

9'

Battle Creek

LN 7195 -2

NOTICE

County

1931

Receipt No. 13185

1931

1931

NOTICE

1931

That Irvin Jones, South Dakota, a citizen of the United States, above the age of 21 years, being in possession of the land covered by the above ACP form serial number, of which the land upon which the water described below are to be constructed is a part, in Butte County, South Dakota, claiming one-half of the right granted him under the provisions of Section 55-1133 South Dakota Code of 1917, and located and claiming the right to construct a certain dam across a dry draw situated on the NE 1/4 of the NE 1/4 of Section 11 Township 2 Range 2, and has located and claims the right to construct ditches and flumes for the purpose of diverting flood waters from said dam for irrigation of the land first above described and for live stock purposes, and claims the right of way across any land for the purpose of carrying water for said purposes.

Said location claims for the above purpose 1.1 acre feet of water annually.

Estimated surface area of storage basin 2.1 acres.

Estimated drainage area 100 acres.

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

From the NE corner of Section 11, Twp. 2, Range 2, 1100 feet East and 100 feet South to point of diversion.

The ditch will run in a North direction to and on said land for a distance of 100 feet.

Said location was made on the 1st day of June 1931 at Butte County, South Dakota, and said title was not of the land of the State of South Dakota.

Notary

Herewith is enclosed the return for filing in the State Engineer's Office as required under Section 55-1133 of the South Dakota Code of 1917.

STATE OF SOUTH DAKOTA,
County of Butte ss.

On the 1 day of June 1931, before me Harry E. Baker, a Notary Public in and for the County and State aforesaid, personally appeared Irvin Jones, known personally known to be the person who executed the foregoing instrument and acknowledged that he executed the same for the use and purposes therein set forth.

Witness my hand and official seal the day and date above written.

Harry E. Baker

Location Notice No. 7195-2
Upper Cheyenne - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DENR, Foss Bldg., Pierre, SD 57501

I have this day, December 1, 1995 made a thorough examination of the water use system owned by Irvin Evans of HC 89, Box 255 Hermosa, SD 57744 holder of Location Notice No. 7195-2, bearing the priority of June 5, 1953 authorizing storage the waters of an unnamed dry draw for irrigation and livestock purposes in Custer County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

The dam is no longer used for irrigation purposes.

B. Works used to transport water to place of use:

No longer used.

C. Works used to apply water to beneficial use:

The dam is used for stock watering purposes only.

The dam is in the following condition, good. The storage dam is located in the NE1/4 of the NW1/4 Sec. 27-T28-R9E; 630 ft. south and 1450 ft east of the SW Corner of Sec. 27-T28-R9E. The works are not capable of diverting and conveying water. The storage capacity of the dam is approximately 6.5 acre-feet of water which is to be used for stock watering. Water has been put to beneficial use as stock watering.

In accordance with South Dakota Codified Law (SDCL) 74:02:01:40.01, the license should be issued for 6.5 acre-feet of storage as a stock water domestic use location notice filing bearing the priority of June 5, 1953.

Date Report Completed: December 8, 1995

DelRon Peters /kjs
DelRon Peters
Natural Resources Engineer
DENR, Water Rights Program

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
WATER RIGHTS PROGRAM

July 24, 1996

Subject: Change in use of a irrigation diversion dam for Location Notice No. 7195-2, Irvin Evans.

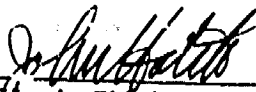
An inspection of Location Notice No. 7195-2 found that the cancellation of the irrigation portion of location notice and retaining the stockwater portion for stockwater only does not impair other water rights or domestic use. SDCL 46-5-31.1 provides that a diversion dam may be utilized for stock watering if permitted irrigation use from a storage dam is abandoned or forfeited without application or publication of a notice of hearing if no diversion is made from the stock dam and does not increase the potential for impairment with existing water rights.

Location Notice No. 7195-2 has a priority date of June 5, 1953 and is located in the NE 1/4 NW 1/4 Section 27 T2S-R9E.

No adverse effects or interference with existing water rights are expected. The change in use of the dam covered by Location Notice No. 7195-2 with a June 5, 1953 priority date can be approved.



Dr. Ron Peters
Natural Resources Engineer
Water Rights Program



8-7-96

John Hatch, Chief Engineer
Water Rights Program
Dept. of Environment and Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 4 1996

Irvin M. Evans
HC 89 Box 255
Hermosa SD 57744

Dear Mr. Evans:

The Water Management Board has validated the enclosed Vested Water Right Nos. 559-2, 560-2 and 665-2. These validations and reissued water licenses reflect the acreage and diversion rate as validated by the Board.

Also, enclosed are Location Notice Water License Nos. 2376-2, 2378-2, 2380-2, 3747-2, 3962-2 and 7195-2. These licenses are issued for stockwatering purposes only. The receipts for transferring several of the water rights and location notices are included.

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

Very truly yours,

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

enclosure

STATE OF SOUTH DAKOTA

LOCATION NOTICE WATER LICENSE NO. 7195-2

(1) Irvin Evans, HC 89 Box 255, Hermosa SD 57744 located and filed Location Notice No. 7195-2, June 5, 1953 for a right to store 8.8 acre feet of water from an unnamed dry draw, Custer County, South Dakota, for irrigation and livestock purposes. Location Notice No. 7195-2 with a priority date of June 5, 1953 was located and filed by the applicant for diversion of water and construction of the described water supply system. The system was completed and the water placed to beneficial use.

An investigation of Location No. 7195-2 found the irrigation use from the permitted storage dam had been abandoned and/or forfeited. Pursuant to 46-5-31.1, stock watering may be added as a water use to the license provided no diversion is made from the dam. The Chief Engineer makes a finding that adding stock watering use to the license will not be impair existing water rights.

(2) It is certified that the owner 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 store 6.5 acre feet of water for beneficial use. The location of the diversion point is 630 feet south and 1,450 feet east of the southwest corner of Section 27-T2S-R9E (NE 1/4 NW 1/4).

(3) The owner has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use for stock watering purposes.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Irvin Evans, HC 89 Box 255, Hermosa SD 57744 the holder and/or owner of Location Notice No. 7195-2 is issued a license to appropriate water, the right to store 6.5 acre feet of water from an unnamed dry draw with a priority date of June 5, 1953 from the location specified in (2) of this license, for the purpose of stockwatering. This license is subject to any limitations or qualifications listed in Location Notice No. 7195-2 and subject to South Dakota State Law.

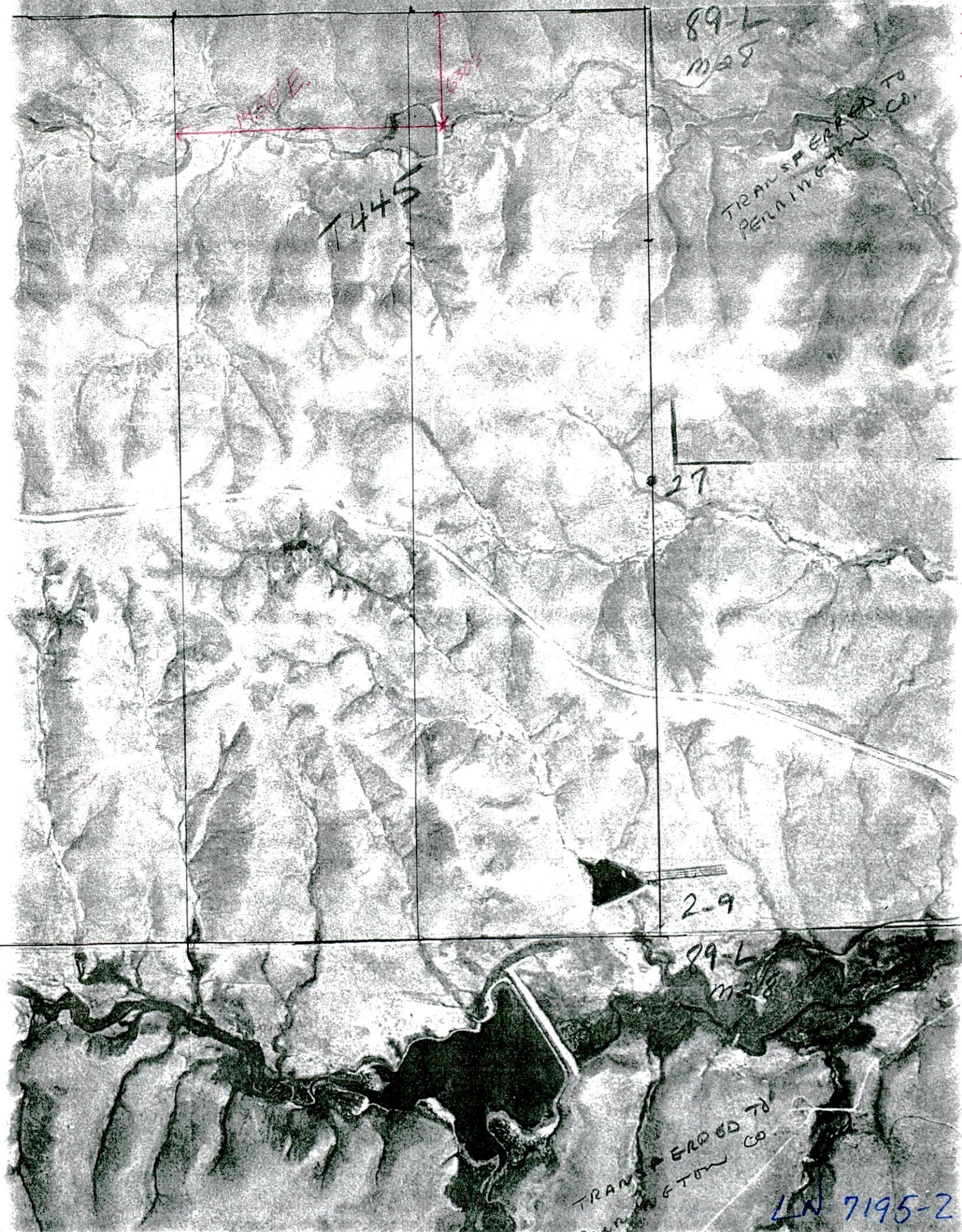
John Hatch
JOHN HATCH, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

NOV 4 1996

date





LN 7195-2

LN 7195-2

LN 7195-2

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date July 10, 2020

RECEIVED OF Irvin M/Geraldine L Evans 12190 Village Cr. E Brighton CO 80603

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct 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 <u>L7195-2</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$50.00

By Eric Gronlund
Chief Engineer

vm

PAID

JUL 10 2020

Ck# 371

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. LN 7195-2

Date: 7/6/2020

I/We request that Water Right/Permit No. LN 7195-2 formerly owned by:
IRVIN M EVANS be transferred to:

New Owner Name: IRVIN M + Geraldine L. Evans Revocable Trust

Address: 12190 VILLAGE CR. E

City, State, Zip BRIGHTON, CO 80603 Telephone No. 720-232-8011

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

Tan (daughter cell)

transferred from individual ownership to Trust

☒ I understand that the validity of Water Right/Permit No. LN 7195-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, IG EVANS Revocable Trust, the new owner, certify that the above information is true and correct.

Geraldine L. Evans
(signed by new owner)

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

2019-07

RECEIVED

JUL 10 2020

WATER RIGHTS
PROGRAM

LN7195-2



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

July 21, 2020

Geraldine L Evans
12190 Village Cr E
Brighton CO 80603

RE: Water Right Nos. LN7195-2, LN3962-2, LN3747-2, LN2380-2, LN2378-2, LN2376-2, 590-2, 560-2

Dear Ms. Evans:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted to our program for changing ownership on the above listed water rights.

The ownership changes have been completed. Water Right Nos. LN7195-2, LN3962-2, LN3747-2, LN2380-2, LN2378-2, LN2376-2, 590-2, 560-2 formerly held by Irvin M Evans are now listed under "**Irvin M & Geraldine L Evans Revocable Trust**".

Enclosed are the receipts for the filing fees. You may keep this for your records. If you have any questions, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures