

VESTED RIGHT

1. Considered: _____, 19____ Water Right No. 1291-1
2. Name of Applicant Eugene Turbiville
3. Post Office Address Rt 46146, Camp Crook 57724 Box 3
4. Amount of Water Claimed 1.31 maximum acre feet _____
5. Source of Water Supply K-Bar Creek
6. Water to be used for IRR acres to be irrigated 92
7. County Harding about _____ miles _____ of _____
8. PROOF OF PUBLICATION: Received _____ Not Received _____
- APPLICATION: Approved 2-15-84 Subject to _____
- Not Approved _____ Action Deferred _____

PRIORITY
1903

Dated Received 12/6/83 Application complete-yes x no _____ FEE 10.50

Remarks _____

Corrected Application received _____ Period of Annual Use 3/1 thru 10/31

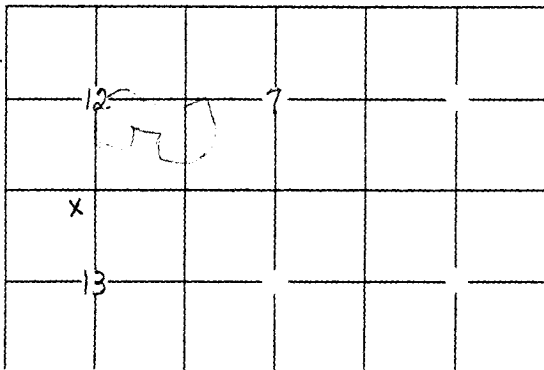
WATER
QUALITY

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

WI-1 Description same as application-yes _____ no _____ Remarks _____

not applicable

Disapproved _____ Returned _____



Diversion Point _____

NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13-19N-1E

Land to be irrigated _____

SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 12 T19N-R1E and

NW $\frac{1}{4}$ SW $\frac{1}{4}$ & SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7-T19N-R2E

WELL LOG

Driller _____ Licensed - yes _____ no _____

Depth _____

Remarks _____

MAP Map No. 1291-1 Map located in Water Right X Map file _____
 Type of Map aerial drawn Prepared by LeRoy Mernaugh

+++++

REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned ~~and written up for review and decision before the Board on~~
12/6/83

Betty Westlund
 (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. 1291-1 Hydrologic Unit 10110201
 Map No. 1291-1 Basin Little Missouri
 Newspaper N/A

Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application: Check one or more of the following;

New ☐ Vested Right ☒ Future Use ☐☐ Application to amend Permit No. _____ with old priority date retained☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____1. Name of Applicant Eugene Turbiville Phone No. 797-4449Post Office Address Route #46146, Box 3, Camp Crook State SD 57724
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s) 1.31 Total acres irrigated 923. Source of Water supply K-Bar Creek4. Location of point of diversion 1200'S and 650'W of the N $\frac{1}{4}$ Corner of Section 13, T19N, R1E
RA'County Harding5. Counties where water will be used Harding6. Annual period during which water is to be used March thru October

7. 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.	Land Description	No. Acres Irr.
SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 12, T19N, R1E	2	SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 12, T19N, R1E	9
NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 12, T19N, R1E	31	NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 7, T19N, R2E	9
NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 12, T19N, R1E	33	SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 7, T19N, R2E	6
SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 12, T19N, R1E	2		

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Completed

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

STATE OF SOUTH DAKOTA)
County of HARDING)^{ss}I, EUGENE W. Turbiville the applicant, certify that I have read the foregoing application, 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 Eugene W. TurbivilleSubscribed and sworn to before me this 2nd day of December 1983Frank Klauzer

Notary Public (or other qualified officer)

Right
Vested WATER PERMIT
recognizes Vested Water Right

The Water Management Board hereby approves Water Permit Application No. 1291-1
Eugene Turbiville Rt. 46146 Camp Crook
(Applicant) (Post Office Address)
South Dakota 57724
(State) (Zip Code)

With the following qualifications.

" Vested Right Claimed "

Date of first receipt of application December 6, 1983.

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

Date of receipt of corrected application _____, 19____. Recognized February 15, 1984.

The Water Management Board hereby ~~approves~~ ^{recognizes Vested Right} this Water Permit No. 1291-1 ~~authorizing~~ ^{recognizing} the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the ~~Water Permit approval~~, subject, however, to the following limitations and conditions:
Vested Water Right

1. The date from which applicant may claim right is _____, 1903.
2. ~~One fifth of the work is to be completed on or before~~ _____, 19____.
3. The whole of said work is ~~to be completed on or before~~ _____, 19____.
4. The ~~time limit for proof of~~ beneficial use of water is Complete, 19____.
5. The water appropriated ~~shall be~~ ^{is} 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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 1.31 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. 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 February 15~~ March 1 thru October 31 1984; said water to be used during the following described annual period:

WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

April 4, 1984

State of South Dakota

VESTED Water License No. 1291-1

(1) Eugene Turbiville
of Route 46146, Box 3, Camp Crook, South Dakota 57724

made Application No. 1291-1, December 6, 1983, for recognition ~~for a water permit~~ ^{/of a Vested Right} to appropriate

1.31 cubic feet per second of water from K - Bar Creek,

Harding County, South Dakota for Irrigation purposes.

Vested Right
~~Permit~~ No. 1291-1, with a priority date of 1903

~~was approved~~ ^{recognized} February 15, 1984 and issued to applicant(s) for diversion of water ~~with~~ ^{recognizing} construction of the described

water supply system ~~to be completed on or before~~ and for the application to beneficial use of said

water ~~on or before~~

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.31 cubic feet per second of water for beneficial use. The location of the diversion point(s) is 1200 ft S and 650 ft W of the N½ Corner of Section 13, T19N, R1E (BA)

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land:

Section 12, T19N, R1E

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 2 Acres (AC)

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 31 Acres (DB)

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 33 Acres (DA)

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 2 Acres (DC)

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 9 Acres (DD)

Section 7, T19N, R2E

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 9 Acres (CB)

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 6 Acres (CC)

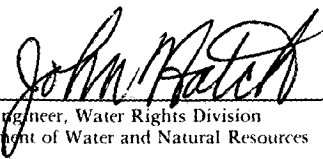
TOTAL 92 ACRES

(4) Pursuant to §46-5-30.1 Eugene Turblville

of Route 46146, Box 3, Campcrook, South Dakota 57724

Vested Water Right No. 1291-1
the holder(s) and/or owner(s) of Water Permit No. ~~1291-1~~ is issued a license to appropriate water, the right to use
1.31 cubic feet per second of water from K-Bar Creek with a priority date
of 1903 from the location specified in (2) of this license. The water to be
conducted to and upon lands specified in (3) of this license for the purpose of irrigation

Vested Water Right
This license is subject to any limitations or qualifications listed in Water Permit No. 1291-1 and subject
to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JOHN HATCH

April 5, 1984

**This Water License No. 1291-1 is based on a Vested Right claim filed with the
Water Management Board.**

Affidavit of Water Use

No. _____

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.

**Affidavit Of Construction Of Water Use System
And Application Of Water To Beneficial Use**

Name of Applicant (Same as Form 2) Eugene Turbiville

Post Office Address Route # 46146, Box 3, Camp Crook, South Dakota 57724
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation _____ Date of Posting _____

Date of recording _____ Recording date _____
Where Book Page

B. Date of start of construction of water supply system 1903C. Date that water was first applied to beneficial use 1903D. Name of owner of original water supply system unknownE. Amount of water originally applied to beneficial use 20 cfs(est.)F. Present Use of Water - Amount of water now being used 10 cfs.(est)Date that this water was first used 1939

G. Chronological History of Water Use

1903 Has been used since this date

1939 Albert Turbiville purchased land from Hickey

1974 Eugene Turbiville obtained the property. The system has been in continual use since 1903

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 HARDING)^{ss}

I, EUGENE W. TURBIVILLE the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.

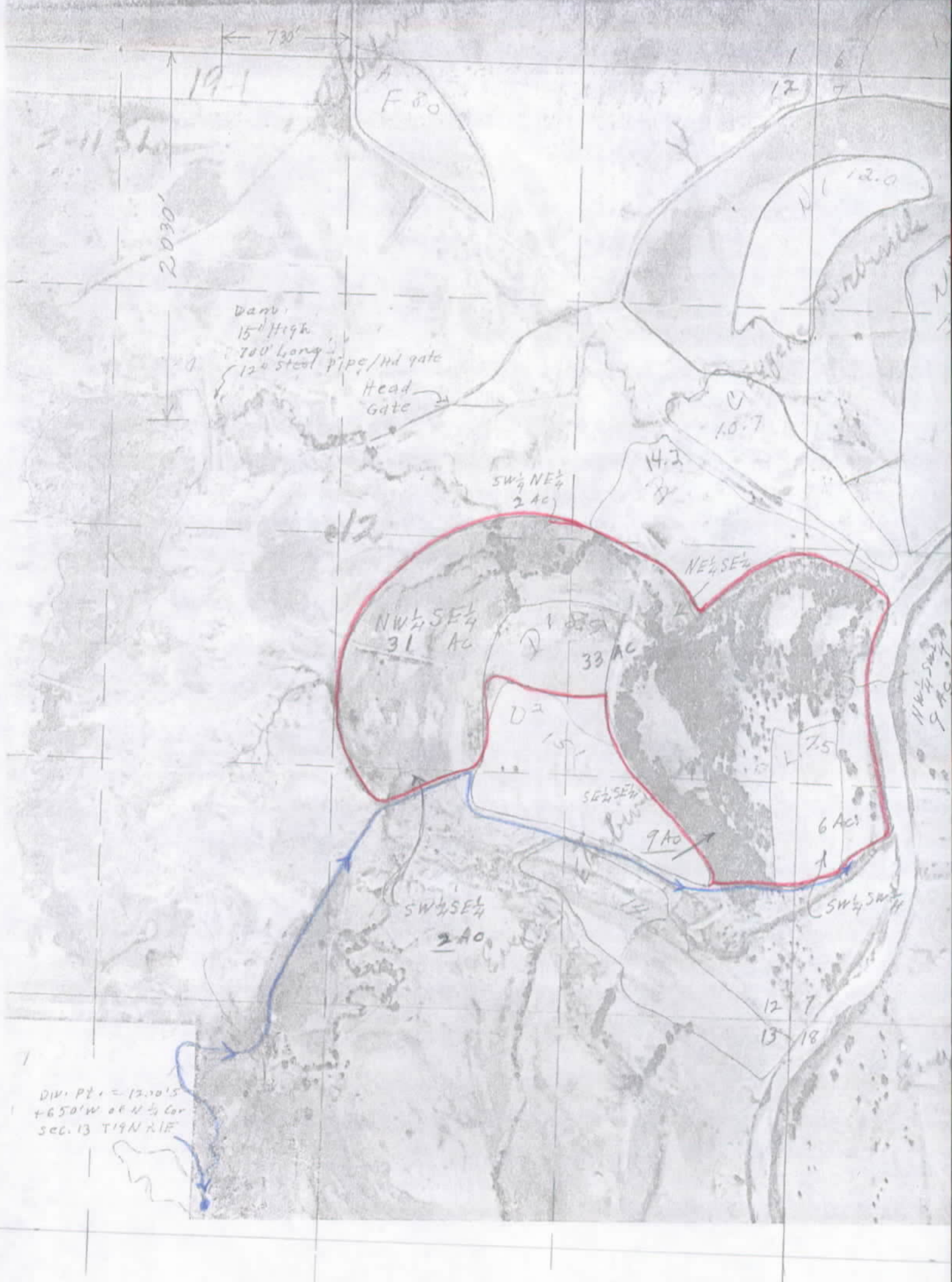
Signed Eugene W. TurbivilleSubscribed and sworn to before me December, 2, 1983

Frank Klauzer
 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.

(Print name) 19_________
(Print name) 19____

NOT TO SCALE



Eugene Turbiville

Scale 8" = 1 mi
1" = 660'

Map by J. J. Harnough
11-9-83

Office Copy

APPL & MAP # 1291-1

Permit No. 1291-1

Little Missouri Water District

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Eugene
Turbiville, Rt # 46146 @ Box 3, Camp Creek, S.D. 57724 holder of
Permit No. 1291-1, bearing the priority of _____ 19 03 authorizing
the diversion of 1.31 cu. ft. per second of the waters of K-Bar Creek.
for Irrigation purposes, in Harding County.

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

A. Works used to divert the water:

Diversion

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

Irrigation Supply Canal.

C. Works used to apply water to beneficial use:

Dikes and ditches for flood irrigation
7½ acres have been leveled

The system is in the following condition Good

The point of diversion is located 1200 ft S and 650 ft W of the NW¼
Corner of section 13, T19N R1E

The works are capable of diverting and conveying to the place of use 10 cfs.

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: _____

<u>SW¼ NE¼ Sec. 12, T19N, R1E = 2 Ac.</u>	<u>SE¼ SE¼ Sec. 12 T19N R1E = 9 Ac</u>
<u>NW¼ SE¼ " " " " = 31 Ac</u>	<u>NW¼ SW¼ " 7 T19N R2E = 9 Ac</u>
<u>NE¼ SE¼ " " " " = 33 Ac</u>	<u>SW¼ SW¼ " 7 " " = 6 Ac</u>
<u>SW¼ SE¼ " " " " = 2 Ac</u>	

comprising a total of 92 acres of land and the license should be issued for 1.31 cfs

Applicable permit qualifications have been complied with X Yes _____ No

Exceptions to compliance are: _____ Date Aug 16, 1983

LeRoy J. McNamee
(signature)

November 17, 1983

Eugene Turbiville
Route #46146, Box 3
Camp Crook, South Dakota 57724

Dear Mr. Turbiville:

I visited with you several times the past two years at which time I made inspections on the irrigation systems you are now using. It was decided that you should apply for Vested Rights to cover these areas. You have three separate areas irrigated from three separate diversion points with three separate priority dates. Therefore it will be necessary for you to submit an application for each of these. This will bring your irrigation systems up to date.



No. 1291-1

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

April 5, 1984

Eugene Turblville
Route 46146, Box 3
Camp Crook, SD 57724

Dear Mr. Turblville:

Enclosed herewith is, Water License No. 1291-1. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

Enclosures

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1291-1 FOR IRRIGATION

Date of Receipt of Claim December 6, 1983.

Date of Validation September 27, 1989.

The Water Management Board validated Vested Water Right Claim No. 1291-1 for irrigation purposes for Eugene Turbiville, Rt 46146, Box 3, Camp Crook SD 57724 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1291-1 appropriates 1.31 cubic feet of water per second from K-Bar Creek to irrigate 92 acres. The point of diversion is located in the NE1/4 NW1/4 section 13-T19N-R1E and the irrigated acreage is located in the SW1/4 NE1/4, SE1/4 section 12-T19N-R1E; W1/2 SW1/4 section 7-T19N-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, 1903.
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

MAR 11 1993

date

Division of Water Rights
Dept. of Environment and Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 11 1993

1291-1
1292-1
1293-1

Eugene Turbiville
Rt 46146, Box 3
Camp Crook SD 57724

Dear Mr. Turbiville:

The Water Management Board has validated the enclosed Vested Water Right Nos. 1291-1, 1292-1, and 1293-1. This validation gives legal status to the claims and is the final document for your vested rights.

As long as you use the water beneficially, as stated in the validations, 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 5, 2000

Eugene Turbiville
HC 59 Box 2
Camp Crook, SD 57724-9803

Dear Mr. Turbiville:

Thank you for taking the time to visit with me last week about ownership of your water rights. It is my understanding that you have sold all of the land to your son.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing ownership changes on Water Right Nos. 238-1, 292-1 & 512-1 and Vested Water Right Nos. 1291-1, 1292-1 and 1293-1. The forms will need to be completed and then signed in the presence of a notary public by the new owner(s).

Upon completion, please return them to our office with a required filing fee of \$2.50 each (total of \$15.00). The check or money order for the fee can be made payable to the "Water Rights Program".

If you have any questions, please get in touch with me.

Sincerely,

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

enclosures

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N^o 416675

Pierre, November 7, 2000

RECEIVED OF Ronald Turbiville, HC 59 Box 2, Camp Crook SD 57724
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. _____

Fee for Filing Transfer Form Water Right No. 1291-1

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By

Chief Engineer

Garland Erbeke

KS

No. 1291-1

Date: 11-1-00

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 8, 2000

Ronald or Laurel Turbiville
HC 59 Box 2
Camp Crook, SD 57724

RE: Ownership changes for Water Right Nos. 238-2, 292-1, 512-1 and Vested Water Right
Nos. 1291-1, 1292-1 and 1293-1

Dear Mr. & Mrs. Turbiville:

Thank you for following up on the ownership changes for the above listed water rights and vested water rights. The transfers have been completed and they are now listed in your names.

Enclosed are your Receipt Nos. 416671, 416672, 416673, 416674, 416675 and 416676 in the amounts of \$2.50 each. You may keep them for your records.

If you have any questions concerning the transfers or the water rights, please get in touch with me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

APR 18 2008

WATER RIGHTS
PROGRAM

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

No. 1291-1

Date:

4-16-08

I/We request that Vested Water Right No. 1291-1

formerly owned by: Ronald or Laurel Turbiville, HC 59 Box 2, Camp Crook SD 57724

be transferred to: (name & address) Ron Turbiville, HC 59 Box 2, Camp Crook SD 57724

Telephone No. 605 797-4614

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

92 acres – SW ¼ NE ¼ and SE ¼ Section 12, T19N, R1E;

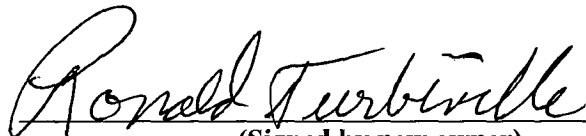
W ½ SW ¼ Section 7, T19N, R2E

I/We understand that the validity of Vested Water Right No. 1291-1 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 Ronald Turbiville, 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 4/21, 20 08

RECEIVED OF Ron Turbiville HC 59 Box 2 Camp Crook SD 57724

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>1291-1</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.

03653

By

Michael Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 22, 2008

Ronald Turbiville
HC 59 Box 2
Camp Crook SD 57724

RE: Water Right and Vested Water Right Nos. 238-1, 292-1, 1291-1, 1292-1 & 1293-1

Dear Mr. Turbiville:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right and Vested Water Right Nos. 238-1, 292-1, 1291-1, 1292-1 and 1293-1. The ownership changes have been completed. The above listed water rights and vested rights are now listed solely in your name.

Enclosed are your Receipt Nos. 3631, 3632, 3633, 3634 and 3635 in the amounts of \$2.50 each. You may keep these for your records.

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

Sincerely,

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

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

enclosures

1291-1

McMath, Genny

From: Gronlund, Eric
Sent: Thursday, October 14, 2010 9:55 AM
To: McMath, Genny
Subject: partially completed transfer of ownership forms requested.

For Water Right Nos. 292-1, 238-1, 1291-1, 1292-1 and 1293-1 currently held in the name of Ronald Turbiville.

Please sent to Don Zacher, Belle Butte Title Company, PO Box 636, Belle Fourche SD 57717 (his phone number is 642-7304 if we have further questions). He will have the new owner complete them at closing.

I told him that we would like look at past history of water use (if pumping was involved) and let him know if there are any red flags. Being from surface water up in Harding Cty, I presume if there wasn't irrigation there could be legal excuse.

Eric Gronlund
Water Rights Program, DENR
Phone: (605) 773-3352
Fax: (605) 773-4068
Email: eric.gronlund@state.sd.us
Web: www.denr.sd.gov



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 15, 2010

Don Zacher
Belle Butte Title Company
PO Box 636
Belle Fourche SD 57717

RE: Water Right Nos. 238-1 & 292-1 and Vested Water Right Nos. 1291-1, 1292-1 and 1293-1

Dear Mr. Zacher:

I am writing in follow-up to your phone conversation with Eric Gronlund with our program.

Enclosed as discussed are partially completed Notice of Transfer of Ownership forms for filing ownership changes with Water Right Nos. 292-1 & 238-1 and Vested Water Right Nos. 1291-1, 1292-1 and 1293-1. The new owner(s) will need to sign the forms and return them to our office with a required filing fee of \$50.00 each (total of \$250.00). The check or money order for the fee can be made payable to the Water Rights Program.

Every year, we mail out irrigation questionnaires for irrigators to report how much water they pumped during the current crop year. Irrigation questionnaires for Vested Water Right Nos. 1291-1, 1292-1 and 1293-1 are not required due to the type of system used. I reviewed past irrigation questionnaires for Water Right Nos. 238-1 and 292-1 and found irrigation has taken place in most years. In years where no irrigation took place, comments were made on the questionnaires indicating they either had enough natural moisture or they lacked sufficient water.

Enclosed are excerpts of SD Water Laws and Water Management Board Rules. The excerpts outline when a water right is subject to cancellation and some of the reasons the Board has determined to be legal excuse for not irrigating.

If you have any questions, please contact me.

Sincerely,

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

RECEIVED

NOV - 2 2010

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1291-1

Date: _____

I/We request that Vested Water Right No. 1291-1

formerly owned by: Ronald Turbiville

be transferred to: (name & address)

Robert Garone

5-3-44-202 Minami Azabu

Minato-ku Tokyo

Telephone No.

106-0017

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

**92 acres – SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ Section 12, T19N, R1E
W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 7, T19N, R2E**

I/We understand that the validity of Vested Water Right No. 1291-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Robert Garone, the new owner, certify that the above information is true and correct.

Robert F. Garone

(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 11/2, 20 10

RECEIVED OF Stewart Title of the Black Hills (R Garone) PO Box 459 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	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1291-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No.

04664

By

Harland Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 2, 2010

Robert Garone
5-3-44-202 Minami Azabu
Minato-Ku Tokyo 106-0047

Dear Mr. Garone:

I am writing to acknowledge receipt of the ownership changes you filed with Water Right Nos. 238-1 & 292-1 and Vested Water Right Nos. 1291-1, 1292-1 and 1293-1.

The ownership changes have been completed. The water rights and vested water rights formerly held by Ronald Turbiville are now listed in your name. The receipts for the filing fees will be forwarded with a copy of this letter to Stewart Title Company in Spearfish SD.

Each October we mail out irrigation questionnaires to water right holders in the state for purposes of having them report how much water was diverted during the season. Both Water Right Nos. 238-1 and 292-1 require annual submission of the forms. Do you have a renter on the property you would like the correspondence sent to? Please call or drop me a line so we can edit our records accordingly.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

c: Stewart Title of the Black Hills w/Receipts

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 1291-1Date: 2-9-15I/We request that Water Right/Permit No. 1291-1 formerly owned by:Robert Garone

be transferred to:

New Owner Name: John LathamAddress: Box 18City, State, Zip Camp Crook, SD 57724 Telephone No. (605) 430-857

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

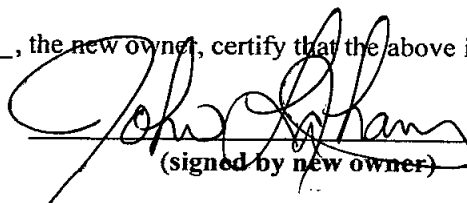
Transfer by warranty deed on 1-30-15

☒ I understand that the validity of Water Right/Permit No. 1291-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, John Latham, 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.

RECEIVED

FEB 23 2015

WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/24, 20 15

RECEIVED OF John Latham 12296 Latham Rd Camp Crook SD 57724

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1291-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
	50	00

No. 07297

By Jeanne Goodman
Chief Engineer

1291-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 3, 2015

John Latham
Box 18
Camp Crook SD 57724

RE: Water Right Nos. 238-1 & 292-1 and Vested Water Right Nos. 1291-1 & 1293-1

Dear Mr. Latham:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on the above listed water rights and vested water rights held by Robert Garone.

Prior to processing the ownership changes, I need to make sure what land you purchased and if all of the land under each water right is being transferred. The forms you submitted did not include legal descriptions but contained the comment "transfer by warranty deed on January 20, 2015". This does not tell us which land was transferred.

Enclosed are copies of Water Right Nos. 238-1 & 292-1 and Vested Water Right Nos. 1291-1 & 1293-1. The legal descriptions for the land they authorize for irrigation are found within the documents. Please review them and give me a call to verify that you purchased all of the lands. Once we have the verification from you, the ownership changes will be processed.

Thank you in advance for your help.

Sincerely,

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

enclosures

File No. 238-1
292-1
1291-1
1293-1

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: John Latham, Box 18, Camp Crook SD 57724

DATE: March 24, 2015

TELEPHONE: 605 430-8157

RE: transfer of water rights

COMMENTS:

On February 23, 2015, Mr. Latham submitted four transfer of ownership forms for Water Right Nos. 238-1 & 291-1 and Vested Water Right Nos. 1291-1 and 1293-1.

The forms did not include legal descriptions as to which land was transferred. They all included a notation indicating they were transferred by warranty deed 1-30-15.

To ensure they purchased all of the land under each water right, I sent a letter to Mr. Latham requesting clarification. The letter included copies of each water right.

Mr. Latham called on March 24th and indicated he and his brother Jason purchased all of the land. We can now proceed with processing the ownership changes. Since he filled out the top part of the form with his name and signed them all that way, the water rights will be transferred to his name only.



Genny McMath
Water Rights Program

1291-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 26, 2015

John Latham
Box 18
Camp Crook SD 57724

RE: Water Right Nos. 238-1 & 292-1 and Vested Water Right Nos. 1291-1 & 1293-1

Dear Mr. Latham:

The ownership changes for the above listed water rights and vested water rights have been completed. Enclosed for your records are Receipt Nos. 07294, 07295, 07296 and 07297 in the amount of \$50 each.

For informational purposes, each year you will receive an irrigation questionnaire for Water Right Nos. 238-1 and 292-1. The forms request information on how much water was pumped during the season. Enclosed is a sample copy of an irrigation questionnaire to give you an idea of what type of information to keep track of during the season. The forms are typically mailed out in mid-October and are due back in our office by the 1st week in December. Questionnaires are not required for Nos. 1291-1 and 1293-1 because our records show the land to be irrigated with "water spreading" systems.

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

Sincerely,

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

enclosures