

STATE OF SOUTH DAKOTA
REISSUED VESTED RIGHT WATER LICENSE NO. (1236B-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 27, 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.

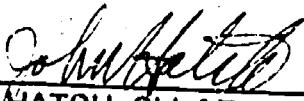
No. 1236B-1, Doug Lueders: irrigation of 6 acres in the SE 1/4 SE 1/4 Section 6-T6N-R2E, with diversion of 0.09 cfs from Higgins Gulch located in the NE 1/4 NE 1/4 Section 7-T6N-R2E.

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 0.09 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 6 acres - SE 1/4 SE 1/4 Section 6-T6N-R2E.

(3) Pursuant to Section 46-5-30.1 Doug Lueders, PO Box 1043, Spearfish SD 57783 the holder and/or owner of Vested Water Right No. 1236B-1 is issued a license to appropriate 0.09 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. 1236B-1 and subject to South Dakota State Law.


 JOHN HATCH, Chief Engineer
 Water Rights Program
 Department of Environment and Natural Resources

DEC 16 1995

date

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

Report Of Examination Of Works And/Or 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 Doug Luaders of P.O. Box 1043, Spearfish, SD 57783 holder of Permit No. 1236B-1, bearing the priority of April 15, 1878, authorizing the diversion of 0.09 cu. ft. per second of 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 800 feet of earthen irrigation ditch, 2 feet wide and 2 feet deep.

C. Works used to apply water to beneficial use:

Gravity system of irrigation

The system is in the following condition Good. The point of diversion is located: 290 feet south, 1160 feet west from the northeast corner of Section 7, T5N-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 6.0 acres

comprising a total of 6.0 acres of land and the license should be issued for 0.9 cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: None

Date Report Completed: 6/28/1995

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 29, 1995

No. 1236B-1

Doug Lueders
PO Box 1043
Spearfish SD 57783

Dear Mr. Lueders:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Vested Water Right No. 1236-1. The water right is currently listed in the name of Kenneth Pascoe. It is our understanding that you now own a portion of land covered by this water right.

The transfer form should be checked over for accuracy and signed by you in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Division
(605) 773-3352

enclosure



A circular ink stamp from the South Dakota Department of Game, Fish & Forestry, Division of Water Rights. The outer ring contains the numbers 1 through 25. In the center, it reads "JUL 1995", "DIVISION OF WATER RIGHTS", and "Pierre, SD". An arrow points upwards towards the number 12.

No. 1236B-1

Date: 7-5-95

(Telephone No)

6.0 acres - SE 1/4 SE 1/4 Section 6-T6N-R2E

STATE OF SOUTH DAKOTA)
)
County of Lawrence)

Doyle J. Wheeler
(Signed)

Subscribed and sworn to before me this 5 day of July, 19 75

[Signature]
(Notary Public)

my commission expires August 5, 1925

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.

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1236B-1 FOR IRRIGATION

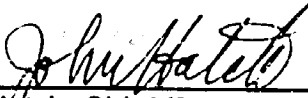
Date of Receipt of Claim February 4, 1981.

Date of Validation October 4, 1995.

The Water Management Board validated Vested Water Right Claim No. 1236B-1 for irrigation purposes for Doug Lueders, PO Box 1043, Spearfish SD 57783 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1236B-1 appropriates 0.09 cubic feet of water per second from Higgins Gulch located in the NE 1/4 NE 1/4 Section 7 to irrigate 6 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, 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 Environment and Natural Resources

12368-1
414542

Pierre, _____ July 6 _____, 19 95

RECEIVED OF Douglas Lueders, PO Box 1045, Spearfish, SD 57763-1045

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. _____		2 50
Fee for Filing Transfer Form <u>Vested Right No. 12368-1</u>		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer

JOHN HATCH

IRRIGATED ACREAGE

DITCH

PIPELINE

DIV. POINT



N. R. Shadi
Nat. Res. Engineer III

6-28-95

1236B-1