

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 1202A-1
DIVISION OF NO. 1202-1 INTO NOS. 1202A-1 AND 1202B-1

(1) Roy M Dungey was issued Vested Water Right License No. 1202-1, September 29, 1980 for a water right to divert 0.60 cubic feet of water per second (cfs) from Sue Spring and a dam, Lawrence County, South Dakota for irrigation purposes. Water License No. 1202-1, with a priority date of January 1, 1918 was issued to the permit holder for diversion of water with construction of the described water supply system and application to beneficial use of water completed.

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:

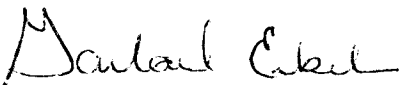
- **1202A-1: Rex Andrew & Lynda R Gudith**, 6253 Tarragona Dr, San Diego CA 92115 authorizing irrigation of 15.82 acres located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 25-T4N-R2E (Parcels Nos. 12100-00402-250-16, 12100-00402-250-14, 12100-00402-250-12, 12000-00420-250-00) from Sue Spring and 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.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holders and/or owners of Water Right No. 1202A-1 is reissued a license, bearing a priority date of January 1, 1918 to appropriate 0.23 cfs from Sue Spring and a dam to irrigate 15.82 acres.

The diversion point is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25-T4N-R2E.

The acres authorized for irrigation are as follows: portions of the E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 25-T4N-R2E – 15.82 acres

(3) This reissued license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1202-1.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 08 2010

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

OCT 08 2010

1202A-1

Rex Andrew & Lynda R Gudith
6253 Tarragona Dr.
San Diego CA 92115

Dear Mr. & Mrs. Gudith:

Enclosed is Reissued Water License No. 1202A-1. The original license authorized irrigation of 42 acres in portions of Section 25-T4N-R2E. The water right is being divided and reissued to reflect separate ownership.

- **1202A-1: Rex Andrew & Lynda R Gudith**, 6253 Tarragona Dr, San Diego CA 92115 authorizing irrigation of 15.82 acres located in the E ½ NW ¼ 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 ¼ NW ¼, NE ¼ SW ¼, W ½ SE ¼ 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.

As long as you use the water beneficially, as stated in the reissued Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 11, 2010, 20

RECEIVED OF Rex A & Rev. Lynda R Gudith, 6253 Tarrogon Dr, San Diego CA 92115

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	50.00	
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>1202-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50.00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No.

04472

By

Garland Erbele

Chief Engineer

Garland Erbele

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

FEB 11 2010

WATER RIGHTS
PROGRAM

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

No. 1202A-1

Date: 02-02-10

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

formerly owned by: Toni Lee Cattell

be transferred to: (name & address) Rex Andrew & Lynda R. Gudith
6253 TARRAGONA DR.
SAN DIEGO, CA. 92115 Telephone No. 619-583-7922

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

PARCELS # 12100-00402-250-16, 12100-00402-250-14,
12100-00402-250-12, 12000-00402-250-00 = 15.82 ACRES

I/We understand that the validity of 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 Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Rex A. & Lynda R. Gudith, the new owner, certify that the above information is true and correct.

Rex A. Gudith
Lynda R. Gudith
(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.

VA # 1202-1

DAM, DIV. PT.
SPRING
LAND BEING IRRIGATED



proposed
Nat Res L
7-1-71

Schlaak, Karen

From: Jason Writer [jwriter@lawrence.sd.us]
Sent: Monday, September 27, 2010 12:18 PM
To: Schlaak, Karen
Subject: RE: Land ownership

Hi Karen

I referenced your map as closely as I could with my parcels and labeled them with the parcel number and owner information.

Let me know if you need anything else.

Take care
Jason Writer

From: Karen.Schlaak@state.sd.us [mailto:Karen.Schlaak@state.sd.us]
Sent: Monday, September 27, 2010 10:44 AM
To: Jason Writer
Subject: Land ownership

Jason,

Attached is the aerial photo map I was referring to. I would like to know who owns the land outlined in yellow located in Section 25-T4N-R2E. The second page is a Notice of Transfer of Ownership which was filed with our office. I believe the solid yellow area (15.82 acres) is the land now owned by Rex Andrew & Lynda R Gudith. For our purposes, we describe land ownership by quarter-quarter, section, township and range, not parcels.

If you have any questions, let me know. Thank you for your help.

Karen Schlaak
Water Rights Program, DENR
605 773-3352
email: Karen.Schlaak@state.sd.us



1202A-1
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 24, 2012

NOTICE

TO: REX ANDREW & LYNDA GUDITH, 21505 FROSTY MEADOWS RD, LEAD, SD 57754
3706

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire has not been submitted for Permit No(s) 1202A-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 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 7, 2012**, 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) 1202A-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 2, 2012**, you will no longer be in violation of your permit and your name will be removed 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: <http://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.



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and NATURAL RESOURCES**

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

February 2, 2012

1202A-1

Rex & Lynda Gudith
21505 Frosty Meadows Rd
Lead SD 57754 3706

Dear Mr. & Mrs. Gudith:

I am writing to acknowledge receipt of your 2011 irrigation questionnaire.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right No. 1202A-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,

A handwritten signature in cursive script that reads "Genny McMath".

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