

1. Considered: Feb. 3, 19 82 ²
VESTED RIGHT Water Right No. 1236-1
2. Name of Applicant Kenneth Pascoe
3. Post Office Address RP 1, Box 230, Spearfish, S.D. 57783
4. Amount of water claimed 6.16 maximum acre feet
5. Source of Water Supply Higgins Gulch
6. Water to be used for IRR acres to be irrigated 11
7. County Lawrence about 2 miles NW of Spearfish
8. PROOF OF PUBLICATION: Received N/A Not Received
APPLICATION: Approved 5-1-77 Subject to
Not Approved Action Deferred

PRIORITY
1878

Dated Received 12/8/81 Application complete-yes no FEE 13.00
Remarks vested right contains the pertinent information obtained
from permit No. 0437-1

Corrected Application received _____ Period of Annual Use March thru October

WATER
QUALITY
NA

Received yes no APPROVED/CONDITIONAL (Circle one)
WI-1 Description same as application-yes no Remarks _____

Disapproved _____ Returned _____

Diversion Point _____
NE1/4 NE1/4, Section 7-6N-2E

Land to be irrigated _____
SE1/4 SE1/4 6-6N-2E

WELL LOG

Driller _____ Licensed - yes _____
Date _____
Remarks _____

MAP Map No. 1043-1 Map located in Water Right XX Map file _____
 Type of Map aerial Prepared by Mernaugh

REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:
12/14/81

[Signature]
 (Signed)

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

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

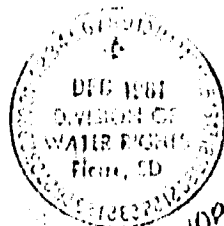
DATE RECEIVED

No. 1236-1

Map No. 1043-1 Water Division No. 1 Belle Fourche River District

Above for Office Use

10/20/83



10:10pm

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New Vested Right X Future Use

Change in Diversion Additional Diversion

Change in Acreage Additional Acreage

1. Name of Applicant Kenneth Pascoe

Phone No.

Post Office Address RR 1, Box 230, Spearfish
(Street, Rm, or Box) (Town)

State South Dakota 57783
(Zip Code)

If a corporation show date and place of incorporation

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

3. Name of diversion work PASCOE IRRIGATION PROJECT

4. Amount of water claimed (cubic feet per second) 0.16

5. Source of water supply Higgins Gulch

6. Location of point of diversion 1000 feet W and 30 feet S of the SE corner, Section 6,
T6N, R2E (A-7-6N-7E)

County Lawrence

7. Annual period or periods during which water is to be used March thru October

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 11

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.
SE 1/4 Sec 6, T6N, R2E	11

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 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water N/A

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.
diversion dam on Higgins Gulch

NOTE: This vested right contains the pertinent information obtained from Permit NO. 0437-1

B. Works proposed to transport water to place of use.
12" CMP and Ditches

C. Works proposed to apply water to beneficial use.
diversion ditches for flood irrigation

Estimated Total Cost \$

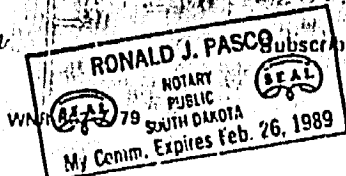
Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map. (see instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Lawrence

I, Kenneth Pascoe, 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.

Signed Kenneth Pascoe day of Nov, 19 81
Ronald J. Pascoe
Notary Public (or other qualified officer)



WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1236-1

KENNETH PASCOE (Applicant) RR1, Box 230 - SPEARFISH (Post Office Address)

SOUTH DAKOTA (State) 57703 With the following qualifications

"VESTED RIGHT" CLAIMED

Portions of Filing No. 0437-1 that apply to vested right No. 1236-1 have been incorporated into No. 1236-1 and the abandoned portions of Filing No. 0437-1 have been cancelled.

Date of first receipt of application DECEMBER 8, 1981
 Date of return to applicant for correction, amendments or changes required _____, 19____
 Date of receipt of corrected application _____, 19____
 Approved FEBRUARY 4, 1981, Recorded in Book 22 Page 337

WATER RIGHT PERMIT NO. 1236-1

The Water Management Board hereby grants and issues this Water Right Permit No. 1236-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is APRIL 15, 1878, 19____
2. The equivalent of at least one-fifth of the work above specified is ~~to be completed on or before~~ 1981
3. The whole of said work is ~~to be completed on or before~~ _____, 19____
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED, 19____
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 0.16 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 irrigation purposes said appropriation must be limited to not more than 2 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, 19____; said water to be used during the following described annual period: MARCH thru OCTOBER

Witness my hand this 16TH day of FEBRUARY, 1981

THE WATER MANAGEMENT BOARD

By: John Hatch
 Chief Engineer, Water Rights

Certificate of Construction Issued February 16, 1982

Water License Issued February 16, 1982

No. 1836-1

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) Kenneth PascoePost Office Address Rt #1, Box 230, Spearfish, State South Dakota 57783

If a Corporation show date and place of incorporation _____

13. Notice of Appropriation (If available)

Date of Posting June 22, 1880 Date of Recording June 22, 1880Recording Data Book 14, Page 2914. Date of start of construction of water supply system 1873 (estimate)15. Date that water was first applied to beneficial use 187816. Name of owner of original water supply system Joseph Wells & Jonathan M. Wells17. Amount of water originally applied to beneficial use 5.0 c. f. s.

18. Present Use of Water

Amount of water now being used 0.16 c. f. s.Date that this amount of water was first used 1977

19. Chronological History of Water Use

According to Form 26, "Proof of Application of Water for Beneficial Use" which was filed the 22nd day of December, 1937. The system has been in use since 1878 when water was available.

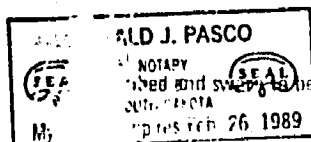
The system has been in continuous use since 1937 also. However, in recent years the area irrigated has been cut back to 11 acres due to change of property ownership and non use of the lower portion of the system.

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 Minnehaha) ss

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



Signed Kenneth Pascoe
7th day of Aug, 1981
Ald J. Pasco
(Notary Public - or other qualified Officer)

I, the _____ 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.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1236-1

(1) WHEREAS, On the 8th day of December, A. D. 1981
Fenneth Pasco
 made Water Right Application No. 1236-1 Vested Right 0.16
 for ~~a~~ permit to use 0.16 cubic feet per second of the water
 of Higgins Gulch
 County of Lawrence, State of South Dakota, for Irrigation
 purposes; and
 (2) WHEREAS, On the 4th day of February, A. D. 1981
 Permit No. 1236-1 with a date of priority of April 15, 1978
 was issued to said applicant recognizing
 for the diversion of said water, and ~~recognizing~~ the completion of construction of the water
 supply system therein described ~~and for the~~ and for the application to beneficial use of said water of ~~0.00000000~~ 0.16

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 0.16 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 the SE 1/4 SE 1/4, Section 6, T6N, R2E

NOTE: Portions of Filing No. 0437-1 that apply to vested right No. 1236-1
 have been incorporated into No. 1236-1 and the abandoned portions of Filing
 No. 0437-1 have been cancelled.

(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 _____ Kenneth Pascoe _____

_____ of _____
the holder _____ and owner _____ of Vested Right 1236-1 a water right, dating from 1873

_____ to use of 0.16 cubic feet per second of the waters
of Higgins Gulch

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 1000 feet west and 30 feet south of

the SE corner of Section 6, T6N, R2E

and conducted to and upon eleven acres in SE 1/4 SE 1/4 Section 6, T6N, R2E

for the purpose of irrigation

This Water License No. 1236-1 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. 1236-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 16th day of February A. D.
Nineteen Hundred and Eighty-two

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 1236-1

Water Diversion No. 1 Bellevue Fourche River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Kenneth Pascoe

the holder of

Vested
Right

Permit No. 1236-1, issued upon Application No. 1236-1, bearing date of priority of April 15, 1878 authorizing the diversion of 0.16 cu. ft. per second of the waters of Hirefire Gulch County of Lawrence State of South Dakota at point 1000 ft west and 30 ft south of the SE corner of Section 6, T6N, R21E

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} found in satisfactory condition for diverting and conveying to the place of intended use 2.0 cu. ft. per second of water.

Date February 16, 1942

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8571

December 8, 1981

PIERRE,

RECEIVED OF Kenneth Pascoe, RR 1, Box 230 Spearfish, SD 57782

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

Fee for Application for Permit to Appropriate Water No. <u>1236-1</u> (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-Try 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 (John Hatch)
Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 1234-1Water Division 1 Belle Fourche River Water District

**REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Rennech Pascoe
 of At. Box 230 Spearfish, S. Dak. 57782 holder
 of Permit No. 1234-1, bearing date of priority of 1878, 19____
 authorizing the diversion of 0.11 cu. ft. per second of the waters of Higgins Gulch
 for Drill purposes, in Spearfish County.

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

The Water Use System consists of,

A. Works used to divert the water:

Diversion Dam on Higgins Gulch with a 12" dia. CMP.
To divert water into a supply Ditch.

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

12" CM-P. 1000' long.
Main Ditches

C. Works used to apply water to beneficial use.

Diversion and Spreader Ditches For Flood Irrigation
Diversion Gates on Main Ditch to divert water into or out
of the Irrigated Area

The system is in the following condition: Good

The point of diversion is located 1000' W and 30' S of the SE corner of
Section 6, T6N R2E

The works are capable of diverting and conveying to the place of use 2.0
 cu. ft. per second of water which is to be used for Irrigation

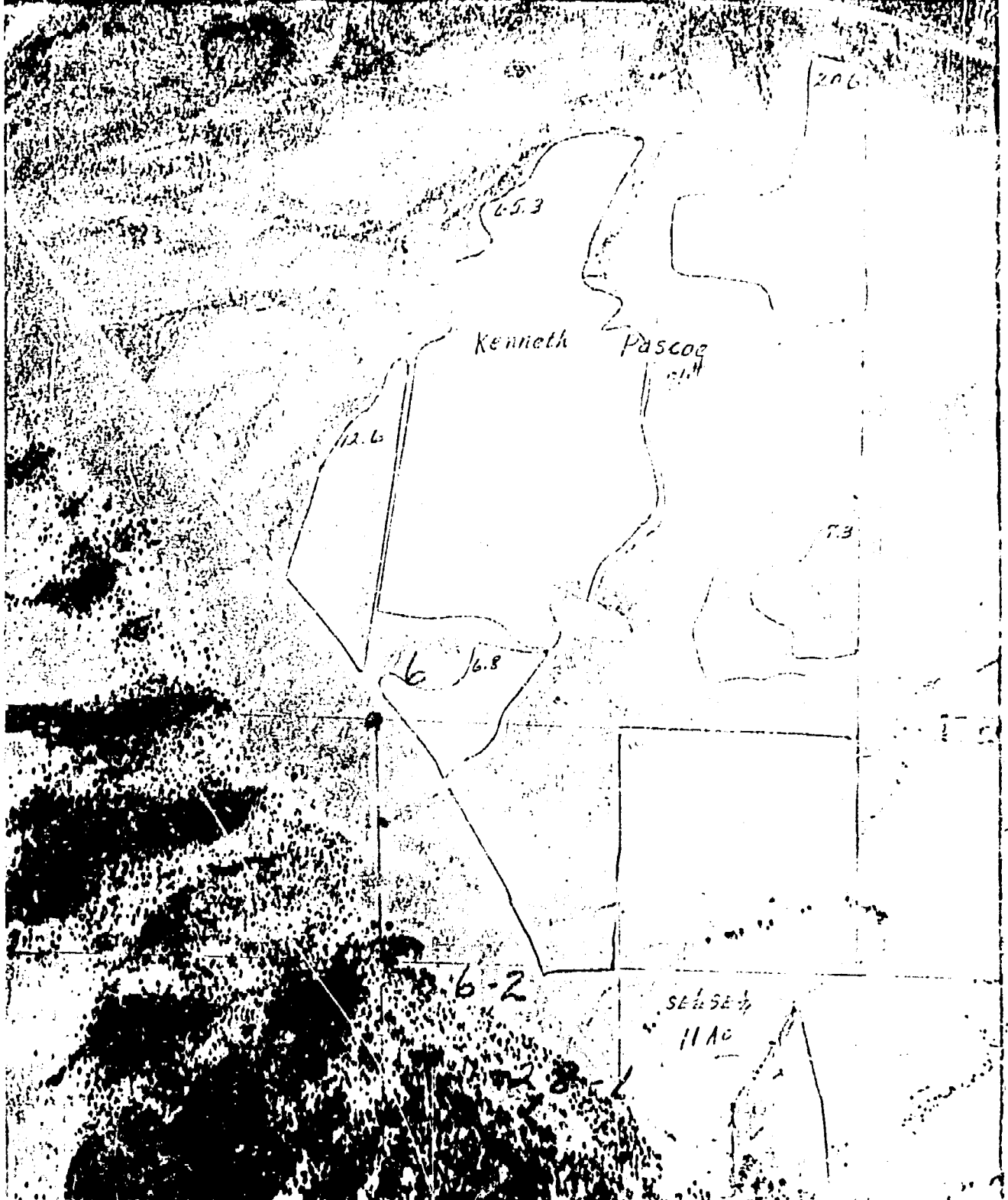
Water has been put to beneficial use to the maximum extent as follows:
SE 1/4 SE 1/4 Sec. 6 - T6N R2E - 11 Acres

comprising a total of 11 acres of land.

Date August 3, 1981

Leroy J. Menard
 (Signature)

NOT TO SCALE



DI

Map 11 1043-1 64pl. 1236-1

65.3

Kenneth Pascoe

6 16.8

6-2

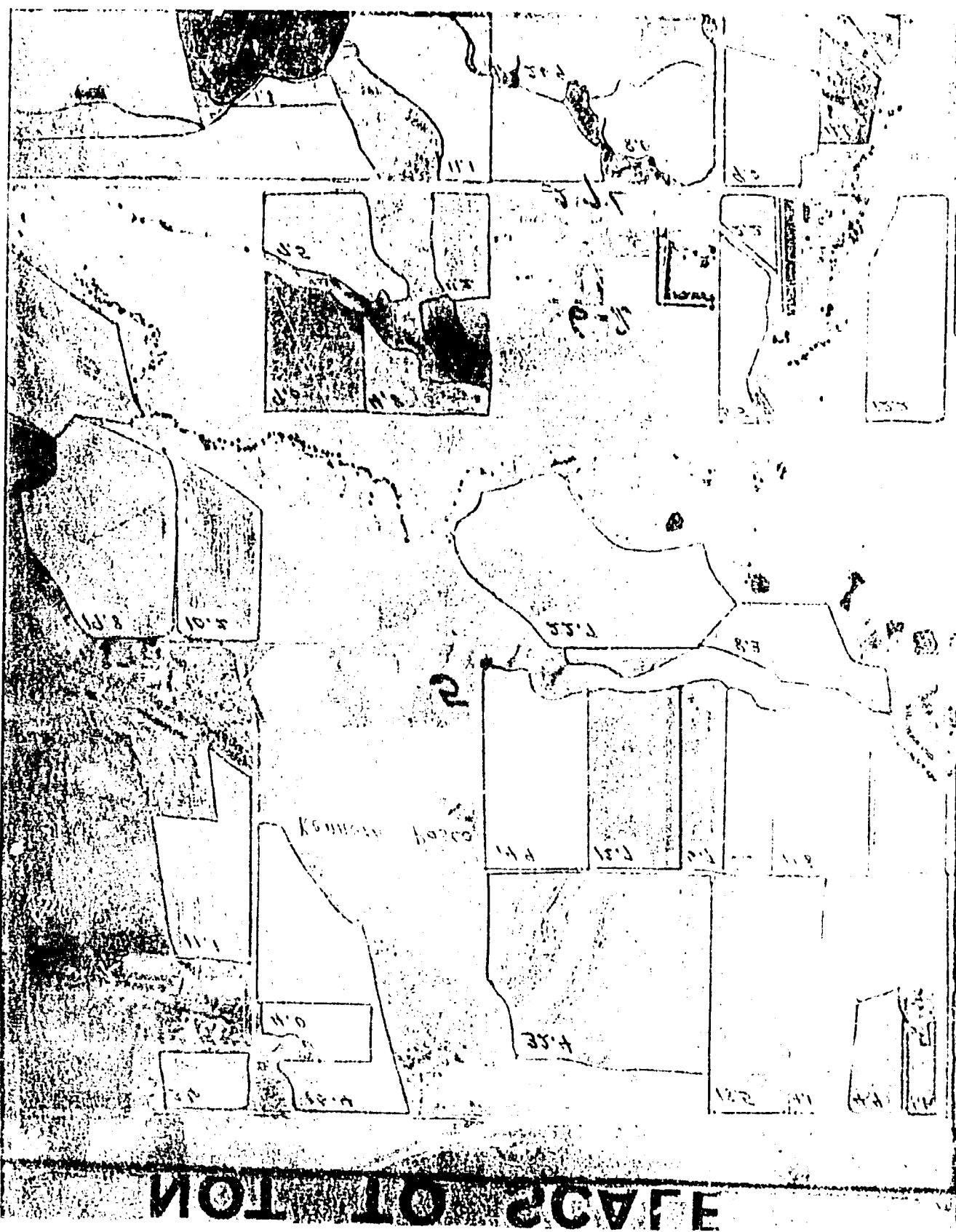
SE 1/4 SE 1/4
11 AC

Diversion Dam
Pt. of Diversion

1000' W + 30' S of the
SE cor of Sec 6, T14N R2E

Map # 1043-1

appl 1236-1



 **Department of
Water & Natural Resources**

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

May 2, 1989

1236-1

Lowell Wattier
RR #1 Box 57
Conde, SD 57434

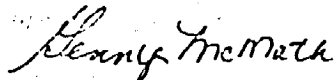
Dear Mr. Wattier:

In followup to our telephone conversation of May 1, 1989, enclosed is a "Notice of Transfer" form for use in filing an ownership change with Vested Water Right Claim No. 1236-1. You indicated you had purchased 5 of the 11 acres in the SE 1/4 SE 1/4 Section 6, T6N, R2E described under Vested Water Right Claim No. 1236-1.

Please complete the form and sign in the presence of a notary. Upon completion, return the form to us with a \$2.50 filing fee. As we discussed, since you purchased only a portion of the land, Vested Water Right Claim No. 1236-1 will be split into 1236A-1 and 1236B-1 reflecting the separate ownership. Since all of the land in question falls within the same description (SE 1/4 SE 1/4), please include a plat map or something similar, and outline the area you purchased.

If you have any questions concerning the transfer, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(605) 773-3352



L

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

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

March 16, 1990

Second Notice
WRC 1236-1

Lowell Wattier
RR #1 Box 57
Conde, SD 57434

Dear Mr. Wattier:

On May 2, 1989, notice was sent to you concerning the transfer of portions of Vested Water Right Claim No. 1236-1 in the name of Kenneth Pascoe. You had contacted our office and indicated you had purchased 5 of the 11 acres described in Claim No. 1236-1. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. As requested in our previous letter to you, please include a map showing which of the 11 acres you purchased. Please complete the transfer form and sign in the presence of a notary. Upon completion, return the form to this office with the required filing fee of \$2.50. The vested water right claim will then be split and reissued as 1236A-1 and 1236B-1 reflecting separate ownership. It is very important that ownership records be kept current. 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 Genny McMath, (605) 773-3352.

Very truly yours,



Ron Davall
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure

● SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested. 1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)	
3. Article Addressed to: Lowell Wattier RRI, Box 57 Conde SO 57434	4. Article Number P 176 878 342 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature — Addressee X	6. Addressee's Address (ONLY if requested and fee paid)
6. Signature — Agent X <i>[Signature]</i>	7. Date of Delivery 3/19/90

PS Form 3811, Apr. 1989

• U.S.G.P.O. 1989-238-815

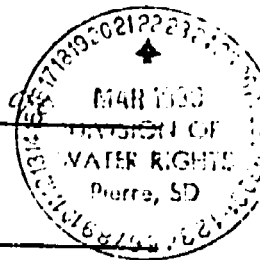
DOMESTIC RETURN RECEIPT

NOTICE OF TRANSFER OF OWNERSHIP

No. 1236-1

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: March 21, 1990



I/We request that portions of Vested Water Right Claim No. 1236-1

formerly owned by: Kenneth Pascoe

be transferred to: (name & address) Lowell WATTIER 881 Bx 230
SPEAR FISH SD 57283 (telephone No.) 642-8537

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

Tract A and Tract B-2 of map included

I/We understand that the validity of Vested Water Right Claim No. 1236-1 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 Lawrence)

I/We Lowell Wattier 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.

Lowell Wattier
(Signed)

Subscribed and sworn to before me this 21 day of March, 1990.

Carol Sue Johnson
(Notary Public)

My Commission Expires 10-5-97

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 water 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.



DEC 18 1995

1236-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Lowell Wattier
RR 1, Box 230
Spearfish SD 57783

Doug Lueders
PO Box 1043
Spearfish SD 57783

Dear Mr. Wattier and Mr. Lueders:

The Water Management Board has validated the enclosed Vested Water Right Nos. 1236A-1 and 1236B-1. These validations give legal status to the claims and are the final document for your vested right. Enclosed are the reissued Water Licenses. Water License No. 1236-1 was divided and reissued to reflect separate ownership.

No. 1236A-1, Lowell Wattier: irrigation of 5 acres in the SE 1/4 SE 1/4 Section 6-T6N-R2E, with diversion of 0.07 cfs from Higgins Gulch located in the NE 1/4 NE 1/4 Section 7-T6N-R2E.

No. 1236B-1, Doug Lueders: irrigation of 6 acres in the SE 1/4 SE 1/4 Section 6-T6N-R2E, with diversion of 0.09 cfs from Higgins Gulch located in the NE 1/4 NE 1/4 Section 7-T6N-R2E.

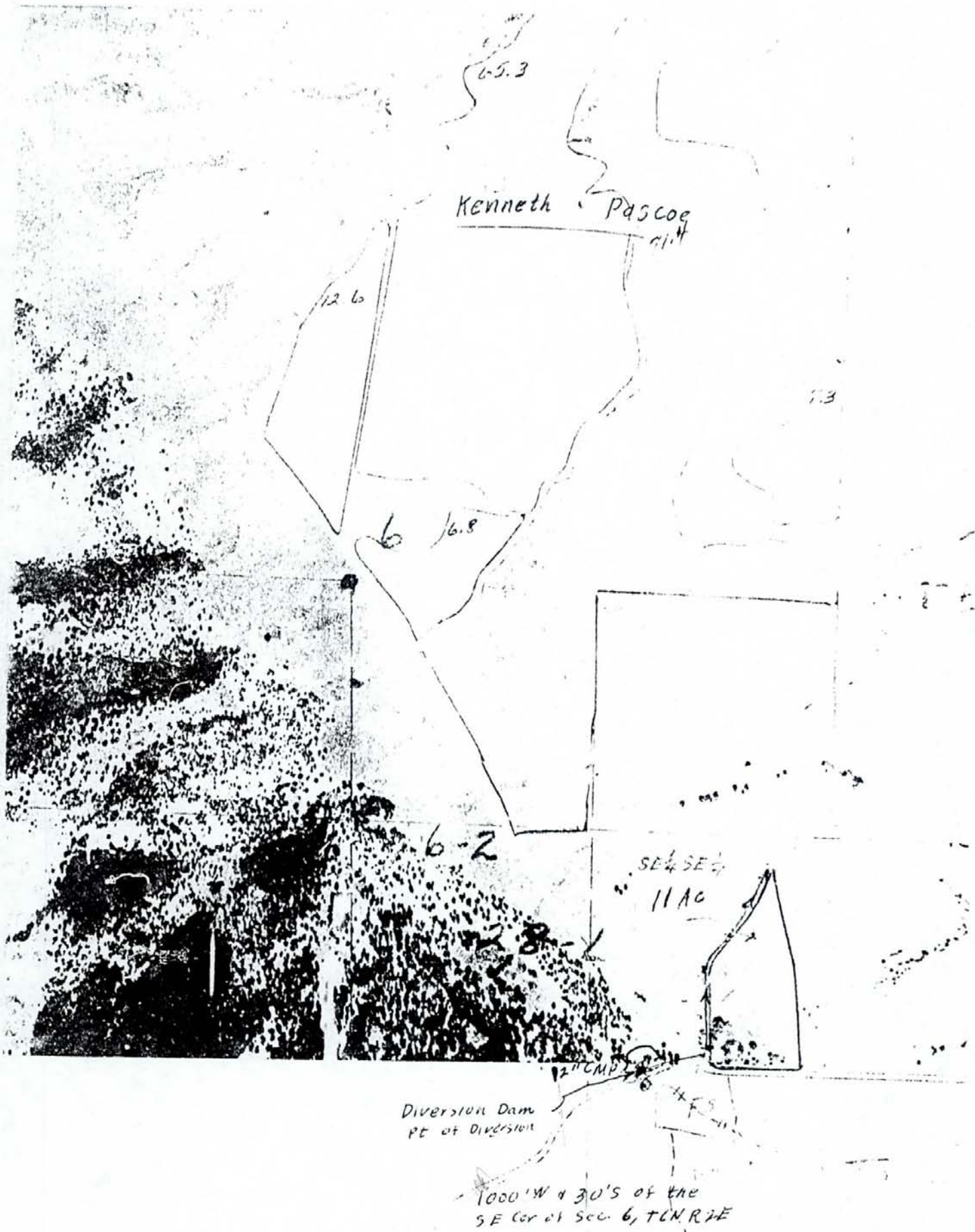
As long as you use the water beneficially, as stated in Water License Nos. 1236A-1 and 1236B-1, State Water Laws provide that you have a continuing right to use the water.

Enclosed are the receipts for payment of the Notice of Transfer of Ownership. If you have any questions regarding the reissued licenses, please contact us.

Very truly yours,

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

enclosures



Map # 1043-1 appl 1236-1

1236-1
NOT TO SCALE

206

65.3

Kenneth

Pascoe

cl. H

12.6

73

6

6.8

6-2

SE & SE 1/4

11 AC

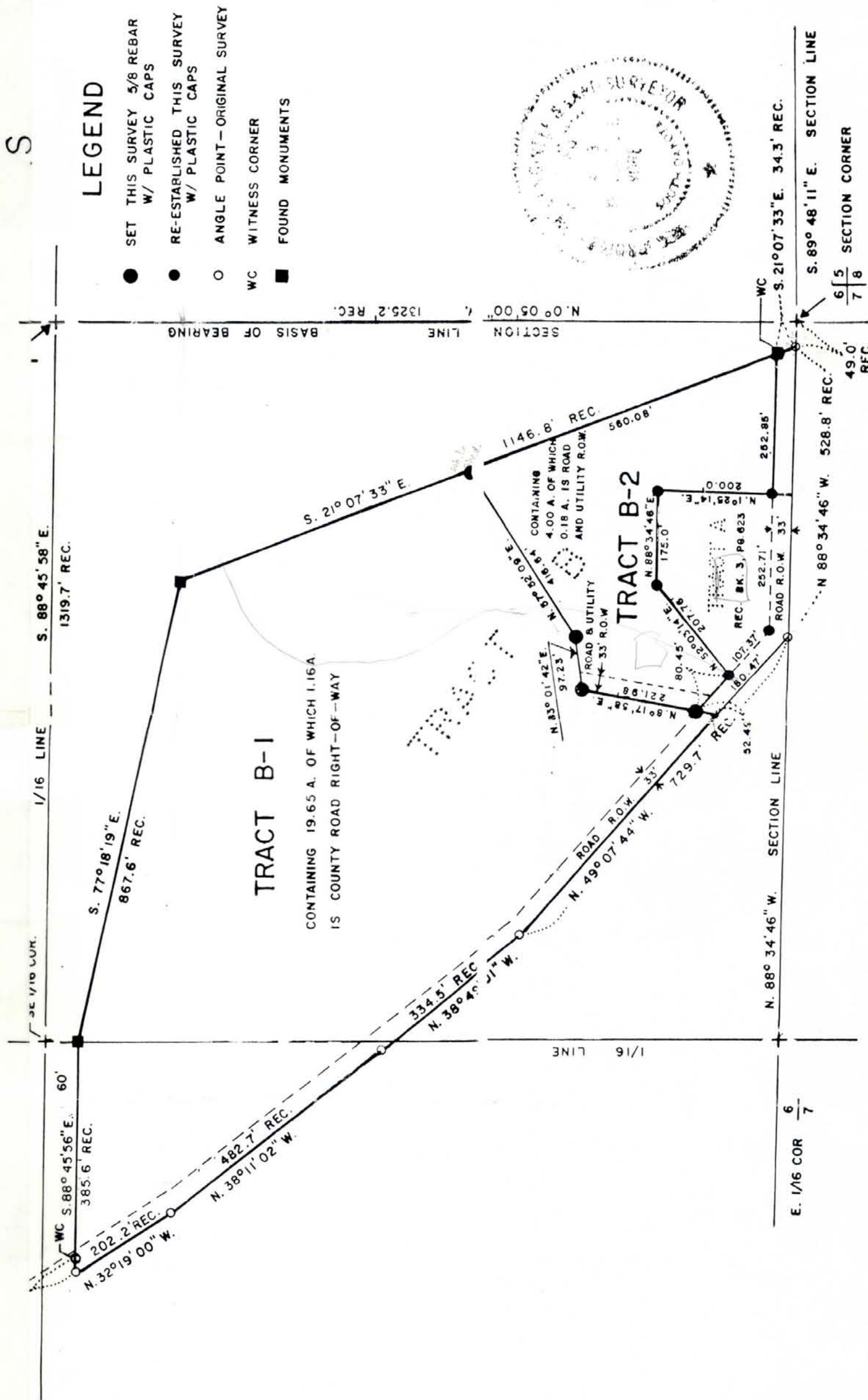
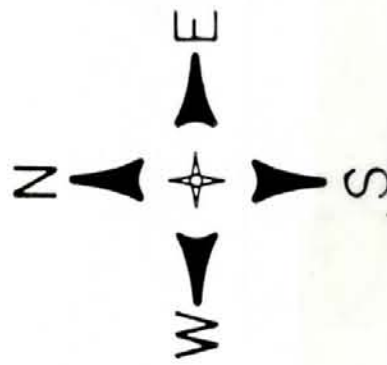
28-1

NOT TO SCALE





FINAL PLAT
OF
TRACTS B-1 AND B-2, SUBDIVISION OF TRACT B,
SE 1/4 SECTION 6, T. 6 N., R. 2 E., B.H.M.



SURVEYOR'S CERTIFICATE:

Theodore J. Vore, Registered Land Surveyor, do hereby certify that I have surveyed and platted the Subdivision of Tract B into Tracts B-1 and B-2, in the SE 1/4 of Section 6, T. 6 N., R. 2 E., B.H.M., Lawrence County, South Dakota, as shown upon this plat.