

VESTED RIGHT
Water Right No. 1292-1

1. Considered: _____, 19____
2. Name of Applicant EUGENE TURBIVILLE
3. Post Office Address Rt. 46146, Box 3, Camp Crook, S.D. 57724
4. Amount of Water Claimed 1.53 maximum acre feet _____
5. Source of Water Supply Plum Creek
6. Water to be used for IRR acres to be irrigated 107
7. County Harding about _____ miles _____ of _____
8. PROOF OF PUBLICATION: Received _____ Not Received _____
APPLICATION: Approved _____ Subject to _____
Not Approved _____ Action Deferred _____

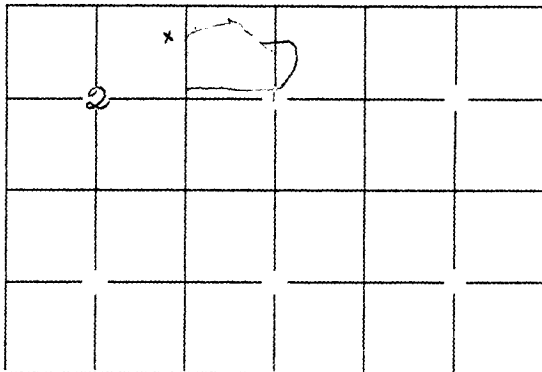
PRIORITY
1948

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 $\frac{1}{4}$ NE $\frac{1}{4}$ Section 2-19N-1E

Land to be irrigated _____
NW $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$, Section 1-19-1

WELL LOG

Driller _____ Licensed - yes _____ no _____
Depth _____

Remarks _____

12/7/83

Dotty 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. <u>1292-1</u>	Hydrologic Unit <u>10110201</u>
Map No. <u>1292-1</u>	Basin <u>Little Missouri</u>
Newspaper <u>N/A</u>	

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.) 1.53 Total acres irrigated 1073. Source of Water supply Plum Creek4. Location of point of diversion 700 ft. S and 130 ft. W of the NE Corner of Section 2, T19N, R1E
(AA)County Harding

5. Counties where water will be used _____

6. 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.
NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 1, T19N, R1E	24
NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 1, T19N, R1E	15
SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 1, T19N, R1E	27
SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 1, T19N, R1E	33

Land Description	No. Acres Irr.
NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 1, T19N, R1E	2
SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 1, T19N, R1E	6

Attach sheet if more space is needed

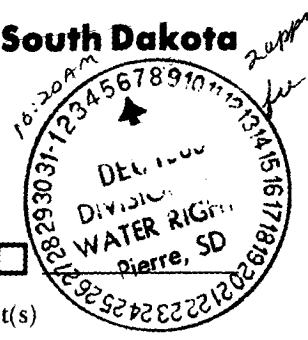
8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

A diversion dam on Plum Creek diverts the water thru the emergency spillway into a diversion ditch which supplies water to a system of dikes and ditches for flood irrigation

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)



Vested Water Right

~~WATER PERMIT~~

recognizes Vested Water Right

The Water Management Board hereby ~~approves~~ ~~Water Permit~~ Application No. 1292-1

Eugene Turbiville
(Applicant)

RT. 46146 Box 3 Camp Crook
(Post Office Address)

South Dakota
(State)

57724
(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} ~~Approved~~ February 15, 1984.

The Water Management Board hereby ^{recognizes Vested Water Right} ~~approves this Water Permit~~ No. 1292-1 ^{recognizing} ~~authorizing~~ 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 —, 1948.
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 ^{is} ~~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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 1.53 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; said water to be used during the following described annual period: March 1 thru October 31.

WATER MANAGEMENT BOARD

By: John Walsh
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

April 4, 1984, 19—

State of South Dakota

VESTED Water License No. 1292-1

(1) Eugene Turblville

of Route 46146, Box 3, Camp Crook, South Dakota 57724

made Application No. 1292-1, December 6, 1983 for recognition of a Vested Right

1.53 cubic feet per second of water from Plum Creek

Harding County, South Dakota for Irrigation purposes.
Vested Right

Permit No. 1292-1, with a priority date of 1948

recognized February 15, 1984 and issued to applicant(s) for diversion of water recognizing

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 1.53 cubic feet per second of water for beneficial use. The location of the diversion point(s) is 700 ft S and 130 ft W of the NE Corner of Section 2, T19N, R1E (AA)

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 all in Section 1, T19N, R1E

Section 1, T19N, R1E:

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 24 Acres (BB)

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 15 Acres (BA)

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 27 Acres (BC)

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 33 Acres (BD)

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 2 Acres (AB)

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

TOTAL 107 ACRES

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

of Route 46146, Box 3, Camp Crook, South Dakota 57724

Vested Water Right

the holder(s) and/or owner(s) of ~~Water~~ Permit No. 1292-1 is issued a license to appropriate water, the right to use

1.53 cubic feet per second of water from Plum Creek with a priority date

of 1948 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. 1292-1 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. 1292-1 is based on a Vested Right claim filed with the Water Management Board.

Supplemental Information

(type or print in ink)

Eugene Turbiville V/R

For Plum Creek

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth of Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams Diversion Dam for Irrigation

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard 3.0'

c) Crest Width 12'

Crest Length 150'

d) Height 12'

e) Outlet Dimensions:
Pipe diameter _____

Spillway width 30

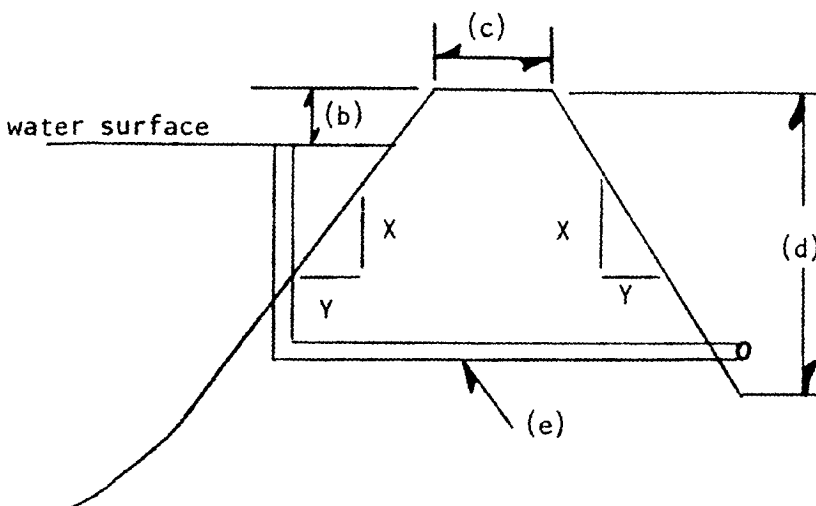
f) X & Y Slope
Upstream 4:1

Downstream 2:1

Surface Area of Impoundment 3 Ac

Storage 10.8 acre feet

Drainage area above dam 2530



Eugene W. Turbiville
Signature of Applicant

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 1948

C. Date that water was first applied to beneficial use 1951

D. Name of owner of original water supply system Albert Turbiville

E. Amount of water originally applied to beneficial use 10 cfs (Est)

F. Present Use of Water - Amount of water now being used 10 cfs

Date that this water was first used 1951 when water first flowed in Plum Creek after
Construction of the system

G. Chronological History of Water Use

Constructed in 1948 by Albert Turbiville
Eugene Turbiville obtained the property in 1974
The system has been in good repair and has been used continuously since it was constructed

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. Turbiville

Subscribed 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____

Permit No. 1292-1

Office

Little Missouri Water District

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

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

I have this day made a thorough examination of the water use system constructed by Eugene Turberville
of Rt 46146 Box 3 Camp Creek, S.D. 57724 holder of
 Permit No. 1292-1, bearing the priority of _____ 19 48 authorizing
 the diversion of 1.53 cu. ft. per second of the waters of Plum 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 Dam.
 Height. 12 ft. Top Width 12 ft. Spillway width 30 ft.
 Length 150 ft. side Slopes. 4:1 up. Water Depth 9.0 ft.
 Freeboard 3.0 ft. 2:1 down. Surface Ac. 3.0
No Water Storage for Irrigation
- B. Works used to transport water to place of use:
Diversion Ditch at End of Emergency Spillway
- C. Works used to apply water to beneficial use:
Diversion Ditches and Dikes. to spread The Water

The system is in the following condition Good

The point of diversion is located 700 ft S and 130 ft W of the NE Cor of
Sec. 2, T19N R1E

The works are capable of diverting and conveying to the place of use 20 +
 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>NW 1/4 NW 1/4 Sec. 1 T19N R1E = 24 Ac.</u>	<u>NW 1/4 NE 1/4 Sec. 1, T19N R1E = 2 Ac.</u>
<u>NE 1/4 NW 1/4 " 1 " 4 = 15 Ac.</u>	<u>SW 1/4 NE 1/4 " 1 " 4 = 6 Ac.</u>
<u>SW 1/4 NW 1/4 " 1 " 4 = 27 Ac.</u>	
<u>SE 1/4 NW 1/4 " 1 " 4 = 33 Ac.</u>	

comprising a total of 107 acres of land and the license should be issued for 1.53 cfs

Applicable permit qualifications have been complied with X Yes _____ No

Exceptions to compliance are: _____ Date August 16, 1983

LeRoy McNamee
 (signature)

RECEIPT

Division of Water Rights

No 4 9437 -

South Dakota Department of Water and Natural Resources

Pierre, December 6, 19 83

RECEIVED OF Eugene Turbiville, Route 46146, Box 3, Camp Crook, SD 57724

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

Fee for Application for Permit No. 1257-1 to Appropriate Water, to construct works and to put water to beneficial use <u>Vested</u>	10 50 8 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. _____	2 50
Fee for Filing Transfer Form _____	
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	10 50

By John Hatch
Chief Engineer JOHN HATCH/ms



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

Dear Mr. Turbiville:

Enclosed herewith is, Water License No. 1292-1. 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,

A handwritten signature in cursive script that reads "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

Enclosures

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1292-1 FOR IRRIGATION

Date of Receipt of Claim December 6, 1983.

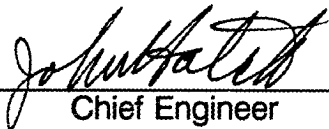
Date of Validation September 27, 1989.

The Water Management Board validated Vested Water Right Claim No. 1292-1 for irrigation purposes for Eugene Turbiville, Route 46146, Box 3, Camp Crook SD 57724 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1292-1 appropriates 1.53 cubic feet of water per second to irrigate 107 acres. The point of diversion is located in the NE1/4 NE1/4 section 2 and the irrigated acreage is located in the NW1/4, W1/2 NE1/4 section 1; all in T19N-R1E.
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, 1948.
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

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 1292-1

Date: 11-1-00

I/We request that Vested Water Right No. **1292-1**

formerly owned by: Eugene Turbiville

be transferred to: (name & address) Ronald or Laurel Turbiville

AC 59 Box 2 Camp Creek SD 57724 Telephone No. 605-797-4436

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

107 acres - NW 1/4, W 1/2 NE 1/4 Section 1, T19N, R1E (diversion from Plum Creek)

I/We understand that the validity of Vested Water Right No. **1292-1** 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 HANDING)

☒ We Ronald or Laurel Turbiville 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.

Ronald Turbiville/Laurel Turbiville
(Signed)

Subscribed and sworn to before me this 1 day of Nov, 2000.

Lyle Samsbury
(Notary Public)
my commission expires 10/17/2002

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a 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

N^o 416674

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. 1292-1

Fee for Filing Extension Request _____

Fee for _____

2 50

(Any Other Work Provided by Law)

Total

2 50

By

Chief Engineer

Harland Erbele

1/5



**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

NOT TO SCALE

1982

Pt of Div. 7.8
100' S + 130' W of
N/E Cor SEC. 2
T19N R1E

Plum
3530 A.C. W. S.

Eugene Turbiville

02

NW 1/4 NW 1/4 24 AC
SW 1/4 NW 1/4 27 AC
NE 1/4 NW 1/4 15 AC
NW 1/4 NE 1/4 2 AC
SW 1/4 NE 1/4 6 AC
SE 1/4 NW 1/4 33 AC

Dike

Dike

Turb 23.7

31.4

Map by
Lloyd Merrault
Scale 1" = 660'
8" = 1 Mile

Office Copy

19-1

APPL & MAP # 1292-1

RECEIVED

APR 18 2008

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1292-1

Date: 4-16-08

I/We request that Vested Water Right No. 1292-1

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:

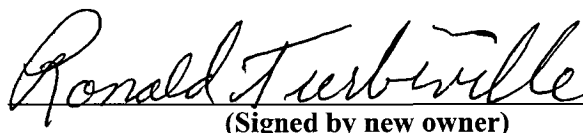
107 acres – NW ¼ and W ½ NE ¼ Section 1, T19N, R1E

I/We understand that the validity of Vested Water Right No. 1292-1 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>1292-1</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	2 50

No.

03634

By

Paula 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

1292-1

McMath, Genny

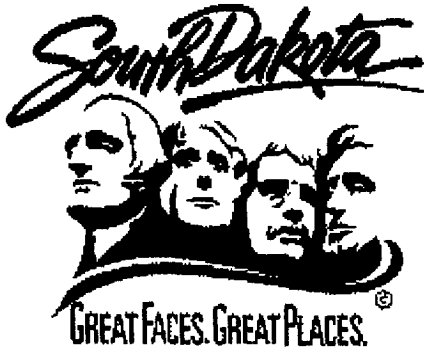
From: Gronlund, Eric**Sent:** Thursday, October 14, 2010 9:55 AM**To:** McMath, Genny**Subject:** partially completed transfer of ownership forms requested.

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. 1292-1

Date: _____

I/We request that Vested Water Right No. 1292-1

formerly owned by: Ronald Turbiville

be transferred to: (name & address)

Robert Garone

5-3-44-202 Minami Azabu

Minato-Ku Tokyo

Telephone No.

100-0047

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

107 acres - NW ¼ and W ½ NE ¼ Section 1, T19N, R1E

I/We understand that the validity of Vested Water Right No. 1292-1 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 (W 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>1292-1</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. _____	50 00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No.

04665

By

Harland Ethell
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 fluid and cursive.

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

RECEIVED

FEB 04 2015

WATER RIGHTS
PROGRAM

SD EForm - 0495LD V2

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. 1292-1

Date: 2-2-15

I/We request that Water Right/Permit No. 1292-1 formerly owned by:

Robert Garone be transferred to:

New Owner Name: Dean R or Mary A Tarter

Address: 11943 N Camp Crook Rd

City, State, Zip Camp Crook SD 57724 Telephone No. 605-797-4487

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

☐ I understand that the validity of Water Right/Permit No. _____ 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, Dean R Tarter, the new owner, certify that the above information is true and correct.

Dean R Tarter
(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 2/4, 20 15

RECEIVED OF Dean R Tarter 11943 N Camp Crook 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>1292-1</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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
	50	00

No. 07240

By James Goodman
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 24, 2015

1292-1

Dean R. & Mary A Tarter
11943 N Camp Crook Rd
Camp Crook SD 57724

Dear Mr. & Mrs. Tarter:

The transfer of ownership form you submitted for changing ownership on Vested Water Right No. 1292-1 was received on February 4th.

Prior to processing the ownership change, we need to ensure that the entire acreage covered under Vested Water Right No. 1292-1 should be transferred. The form you submitted did not contain any legal descriptions.

The vested water right covers irrigation of 107 acres in the NW ¼ and W ½ NE ¼ Section 1, T19N, R1E. I have enclosed a copy of the vested right validation and map for your review. Please look them over and either give me a call or send written verification so we can ensure the transfer is processed correctly.

Thank you in advance for your help.

Sincerely,

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

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Dean & Mary Tarter, 11943 N Camp Crook Rd, Camp Crook SD

DATE: March 2, 2015

TELEPHONE: 605 797-4487

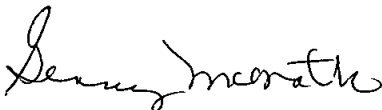
RE: transfer of Vested Water Right No. 1292-1

COMMENTS:

A transfer of ownership was filed February 4, 2015 for the vested right. The form did not contain any legal descriptions to verify which land was being transferred. Upon trying to call a few times, I ended up writing a letter asking them which land they purchased. My letter contained a copy of the vested right and the map for their review.

In response to my letter of February 24th, Mary Tarter called and indicated they did purchase all of the land described in the vested right.

I told Mrs. Tarter the ownership change could now be processed and they would be receiving written verification of the transfer.



Genny McMath
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 2, 2015

1292-1

Dean R & Mary A Tarter
11943 N Camp Crook Rd
Camp Crook SD 57724

Dear Mr. & Mrs. Tarter:

I am writing in follow-up to my phone conversation with Mary Tarter concerning Vested Water Right No. 1292-1.

The transfer of ownership has been completed. Vested Water Right No. 1292-1 formerly held by Robert Garone is now listed in your names.

Enclosed for your records is Receipt No. 07246 in the amount of \$50 which you paid for filing the ownership change. 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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

March 23, 2017

Ronald Turbiville
12050 N Camp Crook Rd
Camp Crook SD 57724

Mr. Turbiville:

I am writing concerning a dam on Plum Creek located near the center of the NW1/4 section 2-T19N-R1E. Our understanding is that you are the owner of the property. Dean Tarter contacted us concerning work done on this dam in the fall of 2015 and then additional work completed in the spring or summer of 2016. Mr. Tarter is concerned about the dam on your property depriving him of water he is entitled to under Vested Water Right No. 1292-1. The vested right authorizes diversion of water by a dam located in the NE1/4 NE1/4 section 2-T19N-R1E with a January 1, 1948 priority date.

We need to investigate this matter based on South Dakota Codified Law 46-4-1.1 which reads as follows:

Any person owning land through which any nonnavigable stream passes may construct and maintain a dam across the nonnavigable stream if the course of the water is not changed, vested rights are not interfered with and no land flooded other than that belonging to the owner of the dam or upon which an easement for that purpose has been secured.

To determine whether there has been any interference with the downstream vested right, we need to visit with you and possibly make an onsite inspection. After examining some historical maps, it appears a small impoundment existed at various times in the past in the NW1/4. However, we have examined our records and cannot find a location notice or water right filing for the dam located on your property. Please contact us regarding your dam so we can discuss the dam's history and the current condition of the impoundment. Aaron Tieman with the Water Rights Program can be reached at (605) 773-3352 to discuss this matter. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ron Swall'. The signature is fluid and cursive, with a large 'R' and 'S'.

for Jeanne Goodman, Chief Engineer
SD DENR Water Rights Program