

1. Considered: Dec 2, 1981 VESTED RIGHT
Water Right No. 1236-1

2. Name of Applicant ETHEL BOICE

3. Post Office Address RT 1, Box 232, Spearfish, SD, 57753

4. Amount of water claimed 1.33 maximum acre feet

5. Source of water supply Higgins Gulch

6. Water to be used for IRRIGATION acres to be irrigated 9.3

7. County Lawrence about 1 1/2 miles W of Spearfish

8. PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: (Approved) 2-2-82 Subject to _____

Not Approved _____ Action Deferred _____

PRIORITY
1876

Date Received Dec. 14, 1981 Application complete yes no _____ FEE \$13.00

Remarks _____

Connected: Application received _____ Period of Annual Use March-October

WATER
QUALITY
NA

Received: yes _____ no _____ APPROVED/CONDITIONAL (Circle one)

all description same as application-yes _____ no _____ Remarks _____

Disapproved _____ Returned _____

Diversion Point NE 1/4 7-6N-2E

Land to be irrigated NE 1/4
NE 1/4 NE 1/4 7-6N-2E
N 1/2 NW 1/4, SW 1/4 NW 1/4, Sec 8-6N-2E

WELL LOG
NA

Drilled _____ Licensed: - yes _____ no _____

Depth _____

Remarks _____

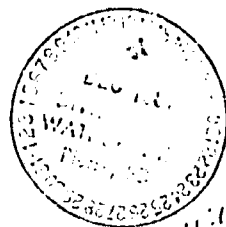
MAP Map No. 1044-1 Map located in water Right X Map file _____
Type of Map aerial & drawn Prepared by Mernauigh

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

Henry Young
(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 _____

No. 1237-1Map No. 1044-1 Water Division No. 1 Belle Fourche River DistrictAbove for Office Use 101.10203

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

Check one of the following:

New X Vested Right Future Use Change in Diversion Additional Diversion Change in Acreage Additional Acreage 1. Name of Applicant Ethel Boice Phone No. 642-3141Post Office Address Rt 1, Box 232, Spearfish State South Dakota 57783
(Street, RR, or Box) (Town) (Zip Code)If a corporation show date and place of incorporation 2. Method of accomplishing work (contract, employment of others, or by direct labor) completed3. Name of diversion work Belle Fourche Project4. Amount of water claimed (cut in feet per second) 1.335. Source of water supply Higgins Gulch6. Location of point of diversion 1000 feet W and 40 feet S of the NE corner of Section 7,
T6N, R2E (NE 1/4 NE 1/4 7-6 N-21)
#1County Lawrence7. Annual period or periods during which water is to be used March thru October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 93

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.
NE 1/4 NE 1/4 Sec 7, T6N, R2E	18
NW 1/4 NW 1/4 Sec 8	40
NE 1/4 NW 1/4 " " "	31
SW 1/4 NW 1/4 " " "	4

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 damB. Works proposed to transport water to place of use.
pipes and ditchesC. Works proposed to apply water to beneficial use.
spreader ditches and sprinkler systemEstimated 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) ss.I, Ethel M. Boice 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 constructionSigned Ethel M. BoiceSubscribed and sworn to before me this 30th day of November, 1981Garet C. Lambert
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No 1237-1

Ethel Bruce

(Applicant)

Rt 1, Box 232, Spearfish

(Post Office Address)

South Dakota 57783

(State)

With the following qualifications

" VESTED RIGHT" Claimed

Date of first receipt of application December 14, 1981

Date of return to applicant for correction, amendments or changes required _____, 19____

Date of receipt of corrected application _____, 19____

Approved February 4, 1982 Recorded in Book 22 Page 338

WATER RIGHT PERMIT NO. 1237-1

The Water Management Board hereby grants and issues this Water Right Permit No 1237-1 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 1876, 19____
2. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed ~~on or before~~ _____, 19____
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 1.33 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 4th day of March, 1982

THE WATER MANAGEMENT BOARD

By

John Hatch

Chief Engineer Water Rights

JOHN HATCH

Certificate of Construction Issued MARCH 4, 1982

Water License Issued MARCH 4, 1982

No. _____

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) Ethel M BoicePost Office Address RR 1, Box 332, Spearfish, State South Dakota 57702

If a Corporation show date and place of incorporation: _____

13. Notice of Appropriation (If available)

Date of Posting unknown Date of Recording _____

Recording Data _____

14. Date of start of construction of water supply system 187615. Date that water was first applied to beneficial use 187616. Name of owner of original water supply system Joseph Wells17. Amount of water originally applied to beneficial use est 10 c. f. s.

18. Present Use of Water

Amount of water now being used 1.33 c. f. s.Date that this amount of water was first used 1941

19. Chronological History of Water Use

Joseph Wells believed to file the original permit in 1876.
Mr. Cambell purchased the land from Wells.
Mark Boice purchased the land from Wells about 1940. The
land had been irrigated by all three of these owners since it
was first filed in 1876.

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 Lawrence) ss.

I, Ethel M. Boice, the applicant, certify that I have read the foregoing and that
the matters therein stated are true.

Signed Ethel M. BoiceSubscribed and sworn to before me this 30th day of November, 1981

Janet C. Lambert
(Notary Public or other qualified Officer)

I, the undersigned, 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

Ethel M. Boice

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1237-1

(1) WHEREAS, On the 14th day of December A. D. 19 81
Edna Boice

made Water Right Application No. 1237-1 vested right for a permit to use 1.33 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. 19 82

Permit No. 1237-1, with a date of priority of 1876 recognized
 was issued to said applicant for the diversion of said water, and ~~for the~~ completion of construction of the water
supply system therein described ~~of 3000000000~~ ~~XXXXXX~~ ~~XXXXXX~~ and for the
application to beneficial use of said water ~~of 3000000000~~ ~~XXXXXX~~ ~~XXXXXX~~

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 1.33 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 following lands all in T5N, R2E

Section 7

NE 1/4 NE 1/4 (AA) 13 acres

Section 8

NE 1/4 NW 1/4 (BB) 40 acres

NE 1/4 NW 1/4 (BA) 31 acres

SW 1/4 NE 1/4 (BC) 4 acres

TOTAL 93 acres

(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 Ernest Boice

_____ of Sperry, South Dakota
the holder _____ and owner Vested Right of said permit No. 1237-1 a water right, dating from 1876
_____ to use of 1.33 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 1500 feet west and 40 feet south of the NE corner of Section 7, T6N, R2E

and conducted to and upon portions of lands in Sections 7 and 8, T6N, R2E
more fully described on the face of this license

for the purpose of irrigation

This Water License No. 1237-1 is based on a Vested Right Claim recorded and filed with the Water Management Board.

Subject to any limitations listed in Water Right Permit No. 1237-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 26th day of March A. D.

Nineteen Hundred and Eighteen

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 1237-1

Water Diversion No. 1 Belle Fourche River Water District

CERTIFICATE OF CONSTRUCTION

Ethel Boice

This is to Certify, That _____

Vested
Right

_____ the holder _____ of
Permit No. 1237-1, issued upon Application No. 1237-1, bearing date or priority of 1876

_____ authorizing the diversion of 1.33 cu. ft. per second of the waters of _____
Higgins Gulch County of Lawrence, State of South Dakota at _____
a point 1000 feet west and 40 feet south of the NE corner of Section 7,
T6N, R2E

_____ for irrigation

_____ purposes, has 0 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 in satisfactory
condition for diverting and conveying to the place of intended use 2.0 cu. ft. per second of water.

Date March 4, 1982

JOHN L. COE, Chief Engineer
Water Rights Division

Permit No. _____

Water Division 1Belle 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 Ethel M. Bence_____ of Rt 1, Box 232, Spearfish, S.D. 57783 holder.of Permit No. 1237-1, bearing date of priority of 1876, 19____authorizing the diversion of 1.33 cu. ft. per second of the waters of Higgins Gulchfor Irrigation purposes, in Lawrence 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" diameter CMP.
To divert the water into a supply ditch

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

Ditch to a Dam
4" x 5" Main pipes - Aluminum - 2600 ft. for the sprinkler
system 1000' 12" CMP

C. Works used to apply water to beneficial use,

Diversion Ditch for Flood Irrigation.
Pump - Berkeley Model - B 32 RM, Motor 15 HP Century - 1720 RPM.
Rainbird Sprinkler - Rainbird Model 100 B Gun. Est 10" dia nozzle.

The system is in the following condition: FairThe point of diversion is located 1000 ft W and 40 ft S of the NE Cor of
Section 7, T6N R2EThe works are capable of diverting and conveying to the place of use 2.0cu. 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: NE 1/4 NE 1/4 - Sec. 7,T6N R2E - 15 Ac. - The following in Sec. 8 T6N R2EN 1/4 N 1/4 - 40 Ac; NE 1/4 N 1/4 - 31 Ac, SW 1/4 N 1/4 - 4 Ac.comprising a total of 93 acres of land.Date August 3, 1981

L. Roy J. McLaughlin
(Signature)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8578

PIERRE,

December 14, 1981

RECEIVED OF Ethel Boice, Rt.1, Box 232, Spearfish, SD 57783

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

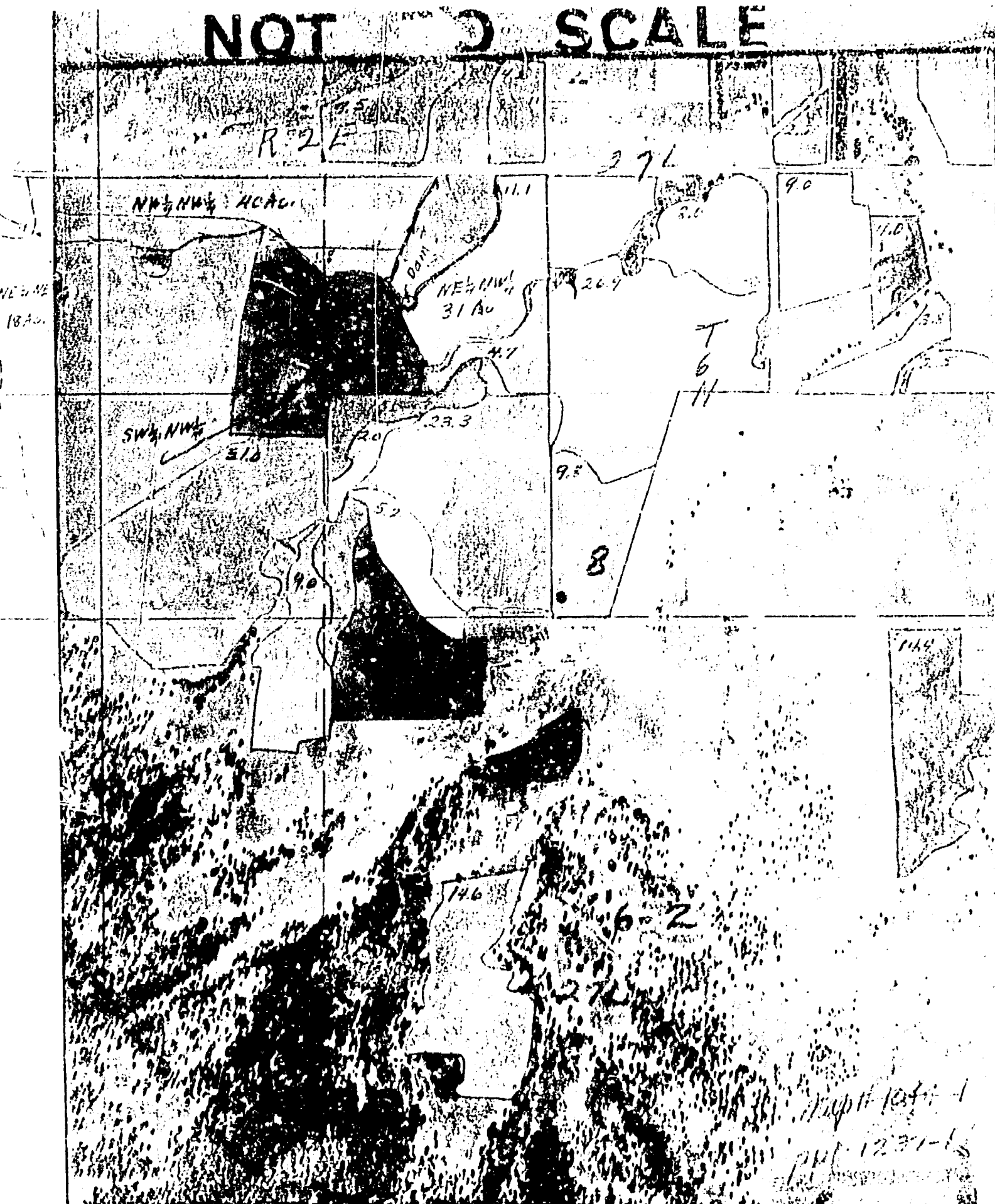
Fee for Application for Permit to Appropriate Water No. 1233-1 (examination, processing, recording and filing)	2.00
Fee for inspecting Construction, and issuing Cert. of Construction No. 1237-1	2.50
Fee for inspecting Beneficial Use, and issuing Water License No. 1237-1	2.50
Fee for issuing Location Certificate-Dry Draw, No.	
Fee for filling	
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 / *CH*

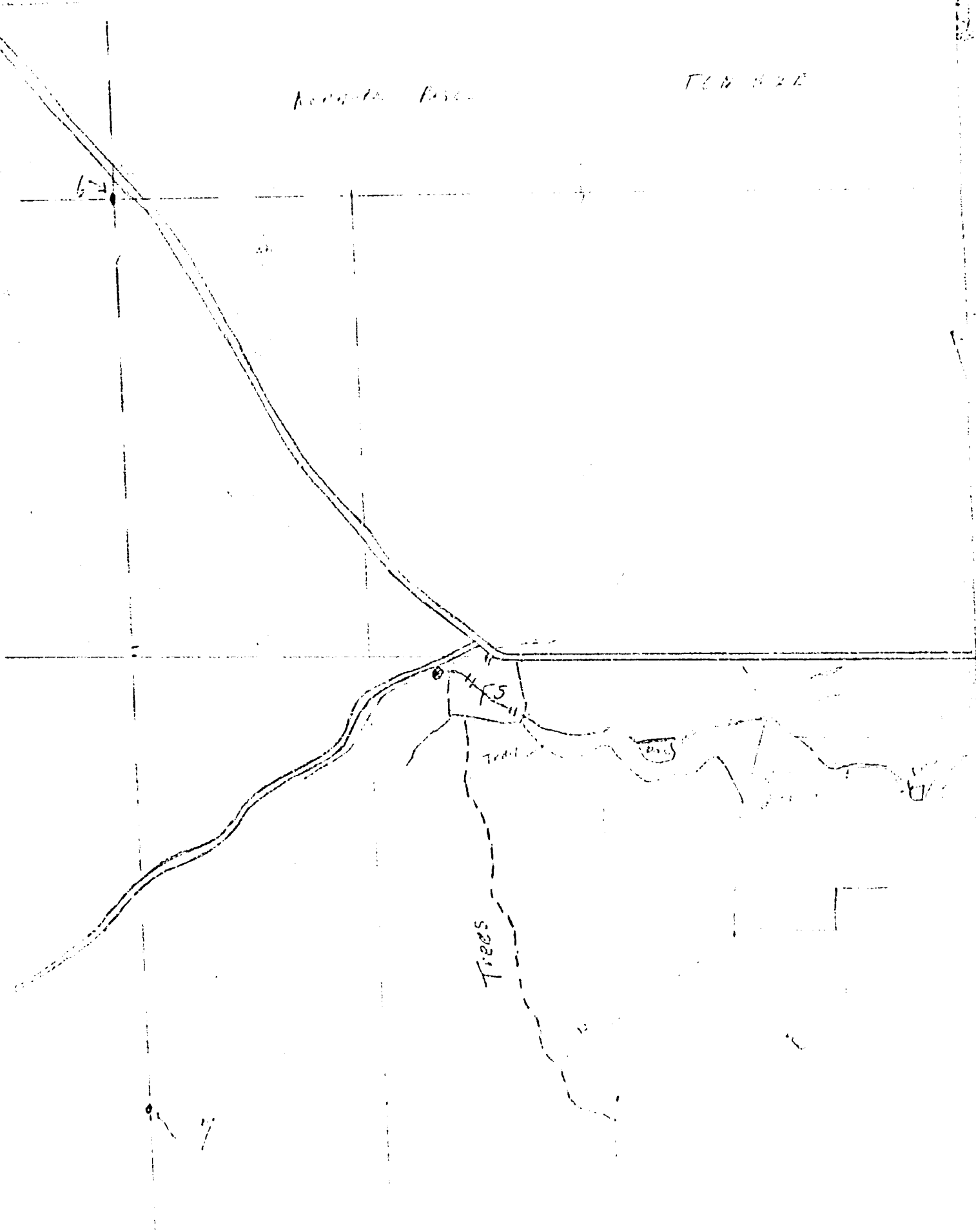


NOT TO SCALE



Acquinta River

Feb 1922





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 1237-1

June 18, 1987

Dr. Charles Linander
1015 8th Street
Spearfish, South Dakota 57783

Dear Doctor Linander:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. 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.

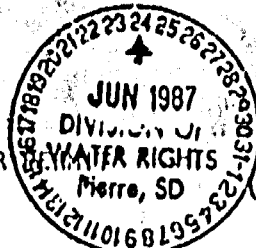
Please advise if you have any questions.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

DWNR-820A-8/83



NO. 1237-1

NOTICE OF TRANSFER OF WATER

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 6-22-87

This is to notify you that the title to the lands described as follows:

93 Acres - NE1/4 Section 7; NW1/4, SW1/4 Section 8; T6N, R2E.

formerly owned by Ethel Boice

has been transferred to Marjorie Alexander 1015 8th St. Pierre, S.D.
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1237-1 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Lawrence) ss.

I, Robert Greenfield 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 I know of my own personal knowledge that the information herein stated is true.

Marjorie Alexander
(Signed)

Subscribed and sworn to before me this 23 Day of June, 1987.

Robert Greenfield
(Notary Public)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410720

Pierre, June 24, 1987, 19

RECEIVED OF Marjorie Linander, 1015 8th St., 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 <u>1237-1</u>	2	50
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

By

Chief Engineer

JOHN HATCH

MS

No. 1237-1



**Department of
Water & Natural Resources**

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

June 26, 1987

Marjorie Linander
1015 8th Street
Spearfish, South Dakota 57783

Dear Ms. Linander:

Enclosed is receipt No. 410920 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 1237-1.

Our records now show you as the owner of this Water Right.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

WNR-821-7779
Receipt & notice of filing of Transfer of Water Right



Department of Water & Natural Resources

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

May 1, 1989

1237-1

Marjorie Linander
1015 8th St
Spearfish, SD 57783

Dear Ms. Linander:

I am writing in followup to my May 1, 1989 telephone conversation with Mr. Linander concerning Vested Water Right Claim No. 1237-1. He was concerned with the inspection and eventual validation of the vested water right claim.

A Notice of Intent to Validate Vested Water Right Claims in Lawrence County was published in the Lead Daily Call on June 15 and 22, 1988. A copy of the Notice was sent to every water right holder in the County. The Notice specified that any petitions in opposition of the vested right claims be filed by October 1, 1988. No petitions were received on Vested Water Right Claim No. 1237-1.

The Chief Engineer of the Division of Water Rights opposed validation of certain Vested Right Claims in Lawrence County until an inspection could be conducted on the water use systems. Inspections need to be conducted on claims that had never been inspected or had been inspected so long ago that changes may have occurred. The Chief Engineer did not oppose validation of Vested Water Right Claim No. 1237-1 since an inspection was done in 1981.

Vested Water Right Claim No. 1237-1 will be brought before the Water Management Board for validation along with the other claims in Lawrence County after all the inspections have been completed. If you have any questions, please contact Del Brosz (605) 773-3352.

Sincerely,

GENNY MCMATH
Natural Resources Analyst



L

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1237-1 FOR IRRIGATION

Date of Receipt of Claim December 14, 1981.

Date of Validation May 6, 1992.

The Water Management Board validated Vested Water Right Claim No. 1237-1 for irrigation purposes for Marjorie Linander, 1015 8th St, Spearfish SD 57783 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1237-1 appropriates 1.33 cubic feet of water per second from Higgins Gulch located in the NE 1/4 NE 1/4 Section 7 to irrigate 93 acres located in the NE 1/4 NE 1/4 Section 7, N 1/2 NW 1/4, SW 1/4 NW 1/4 Section 8; 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 January 1, 1876.
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: _____


Chief Engineer

JUN 29 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources



JUN 29 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Marjorie Linander
1015 8th St
Spearfish SD 57783

Dear Ms. Linander:

The Water Management Board has validated the enclosed Vested Water Right No. 1237-1. This validation gives legal status to the claim and is the final document for your vested right.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

enclosure

L

1237-1

HARLAN A. SCHMIDT

ATTORNEY AT LAW

1230 NORTH AVENUE - SUITE 8

P.O. BOX 1948

SPEARFISH, SOUTH DAKOTA 57783-7048

TELEPHONE (605) 642-2622

TELECFAX (605) 642-2623

April 26, 1994



John Hatch, Chief Engineer
Water Rights Division
Department of Water and
Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Dear Mr. Hatch:

Would you please send me a copy of the adjudication of water rights in favor of Patrick McGroarty on a ditch flowing out of I believe, Higgins Gulch west of Spearfish, South Dakota, being about the following legal description:

The NW $\frac{1}{4}$ NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, T6N
R2E, B.H.M., Lawrence County, South Dakota.

Yours truly,

Harlan A. Schmidt

HAS/jh



1237-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 2, 1994

Harlan A Schmidt, Attorney
PO Box 1048
Spearfish SD 57783-7048

Dear Mr. Schmidt:

This letter is in reference to your correspondence dated April 26, 1994.

Enclosed is a copy of Vested Right No. 1237-1 held by Marjorie Linander. This vested right authorizes irrigation of the acreage described in your letter. It appears from your letter that ownership of the property may have changed. If any portion of the acreage included on No. 1237-1 is under new ownership, then that portion of the vested right should be transferred to the new land owner. A transfer of ownership form is enclosed, if needed.

Please contact me at (605) 773-3352 if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Division

enclosure

1237-1

May 24, 1994



Mr. John Hatch
South Dakota Water Rights Division
Joe Foss Building
Pierre, So. Dak.

Dear Mr. Hatch:

I would like to call your attention to a recent problem we had in the Deer Meadows sub-division, located approximately $2\frac{1}{2}$ miles west of Spearfish, South Dakota. As you may have heard, the Northern Black Hills received some heavy rainfall several weeks ago, when some 5 to 6 inches was recorded in this area. This rain, together with snow melt caused serious flooding that resulted in road and structure damage in the Northern Black Hills.

Deer Meadows sub-division is located in sections 5 and 6. T6N, R2E, B.H.M. in Lawrence County, South Dakota and we have approximately 45 homes in this area. During the recent flooding we experienced damage to our road and culvert across the Higgins Gulch drainage. In addition, several lots in this area were flooded because of high water and trash and debris which came down the drainage.

It is our belief that a major contributor to this problem was when a dam, constructed on private land in section 7, T6N, R2E, breached. This caused a surge of water to come down the drainage, bringing with it debris and material which fouled our culvert and also created small trash dams in the drainage forcing the water out of its normal channel.

Our concern is that this private land owner might move equipment into the area and make repairs to the dam in Higgins Gulch that does not meet South Dakota water storage requirements or have an adequate spill-way to handle future flooding problems. Those of us, living in the Deer Meadows sub-division request that your office insure that any repairs to this dam be completed to State standards or that no repairs be authorized at all.

If you have any additional questions or wish to discuss this matter further please contact me.

Sincerely,

David D. Ruff
President Deer Meadows Road District
80 Ridge Road
Spearfish, SD 57783

✓

June 24, 1995



Mr. John Hatch
South Dakota Water Rights Division
Joe Foss Building
Pierre, SD 57501

Dear Mr. Hatch:

On May 24, 1995 I wrote to you about a flooding problem in the Deer Meadows sub-division located approximately 2½ miles west of Spearfish, South Dakota. As was pointed out in my letter, it is our feeling that part of the flood damage was attributed to a dam which washed out in Higgins Gulch and caused a surge of water to flow down the drainage.

After writing to you, I received a telephone call from a state official in Rapid City (Del Ron Peters) requesting more specific information on the dam's location and ownership. In reviewing this matter further, it appears that the dam is located in the N½NE¼ Sec. 7, T6N, R2E, BHM. I was told that the land on which the dam is located is owned by Dr. Charles Linander who lives here in Spearfish. Also, I recently learned that some equipment has been moved to the dam site and that it appears that repair work will be starting up. As was pointed out in my 5/24/95 letter, we of the Deer Meadows Sub-Division have no objection to Dr. Linander repairing this dam as long as it is done according to state standards and will not breach again should there be another surplus of water in the area.

It would be helpful if you could provide us with documentation of your disposition of this case so that we could retain it in our files.

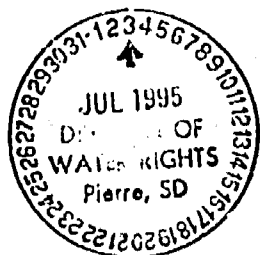
Thank you for your assistance in this matter and should you need additional information please feel free to contact me.

Sincerely,

David D. Ruff
President Deer Meadows Road District
80 Ridge Road
Spearfish, SD 57783

Spearfish S.D.
June 30, 1995

Mr. John Hatch,
S. Dak. Water Rights
Joe Foss Building
Pierre, S.D. 57501



Dear Sir -

Our home is just north-east of Higgins Gulch directly on a water way that flooded due to a dam up the gulch that broke sending a 5 ft. wall of water down the water way bordering our property on the west along the creek bed and along the road to the north; (Ridge Rd.)

Heavy rain caused the dam to break. We are concerned the dam may be rebuilt without an adequate spillway to handle heavy rains that could happen in the future.

We would like to request that the Water Rights office make sure the dam is built according to state specifications or not at all. It is nice to have the creek flowing but we don't use it. We have pictures of the damage to our yard and to the road and our neighbors yard too.

Thank you for your service.

Sincerely,
Bob and Eva Clark
111 Meadows Lane
Deer Meadows
Spearfish S.D. 57783

Conversation or File Documentation

NAME OF PERSON OR FILE: ~~On the~~ David Ruff - Dr. Charles LinanderADDRESS: Deer Meadows Subdivision COUNTY LawrenceDATE: July 10, 1995 TELEPHONE _____

RE: _____

COMMENTS:

I met with David Ruff, Pres. of Deer Meadows Subdiv., and Dr. Charles Linander, Dam owner. We met at ~~the town~~ a Dam located on Higgins Gulch above Deer Meadows in response to concerns on the reconstruction of the dam and ~~potential~~ problems associated with the dam.

Dr. Linander stated that the dam would not be constructed as large as it previously was. He also stated that he ~~has~~ had a spot surveyed 1200 yds upstream that would supply water to the ditches with the required head to irrigate. He tentatively plans to replace the dam with a shallow rock dam. He invited Mr. Ruff and myself to make suggestions and be present if and when he replaces the dam. Dr. Linander was very concerned and did not in any way want to endanger or offend the downstream residents of Deer Meadows.

Mr. Ruff was agreeable to what Dr. Linander proposed but wanted a letter from the "State" outlining what ~~the~~ regulations applied and what was being done for their files.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Delbert Pitt



1237-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 13, 1995

David Ruff, President
Deer Meadows Road District
80 Ridge Road
Spearfish, SD 57783

Bob and Eva Clark
111 Meadow Lane
Deer Meadows
Spearfish, SD 57783

Dear Mr. Ruff and Mr. and Mrs. Clark:

I am writing in response to letters from Mr. Ruff on May 24, 1995, and Bob and Eva Clark on June 29, 1995, regarding a diversion dam on Higgins Gulch located in N1/2 NE 1/4 Section 7 T6N-R2E. The dam is owned by Dr. Charles Linander.

The dam in question is part of the diversion works for Vested Water Right No. 1237-1. No. 1237-1 has an 1876 priority date to divert 1.33 cubic feet per second from Higgins Gulch to irrigate 93 acres using a diversion structure and ditches. At the onsite inspection conducted by staff engineer DelRon Peters, Dr. Linander stated that if he replaced the dam at all, it would be a much smaller dam. He outlined a tentative plan which included moving the dam upstream 200 yds to a point which provides enough elevation head to supply water to the irrigation ditches, but would lower the required height of the dam. Dr. Linander stated that the dam would be less than six feet in height and may only be approximately 3 feet high.

A structure that is less than 6 feet in height is not subject to Safety of Dams Rules, and approval of plans and specifications is not required. However, SDCL 46-7-3 does require that works for the storage of water be kept in good repair to ensure the safety of works.

Dr. Linander invited Mr. Ruff and DelRon Peters to make suggestions and be present if and when the dam is replaced. Staff from the Water Rights Program will inspect Vested Right No. 1237-1 after repair to determine the safety of the works.

If you have additional questions, please contact Gale Selken at (605) 773-3352.

Very truly yours,

for John Hatch, Chief Engineer
Water Rights Program

c: Dr. Charles Linander

L



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

March 17, 1999

1237-1

Myron Weber
540 State Street
Spearfish, SD 57783

Dear Mr. Weber:

Thank you for calling our office about ownership of Vested Water Right No. 1237-1. The vested right is currently listed in the name of Marjorie Linander.

Enclosed is a partially completed Notice of Transfer of Ownership form for use in filing an ownership change. Please review the form for accuracy and make any necessary additions or corrections. Upon completion, please sign the form in the presence of a notary and return it to our office with a required filing fee of \$2.50. Checks should be made payable to the Water Rights Program.

If you have any questions concerning the vested right or completion of the transfer form, please get in touch with me.

Sincerely,

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

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1237-1

Date: March 31, 1999



I/We request that Vested Water Right No. 1237-1

formerly owned by: Marjorie Linander

be transferred to: (name & address) Myron or Virginia Weber
3205 Hillview Rd; Spearfish, SD 57783 Telephone No. 605-642-4668

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

93 acres - NE 1/4 NE 1/4 Section 7; N 1/4 NW 1/4, SW 1/4 NW 1/4 Section 8, all in T6N, R2E

I/We understand that the validity of Vested Water Right No. 1237-1 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.

STATE OF SOUTH DAKOTA)

County of Lawrence)

I/We Myron & Virginia Weber 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.

Myron Weber
Virginia Weber
(Signed)

Subscribed and sworn to before me this 1 day of April, 19 99

Brandi Hancock
(Notary Public)
BRANDI HANCOCK
NOTARY PUBLIC
State of South Dakota
5438

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period if 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.

My Commission Expires

March 10, 2006

RECEIPT
Water Rights Program
South Dakota Department of Environment and Natural Resources

NE 416086

RECEIVED OF Myron or Virginia Weber, 3205 Hillview Rd., Spearfish, SD 57783 Pierre, April 5, 1999
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 Work, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form Vested Water Right No. 1237-1

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 500

2 50

By

Chief Engineer

[Signature]



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

April 6, 1999

1237-1

Myron & Virginia Weber
3205 Hillview Rd
Spearfish, SD 57783

Dear Mr. & Mrs. Weber:

Thank you for sending in the "Notice of Transfer of Ownership" for Vested Water Right No. 1237-1. The water right, formerly held by Marjorie Linander, is now listed in your names.

I am enclosing a copy of the transfer form and your Receipt No. 416086 in the amount of \$2.50 which you paid to cover the cost of the filing fees. You may keep both of these for your records.

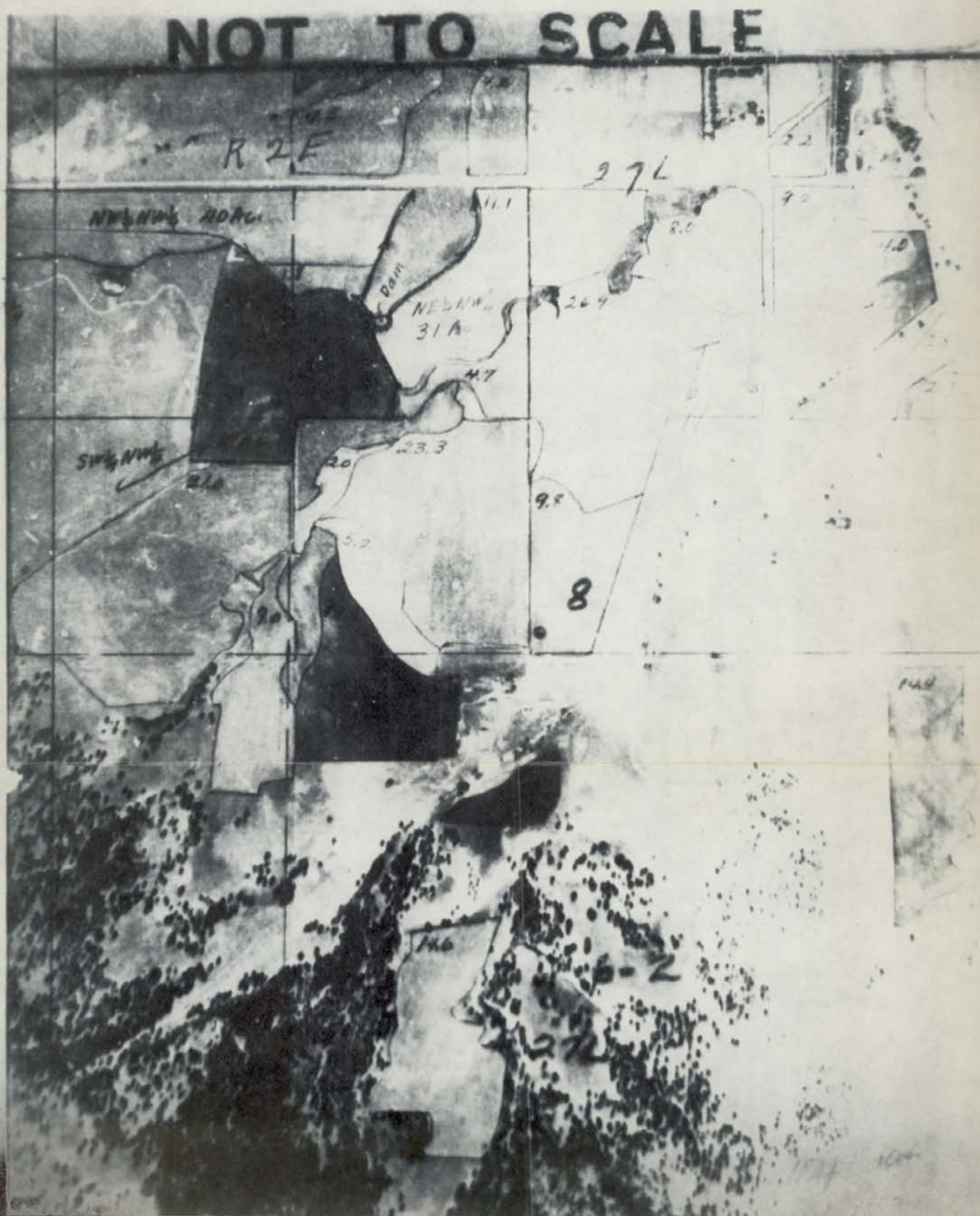
If I can answer any questions for you, please let me know.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures

1237-1

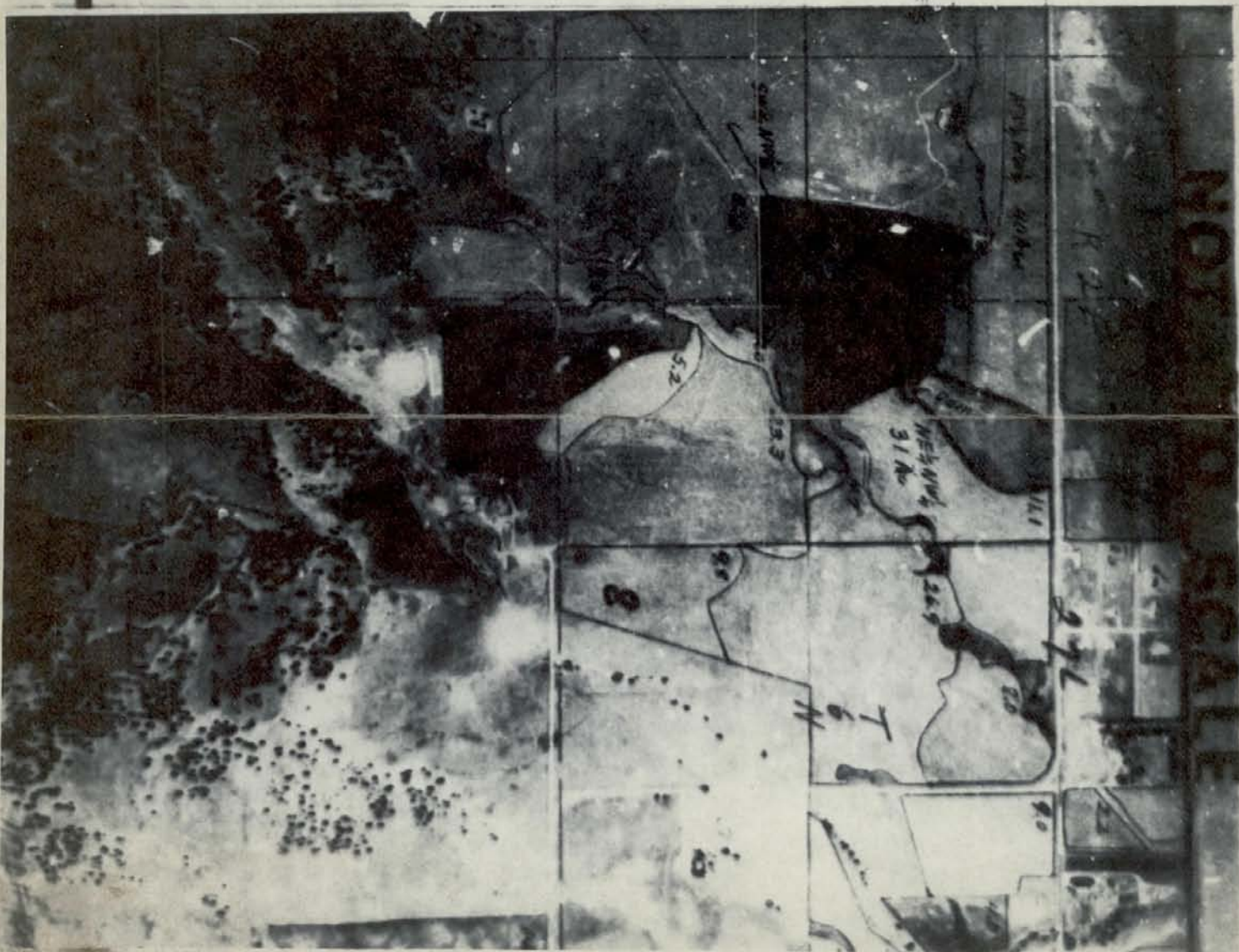


REPRODUCTIONS, REDUCTION 25:1

ROLL NO. 10

3-15-84
DATE MICROFILMED

Doc. # 1000000000



1237-1



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

July 6, 2020

1237-1

Myron Weber
221 Yellowstone Place
Spearfish SD 57783

Dear Mr. Weber:

Thank you for calling concerning the ownership change for a portion of Vested Water Right No. 1237-1.

Enclosed are blank "Notice of Transfer of Ownership" forms for use in filing ownership changes. A \$50 fee is required for each transfer filed. The check or money order for the fee can be made payable to the Water Rights Program.

I have included a copy of the vested right for your review. If you have any questions, please give me a call.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures



1237-1

DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

RECEIVED

MAY 20 2021

WATER RIGHTS
PROGRAM

May 14, 2021

TO: Property Owners (list attached)

FROM: Genny McMath, Water Rights Program
605 773-3352

SUBJECT: Vested Water Right No. 1237-1 ownership changes

Vested Water Right No. 1237-1 (copy enclosed), listed under Myron Weber, authorizes diversion of water from Higgins Gulch to irrigate 93 acres in portions of Section 7 and 8, T6N, R2E in Lawrence County. The land covered under the vested right is shown on the attached map. The numbers on the map are the approximate acres within each area.

Within the last year, two transfer of ownership changes were filed for portions of the land described in the vested right. A review of the Lawrence County online mapping service shows the owners listed on the attached sheet within the area described on the vested right.

If you actively irrigate with water from Higgins Gulch, on land authorized by the vested right, you are entitled to a portion of the vested right. Please understand that having acreage authorized by the vested right does not necessarily grant access across someone else's property in order to place a pump.

If you divert water from the gulch for irrigation, please make a notation on the attached map of the area you own and how many acres are irrigated. In order to file an ownership change, a "Notice of Transfer" will need to be filed along with payment of a \$50 fee. Enclosed is a blank form for filing the ownership change.

Please return the transfer form, map, and \$50 fee (payable to the Water Rights Program) by **June 30th**. The two owners in Section 7 that already filed an ownership change do not need to complete another transfer, but we would like the area and acreage noted on the map and returned to us. Postage paid envelopes are also enclosed for your convenience.

Under SD Water Law, irrigation of a small garden or lawn (one acre or less) at a rate less than 18 gallons a minute is a domestic use and can be done without a water right in place.

If you do not use water from the Higgins Gulch, please make a notation on the form and map and return it to us. We will then remove your name from the those that need to be transferred. Should you have any questions, please let me know.

enclosures

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Scott Comer, 1635 Hillside Dr, Spearfish SD 57783

DATE: May 18, 2021

TELEPHONE: 605 639-9743

RE: share of Vested Right No. 1237-1

COMMENTS:

On May 14th, a letter was written to all the landowners with property that may have land described in Vested Water Right No. 1237-1 and irrigate from Higgins Gulch.

Mr. Comer called to ask for clarification. He owns a small piece of the land but says he has his own well and does not divert from Higgins Gulch. He indicated that if water use from Higgins does not affect him using his own well, he does not intend to file an ownership change or need to have any share of the vested right.

I explained that the vested right would be divided up between the landowners that had access to the gulch, and they would only get a prorated share of the diversion which would be minimal. The remainder of the vested right would be scheduled for cancellation.



Genny McMath
Water Rights Program

June 9, 2021

RECEIVED

JUN 15 2021

WATER RIGHTS
PROGRAM

Department of Agriculture & Natural Resources

Attn: Genny McMath

523 E Capitol Ave

Pierre, SD 57501-3182

RE: Higgens Gulch Water Rights 1237-1 Ownership

Genny & Erik -

Thank you for visiting with me this morning regarding the letter and forms that I received from your department (5/14/2021).

After discussing the issue with both of you, I really feel that since I and my husband, Erik, have lived on this property for 20 years and the issue never came up regarding using Higgens Gulch water to irrigate our property, we have decided to not pay the \$50.00. We don't see how it would be possible to even get the Higgens Gulch water to our property since we would have to cross over other properties in the process.

I can understand paying the \$50 if that water was next to my property, and I have marked the 5 acres that we currently own.

Thank you,

Erik & Linda Palle

1720 Sarah Ave

Spearfish, SD 57783

605-641-2080

Land described in Vested Water Right No. 1237-1



Gronlund, Eric

From: Gronlund, Eric
Sent: Tuesday, June 14, 2022 9:48 AM
To: craig mickelson
Cc: McMath, Genny
Subject: RE: [EXT] Higgins Gulch issue - Vested Water Right No. 1237-1

Mr. Mickelson:

You are entitled to that portion of the water right based on the acreage you (Craig Mickelson, Myron Weber's daughter and son-in-law – Mike Jastorff) own that is authorized under Vested Water Right No. 1237-1 and only the proportionate diversion (pump) rate associated with those acres.

Vested Water Right No. 1237-1 is currently listed in Myron/Virginia Weber's name. However, the land authorized by the right has been subdivided and our understanding is there are 14 landowners that have a potential claim to their proportionate share of the right based on acreage. So we are unable to simply change the name on the water right to your names. You have filed the transfer of ownership for the acres you (and family) own. We can proceed to split the right accordingly if that is how you want to proceed.

Water Rights understanding is the following acres authorized by No. 1237-1 involve members of Myron/Virginia Weber's family.

- Sharon Hoggart Trust – 1.8 acres
- Michael Jastorff – 1.8 acres
- Michael Jastorff – 1.6 acres
- Total = 5.2 acres

Proportionate diversion (pump) rate for 5.2 acres = 34 gallons per minute

Eric

From: craig mickelson <craigmic@vastbb.net>
Sent: Tuesday, June 14, 2022 7:51 AM
To: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Subject: RE: [EXT] Higgins Gulch issue - Vested Water Right No. 1237-1

So if I understand your finding correctly, the original right is tied to the entire 93 acres. So we being one of the landowners are entitled to use that right. And myself and Myron Weber's daughter and son-in-law (Mike Jastorff) being the only landowners who own property abutting the creek within that 93 acres can continue to use water under the entire encompassing right? And I would suspect that a small pump to run lawn sprinklers is using nowhere near 600 gpm. So we just let it stand as is with you updating our name as landowners instead of Myron Webber. Is that correct?

From: Gronlund, Eric [<mailto:Eric.Gronlund@state.sd.us>]
Sent: Thursday, June 02, 2022 10:29 AM
To: craigmic@vastbb.net

Cc: McMath, Genny <Genny.McMath@state.sd.us>

Subject: Higgins Gulch issue - Vested Water Right No. 1237-1

Mr. Mickelson:

I am emailing regarding Vested Water Right No. 1237-1 which authorizes 1.33 cubic feet of water per second (600 gpm) from Higgins Gulch to irrigate 93 acres. As you are aware, the land authorized for irrigation has been subdivided and there are now multiple owners. As has been previously pointed out, with the construction of Higgins Gulch Road, the water ditch was eliminated causing some acres to no longer have access to the water. Cancellation of a surface water source such as Higgins Gulch is difficult since given the nature of water course not always having sufficient flow to meet existing rights. Moreover, cancellation of any portion of the current vested water right cannot occur without due process.

A careful review of the application originally filed by Ethel Boice, which specifically lists the lands to be irrigated, and further statement on the affidavit of water use, leads to the conclusion that the right is tied (appurtenant) to the land as listed. Based on this conclusion, each landowner is entitled to their portion of the water right based on acres owned and proportionate share of the diversion rate.

However, if the land transfer/purchase agreement or deed provides convincing information that the water right is not tied to the land the above opinion could differ. I suggest checking the agreement/deed to see if there is anything regarding the vested water right.

To our understanding based on the acreage described on the vested water right, there are 14 landowners with land authorized under No. 1237-1: six have filed transfer of ownership forms, four have responded they did not want the water right, and we are uncertain regarding the other three.

Access to the Higgins Gulch diversion point to pump water is a separate issue from how the vested water right should be split and is a private legal issue.

Eric Gronlund, Chief Engineer
Water Rights Program, DANR
605 773-3352
Eric.gronlund@state.sd.us

From: craig mickelson <craigmic@vastbb.net>

Sent: Friday, April 29, 2022 8:16 AM

To: McMath, Genny <Genny.McMath@state.sd.us>

Subject: RE: [EXT] transfer of ownership

Thanks Genny, To reiterate I think some of the issues pertaining to the other lots involved date back to the 40s and 50s when there was an old water ditch that crossed to the South East and watered some farm land. That was stopped when the County built Higgins Gulch road on the opposite side of the creek than the previous wagon road that was on the South side of the creek and the water ditch was eliminated.

From: craig mickelson <craigmic@vastbb.net>

Sent: Friday, April 29, 2022 7:57 AM

To: McMath, Genny <Genny.McMath@state.sd.us>

Subject: [EXT] transfer of ownership

Where are we at on transfer of ownership for water right 1237-1? It is going on almost 2 years now since this was started. We would like to get this done before it gets lost any further and forgotten.

Craig Mickelson and Sharon Hoggatt
3205 HillsvieW Rd.
Spearfish , SD 57783

STATE OF SOUTH DAKOTA
VESTED WATER RIGHT NO. 1237-1
(DIVISION OF VESTED WATER RIGHT NO. 1237-1 INTO A, B, C, D & E)

(1) Vested Water Right No. 1237-1, held by Myron or Virginia Weber, authorized the diversion of 1.33 cubic feet of water per second (cfs) from Higgins Gulch, Lawrence County, South Dakota for irrigation purposes. Vested Water Right No. 1237-1, bearing a priority date of January 1, 1876, authorized the irrigation of 93 acres located within the NE ¼ NE ¼ Section 7 & N ½ NW ¼, SW ¼ W ¼ Section 8; all in T6N-R2E.

Five "Notice of Transfer of Ownership" forms were filed for portions of land described in Vested Water Right No. 1237-1.

Date of Filing	New Owner
August 5, 2020	Michael Jastorff
October 15, 2020	Sharon E Hoggatt Revocable Trust
June 3, 2021	Paul & Sara Elias
June 17, 2021	Eric & Sherry Hanson
July 1, 2021	James A Webb Family Trust

Based on the ownership changes, Vested Water Right No. 1237-1 is being divided and reissued to reflect separate ownership as follows:

- **Vested Water Right No. 1237-1: Myron or Virginia Weber, 221 Yellowstone Pl, Spearfish SD 57783** authorizing diversion of 1.062 cfs from Higgins Gulch for irrigation of 74.4 acres located in the NE ¼ NE ¼ Section 7 & N ½ NW ¼, SW ¼ NW ¼ Section 8; all in T6N-R2E.
- **Vested Water Right No. 1237-1A: Michael Jastorff, 3212 Hemlock Ct, Spearfish SD 57783**, authorizing the diversion of 0.026 cfs from Higgins Gulch for irrigation of 1.8 acres located in the NE ¼ NE ¼ Section 7, T6N-R2E.
- **Vested Water Right No. 1237-1B: Sharon E Hoggatt Revocable Trust, 3205 Hillview Rd, Spearfish SD 57783**, authorizing the diversion of 0.026 cfs from Higgins Gulch for irrigation of 1.8 acres located in the NE ¼ NE ¼ Section 7, T6N-R2E.
- **Vested Water Right No. 1237-1C: Paul & Sara Elias, 1710 Sarah Ave, Spearfish SD 57783**, authorizing the diversion of 0.072 cfs from Higgins Gulch for irrigation of 5 acres located in the NE ¼ NW ¼ Section 8, T6N-R2E.
- **Vested Water Right No. 1237-1D: Eric & Sherry Hanson, 17255 Scott Ave, Spearfish SD 57783**, authorizing the diversion of 0.072 cfs from Higgins Gulch for irrigation of 5 acres located in the NE ¼ NW ¼ Section 8, T6N-R2E.
- **Vested Water Right No. 1237-1E: James A Webb Family Trust, PO Box 1148, Spearfish SD 57783**, authorizing the diversion of 0.072 cfs from Higgins Gulch for irrigation of 5 acres located in the NE ¼ NW ¼ Section 8, T6N-R2E.

continued

(2) It is certified that the water right holders have complied with the provisions of South Dakota State Law and are entitled to divert water from Higgins Gulch (NE ¼ NE ¼ Section 7, T6N-R2E), for irrigation purposes, as previously listed.

(3) The amount of appropriation may not exceed 2 acre-feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: March 1 – October 31.

(4) The water right holders have complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate lands, as previously listed.

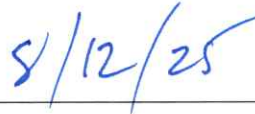
(5) Pursuant to South Dakota Water Law 46-5-30.1, Myron or Virginia Weber, Michael Jastorff, the Sharon E Hoggatt Revocable Trust, Paul & Sara Elias, Eric & Sherry Hanson, and the James A Webb Family Trust, the respective holders and/or owners of Vested Water Right Nos. 1237-1, 1237-1A, 1237-1B, 1237-1C, 1237-1D, and 1237-1E are issued a license to appropriate water, as previously listed rates, with a priority date of January 1, 1876, from Higgins Gulch (NE ¼ NE ¼ Section 7, T6N-R2E), for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Vested Water Right No. 1237-1 and subject to the following qualification:

1. Water Rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

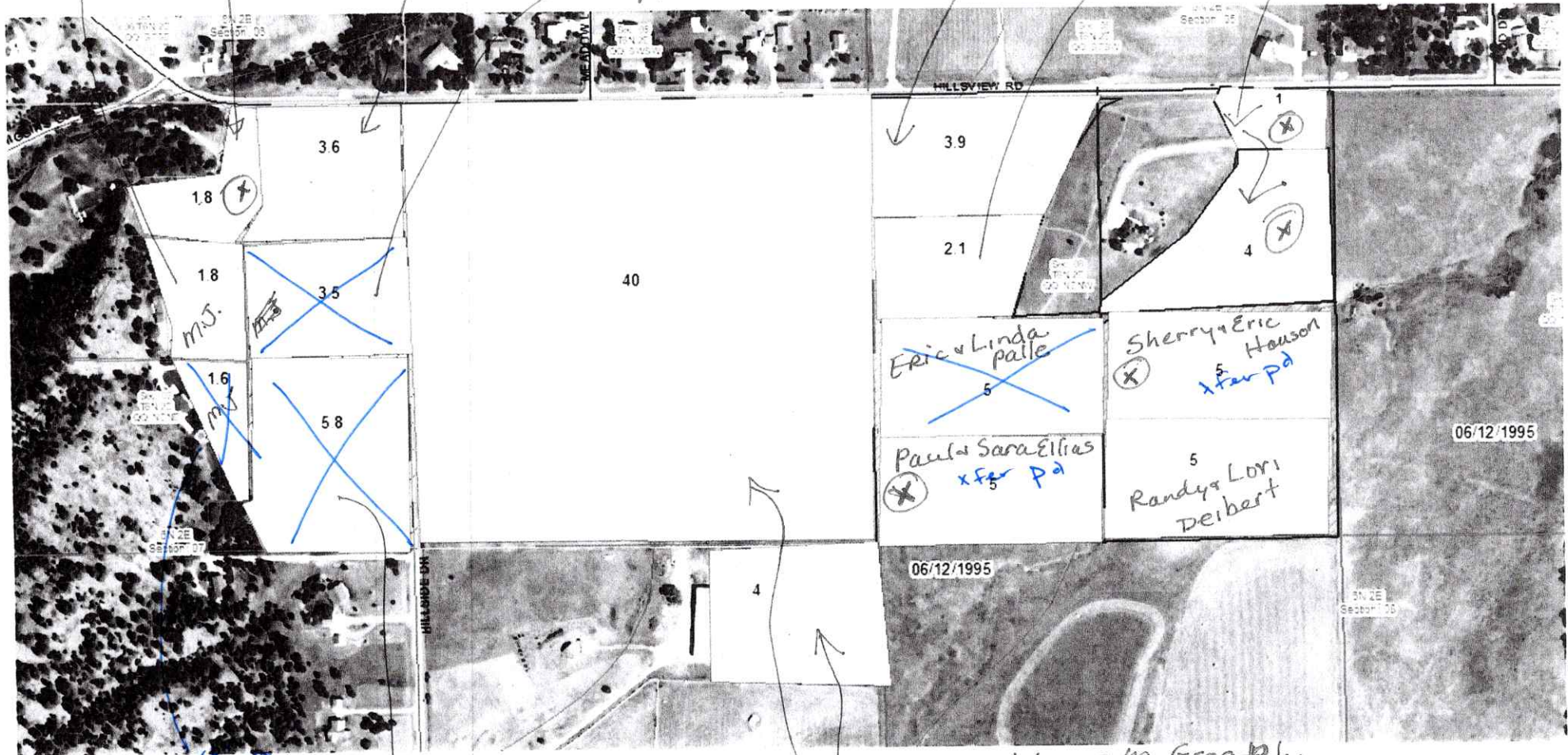


Mark Mayer, PE
Director of the Office of Water
Department of Agriculture and Natural Resources



date





mJ=Michael Jastoroff
xfer pd

Sharon Hoggarty Trust
3205 Hillside Dr
xfer pd

Eric Ulmer, 1645 Hillside Dr

Scott & Keyra Comer
1635 Hillside Dr

Donald Erickson

Jonathan & Diana Reth

James Webb Trustee
xfer pd

~~Eric & Linda Palle~~
5

Sherry & Eric Hanson
xfer pd

Paula Sara Elias
xfer pd

5
Randy & Lori Deibert

Aar Boderson

allan J mack
3205 Hemlock Ct

Sharon Williams McGroarty
1320 Hillside Dr