

No. 1046-1

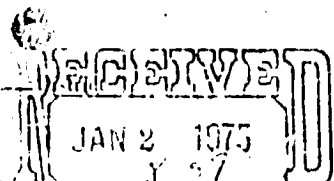
136-1

1

MOREAU RIVER

Map No. _____ Water Division No. _____

(Blanks to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT "VESTED RIGHT CLAIMED"

WATER RIGHTS COMM.
SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant Ruth Mason
 Postoffice address Faith, State South Dakota
 If a corporation show date and place of incorporation n/a
 2. Method of accomplishing work (contract, employment of others, or by direct labor) Completed
 3. Name of diversion work Mason Irrigation System
 4. Amount of water claimed (cubic feet per second) .314
 5. Source of water supply Dry Draw (Also known as Heron Creek)
 6. Location of point of diversion 1200 feet West of Center of Section 11, T14N, R17E, B.H.M.

- County Perkins
 7. Annual period or periods during which water is to be used when available
 8. Use to be made of water (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
 9. For irrigation use, Total number of acres to be irrigated 22

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11, T14N, R17E	22		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system N/A years. Additional time required to complete application of water to the proposed beneficial use N/A years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication N/A
 12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source
Diversion dike from Heron Creek

B. Works proposed to transport water to place of use.

Dike 2 feet high and 6 feet wide and approx. 1500 ft. in length
 (See Water Right Map No. 136-1)

C. Works proposed to apply water to beneficial use.

Spreader System (flooding of dikes)

Estimated Total Cost \$ N/A

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of LAWRENCE

I, Ruth Mason the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

My commission expires 12-29-81Signed Ruth MasonSubscribed and sworn to before me this 31 day of December 19 75

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1046-1
RUTH MASON FAITH
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57626 With the following modifications:
 (State)

"VESTED RIGHT" CLAIMED

PRIORITY FOR THIS PERMIT IS BASED ON WATER PERMIT NO 104-1, ORIGINALLY ISSUED TO CLAUDE HERROLD. APPLICABLE PORTIONS OF PERMIT NO 104-1 HAVE BEEN INCORPORATED INTO PERMIT NO 1046-1, AND PERMIT NO 104-1 HAS BEEN CANCELLED.

Date of first receipt of application JANUARY 2 19 75
 Date of return to applicant for correction, amendments or changes required --- 19 ---
 Date of receipt of corrected application --- 19 ---
 Approved JANUARY 23 19 75 Recorded in Book 13 Page 174

WATER RIGHT PERMIT NO 1046-1

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1046-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is MAY 6 19 14
2. The equivalent of at least one-fifth of the work above specified is ~~not~~ completed ---
3. The whole of said work is ~~not~~ completed ---
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed .31 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before JUNE 30 19 55; said water to be used during the following described annual period: WHEN AVAILABLE

Witness my hand this 27th day of JANUARY 19 75

WATER RIGHTS COMMISSION

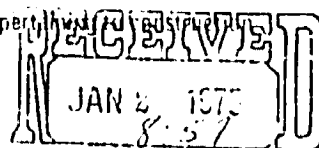
By: Donnell Quinroll
 Chief Engineer, Executive Officer

Certificate of Construction Issued JANUARY 27 19 75

Water License Issued JANUARY 27 19 75

NOTE: This Form is supplemental to Form 2, and is to be used when an affidavit pertaining to water use, already completed, is needed.

**AFFIDAVIT OF CONSTRUCTION OF WATER USE
SYSTEM AND APPLICATION OF WATER TO BENEFICIAL USE**



STATE WATER RIGHTS COMMISSION
SIOUX FALLS, SOUTH DAKOTA

Name of Applicant (Same as Form 2) Ruth Mason
Post Office Address Faith, State South Dakota
If a Corporation show date and place of incorporation N/A

13. Notice of Appropriation (If available)
Date of Posting May 6, 1914 Date of Recording March 15, 1916
Recording Date May 6, 1914
14. Date of start of construction of water supply system March 1916
15. Date that water was first applied to beneficial use March 1916
16. Name of owner of original water supply system Claude Heron
17. Amount of water originally applied to beneficial use 1.2 c. f. s.
18. Present Use of Water
Amount of water now being used 1.2 c. f. s.
Date that this amount of water was first used 1916

19. Chronological History of Water Use

The original water right was filed by Claude Heron on May 6, 1914 who left his land to his son-in-law, Ray Mason. Mr. Ray Mason has since died and his wife Ruth Mason (Claude Heron's daughter) now owns appurtenant lands to Water Permit No. 104-1. The water spreader system has been in use since the original filing.

Attach to this Form 2B, any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

STATE OF SOUTH DAKOTA)
County of LAWRENCE) ss.

I, Ruth Mason, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed Ruth Mason

Subscribed and sworn to before me this 31 day of December, 1974

Donald J. Jasso
(Notary Public or other qualified Officer)

My commission expires 2-26-81

I, the undersigned, do hereby certify that I know about the water use system described above that I have read the foregoing and that the matters therein stated are true.

Form 15.

Permit No. 1046-1

Water Diversion No. 1 Morreau River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Ruth Mason

the holder of
Vested Right / Permit No. 1046-1, issued upon Application No. 1046-1, bearing date of priority of May 6, 1914
authorizing the diversion of .31 cu. ft. per second of the waters of
a Gry draw County of Perkins, State of South Dakota at
a point 1200 feet West of the Center, Section 11, T14N, R17E

for irrigation

purposes, has 8 complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are recognized as satisfactory
condition for diverting and conveying to the place of intended use .31 cu. ft. per second of water.

Date January 27, 1975

By: WATER RIGHTS COMMISSION

DONALD DRISCOLL, Chief Engineer

WATER LICENSE NO. 1046-1

(1) WHEREAS, On the 2nd day of January A. D. 19 75

Ruth Benson

made Water Right Application No. 1046-1 for a permit to use .31 cubic feet per second of the waters of a dry draw

County of Perkins State of South Dakota, for irrigation

purpose: and

(2) WHEREAS, On the 27th day of January A. D. 19 75

Vested Right Permit No. 1046-1, with a date of priority of May 6, 1914

was issued to said applicant recognizing for the diversion of said water, and providing the completion of construction of the water supply system therein described XXXXXX and by the application to beneficial use of said water XXXXXX

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert .31 cubic feet per second of water for beneficial use and.

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent.

for irrigating 22 acres in the SW 1/4, Section 11, T14N, R17E

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to, _____ Ruth Mason _____

_____ of Faith, S.D. _____

the holder _____ and owner _____ of Vested Right 1046-1 a water right, dating from May 6, 1914 _____

_____ in use of _____ cubic feet per second of the waters of a dry draw _____

in the County of Erkine and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 1200 feet West of the Center, Section 11, T14N, R17E _____

and conduct to and upon portions of the SW 1/4 NE 1/4, Section 11, T14N, R17E _____

for the purpose of irrigation _____

Subject to any limitations listed in Water Right Permit No. 1046-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 27th day of January A. D.

Nineteen Hundred and Seventy-five

WATER RIGHTS COMMISSION

By:

Chief Engineer, Executive Officer DONALD DRISCOLL

This License No. 1046-1 is based on a Vested Right Claim recorded and filed by the Water Rights Commission,

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

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

September 21, 1988

NOTICE

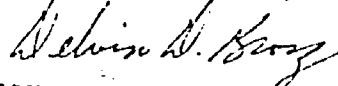
Ruth Mason
Faith SD 57626

Dear Ms. Mason:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 1046-1 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,



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



SOUTH DAKOTA Department of
Water & Natural Resources

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

December 1, 1988

Vested Water Right
Claim No. 1046-1

Ruth Mason
Faith SD 57626

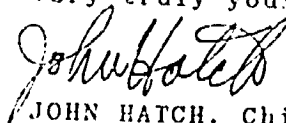
Dear Ms. Mason:

Enclosed is a copy of a letter received from the U.S. Department of Interior, Bureau of Reclamation. The Bureau of Reclamation is opposing those vested water right claims in Pennington, Perkins Butte and Fall River counties which have never been investigated by the Division of Water Rights. Earlier, you received a letter stating that I was opposing your claim until an investigation can be completed.

After the investigation has been completed, you and the Bureau of Reclamation will be notified as to the date, place and time of the hearing on your vested water right claim. At that time all parties of record will have an opportunity to testify on the validation.

If we can answer any questions, please contact us.

Very truly yours,



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

cc: Bruce Laymon, Bureau of Reclamation



1046-1



United States Department of the Interior

BUREAU OF RECLAMATION

Great Plains Region

Belle Fourche Projects Office

P.O. Box 226

Newell, South Dakota 57760-0226

WTR 4.10
BF-430

AUG 13 1993



Mr. John Hatch, Chief Engineer
Water Rights Division
South Dakota Department of Water and Natural Resources
523 E. Capitol
Pierre SD 57501-3181

Subject: Vested Water Right Claims in Western South Dakota (Your Letter
Dated April 20, 1993) (Water Rights)

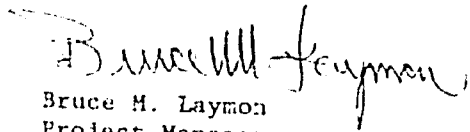
Dear Mr. Hatch,

We have reviewed the vested water right claims located in Perkins, Pennington, Fall River, and Butte Counties as listed in your letter dated April 20, 1993. We have also discussed these rights with contract water users. We appreciate the assistance of your staff in providing documentation of inspections and validation proceedings for specific claims as we requested.

We are satisfied with all of the actions taken by the board. Our intent in opposing validation of the water rights was to assure that all of the rights were reviewed prior to validation. That review has been completed by your staff. Thank you for notifying us of the board's actions and extending the opportunity to reconsider the actions if it would have been deemed necessary. We understand that future notification will be made in advance of board actions.

If we can be of further assistance, please contact Craig Kjar or me at (605) 456-2695.

Sincerely,


Bruce M. Laymon
Project Manager

cc: Mr. Joe K-amer, Manager
Angostura Irrigation District
Box 346
Oral SD 57766

Mr. James E. Winterton, Project Manager
Belle Fourche Irrigation District
PO Box 225
Newell SD 57760

Permit No. 1046-1

1046-1

Morona River 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 made a thorough examination of the water use system constructed by Ruth Mason of Faith, SD holder of Permit No. 1046-1, bearing the priority of 5/6/1914authorizing the diversion of .31 cu. ft. per second and/or the storage of 0 acre-feet of the waters of surface water for irrigation purposes, in Perkins County.

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

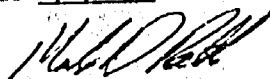
A. Works used to divert the water:

A dike in a dry draw which supplies water for a water spreading system.

The system is in the following condition fair. The point of diversion is located from the NW corner of Section 11- T14N-R17E: 2500'S 130' E. The works are capable of diverting and conveying to the place of use .31 cu. ft. per second of water and/or storing 0 acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

SW1/4 NW1/4 Section 11-T14N-R17E - 22 ac.

comprising a total of 22 acres of land and the license should be issued for 2.31 cfs and/or 0 acre-feet of storage.

Application permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: noneDate 6/4/1991


Mark D. Rath
Natural Resources Engineer II
DENR, Water Rights Division

NOTE

RUTH MASON DIED
APRIL 2, 1991
ESTATE HAS NO RECORD
SETTLED

CONTACT: PETE SPENCE

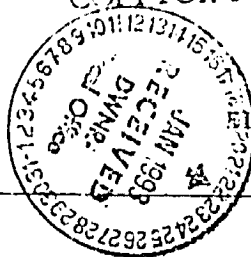
Box 9664
RAPID CITY, SD
57709

159506

1046-1

COPY FOR YOUR INFORMATION

STATE OF SOUTH DAKOTA)
) SS
 COUNTY OF PERKINS)



IN CIRCUIT COURT
 EIGHTH JUDICIAL CIRCUIT

In the Matter of the Estate of)
)
 RUTH MASON aka RUTH H. MASON)
 aka RUTH HERON MASON,)
 Deceased.)

PRG 91-27

FINAL DECREE

This matter was heard by the Court at the Circuit Court Chambers at 16 West Fourth Street in Lemmon, Perkins County, South Dakota the 23rd day of April, 1992 at 8:00 o'clock in the forenoon upon Final Account and Petition for Distribution and pursuant to Order for and Notice of Hearing on Settlement of Final Account and Petition for Distribution issued by the Court the 7th day of April, 1992. The Executor appeared by counsel and offered evidence that notice had been given by mailing as required by law and the order of the Court and offered evidence in support of the Final Account and Petition for Distribution. /s/ No other appearance. WGJ 4/23/92

The Court finds that a diligent search was made for creditors of the decedent, that all creditors have been paid in full and if there are other creditors of the decedent they are unknown to the Executor and could not with reasonable diligence be ascertained; South Dakota inheritance and estate taxes have been determined and paid in full; the estate was not of sufficient size to require filing of a federal estate tax return; all income taxes of the decedent and estate have been determined and paid; all administration expenses have been paid; there are no debts, charges or claims whatever against the residue of the estate available for distribution; the will of decedent was

HINCH & WILLIAMS
 ATTORNEYS
 310 MAIN AVENUE
 LEMMON, S. DAK. 57639
 PHONE 805-374-3411

RECORDED BK 923 PAGE 568

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FINAL DECREE

Page Two

previously admitted to probate upon due and proper notice and without objection or contest; pursuant to the will the petitioner Melvin Spencer, Jr. who is also known as Melvin Spencer is entitled to distribution of the entire remaining estate and is also the Executor charged with the estate; appropriate reference was made in the Final Account and Petition for Distribution to the joint tenancy real estate described below and copies mailed to all interested parties; the Executor has fully and faithfully accounted for the estate; the statements of fact in Final Account and Petition for Distribution and its attachments verified the 6th day of April, 1992 by Melvin Spencer, Jr. are true and are all adopted as findings of the Court and incorporated herein by reference and the estate is in position to be closed. The Court concludes that the following decree should be entered.

ORDERED, ADJUDGED AND DECREED as follows:

1. There has been diligent search for creditors and all creditors have been paid in full and if there are any other creditors of the decedent, they could not with reasonable diligence be ascertained. Inheritance and estate tax, administration expense, expenses of last illness and funeral, taxes and all other debts, obligations or charges whatever have been paid in full and there are no charges or obligations that are or might be a claim against the property herein distributed.

2. Final Account and Petition for Distribution verified by the Executor the 6th day of April, 1992 and thereafter filed with the Clerk is allowed and settled as rendered.

3. The balance of funds in the Executor's hands, all uncovered stocks and credits in Grand Electric Cooperative and Golden West Telephone

159506

FINAL DECREE

Page Three

Company and any other assets of the decedent's estate that may hereafter be discovered are hereby distributed to and vested in MELVIN SPENCER, JR., P. O. Box 9664, Rapid City, South Dakota 57709.

4. The Court determines that all of the joint tenancy right, title and interest of the decedent in the real estate described as:

Twp. 14 N. Rge. 17 EBHM, Perkins Co., SD:

Sec. 2: $W\frac{1}{2}E\frac{1}{2}$, $W\frac{1}{2}$ ✓
 Sec. 3: $S\frac{1}{2}S\frac{1}{2}$ ✓
 Sec. 10: $NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$ ✓
 Sec. 11: $W\frac{1}{2}NE\frac{1}{4}$, $NW\frac{1}{4}$ ✓

Twp. 15 N. Rge. 17 EBHM, Perkins Co., SD:

Sec. 26: $SW\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$ ✓
 Sec. 35: $W\frac{1}{2}E\frac{1}{2}$, $W\frac{1}{2}$ ✓

Twp. 14 N. Rge. 17 EBHM, Ziebach Co., SD:

Sec. 1: Lots 3 & 4, $S\frac{1}{2}NW\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$
 Sec. 2: Lots 7, 8 and 10
 Sec. 11: Lots 5, 6, 7 and 8
 Sec. 12: $W\frac{1}{2}$
 Sec. 13: $NW\frac{1}{4}$

Twp. 15 N. Rge. 17 EBHM, Ziebach Co., SD:

Sec. 36: $W\frac{1}{2}$

Perkins County, South Dakota

Filed at 10 o'clock A.M.

APR 23 1992

Cheryl Loughlin
Clerk of Court

terminated at her death and title to such real estate vested absolutely and in fee in MELVIN SPENCER who is the same identical person as MELVIN SPENCER, JR. P. O. Box 9664, Rapid City, South Dakota 57709.

5. The Executor is discharged, his Letters Testamentary terminated and he is relieved of all further liability and obligation in this matter.

Dated this 23rd day of April, 1992.

BY THE COURT:

/s/ Warren G. Johnson
 Warren G. Johnson, Circuit Judge

ATTEST:

/s/ Cheryl Loughlin
 Cheryl Loughlin, Clerk

RECORDED BK 323 PAGE 570

JOHNSON & WILLIAMS
 ATTORNEYS
 310 MAIN AVENUE
 RAPID CITY, S. DAK. 57709
 PHONE 805-374-3411

STATE OF SOUTH DAKOTA
COUNTY OF PERKINS

ss:



I, Ann Williams

being the first duly sworn under oath say: The Lemmon Leader is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, published by the Leader Publishing Co., Inc. in Lemmon, in said county and state, and has been such legal newspaper during the time hereinafter mentioned; that during all of said time as an employee or officer of said newspaper I have had personal knowledge of the facts stated in this affidavit; that the advertisement headed:

Readvertisement of Notice

a printed copy of which is hereto attached, was printed and published in said newspaper for two successive weeks upon the following dates, to-wit:

Jan. 19, 26, 1993

that the full amount of the fees charged for publishing the same to-wit: the sum of 46.83 inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Ann Williams

Subscribed and sworn to before me this 2nd day of February, 19 93

Ricard A. Turestad

Notary Public, South Dakota

(Seal)

My Commission Expires
February 7, 1997

1046-1
READVERTISEMENT OF NOTICE OF
INTENT TO VALIDATE VESTED
WATER RIGHT CLAIMS

Notice is given that the following vested water right claim in Perkins County are eligible for validation by the Water Management Board pursuant to SDCL 46-2A-17 without a hearing unless a petition to oppose the validation is filed pursuant to DCL 46-2A-22. Readvertisement of the original notice of intent to validate the claim, as published on August 15 and 22, 1988, in the Lemmon Leader, is necessary to correct errors in the previously published notice.

Vested Water Right No. 1046-1, Ruth Mason Estate, c/o Poto Spencer, PO Box 9664, Rapid City SD 57709, appropriates 0.31 cubic feet of water per second (cfs) from Horon Creek (dry draw) located in the SW 1/4 NW 1/4 Section 11 to irrigate 22 acres located in the SW 1/4 NW 1/4 Section 11; all in T14N-R17E. The priority date is 5/6/1914.

Any person who wishes to oppose validation of the readvertised vested right claim shall file a petition of intent to oppose the validation by February 22, 1993 with the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources, Joe Foss Building, 523 East Capitol, Pierre, SD 57501-3181 (605 773-3352) and with the vested water right holder at the listed address. The petition may be informal, but it must include a statement describing the petitioner's interest in the vested water right claim, the reasons for the petitioner's opposition to the claim, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained.

If a petition of intent to oppose the validation of a recognized vested water right claim is filed, the Water Management Board will conduct a hearing on the opposed claim at 10:00 am, March 3, 1993, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The March 3, 1993, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by February 22, 1993.

If no person opposes validation of a recognized vested water right claim pursuant to SDCL 46-2A-16, the Water Management Board will issue an order pursuant to SDCL 46-2A-17, validating the vested water right claim.

The validation is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-16 thru 46-2A-18, 46-2A-22; 46-5-1 thru 46-5-6.1, 46-5-8.2, 46-5-13 thru 46-5-15, 46-5-30.2 thru 46-5-37.1, 46-5-46, 46-5-49, 46-6-1 thru 46-6-3, 46-6-6, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-7-1 thru 46-7-5.3, 46-7-12, 46-7-14, 46-7-15; and Board Rules ARSD 74:02:01:01 thru 74:02:01:05.02 and 74:02:01:20 thru 74:02:01:22.

Contact Eric Gronlund by February 22, 1993, at the above Water Rights Division address to: 1) request copies of information pertaining to a vested right claim or a copy of the vested water right claim list for another county; 2) obtain a summary of South Dakota Water Law and Water Rights Information; 3) to assure access to the hearing by the handicapped; or 4) obtain an interpreter for the hearing. Impaired: Robert E. Roberts, Secretary, Department of Environment and Natural Resources

(Publish Jan. 19, 26, 1993)



1046-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-181

January 26, 1993

Melvin Spencer, Jr.
PO Box 9664
Rapid City SD 57709

Dear Mr. Spencer:

Enclosed is a Notice of Transfer of Ownership form to use in filing an ownership change on Vested Water Right No. 1046-1. The water right is currently listed in the name of Ruth Mason. Our office received a copy of the Pro 91-27 Final Decree, which states you are now the owner of this property.

The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with the required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Engineer
Water Rights Division
605 773-3352

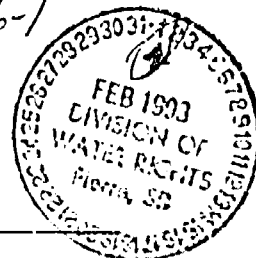
enclosure

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 1046-1

Date: _____



I/We request that Vested Water Right No. 1046-1

formerly owned by: Ruth Mason

be transferred to: (name & address) Melvin Spencer Jr., PO Box 9664, Rapid City SD 57709

(Telephone No) _____

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

22 acres - SW 1/4 NW 1/4 Section 11-T14N-R17E

I/We understand that the validity of Water Right No. 1046-1 has not been determined 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 fees as required under SDCL 45-2-13.

STATE OF SOUTH DAKOTA)

County of Pennings)

I/We Melvin Spencer 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 stated is true.

Melvin Spencer
(Signed)

Subscribed and sworn to before me this 31st day of January, 19 93.

Not Public
(Notary Public)

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 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

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

1046-1
413613

Pierre, February 2, 19 93

RECEIVED OF Melvin Spencer, PO Box 9664, Rapid City, SD 57709
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>Water Right No. 1046-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By [Signature]
Chief Engineer



1046-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 5, 1993

No. 1046-1

Melvin Spencer, Jr.
P.O. Box 9664
Rapid City, SD 57709

Dear Mr. Spencer:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Vested Water Right No. 1046-1.

Our records now show you as the owner of Vested Water Right No. 1046-1.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure



1046-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3161

SEP 17 1993

Melvin Spencer Jr.
PO Box 9664
Rapid City SD 57709

Dear Mr. Spencer:

The Water Management Board has validated the enclosed Vested Water Right No. 1046-1. This validation gives legal status to the claim and is the final document for your vested right.

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

Very truly yours,

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

enclosure

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1046-1 FOR IRRIGATION

Date of Receipt of Claim January 2, 1975.

Date of Validation March 3, 1993.

The Water Management Board validated Vested Water Right Claim No. 1046-1 for irrigation purposes for Melvin Spencer, PO Box 9664, Rapid City SD 57709 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1046-1 appropriates 0.31 cubic feet of water per second from Heron Creek (dry draw) located in the SW 1/4 NW 1/4 Section 11-T14N-R17E to irrigate 22 acres. The location of the lands irrigated is the SW 1/4 NW 1/4 Section 11-T14N-R17E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: January 1 - December 31.
3. The priority date of the Vested Water Right is May 6, 1914.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

Priority for this Vested Water Right is based on Water Right No. 104-1, originally issued to Claude Herron. Applicable portions of No. 104-1 have been incorporated into No. 1046-1 and the abandoned or forfeited portions of No. 104-1 have been cancelled.

WATER MANAGEMENT BOARD

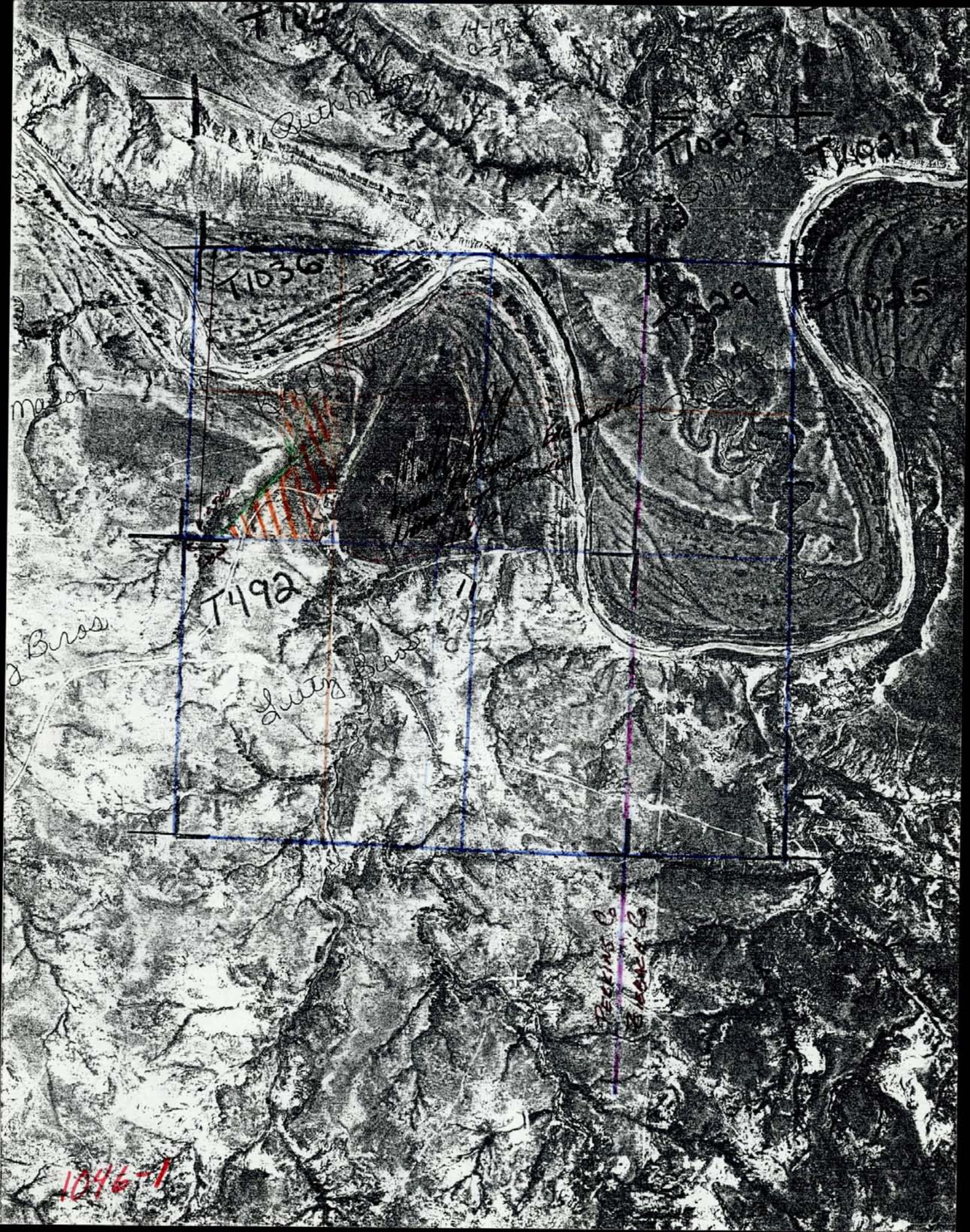
By: _____

John H. Hattis
Chief Engineer

SEP 17 1993

date

Division of Water Rights
Dept. of Environment and Natural Resources



T102

14-19-53
0-21

Ruth Mason

T1029

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1046-1