

Water Right No. 1202-1

VESTED RIGHT

1. Considered September 25 19 80
2. Name of Applicant Roy M. Dungey
3. Post Office Address Box 667, Lead, S.D.
4. Amount of Water Claimed .60
5. Source of Water Supply Sue Spring - DAM
6. Water to be used for IRR
7. Acres to be irrigated 42 maximum acre feet
8. Water to be diverted and used in Lawrence County about 5 So., 3 miles East of Heade
9. PROOF OF PUBLICATION Received
Not Received

APPLICATION

Approved 11/25/80

Subject to

Not Approved

Action deferred

Priority

Date

Received 7/21/80

Application Complete yes ☒ no

FEE 13.00

1914

Remarks

Needed lands, etc. corrected on application,

checked over by Winters - O.K. for V.R.

Date Information and/or

fee on corrected Application received August 12, 1980

Period of Annual use May thru August

WATER
QUALITY

Received yes no

APPROVED/CONDITIONAL (Circle one)

W-1 Description same as application yes no

Remarks

W-1 - but do have an analysis that is O.K.

Disapproved

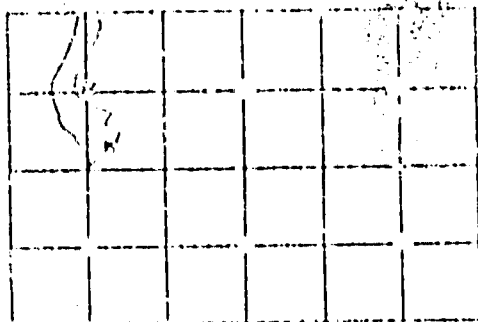
Returned

Diversion Point

SW 1/4, Sec. 25-T4N-R2E

Lands to be irrigated

Portions of Section 25-T4N-R2E



WELL
LOG

Remarks

Driller

Licensed yes no

Depth

Page 2

Water Right No. _____

MAP Rep No. 1011-1 Map located in Water Right ✓ Map file _____

Type of Map Drawn Prepared by SCS-Vested Right
PE

+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete. Number assigned and written up for advertisement before the Board on 8/25/80

John Westlund
(Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date
F.F. & C Final Decision, including F.F. & C Law were adopted _____
OF LAW, Date
FINAL Final Decision mailed to parties and/or parties notified that Final Decision
DECISIONS was adopted _____
ETC.

Remarks _____

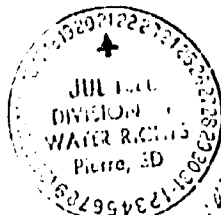
August 12, 1980

No. 1303-1

Map No. 1011-1 Water Division No. 1 BELLE FOURCHE

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

10120202



APPLICATION FOR PERMIT VESTED RIGHT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant ROY M. DUNGEY
Postoffice address BOX 667, Lead State South Dakota

If a corporation show date and place of incorporation _____ contract

2. Method of accomplishing work (contract, employment of others, or by direct labor) _____

3. Name of diversion work irrigation on NBS 541 Dungey Irrigation Project

4. Amount of water claimed (cubic feet per second) .60 (MAX. ALLOWABLE)

5. Source of water supply Spring located on NBS 541, REFER TO MAP

6. Location of point of diversion REFER TO MAP S59°23'E, 1919.98' FROM SE CORNER

NBS 541 in the north half of section, 25-T4N-R2E.

Black Hills Meridian County Lawrence

7. Annual period or period during which water is to be used Summer months - MAY THRU AUGUST

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 Refer to map (42 acres)

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.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system COMPLETED years. Additional time required to complete application of water to the proposed beneficial use COMPLETED years.

11. Choice of newspaper for Notice of Intent to Appropriate Water publication Rapid City Journal

12. Principle Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Pump & Sprinkler
Total system (irrigation) to be designed
by Soil Conservation Service Engineer,
approximately April 8, 1980.

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

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ _____

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

Roy M. Dungey the applicant, certify that I have read the foregoing application and have examined the attached map and that the matter therein stated are true and that I intend, and am able to complete the necessary construction

Subscribed and sworn to before me this 18th day of July 1980

Tom Carleton
Notary Public (or other qualified officer)

f-27-37

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1302-1

ROY M. DUNGEY
(Applicant)

Box 667, LEAD
(Post Office Address)

SOUTH DAKOTA 57754 With the following modifications:
(State)

"Vested Right" Claimed

Date of first receipt of application JULY 21 19 80
Date of return to applicant for correction, amendments or changes required JULY 30 19 80
Date of receipt of corrected application AUGUST 12 19 80
Approved SEPTEMBER 25 19 80 Recorded in Book 21 Page 271

WATER RIGHT PERMIT NO. 1202-1

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1202-1 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 1918
2. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed ~~on or before~~
3. The whole of said work is ~~to be~~ completed ~~on or before~~
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 .60 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 THIS DATE MAY THRU AUGUST said water to be used during the following described annual period:

Witness my hand this 29th day of SEPTEMBER 19 80

WATER RESOURCES COMMISSION

By:

John Zlatos
Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 29 19 80

Water License Issued SEPTEMBER 29 19 80

D. Well information

(1) Drill Hole, Diameter _____, Depth _____

(2) Casing, Type _____, Diameter _____, Thickness _____
(wood, concrete, steel, etc)

(3) Screen, Type _____, Diameter _____, Length _____

(4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates

(1) Surface dimensions, _____, Depth _____

F Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Attach a copy of test well log)

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Depth to water (ground surface to water level) _____

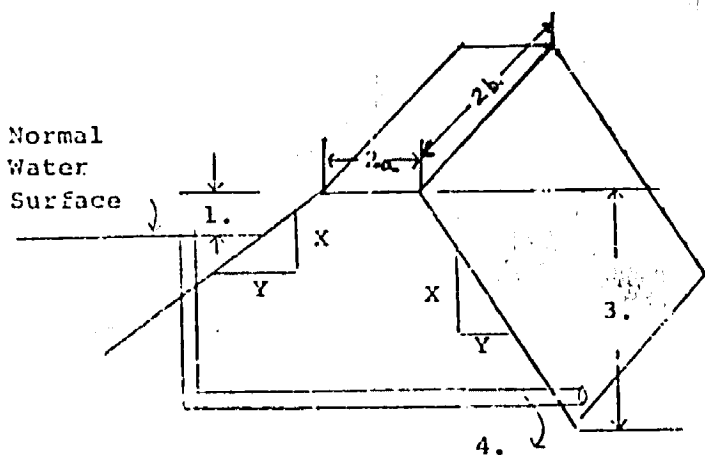
(2) Distance to nearest existing household or livestock watering well.

On same owner's property _____ rds.

On property owned by others _____ rds

G Water Storage Dams

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



1. Freeboard 3'

2a Crest width 10' b. length 140'

5. Height of Dam 12'

4. Outlet dimensions:
Pipe diameter 15" CMP

Spillway width 50'

X & Y slope: 3:1
Upstream

Downstream 2:1

Surface area of impoundment

.30 Ac.

Drainage area above dam

10 Ac. - Flowing Spring
at (approx) rate of .9 cfs

Vincent M. Seamon, C.E.T., S.C.S.
Rapid City, S. D.



Gregory M. DeGeorge
Signature of Applicant

SOUTH DAKOTA STATE UNIVERSITY
Brookings, South Dakota 57007

Water Resources Research Institute
Telephone 605 688-4910

July 23, 1980

Mr. Roy M. Dungey
Box 667
Lead, SD 57754

Dear Mr. Dungey:

Enclosed is your copy of the laboratory report of analysis for water sample No. 80-506.

I have plotted the approximate quality of your water by means of a cross in the chart located on the back cover of the accompanying AEs pamphlet #13.

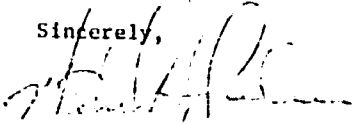
Sample No. 80-506 is classified as a medium hard, low sodium water. It is highly suitable for use as a source for irrigation.

I have also enclosed an additional information form. Please fill in the legal description of the well from which sample No. 80-506 was taken. We need this information in order to accurately construct a water quality map for South Dakota.

I will hold the carbon copies of your water analysis for inclusion with the 1980 edition of form W11 mailed to you earlier this week.

Thank you for your cooperation.

Sincerely,


Michael H. Sanders
Water Quality Lab
Division of Conservation

MHS:slb

Enclosure



Submitted by: Roy W. Dungey
Address: Box 667
Lima, CO 87705

Sample No. 80-506

Identification

Calcium (Ca)	20	ppm	4.07	me/l
Magnesium (Mg)	27	ppm	2.21	me/l
Sodium (Na)	1	ppm	0.04	me/l
Potassium (K)	0	ppm	0.00	me/l
Sulfate (SO ₄)	2	ppm	0.04	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	6	ppm	0.15	me/l
Bicarbonate (HCO ₃)	346	ppm	5.68	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		gpg...
Alkalinity (Methyl Orange)	284	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	594	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.02	Adjusted SAR	0.05	
Sodium	0.65	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.65			

*ppm=parts per million

*me/l=miliequivalents per liter

***g.p.g = grains per gallon

Total cations	6.25	me/l
Total anions	5.83	me/l

By: Shirley E. Stan

Service Performed

Amount Due

Irrigation analysis

315.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 80-506

Amount Enclosed \$

Signed.

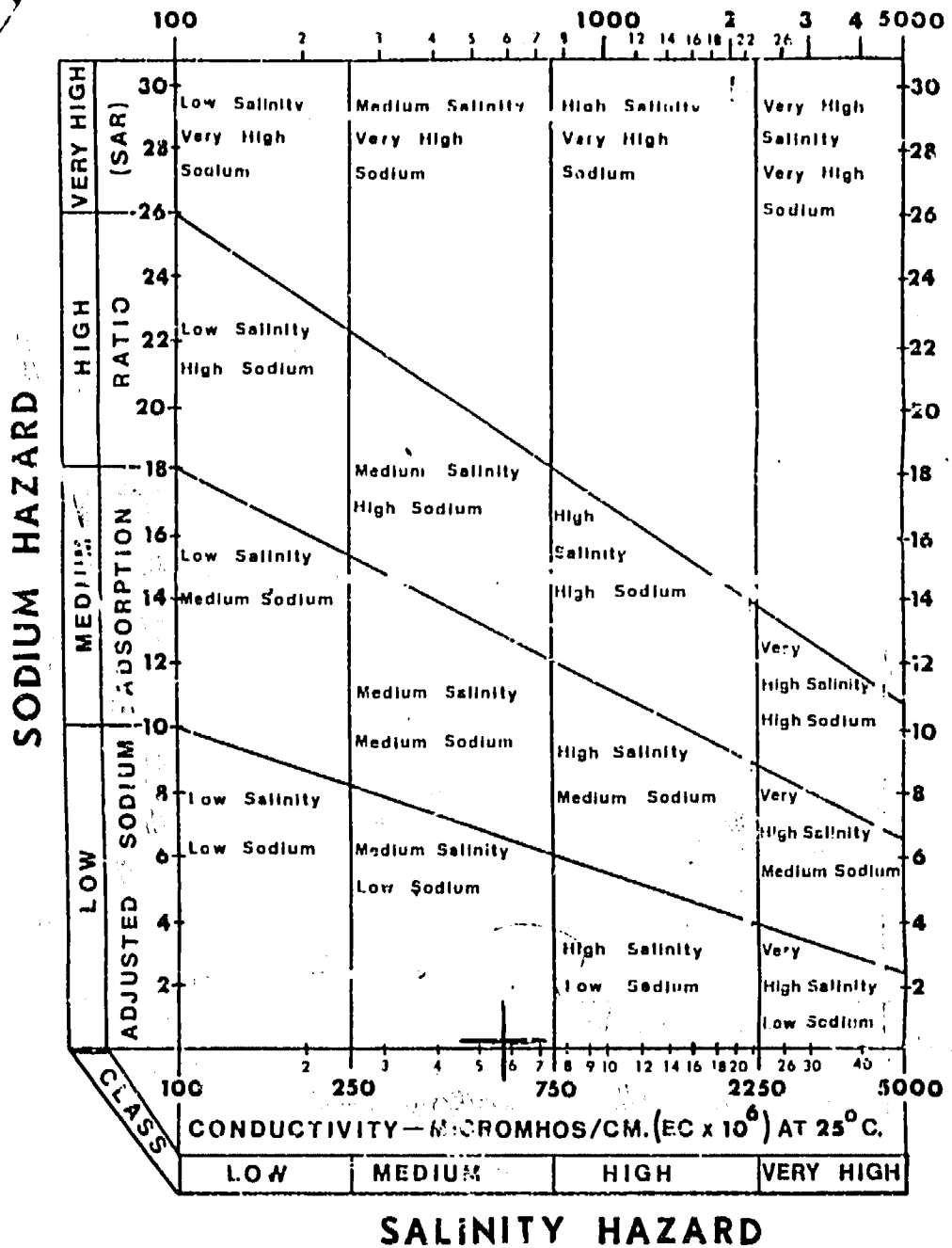


MS
12/1/57

copy

Figure 1. Classification of Irrigation Waters*

(Note: Examples from Table 1 on page 4 are shown in blue)



Electrical Conductivity _____
Adjusted Sodium Adsorption Ratio _____

*Adapted From Agricultural Handbook 60, USDA



NOTE

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

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

Name of Applicant (Same as Form 2) ROY M. DUNGEY
 Post Office Address BOX 667, ARND, State SO. DAKOTA
 If a Corporation show date and place of incorporation _____

13. Notice of Appropriation (if available)

Date of Posting 1917 Date of Recording 1917 (29)
 Recording Date (19) below

14. Date of start of construction of water supply system 191815. Date that water was first applied to beneficial use 191816. Name of owner of original water supply system H.C. Ward (step-grandfather)17. Amount of water originally applied to beneficial use one c.f.s.

18. Present Use of Water

Amount of water now being used (1) one c.f.s.Date that this amount of water was first used 191819. Chronological History of Water Use NEW SYSTEM DESIGNED TO USE SPRING! - Not storage dam.
 homesteaded by H.C. Ward in 1917, irrigated potatoes in 1918.
 First dam built in 1919 (storage). Continual use annually until 1933.

Transferred to Clyde Ward, July 16, 1933. Built a small dam in 1934.
 bought hydraulic ram in 1934, improving system (less efficiency).
 irrigated potatoes and hay land. (Clyde Ward, Step-Father).

transferred to Edna Laura Ward, 22 Oct. 1962 (Roy M. Dungey's Mother)

Transferred to Roy M. Dungey & Evelyn R. Dungey on 23 Oct. 1962.
 built much bigger storage dam. Still using hydraulic ram (inefficient).
 Tried various other gasoline driven motor systems. Not the best use
 or most efficient use of water.

Had R.E.A. install 9/10 of a mile of line in 1969, with new system in
 mind. New system will greatly improve water use.

All forms and map enclosed. Water samples being sent & results referred
 to you.

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)
) ss.
 County of _____

Roy M. Dungey, the applicant, certify that I have read the foregoing and that
 the matters therein stated are true.

Signed Roy M. DungeySubscribed and sworn to before me this 18th day of July, 1960

Tom Cantor
 (Notary Public - or other qualified Officer)

f-27-87

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.



SOUTH DAKOTA STATE UNIVERSITY
Brookings, South Dakota 57007

Water Resources Research Institute
Telephone 605-688-4910

July 23, 1980

Mr. Roy M. Tungey
Box 667
Lead, SD 57754

Dear Mr. Dungey:

Enclosed is your copy of the laboratory report of analysis for water sample No. 80-506.

I have plotted the approximate quality of your water by means of a red cross in the chart located on the back cover of the accompanying AES pamphlet #13.

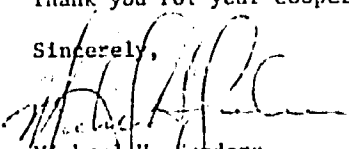
Sample No. 80-506 is classified as a medium saline, low sodium water. It is highly suitable for use as a source for irrigation.

I have also enclosed an additional information form. Please fill in the legal description of the well from which sample No. 80-506 was taken. We need this information in order to accurately construct a water quality map for South Dakota.

I will hold the carbon copies of your water analysis for inclusion with the 1980 edition of form W11 mailed to you earlier this week.

Thank you for your cooperation.

Sincerely,



Michael H. Sanders
Water Quality Lab
Division of Conservation

MHS:slb

Enclosure

REPORT OF ANALYSIS
 Water Quality Laboratory
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57007

Submitted by: Roy L. Dungey Date Rec'd July 21, 1980
 Address: Pox 667 Sample No. 80-506
Lead, SD 57754 Identification _____

WATER ANALYSIS

Calcium (Ca)	80	ppm*	4.00	me/l**
Magnesium (Mg)	27	ppm	2.21	me/l
Sodium (Na)	1	ppm	0.04	me/l
Potassium (K)	0	ppm	0.00	me/l
Sulfate (SO ₄)	2	ppm	0.04	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	6	ppm	0.16	me/l
Bicarbonate (HCO ₃)	346	ppm	5.68	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	284	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	524	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.02	Adjusted SAR	0.05	
Sodium	0.65	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.65			

Others:
 *ppm=parts per million
 **me/l=millequivalents per liter
 ***g.p.g.=grains per gallon

COMMENTS: Total cations 6.25 me/l
 Total anions 5.33 me/l

By: Shirley Mittan

Service Performed	Amount Due
Irrigation analysis	\$15.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

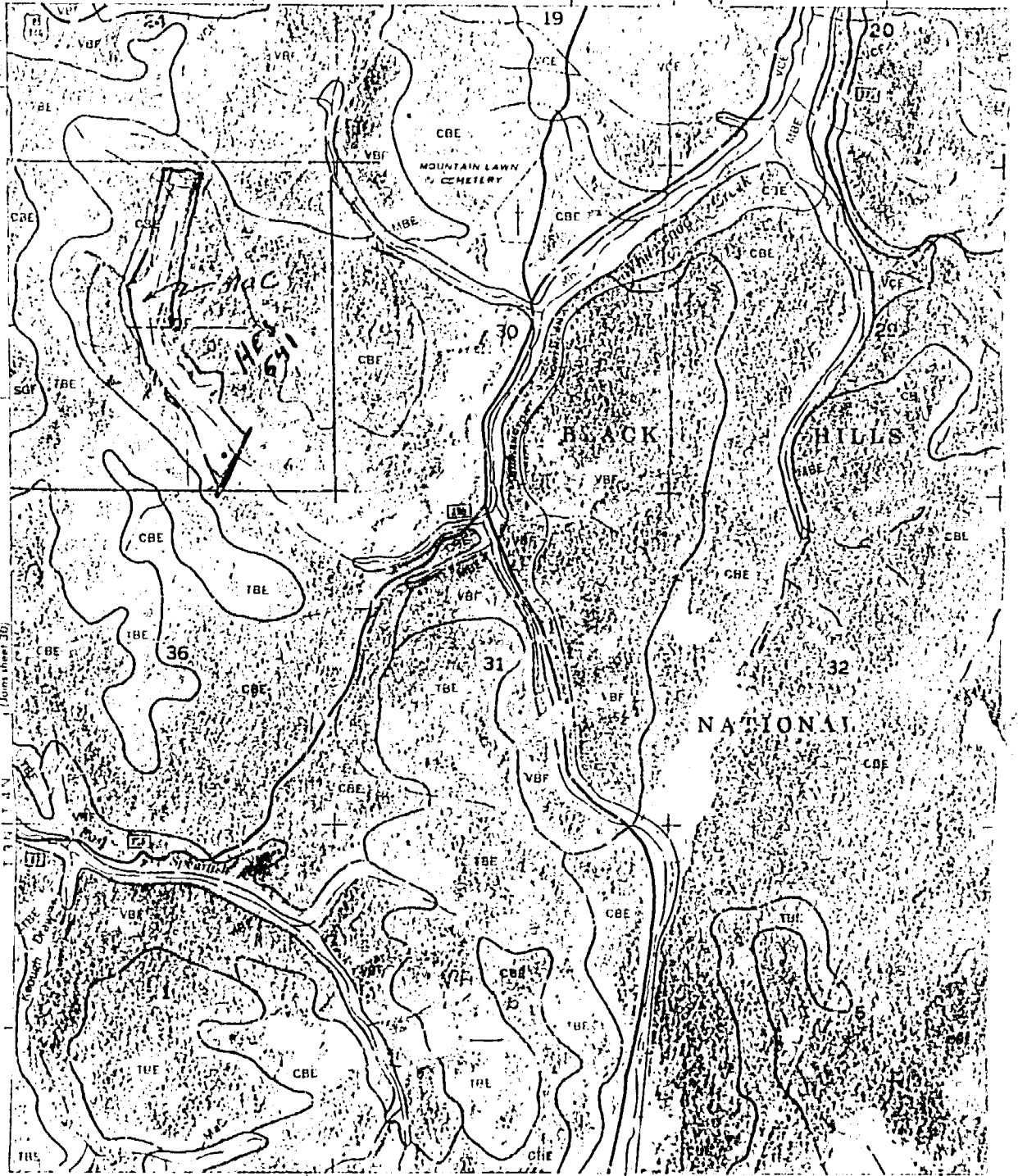
Sample No. 80-506

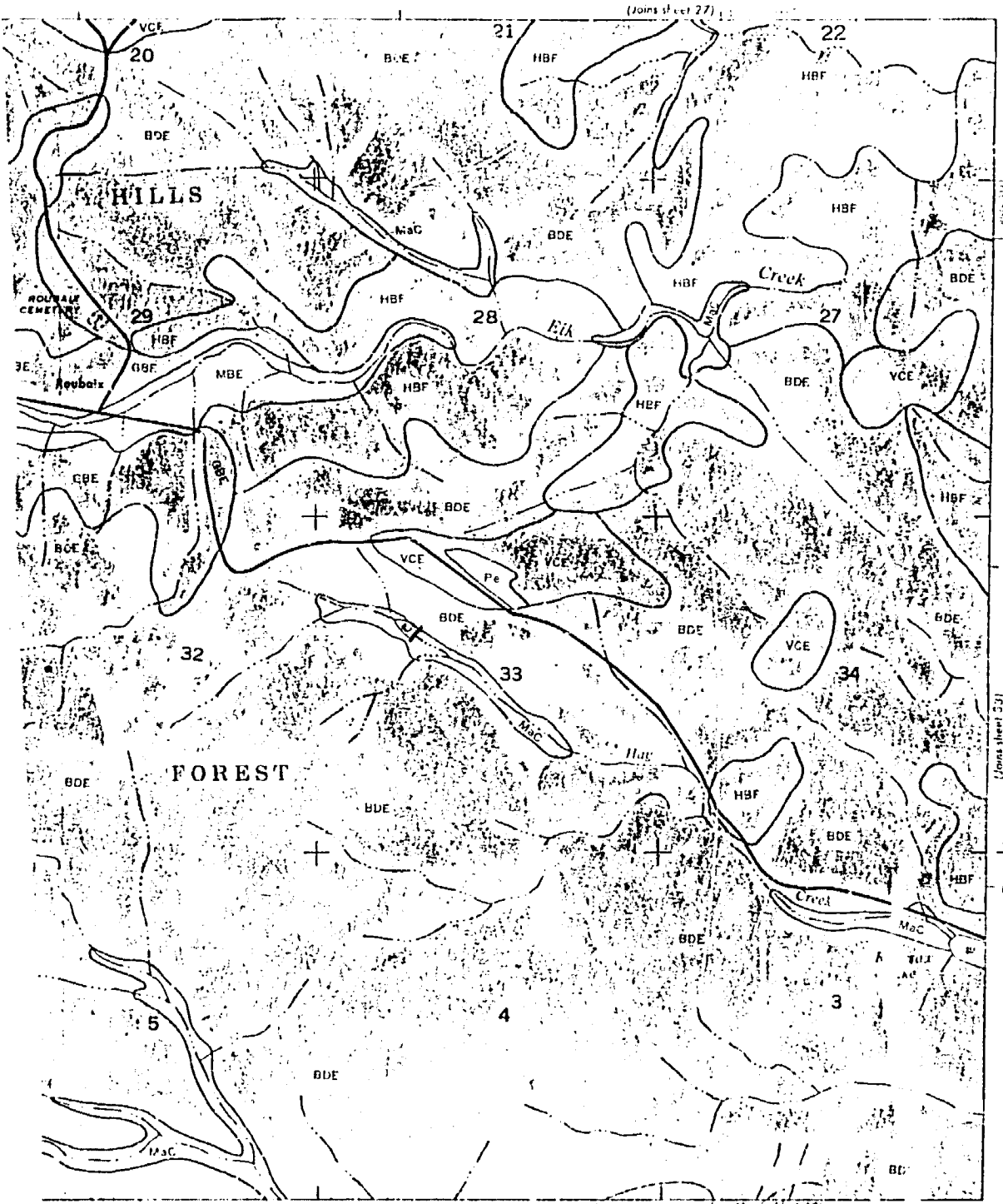
Amount Enclosed _____

Signed _____

LAWRENCE COUNTY, SOUTH DAKOTA -

1:250,000





Ray M. Dargatz

CONSERVATION COMMISSION
FORM WI #1
6/77

SOIL/WATER COMPATIBILITY APPLICATION FORM

STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

IMPORTANT: Read Instructions Before Proceeding!!!

NAME ROY M. DUNGEY

ADDRESS BOX 667, LEAD, SO. DAK.

COUNTY LAWRENCE

In accordance with State Law (Section 1, SB-58), if a water right is granted with a conditional permit (Soil/Water compatibility), a copy of such conditional permit must be filed with the County Register of Deeds.

This action must be taken by the holder of a water right within 6 months of receipt of such water right.

LEGAL DESCRIPTION:

1. WELL LOCATION OR DIVERSION POINT REFER TO MAP ENCLOSED
2. LOCATION OF AREA TO BE IRRIGATED REFER TO MAP ENCLOSED

TYPE OF IRRIGATION:

3. GRAVITY TOWLINE ☒ CENTER PIVOT CAN
OTHER (SPECIFY) SPRINKLER / PUMP SYSTEM
4. CROPS TO BE IRRIGATED NATIVE HAY (TIMOTHY & CLOVER)

WATER QUALITY: (To be completed by SDSU Water Quality Lab)

5. SAMPLE NUMBER SAMPLE BEING SENT. RESULTS WILL BE SENT.
6. SALINITY (EC X 10³)
7. SODIUM (SAR)
8. RESIDUAL SODIUM CARBONATE (meg/l.)

I do hereby certify that a chemical analysis of the irrigation water representative of that used to irrigate shall be acquired from South Dakota State University and the soils information has been acquired from LAWRENCE CO. SOIL SURVEY Conservation District, County Extension Office or Soil Conservation Service; and further, that the legal description for the location of the well and land to be irrigated is true and correct.

REFER TO ENCLOSED MAP,
prepared by R. Lausser
(Technician)

SUBSCRIBED AND SWORN BEFORE ME THIS
DAY OF JULY, 1980.

(TITLE OR SEAL)

APPLICANT'S SIGNATURE

Approved

Disapproved

Conditionally Approved

(SOILS INFORMATION ON REVERSE SIDE)

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1202-1

(1) WHEREAS, On the 21st day of July A. D. 19 80

Irby M. Dungey

made Water Right Application No. 1202-1 vested right for ~~permit~~ to use .60 cubic feet per second of the waters of Suo Spring and dam

County of Lawrence, State of South Dakota, for Irrigation

purposes; and

Vested
Right

(2) WHEREAS, On the 25th day of September A. D. 19 80

Permit No. 1202-1, with a date of priority of 1918

was issued to said applicant recognizing for the diversion of said water, and ~~for the~~ completion of construction of the water supply system therein described ~~xxxxxx~~ ~~xxxxxx~~ ~~xxxxxx~~ and for the application to beneficial use of said water ~~xxxxxx~~ ~~xxxxxx~~ ~~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 .60 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,

to irrigate portions of Section 25 - T4N - R2E in the amount of 42 acres.

(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 Roy M. Dungey

_____ of Lead, South Dakota
the holder _____ and owner Vested Right of said permit No. 1202-1 a water right, dating from 1913
_____ to use of 50 cubic feet per second of the waters
of Sue Spring & dam

in the County of Lawrence and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 189° 45', 4870 feet from the NE corner,
Section 25-T4N-R2E

and conducted to and upon _____
portions of Section 25-T4N-R2E in the amount of 42 acres

for the purpose of Irrigation

This Water License No. 1202-1 is based on a Vested Right Claim recorded and filed by the
Water Management Board.
Subject to any limitations listed in Water Right Permit No. 1202-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 29th day of September A. D.
Nineteen Hundred and Eighty

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer JOHN HATCH

Permit No. 1202-1

Water Diversion No. 1 Belle Fourche Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Roy H. Dungey

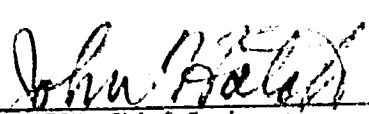
_____ the holder _____ of
Permit No. 1202-1, issued upon Application No. 1202-1, hearing date of priority of 1913

_____ authorizing the diversion of .60 cu. ft. per second of the waters of _____
Sue Spring & dam County of Lawrence, State of South Dakota at _____
point 189° 45', 4870 feet from the NE corner, Section 25-T4N-R2E.

_____ for Irrigation

_____ purposes, has _____ 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 ~~found to be~~ satisfactory
condition for diverting and conveying to the place of intended use .60 cu. ft. per second of water.

Date September 29, 1980


JOHN HATCH, Chief Engineer
Water Rights Division

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7637

PIERRE,

August 12, 1986

RECEIVED OF Roy Dungey, Box 667, Lead, SD 57754

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

Fee for Application for Permit to Appropriate Water No. 1202-1 (examination, processing, recording and filing)	8.00
Fee for inspecting Construction and issuing Cert. of Construction No.	2.50
Fee for inspecting Beneficial Use and issuing Water License No.	2.50
Fee for issuing Location Certificate-Dry Draw, No.	
Fee for filing	
Fee for certified copy of	
Fee for Print copy of map	
Fee for Certifying	
Fee for (any other work as provided by law)	
TOTAL	13.00

WATER RIGHTS COMMISSION

By

Chief Engineer, Executive Officer

JOHN HATCH /ct

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE

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

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

September 21, 1988

NOTICE

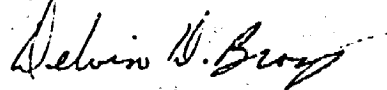
Roy M. Dungey
Box 667
Lead SD 57754

Dear Mr. Dungey:

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). 1202-1 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



File No. 1202-1.

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Roy Dungey

ADDRESS: Box 667, Lead, SD 57754

COUNTY: Lawrence

DATE: 7/1/91

TELEPHONE: 584-2149

RE: Vested Right Claim inspection

COMMENTS: On June 18, 1991, accompanied by Mr. Roy Dungey, I inspected Vested Right Claim No. 1202-1. The inspection showed that 42 acres are being irrigated. The diversion point is a small dam which is fed by a spring. The flow from the spring could not be estimated because the pipe in which the spring was flowing was submerged. The dam dimensions seemed to be very close to the dimensions in the original application. Mr. Dungey uses two identical electric pumps, for a total capacity of 350 gallons per minute. To apply water, he uses a series of Rainbird sprinklers, for a total capacity of 250 gallons per minute.

** Recommend validation of Vested Right Claim No. 1202-1.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.



M. RASSOOL AHADI

Natural Resources Engineer III
DENR, Water Rights Division

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1202-1 FOR IRRIGATION

Date of Receipt of Claim July 21, 1980.

Date of Validation May 6, 1992.

The Water Management Board validated Vested Water Right Claim No. 1202-1 for i.rigation purposes for Roy M. Dungey, Box 667, Lead SD 57754 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1202-1 appropriates 0.6 cubic feet of water per second from Sue Spring and a dam located in the SW 1/4 SE 1/4 Section 25 to irrigate 42 acres located in the E 1/2 NW 1/4, NE 1/4 SW 1/4, W 1/2 SE 1/4 Section 25; all in T4N-R2E.
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: May 1 - August 31.
3. The priority date of the Vested Water Right is January 1, 1918.
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.

WATER MANAGEMENT BOARD

By: _____


Chief Engineer

JUN 29 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources



JUN 29 1992

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Roy M Dungey
Box 667
Lead SD 5774

Dear Mr. Dungey:

The Water Management Board has validated the enclosed Vested Water Right No. 1202-1. 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



1202-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 11, 1994

No. 1202-1

Evelyn R. Dungey
PO Box 667
Lead SD 57754-0667

Dear Mrs. Dungey:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Vested Water Right No. 1202-1. The vested water right is currently listed in the name of Roy M. Dungey. You indicated on the Irrigation Questionnaire that Mr. Dungey was deceased.

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 a 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 permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

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

enclosure

1202-1

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 1202-1

Date: _____

I/We request that Vested Water Right No. 1202-1

formerly owned by: Roy M Dungey

be transferred to: (name & address) Evelyn P. Dungey

(Telephone No) (605) 554-2149

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

42 acres - E 1/2 NW 1/4, NE 1/4 SW 1/4, W 1/2 SE 1/4 Section 25-T4N-R2E

I/We understand that the validity of Vested Water Right No. 1202-1 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 46-2-13.

STATE OF SOUTH DAKOTA)

County of Lauderdale)

I/We Evelyn P. Dungey 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.

Evelyn P. Dungey
(Signed)

Subscribed and sworn to before me this 16th day of February, 19 94.

[Signature]
(Notary Public)

My Commission expires 11-15-95

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.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, February 17, 19 94

RECEIVED OF Evelyn P Dungey, Box 667, Lead, SD 57754

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>Vested Water Right No. 1202-1</u>		2 50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By

Chief Engineer

John W. Hatch



1202-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 2, 1994

No. 1202-1

Evelyn P. Dungey
P.O. Box 667
Lead, SD 57754-0667

Dear Mrs. Dungey:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 1202-1.

Our records now show you as the owner of Water Right No. 1202-1.

Sincerely,

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

June 9, 1998

1202-1

Toni Cattell
15155 Chad Road
El Cajon, CA 92021

Dear Ms. Cattell:

Enclosed, as we discussed, is a copy of Vested Water Right No. 1202-1, currently listed in the name of Evelyn Dungey. At your request, all correspondence concerning the water right will be directed to your attention, as executor of the estate, until you notify us otherwise.

I am also enclosing a partially completed "Notice of Transfer of Ownership" form. You indicated you would be filing the ownership change as soon as the estate is settled. The new owner(s) will need to complete the form by filling in the portion titled "*be transferred to: (name and address).....*". The form should be signed by the new owner(s) in the presence of a notary public. Once this is done, please return the form to our office with a required filing fee of \$2.50.

I have included a copy of last year's irrigation questionnaire. This is a form our office sends out each year in October. The form is a method we use to have the irrigator's report annual water use. The 1998 irrigation questionnaire will be mailed to you sometime in October. If you have a renter or farm manager in South Dakota who may have the information needed for the report, let me know and I can get in touch with them.

For informational purposes, I wanted to also let you know that water use is a factor in maintaining a water right. Under South Dakota water law, water must be placed to beneficial use for the purpose it was appropriated, at least once every three years. This three year period may be waived if legal excuse exists for not irrigating. Legal excuse as defined in Water Management Board Rules includes, but is not limited to, the following: 1) unavailability of water to satisfy a permit or right; 2) legal proceedings which prevent the use of water; or 3) water use under existing climatic conditions would result in a waste of water.

All this may seem a bit overwhelming, but please feel free to call me with any questions you may have.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

February 25, 2000

1202-1

Toni Cattell
15155 Chad Road
El Cajon, CA 92021

Dear Ms. Cattell:

Enclosed, as you requested, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change with Vested Water Right No. 1202-1. The vested water right is currently listed in the name of Evelyn Dungey.

Please complete the form and sign it in the presence of a notary public. Upon completion, please return the form to our office with a required filing fee of \$2.50.

If you have any questions concerning the vested right or with completion of the transfer of ownership, please get in touch with me.

Sincerely,

Genny McMath
Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

1202-1
3-1-00

Dear Mark and Genny

- Thank you for your information and prompt service.

It always helps when I can get the corr. l. information and get the forms in such a timely fashion.

I will continue to use the water in the manner it has been used since our Homestead was taken up in 1906. I appreciate any help or information that I can get, it always is a pleasant surprise to talk to such knowledgeable personnel and to be able to complete proper procedures on time.

Yours Truly
Toni L. Cattel
(Dungey)

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 1202-1

Date: 3-1-00

I/We request that Vested Water Right No. 1202-1

formerly owned by: Evelyn P Dungey

be transferred to: (name & address) Toni Lee Cattell

Telephone No. (619) 113-8232

15155 Chad Rd El Cajon CA 92021
Title to the following described land(s)/property has been transferred as described above:

42 acres - E 1/2 NW 1/4, NE 1/4 SW 1/4, W 1/4 SE 1/4 Section 25, T4N, R2E

I/We understand that the validity of Vested Water Right No. 1202-1 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 with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

STATE OF CALIFORNIA
SOUTH DAKOTA

County of SAN DIEGO

I/We TONI LEE CATTELL 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.

[Signature]
(Signed)

Subscribed and sworn to before me this 1st day of MARCH, 2000.



[Signature]
(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.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 416414

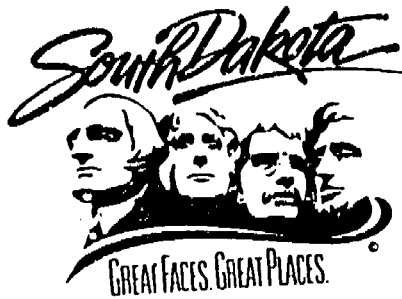
Pierre, March 6, 2000

RECEIVED OF Toni Lee Cattell, 15155 ChgddRd., El Cajon, CA 92021
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>Vested Water Right No. 1202-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By *M. Candlish*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

March 7, 2000

1202-1

Toni Cattell
15155 Chad Road
El Cajon, CA 92021

Dear Ms. Cattell:

Thank you for following up on the transfer of ownership for Vested Water Right No. 1202-1. The transfer has been completed and the vested right is now listed in your name.

Enclosed is your receipt No. 416414 in the amount of \$2.50, which you paid for filing the transfer. You may keep this for your records.

Mark and I would like to thank you for your kind letter. We appreciate you taking the time to write and let us know that your experience with our program was a pleasant one. Thank you again.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
genny.mcmath@state.sd.us

enclosure: receipt



1202-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 17, 2003

NOTICE

TO: TONI LEE CATTELL, 15155 CHAD ROAD, EL CAJON, CA 92021

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire

Our records indicate that the 2002 Irrigation Questionnaire has not been submitted for Permit No(s) 1202-1. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 5, 2003, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1202-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(arc) received in this office on/or before February 28, 2003, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



1202-1

Track & Confirm

Delivery Status

You entered 2301 0370 0000 7540 5645

Your item was delivered at 12:52 pm on January 22, 2003 in EL CAJON, CA 92021. The item was signed for by T CATTELL.

[Shipment History >](#)

[Request Delivery Record >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)



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U.S. Postal Service Signature Confirmation Receipt	
SIGNATURE CONFIRMATION NUMBER: 2301 0370 0000 7540 5645	TONI LEE CATTELL 15155 CHAD ROAD EL CAJON CA 92021
	Postmark Here
POSTAL CUSTOMER: Keep this receipt. For inquiries: Access internet web site at www.usps.com or call 1-800-222-1811	
CHECK ONE (POSTAL USE ONLY) ☐ Priority Mail ☐ Package Services	
P8 Form 155, February 2001 (See Reverse)	



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 28, 2003

1202-1

Toni Lee Cattell
15155 Chad Rd
El Cajon CA 92021

Dear Toni:

I am writing to acknowledge receipt of your 2002 irrigation questionnaire. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right No. 1202-1.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

VA # 1202-1



DAM, DIV. PT.
SPRING
LAND BEING IRRIGATED



proposed
Nat Res Land
7-1-91

4-2

LAWRENCE COUNTY, SOUTH DAKOTA

R 2E 19 N





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

November 30, 2005

1202-1

Toni Lee Cattell
15155 Chad Rd
El Cajon CA 92021

Dear Ms. Cattell:

I am writing to acknowledge receipt of your 2005 irrigation questionnaire for Water Right No. 1202-1. I am returning the form to you for completion. In order for the questionnaire to be considered complete, the back side also needs to be filled out.

Please include the pump rate (in gallons per minute), days per month and hours per day the system(s) was running. The information is important to us in calculating how much water was used from a specific source.

Please complete and return the form to us by **December 16, 2005**. Thank you in advance for your help. If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosure



1202-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 24, 2006

NOTICE

TO: TONI LEE CATTELL, 15155 CHAD ROAD, EL CAJON, CA 92021

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire has not been submitted for Permit No(s) 1202-1. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:30 am, March 2, 2006, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1202-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before **February 24, 2006**, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 7, 2006

1202-1

Toni Lee Cattell
15155 Chad Rd
El Cajon CA 92021

Dear Ms. Cattell:

I am writing to acknowledge receipt of your 2005 irrigation questionnaire. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right No. 1202-1.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

File No. 1202-1

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Rex & Lynda Gudith, 6253 Tarragona Dr, San Diego CA 92115-5517

DATE: January 27, 2010

TELEPHONE: 619 583-7922

RE: ownership of portions of Vested Right No. 1202-1

COMMENTS:

Rex and Lynda Gudith called to talk about the land they purchased from Toni Cattell under Vested Right No. 1202-1. They bought four parcels from Toni (a sister to one of them).

They requested information on the vested right and wanted to be able to transfer the portion they bought to their names. The file was emailed to them and a hard copy of the license, validation, map and transfer of ownership form was sent by regular mail.

They are moving to SD this summer and will live on the property at that time.

As soon as the transfer of ownership form is returned by them, ownership of the remaining portions will need to be determined so the vested right can be divided and reissued accordingly.



Genny McMath
Environmental Scientist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 28, 2010

1202-1

Rex & Lynda Gudith
6253 Tarragona Dr
San Diego CA 92115-5517

Dear Mr. & Mrs. Gudith:

Thank you for calling concerning ownership of land described in Vested Water Right No. 1202-1. It is my understanding that you only own a portion of the land. I am sending along a copy of the water license and the vested right validation. I included a map showing the acreage authorized for irrigation.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. When you are completing the form, please include only the parcels of land that you now own. Upon completion, return the form to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the "Water Rights Program".

If it is easier, you may refer to the enclosed map and highlight the areas you now own. Return the map along with the transfer form and I can match the legal descriptions up with the area. What is going to happen is the vested right will be divided and reissued between you and the owners of the other part of the property. You will be entitled to a pro-rated share of the diversion rate.

One more thing I wanted to send you information on is the requirements for maintaining a water right. Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water right. This three year period may be waived if legal excuse exists for the years of nonuse. Enclosed are excerpts of the water right laws and Water Management Board Rules dealing with these issues.

The only things you need to return to us are the completed "Notice of Transfer of Ownership" form and the \$50.00 filing fee. If you highlight areas on the map showing ownership, it would be helpful to me if you could return that too so I can be certain of specific land ownership. You may keep the rest of the documents.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads 'Genny McMath'.

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr



January 22, 2010

NOTICE

TO: TONI LEE CATTELL, 15155 CHAD ROAD, EL CAJON, CA 92021

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire has not been submitted for Permit No(s) 1202-1. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 10, 2010**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1202-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq.aspx>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 7798

Service(s): Signature Confirmation™

Status: Delivered

Your item was delivered at 10:18 AM on January 25, 2010 in EL CAJON, CA 92021. The item was signed for by T CATTELL.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 25, 2010, 10:18 am, EL CAJON, CA 92021
- Out for Delivery or Available at PO Box, January 25, 2010, 7:55 am, EL CAJON, CA 92021
- Sorting Complete, January 25, 2010, 7:25 am, EL CAJON, CA 92021
- Arrival at Post Office, January 25, 2010, 3:24 am, EL CAJON, CA 92021
- Processed through Sort Facility, January 24, 2010, 12:50 am, SAN DIEGO, CA 92186
- Processed through Sort Facility, January 23, 2010, 1:40 am, SIOUX FALLS, SD 57104

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)[Site Map](#)[Customer Service](#)[Forms](#)[Gov't Services](#)[Careers](#)[Privacy Policy](#)[Terms of Use](#)[Business Customer Gateway](#)

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No FEAR Act EEO Data

FOIA

Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 7798

TONI LEE CATTELL
15155 CHAD ROAD
EL CAJON CA 92021

Waiver of Signature ☐ YES ☐ NO

Postmark Here

POSTAL CUSTOMER:
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Access internet web site at
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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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January 29, 2010

1202-1

Toni Lee Cattell
15155 Chad Rd
El Cajon CA 92021

Dear Ms. Cattell:

I am writing to acknowledge receipt of your 2009 irrigation questionnaire. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Vested Water Right No. 1202-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Lynda did contact me concerning ownership of a portion of the land described in the vested right. I forwarded her a copy of the file and a transfer form for getting the ownership change filed.

I appreciate all your help and look forward to working with your sister. If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

DIVISION OF NO. 1202-1 INTO NOS. 1202A-1 AND 1202B-1

Water License No. 1202-1 authorizes irrigation of 42 acres in Section 25-T4N-R2E. Land described under the water right has changed ownership. The water right is being divided and reissued to reflect separate ownership as follows:

- **1202A-1: Rex Andrew & Lynda R Gudith**, 6253 Tarragona Dr, San Diego CA 92115 authorizing irrigation of 15.82 acres located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 25-T4N-R2E (Parcels Nos. 12100-00402-250-16, 12100-00402-250-14, 12100-00402-250-12, 12000-00420-250-00) from Sue Spring and a dam.
- **1202B-1: Samir & Mary Abu-Ghazaleh**, 8901 E Hidden Valley Rd, Sioux Falls SD 57110 authorizing irrigation of 26.18 acres located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 25-T4N-R2E (Parcels Nos. 12100-00402-250-22, 12100-00402-250-24 and 12100-00402-250-26) from Sue Spring and a dam.