

STATE OF SOUTH DAKOTA
REISSUED VESTED RIGHT WATER LICENSE NO. 1236A-1
DIVISION OF NO. 1236-1 INTO NO. 1236A-1 AND 1236B-1

(1) Kenneth Pascoe, Spearfish SD 57783, made Application No. 1236-1, December 8, 1981 for a vested right claim to appropriate 0.16 cubic feet of water per second from Higgins Gulch, Lawrence County, South Dakota, for irrigation purposes. Vested Water Right No. 1236-1 has a priority date of April 15, 1878. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

On March 22, 1990, a transfer of ownership was received from Lowell Wattier. On July 6, 1995, a transfer of ownership was received from Doug Lueders, transferring ownership of a portion of the vested right. Vested Water Right License No. 1236-1 is being divided and reissued as follows:

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.

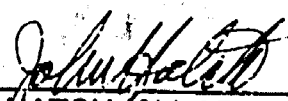
No. 1236B-1, Doug Lueders: irrigation of 6 acres in the SE 1/4 SE 1/4 Section 6-T6N-R2E, with diversion of 0.09 cfs from Higgins Gulch located in the NE 1/4 NE 1/4 Section 7-T6N-R2E.

On October 4, 1995, the Water Management Board validated Vested Right Nos. 1236A-1 and 1236B-1.

(2) The vested right owner is entitled to divert 0.07 cubic feet of water per second for beneficial use. The location of the diversion point is: 290 feet south, 1160 feet west from the northeast corner of Section 7-T6N-R2E (NE 1/4 NE 1/4).

The location of the irrigated acreage is 5 acres - SE 1/4 SE 1/4 Section 6-T6N-R2E.

(3) Pursuant to Section 46-5-30.1 Lowell Wattier, RR 1, Box 230, Spearfish SD 57783 the holder and/or owner of Vested Water Right No. 1236A-1 is issued a license to appropriate 0.07 cubic feet of water per second from Higgins Gulch with a priority date of April 15, 1878 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 1236A-1 and subject to South Dakota State Law.


 JOHN HATCH, Chief Engineer
 Water Rights Program

Department of Environment and Natural Resources

DEC 18 1995

date

Permit No. 1236A-1
Belle Fourche - Water District

Report Of Examination Of Works And/O: Application of Water To Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, June 22, 1995, made a thorough examination of the water use system owned by Lowell Wattier of RR1, Box 230, Spearfish, SD 57783 holder of Permit No. 1236A-1, bearing the priority of April 15, 1878 authorizing the diversion of 0.07 cu. ft. per second of the waters of Higgins Gulch for irrigation purposes, in Lawrence County.

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

A. Works used to divert the water:

A five foot high plug

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

A 12 inch corrugated metal pipe (CMP), and about 500 feet of earthen irrigation ditch, 2 feet wide and 2 feet deep.

C. Works used to apply water to beneficial use:

siphons, 1 1/4 inch in diameter.

The system is in the following condition Good. The point of diversion is located: 290 feet south, 1260 feet west from the northeast corner of Section 7, T6N-R2E (NE1/4 NE1/4). The works are capable of diverting and conveying to the place of use 0.16+ 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: All in Section 6, T6N-R2E

SE1/4 SE1/4 5.0 acres

comprising a total of 5.0 acres of land and the license should be issued for 0.07 cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: None

Date Report Completed: June 28, 1995


M. Rassool Ahadi
Natural Resources Engineer
DENR, Water Rights program

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1236A-1 FOR IRRIGATION

Date of Receipt of Claim February 4, 1981.

Date of Validation October 4, 1995.

The Water Management Board validated Vested Water Right Claim No. 1236A-1 for irrigation purposes for Lowell Wattier, RR 1, Box 23C, Spearfish SD 57783 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1236A-1 appropriates 0.07 cubic feet of water per second from Higgins Gulch located in the NE 1/4 NE 1/4 Section 7 to irrigate 5 acres located in the SE 1/4 SE 1/4 Section 6; all in T6N-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: March 1 - October 31.
3. The priority date of the Vested Water Right is April 15, 1878.
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: John Hatch
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 18 1995

date



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

DEC 18 1995

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

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

Pierre, March 27, 1990

RECEIVED OF Lowell Wattler, RR #1 Box 230, Spearfish, SD 57783
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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 Vested Water Right Claim No. 1236^A-1

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____
(Any Other Work Provided by Law)

Total

2 50

2 50

By

John Hatchman
Chief Engineer

IRRIGATED ACREAGE

DITCH

PIPELINE

DIV. POINT



NRShad 6-28-95
Nat. Res. Engineer III

1236A-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

February 13, 2006

No. 1236A-1

Lowell Wattier
3210 Hillsvie Rd
Spearfish SD 57783

Dear Mr. Wattier

Pursuant to our phone conversation this morning, enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 1236A-1. The water right is currently listed in your name.

The transfer form should be checked over for accuracy and signed by the new owner. 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,

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

enclosure

RECEIVED
FEB 27 2006
WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1236A-1

Date: _____

I/We request that Water Right/Permit No. 1236A-1

formerly owned by: Lowell Wattier

be transferred to: (name & address) X Douglas W. Lueders
P.O. Box 1043
Stearfish SD 57783 Telephone No. X 605-645-2965

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

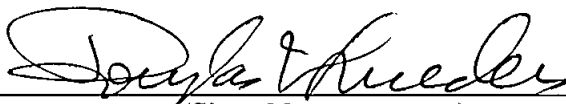
5 acres- SE ¼ SE ¼ Sec 6-T6N-R2E

I/We understand that the validity of Water Right/Permit No. 1236A-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.

I/We Douglas W. Lueders, the new owner, certify that the above information is true and correct.


(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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 27, 20 06

RECEIVED OF Lowell Wattier, 3210 Hillsvie Rd, Spearfish SD 57783

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	2	50
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>1236A-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. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

02319

By

Darland Ebel
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 13, 2006

1236A-1

Douglas W Lueders
PO Box 1043
Spearfish SD 57783

Dear Mr. Lueders:

Thank you for following up on the ownership change for Vested Water Right No. 1236A-1. The transfer has been completed. No. 1236A-1 formerly listed in the name of Lowell Wattier is now listed in your name.

Enclosed is your Receipt No. 02319 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure