



**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

1202B-1

Samir & Mary Abu-Ghazaleh
8901 E Hidden Valley Rd
Sioux Falls SD 57116

Dear Mr. & Mrs. Abu-Ghazaleh:

Enclosed is Reissued Water License No. 1202B-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 $\frac{1}{2}$ 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.

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,

A handwritten signature in black ink, appearing to read "Garland Erbele".

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

enclosures

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 1202B-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. 1202B-1 is reissued a license, bearing a priority date of January 1, 1918 to appropriate 0.37 cfs from Sue Spring and a dam to irrigate 26.18 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 SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 25-T4N-R2E – 26.18 acres

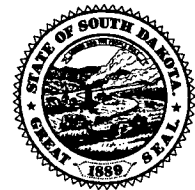
(3) This reissued license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1202-1.



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

OCT 08 2010

date



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/6, 20 10

RECEIVED OF Samir Abu Ghazaleh 8901 E Hidden Valley Rd Sioux Falls SD 57110

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>1202B-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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **04626**

By *Ismael Ercole*
Chief Engineer

RECEIVED
OCT - 6 2010
WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1202B-1

Date: 10/1/2010

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

formerly owned by: Toni Lee Cattell

be transferred to: (name & address) X Samir and Mary Abu-Ghazaleh
8901 E. Hidden Valley Rd.
Sioux Falls, SD 57116 Telephone No. X 605 582 2275

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

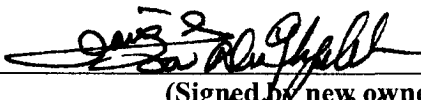
NW K5
SE 1/4 SE 1/4, NE 1/4 SW 1/4, W 1/2 SE 1/4 Section 25-T4N-R2E which includes Parcel Nos. 12100-00402-250-22,
12100-00402-250-24 and 12100-00402-250-26

I/We understand that the validity of Water Right/Permit 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 X Samir & Mary Abu-Ghazaleh, the new owner, certify that the above information is true and correct.

X 
(Signed by new owner)
Mary Abu Ghazaleh

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 28, 2010

1202-1

Samir Z & Mary J Abu-Ghazaleh
8901 Hidden Valley Rd
Sioux Falls SD 57110

Dear Mr. & Mrs. Abu-Ghazaleh:

I am writing in regard to ownership of land described in Vested Water Right No. 1202-1 located in Section 25-T4N-R2E. Enclosed are copies of the water right and a map showing the acreage authorized for irrigation. The Lawrence County Assessor's office has indicated you own a portion of the land covered by this right (area highlighted yellow). Rex & Linda Gudith own the northern portion of the acreage (area highlighted blue).

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. I have used the parcel designations used by the Assessor's office. Please review the form for accuracy, make any necessary changes and return the signed form to our office with the required filing fee of \$50.00. The check or money order for the fee can be made payable to the "Water Rights Program".

Upon receipt of the transfer form and fee, the water right will be divided and reissued to show separate ownership. You will be entitled to a pro-rated share of the diversion rate.

You should be aware that 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.

If you do not intend to irrigate the area outlined on the map, please let us know because the transfer of ownership may not be necessary. If you have any questions, please contact Genny McMath or me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosures

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

10/07/2010

12100-00402-250-22
ABU-GHAZALEH, SAMR Z & MARY J
8901 HIDDEN VALLEY ROAD
SIOUX FALLS, SD
57110

12000-00402-000-01
UNITED STATES OF AMERICA
WASHINGTON D.C.

12100-00402-250-24
ABU-GHAZALEH, SAMR Z & MARY J
8901 HIDDEN VALLEY ROAD
SIOUX FALLS, SD
57110

12100-00402-250-26
ABU-GHAZALEH, SAMR Z & MARY J
8901 HIDDEN VALLEY ROAD
SIOUX FALLS, SD
57110

13000-00300-000-00
LEAD COUNTRY CLUB INC
PO BOX 603
LEAD, SD
57754



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 21, 2010

1202B-1

Samir & Mary Abu-Ghazaleh
8901 Hidden Valley Rd
Sioux Falls SD 57110

Dear Mr. & Mrs. Abu-Ghazaleh:

Thank you for the prompt return of the 2010 irrigation questionnaire pertaining to Water Right No. 1202B-1.

I note on the form that you asked if it was beneficial to enroll in CRP. Please contact the following agency for more information:

Keith Jensen
County Executive Director
Butte-Lawrence County FSA Office
1835 5th Ave S
Belle Fourche SD 57717
Phone: (605) 892-3368 ext. 2

If you have any questions concerning the water right itself, please contact me.

Sincerely,

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 6, 2015

1202B-1

Samir & Mary Abu-Ghazaleh
8901 Hidden Valley Rd
Sioux Falls SD 57110

Dear Mr. & Mrs. Abu-Ghazaleh:

I am writing in regard to Vested Water Right No. 1202B-1 currently listed in your names. The vested water right has a priority date of 1918 and authorizes diversion of water from Sue Spring and a dam to irrigate 26.18 acres.

At one time, the irrigation system consisted of a small spring fed dam with water applied by a series of Rainbird sprinklers. On the 2014 irrigation questionnaire, you indicated the area described in the water right is a meadow in the Black Hills that will be used for residential and there is no need for irrigation.

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 permit. 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 above may or may not have any bearing on your plans for the acreage authorized under the water right however I wanted to let you know ahead of time the criteria for maintaining a water right. Please contact our office as to your intent towards the water right. If you feel there is no longer a need to maintain the water right, let me know and we can proceed with scheduling the water right for cancellation. Thank you in advance for your reply.

Sincerely,

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

enclosure

2014 Water Management Board Irrigation Questionnaire

Please fill out and return before **December 1, 2014**

REMEMBER! Return of this questionnaire is required whether or not you irrigated this year.

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501 3181 ph. (605) 773 3352 or send your form(s) electronically over the internet at <http://denr.sd.gov/iq.aspx>

Permit No. 1202B-1

SAMIR & MARY ABU-GHAZALEH
8901 HIDDEN VALLEY RD
SIOUX FALLS SD 57110

1. Did you irrigate in 2014? *yes ☐ **no ☒

*If yes, number of acres irrigated? _____

**If no, check reason(s) for not irrigating acres covered by Permit No. 1202B-1

sufficient moisture ☐ no water available ☐

system not constructed ☐ use abandoned ☐

enrolled in CRP ☐, through what year? _____

other ☒, please explain in the Comment Box:

Comment Box

It is a meadow in the Black hills, will be used for residential. no need to irrigate

Any address/ownership corrections?

Email _____

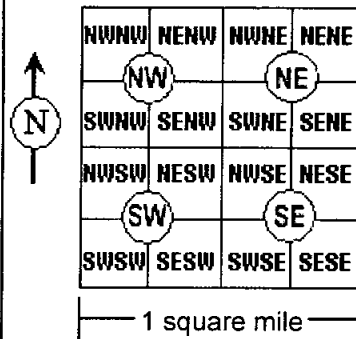
Phone _____

2. If your answer to question No. 1 is "no," you are done! If you answered "yes," please complete Nos. 3, 4 & 5.

3. Did you apply chemicals or fertilizer through the system in 2014? yes ☐ no ☐

4. If more than one water source is listed below, circle each source used. A. SUE SPRING
B. DAM

5. Provide your water use on the back of this form.



Acreage permitted for irrigation under No. 1202B-1

(see above section map for help reading legal descriptions)

sec 25-T004N-R02E, SE1/4NW1/4 - 6.62 acres

sec 25-T004N-R02E, NE1/4SW1/4 - 7.00 acres

sec 25-T004N-R02E, NW1/4SE1/4 - 5.50 acres

sec 25-T004N-R02E, SW1/4SE1/4 - 8.00 acres

Please provide your 2014 water use to irrigate the above acreage on the REVERSE side of this form.

*2015 split
no irr*

Water Rights Program File Documentation

Name: Samir & Mary Abu-Ghazaleh, 8901 Hidden Valley Rd, Sioux Falls SD 57110
Phone: 605 582-2275
Date: August 11, 2015
Subject: Vested Water Right No. 1202B-1

Vested Water Right No. 1202-1 was divided and reissued in 2010 to reflect separate ownership.

No. 1202B-1 for Samir & Mary Abu-Ghazaleh authorizes diversion of water from a spring fed dam to irrigate 26.18 acres.

The 2014 irrigation questionnaire submitted by the water right holders stated "It is a meadow in the Black Hills. Will be used for residential and no need to irrigate." Based on this information, I wrote to them to explain the criteria for maintaining a water right and asked them to contact us as to their intent towards the water right.

On today's date, Mr. Abu-Ghazaleh called to have me explain the vested right to him and what he needed to do to maintain it. He indicated he does not physically pump any water. The spring flows on its own and waters much of the acreage that is basically all grass.

Eventually he hopes to have at least 3-4 residential homes on the land but right now it's just a meadow. For now, the vested right will be left as it is and removed from the list of those to receive an irrigation questionnaire. He understood that once the homes were built we may need to revisit the issue.



Genny McMath
Water Rights Program