notary public in and for the County and State aforesaid, personally appeared Albert H. Utter 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.

(Seal)

H. H. Thompson

Notary Public.

Pierre, South Dakota, Sept. 6 1918

This is to certify that the foregoing location notice was received at this office at 7 o'clock P. M., upon the 6th day of September 1918, and after examination it was filed for record.

Homer M. Derr

State of South Dakota

Location Notice Water License No. 591-2

(1) Mason Miller
of Dowey Route, Box 100, Edgmont, South Dakota located and filed Location Notice No. 591-2
made Application No. July 20, 1917 for a right water permit to appropriate

0.5 cubic feet per second of water from Red Canyon
Fall River County, South Dakota for Irrigation purposes.

Location Notice
Permit No. 591-2, with a priority date of July 20, 1917
was located and filed by the and issued to applicant(s) for diversion of water with construction of the described
water supply system The system was and the water placed and for the application to beneficial use of said
water on or before

Albert H. Utter originally located and filed Location Notice No. 591-2. March 7, 1985
Location Notice No. 591-2 was transferred to Mason Miller.

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 0.4 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is N76°E 2740' from the SW Corner of
Section 29, T8S, R3E

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 T8S, R3E

Section 32

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 24 Acres (BB)

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 4 Acres (9A)

TOTAL 28 ACRES

(4) Pursuant to §46-5-30.1 Mason Miller

of Dewey Route, Box 100, Edgemont, South Dakota 57735

the holder(s) and/or owner(s) of Water Permit No. 591-2 ^{Location Notice} is issued a license to appropriate water, the right to use 0.4 cubic feet per second of water from Red Canyon with a priority date of July 20, 1917 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. 591-2 and subject to South Dakota State Law

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

JOHN HATCH

APR 23 1985

Permit No. LN 591-2Upper Cheyenne Water District
10/20/06**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 Mason
Miller of Edgemont, S.D. holder of
 Permit No. LN 591-2, bearing the priority of July 20 1917 authorizing
 the diversion of 0.5 cu. ft. per second of the waters of Red Canyon
 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: 30' long, 2' high and 2' wide concrete dike in stream channel. Dike forces the water into the canal
- B. Works used to transport water to place of use: canal from diversion point to the end of the field. A small dike with a 1ft² concrete culvert near the end of the canal controls the amount of flow onto the field
- C. Works used to apply water to beneficial use: water empties from the end of the canal and floods the field

The system is in the following condition FairThe point of diversion is located N 76°E 2740' from the SW corner of Section 29, T8S, R3EThe 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 irrigationWater has been put to beneficial use to the maximum extent as follows: NN² NW² - 24 acres and NE² NW² - 4 acres all in Section 32, T8S, R3E.comprising a total of 28 acres of land and the license should be issued for 0.2 cfsApplicable permit qualifications have been complied with — Yes — NoExceptions to compliance are: _____ Date Sept. 17, 1988

Delwin D. Berg, P.E.
 (signature) Hydrologist



**Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. LN 460-2

LN 591-2

October 22, 1984

Mason Miller
Dewey Route, Box 100
Edgemont, South Dakota 57735

Dear Mr. Miller:

Please find enclosed ~~2~~ ^{copies} of a Notice of Transfer of Water Permit forms. These forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 for each transfer, total of \$5.00.

Upon receipt of the enclosed forms and the \$2.50 filing fee, the permits will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires 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. for each transfer, \$5.00 total

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

DWNR-820A-8/83

NO. LN 591-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: March 4, 1985

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

S½SW¼, Section 29, T8S, R3E and N½NW¼, Section 32, T8S, R3E

formerly owned by Albert L. Utter

has been transferred to Mason Miller, Dewey Route, Box 100, Edgemont, SD 57735

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

Water Right Permit No. LN 591-2 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 Fall River) ss.

I, Ellva 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.

Mason M. Miller
(Signed)

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

Ellva M. Erickson
(Notary Public)



RECEIPT

Division of Water Rights

No 4 9963

South Dakota Department of Water and Natural Resources

Pierre, March 7, 1985

RECEIVED OF Mason Miller, Dewey Route, Box 100, Edgemont, SD 57735

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 No. 591-2	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)

No. LN 591-2

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

APR 23 1985

Mason Miller
Dewey Route, Box 100
Edgemont, South Dakota 57735

Dear Mr. Miller:

Location Notice
Enclosed herewith is, ^AWater License No. 591-2. 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 9963 is enclosed for transfer of Location Notice No. 591-2.
The Water License is now listed in your name.

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

LN460-2
LN591-2

NOTICE

TO: Mason Miller
DEWEY RT BOX 100
EDGEMONT, SD 57735

FROM: *for Del 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. 460-2 and 591-2 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).

FARRELL, FARRELL & GINSBACH

LAWYERS

441 NORTH RIVER STREET
HOT SPRINGS, SOUTH DAKOTA 57747

(605) 745-5161

Martin P. Farrell
Jane M. Farrell
Patrick M. Ginsbach

Beverly J. Irwin
Certified Legal Assistant



July 11, 1990

Genny McMath
Natural Resources Analyst
South Dakota Department
Water & Natural Resources
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181

RE: HU RANCH, INC. (MILLER)

Dear Ms. McMath:

Thank you for your letter dated June 4, 1990 and the enclosed Notice of Transfer of Ownership documents. We have had some confusion over the correct number for the water permit. The purpose for the transfer is to place it within a family farm corporation. In my original letter I requested copies of Water Rights Nos. 591-2 and 1593-2 and Vested Water Right Claim No. 460-2. In the documents mailed to me it appears that Water License No. 460-2 is held by a Willard Bloom of Pennington County and No. 591-2 is held by a company doing business as Estes Water Company. It appears that Water License No. 1593-2 is held by Mason Miller, one of the incorporators of HU Ranch, Inc. Thus, I have prepared a Notice of Transfer of Ownership using that number. I am concerned, however, by a letter received by Mr. Miller dated March 23, 1990, which refers to Water Location Notice Nos. 460-2 and 591-2. I am enclosing a copy of that letter for your reference. The Millers wish to transfer all of their water rights to the corporation as they have deeded all of their land into the corporation.

Any assistance you can give us in making sure we have all of the water rights transferred to the corporation would be appreciated. If we need additional forms signed, please let me know. I still have two blank forms which you mailed to me.

I am also enclosing a transfer fee in the amount of \$2.50 as required.

Thank you very much.

Sincerely,

Jane M. Farrell
JANE M. FARRELL

(jc)

SOUTH DAKOTA Department of
Water & Natural Resources

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

July 12, 1990

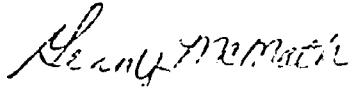
Jane M Farrell
Farrell, Farrell & Ginsbach
441 N River St
Hot Springs, SD 57747

Dear Ms. Farrell:

Enclosed, as we discussed, are copies of Location Notice Water License Nos. 460-2 and 591-2. These can be transferred to HU Ranch Inc upon receipt of the completed transfer forms from you.

If you have any questions, please call me.

Sincerely,



Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

FARRELL, FARRELL & GINSBACH

LAWYERS

441 NORTH RIVER STREET
HOT SPRINGS, SOUTH DAKOTA 57747

Martin P. Farrell
Jane M. Farrell
Patrick M. Ginsbach

(605) 745-5161

Beverly J. Irwin
Certified Legal Assistant

July 17, 1990



Genny McMath
Natural Resources Analyst
South Dakota Department
Water & Natural Resources
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181

Re: HU Ranch, Inc. (Miller)

Dear Ms. McMath:

Enclosed please find the Notice of Transfer of Water Permit for Location Notice Water License Numbers 460-2 and 591-2. I am also enclosing a filing fee in the total amount of \$5.00.

If you have any questions, please don't hesitate to get in touch with me.

Thank you very much.

Yours truly,

JANE M. FARRELL

jc

Enclosure

RECEIPT

412323

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, July 27, 1990

RECEIVED OF Farrell, Farrell & Ginsbach, 441 N. River, 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 Matation Notice Water License No. 591-2

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

2 50

By John (Mitch) Knie
Chief Engineer

 **Department of
Water & Natural Resources**

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

July 30, 1990

LN 591-2
LN 460-2

Jane M Farrell
Farrell, Farrell & Ginsbach
441 N River Street
Hot Springs, SD 57747

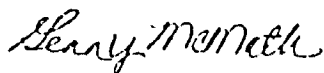
Dear Ms. Farrell:

Enclosed are the two "Notice of Transfer of Ownership" forms you submitted and a "new" set of forms. We have discontinued using forms you submitted. The new forms contain the same information, however have been modified to include a section on validity of water permits and/or rights.

Please complete the enclosed forms and return them to our office. Additional filing fees will not be necessary. The transfer forms need to be signed in the presence of a notary public by the new owner. In your letter of July 11, 1990, you indicated Mason Miller was one of the incorporators of HU Ranch Inc. His signature on the transfer forms should include this type of notation.

If you have any questions, please contact me.

Sincerely,



Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

FARRELL, FARRELL & GINSBACH

LAWYERS

441 NORTH RIVER STREET
HOT SPRINGS, SOUTH DAKOTA 57747

Martin P. Farrell
Jane M. Farrell
Patrick M. Ginsbach

(605) 745-5161

Beverly J. Irwin
Certified Legal Assistant



August 1, 1990

Genny McMath
Natural Resources Analyst
South Dakota Department
Water & Natural Resources
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181

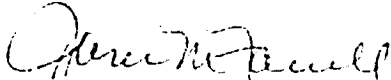
Re: HU Ranch, Inc. (Miller)

Dear Ms. McMath:

Enclosed please find two Notice of Transfer of Ownership forms as requested by your July 30, 1990 letter. Please let me know if there are any changes or corrections to be made.

Thank you very much.

Sincerely,


JANE M. FARRELL

jc

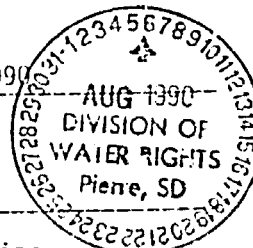
Enclosure

NOTICE OF TRANSFER OF OWNERSHIP

No. 591-2

TO: Chief Engineer
Water Rights Division, DWRH
523 East Capitol
Pierre, SD 57501-3181

Date: August 1, 1990



I/We request that Water Permit/Right No. 591-2

formerly owned by: Mason Miller

be transferred to: (name & address) HU Ranch, Inc., a South Dakota corporation,

HC 59, Box 100, Edgemont, SD 57735 (telephone No.) (605) 662-7179

Title to the following described land(s)/property has been transferred as described above:

North Half of the Northwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$) of Section Thirty-two (32), Township
Eight (8) South, Range Three (3), East of the Black Hills Meridian, Fall River County,
South Dakota.

I/We understand that the validity of Water Permit/Right No. 591-2 has not been deter-
mined by this transfer action. If I/We have any questions on validity, I/We understand
that only the Water Management Board has the authority to determine if a water permit/
right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the
Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fee as
required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of FALL RIVER)

I/We HU RANCH, INC., by BARBARA J. MILLER, Treasurer
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 that I know of my own personal knowledge that the information
herein is true.

Barbara J. Miller
(Signed)

BARBARA J. MILLER, Treasurer

Subscribed and sworn to before me this 3 day of August, 1990.

Richard W. Gaebele
(Notary Public)

My commission expires 6-1-97

NOTE: Water permits may be cancelled for nonconstruction within the five year
construction period. Once a water permit is developed and the water used, the
permit becomes a water 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.

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

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

LN 460-2
LN 591-2

August 15, 1990

Jane Farrell
Farrell, Farrell & Ginsbach
441 N. River
Hot Springs, SD 57747-1499

Dear Ms. Farrell:

Enclosed are Receipt Nos. 412322 and 412323 in the amount of \$2.50 each which you paid for transfer of Location Notice Water License Nos. 460-2 and 591-2.

Our records now reflect H U Ranch, Inc. HC 59 Box 100, Edgemont, SD 57735-9712 as the owner of these Location Notice Water Licenses.

Sincerely,

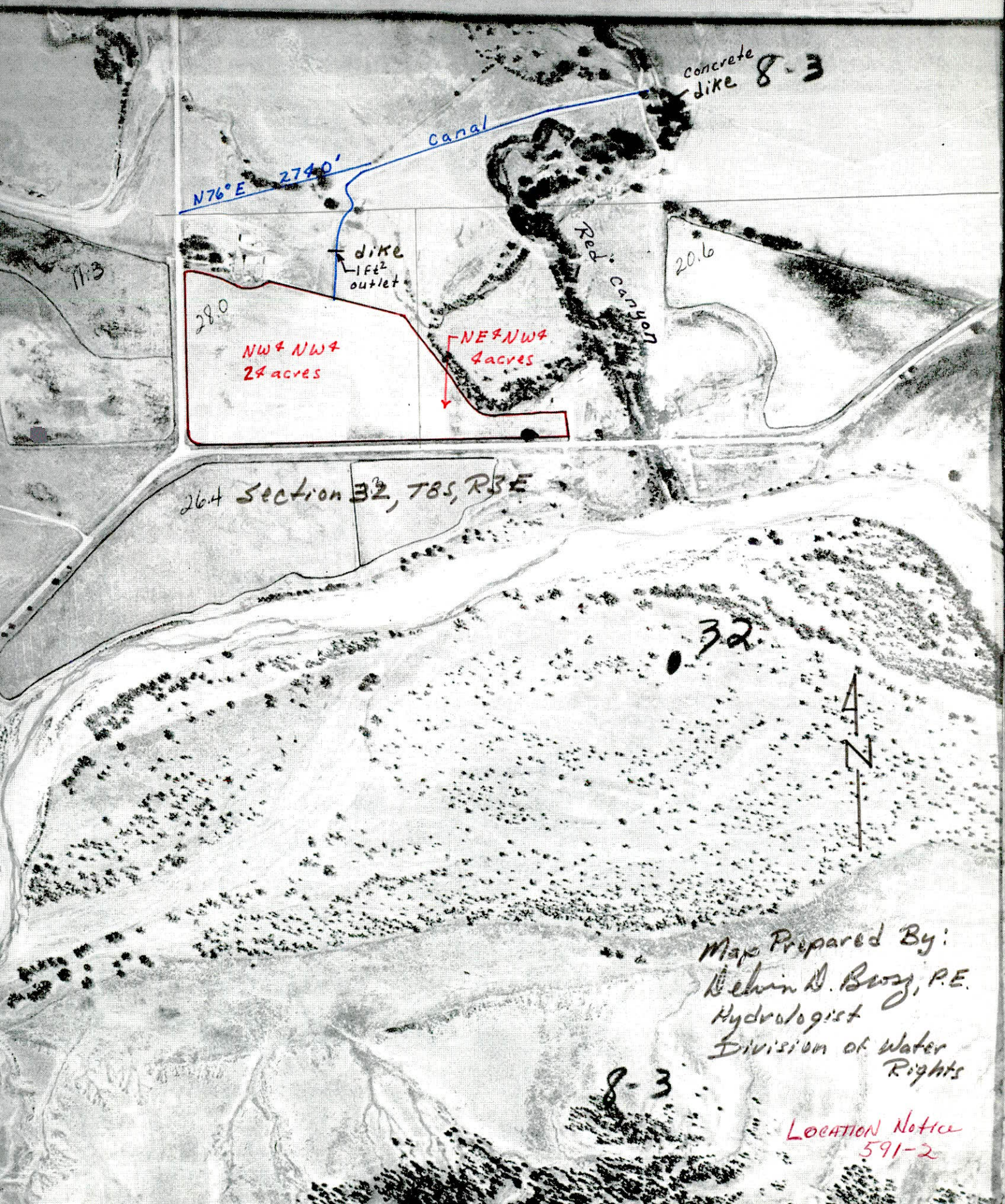
Marie R. Arthur

MARIE R. ARTHUR
Secretary
Water Rights Division
(605) 773-3352

enclosure

cc: Barbara Miller, Treasurer, HU Ranch Inc

NOT TO SCALE



Map Prepared By:
Nehin D. Bury, P.E.
Hydrologist
Division of Water
Rights

8-3

LOCATION Notice
591-2