

1. Considered: JULY 27, 1981 VESTED
Water Right No. 1778-2
2. Name of Applicant MARILYN O. CUMMINGS
3. Post Office Address STAR RT., WALL 57790
4. Amount of Water Claimed .89 maximum acre feet _____
5. Source of Water Supply DRY DRAW
6. Water to be used for IRR acres to be irrigated 62
7. County PENN. about 16N, 3E miles _____ of WALL
8. PROOF OF PUBLICATION: Received _____ Not Received _____
- APPLICATION: Approved 7-29-81 Subject to _____
- Not Approved _____ Action Deferred _____

PRIORITY
1952

Dated Received 5-18-81 Application complete-yes ☒ no _____ FEE 13.00

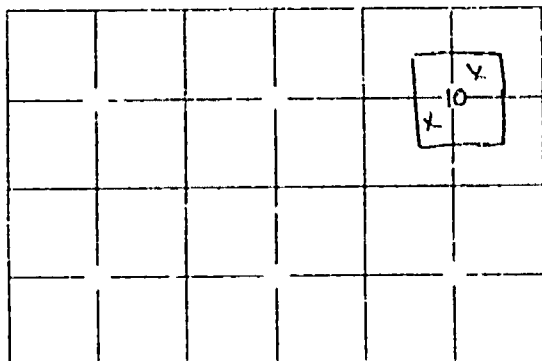
Remarks _____

Corrected Application received _____ Period of Annual Use MARCH thru OCT

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

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

Disapproved _____ Returned _____



Diversion Point S. Between
the SW⁴ NE⁴ & NE⁴ SW⁴
Sec. 10-T3N-R16E

Land to be Irrigated _____
SE⁴ NW⁴, SW⁴ NE⁴, NE⁴ SW⁴
and NW⁴ SE⁴, Section 10
T3N-R16E

Driller _____ Licensed - yes _____ no _____

Depth _____

Remarks _____

~~WELL LOG~~

EAP Map No. 1532-2 Map located in Water Right ✓ Map file _____

Type of Map Aerial Prepared by Merxough DWAIR

+++++

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:

June 11, 1981

Betty Westlund
(Signed)

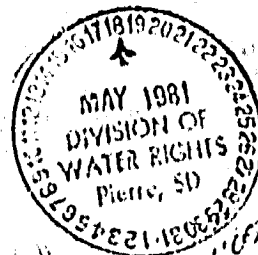
+++++

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. 1778-2Map No. 1532-2 Water Division No. 2 Lower Cheyenne DistrictAbove for Office Use 10/20/12

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

Check one of the following:

Now _____ Vested Right X Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Marilyn O'Neill Cummings Phone No. _____
 Post Office Address Star Route Wall State SD 57790
 (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) Complete3. Name of diversion work Cummings Irr. Proj. #24. Amount of water claimed (cubic feet per second) 0.95. Source of water supply Dug Ditches

6. Location of point of diversion Between a point 2130 ft W and 1320 ft E of the
SW cor Sec. 10 and a point 1350 ft S and 2100 ft W of
the NE cor Sec. 10. T3N R16E County Pennington
(NE 1/4 SW 1/4 - SWNE)

7. 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 62

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.
SE 1/4 NW 1/4 Sec. 10 T3N R16E	16
SW 1/4 NE 1/4 Sec. 10 " "	15
NE 1/4 SW 1/4 Sec. 10 " "	26
NW 1/4 SE 1/4 Sec. 10 " "	7

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 _____

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Dams & Dikes

B. Works proposed to transport water to place of use.

C. Works proposed to apply water to beneficial use.

W. S.

Estimated 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 UTAH)
) ss.
 County of Tooele)

I, Marilyn O'Neill Cummings 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 construction.

Signed Marilyn O'Neill CummingsSubscribed and sworn to before me this 5th day of May 1981

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No 1778-2

MARILYN O. CUMMINGS STAR Rt: WALL

(Applicant)

(Post Office Address)

SOUTH DAKOTA 57790

(State)

With the following qualifications

"VESTED RIGHT" CLAIMED

Date of first receipt of application MAY 18, 1981

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

Date of receipt of corrected application _____, 19____

Approved JULY 29, 1981, Recorded in Book 22 Page 245

WATER RIGHT PERMIT NO. 1778-2

The Water Management Board hereby grants and issues this Water Right Permit No. 1778-2 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 1952, 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 .89 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, 75; said water to be used during the following described annual period: MARCH THRU OCTOBER

Witness my hand this 4th day of AUGUST, 1981

THE WATER MANAGEMENT BOARD

By John Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued AUGUST 4th, 1981

Water License Issued AUGUST 4th, 1981

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) Marilyn O'Neill Cummings

Post Office Address Star Route, Wall, State S. Dak. 57780

If a Corporation show date and place of incorporation _____

13. Notice of Appropriation (If available)

Date of Posting _____ Date of Recording _____

Recording Data _____

14. Date of start of construction of water supply system 1952

15. Date that water was first applied to beneficial use 1952

16. Name of owner of original water supply system Thomas O'Neill

17. Amount of water originally applied to beneficial use 20 c.f.s. flood waters

18. Present Use of Water

Amount of water now being used 20 c.f.s. flood waters

Date that this amount of water was first used 1952

19. Chronological History of Water Use

Section 19, T3N R16E in
The system was constructed in 1952. Since then other diversion dams and dikes have been added to assist in spreading water on the land.

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 ^{Utah} SOUTH DAKOTA)
County of Tooele) ss.

I, Marilyn O'Neill Cummings, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed Marilyn O'Neill Cummings

Subscribed and sworn to before me this 5th day of May, 1981

Rich L. Swartz
(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.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1778-2

(1) WHEREAS, On the 18th day of May, A. D. 1981Marilyn O. Cummingsmade Water Right Application No. 1778-2 for a Vested Right permit to use .89 cubic feet per second of the waters of dry drawCounty of Fennington, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 29th day of July, A. D. 1981Permit No. 1778-2, with a date of priority of 1952was issued to said applicant recognizing for the diversion of said water, and ~~providing~~ for the completion of construction of the water supply system therein described ~~xxxxxxx~~ ~~xxxxxx~~ ~~xxxxxx~~ and for the application to beneficial use of said water ~~xxxxxxx~~ ~~xxxx~~ ~~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 .89 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 Section 10, T6N, R16ESE 1/4 NW 1/4 (BD) 14 acresSW 1/4 NE 1/4 (AC) 15 acresNE 1/4 SW 1/4 (CA) 26 acresNW 1/4 SE 1/4 (DB) 7 acresTOTAL 62 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 Marilyn O Cummings

_____ of Wall, SD
_____ Vested Right
the holder _____ and owner _____ of said permit No. 1778-2 a water right, dating from 1952
_____ to use of .89 cubic feet per second of the waters
of a dry draw
in the County of Pennington and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinafter mentioned, to be diverted ~~at~~ between points 2130' north and 1320 feet E of the SW
corner and 1950 feet S and 2170 feet W of NE corner, both in Section 10, T3N, R16E
(CA & AC)

and conducted to and upon portions of lands in Section 10, T3N, R16E, more fully
described on the face of this License

irrigation
~~for the purpose of~~
This Water License No. 1778-2 is based on a Vested Right Claim recorded and filed by the
Water Management Board.

Vested Right
Subject to any limitations listed in Water Right Permit No. 1778-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 4th day of August A. D.
Nineteen Hundred and Eighty-one

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer JOHN HATCH

Permit No. 1778-2

Water Diversion No. 2 Lower Cheyenne Water District

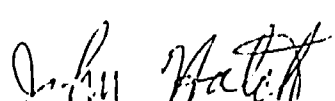
CERTIFICATE OF CONSTRUCTION

This is to Certify, That Marilyn O Cummings

the holder _____ of
/ **Vested Right**
Permit No. 1778-2, issued upon Application No. 1778-2, bearing date of priority of 1952
authorizing the diversion of .89 cu. ft per second of the waters of a
dry draw County of Pennington, State of South Dakota ~~in~~
between points 2130'N & 1320'E of the SW corner and 1950' S and 2100'W of NE
corner, both in Section 10, T3N, R16E (CA & AC)
for irrigation

purposes, has _____ 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 ~~found~~ **recognized** satisfactory
condition for diverting and conveying to the place of intended use .89 cu. ft. per second of water.

Date August 4, 1981


JOHN HATCH, Chief Engineer
Water Rights Division

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8221

PIERRE,

May 28, 1921

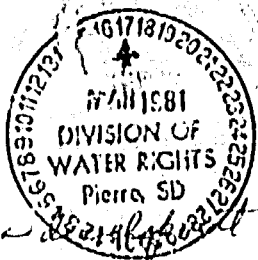
RECEIVED OF Mary L. O'Neill, Star Route, Wall, SD 57790

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

Fee for Application for Permit to appropriate Water No. 1778-2 (examination, processing, recording and filing)	1.00
Fee for inspecting Construction, and Issuing Cert. of Construction No.	.50
Fee for inspecting Beneficial Use, and Issuing Water License No.	.50
Fee for issuing Location Certificate-Dry Draw, No.	
Fee for filing	
Fee for certified copy of	
Fee for Print copy of map	
Fee for Certifying	
Fee for (any other work as provided by law)	
TOTAL	1.00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH / Et



March 12-81

Dept of Natural Resources
Water Rights Commission
Pierre, S.D.

Dear Sirs:-

In 1976 my husband Thomas E. O'Neill (now deceased) wrote in for information concerning water rights on some of our land. In looking through his papers I found a letter from Mr. John Hatch, Chief engineer also application blanks.

If Mr. John Hatch is still in that office I hope he will remember. I would like to complete these applications and get things cleared up.

I am sending a description of our land. On some of this land the dam, diversion, ditches and dikes were built before 1920. The land in Sec. 4 containing 240 acres was sold to Albert A. Hinrichs by Lafayette O'Neill. Albert Hinrichs put in the dam, dikes & ditches on the N.E. $\frac{1}{4}$ of Sec 4 also S.W. $\frac{1}{4}$ of Sec. 4. He bought the land on contract and lost it back to Lafayette O'Neill's estate.

Then my husband Thomas E. O'Neill bought this land from the heirs and we still own it, or rather our daughter Marilyn Cumminge owns it and the rest of the O'Neill land is in her name.

I would also like to have you tell me

if we have water rights on the dams and
dugouts on the rest of the land and which
ones we do not have.

I have a stack of receipts from water
rights Commission and if you need them
one of my daughters will take me to Pierre
but you will have to tell me when to come
and the time and place. I have maps
showing where the dams etc are, I will bring
the application blanks Mrs. Hatch sent my husband.

Respectfully
Mrs. Mary L. O'Neill,
Star Route
Wall, S. Dak
57790

Owner, Marilyn Cummings.
Star Route
Wall S Dak

$S\frac{1}{2}NW\frac{1}{4}, N\frac{1}{2}S.W\frac{1}{4}$ Sec 3

160 acres

Lot 1, $S\frac{1}{2}NE\frac{1}{4}, N\frac{1}{2}SE\frac{1}{4}$ Sec 4
Lot 2

239.63

$NW\frac{1}{4}$ Sec 9

160

$W\frac{1}{2}E\frac{1}{2}, E\frac{1}{2}W\frac{1}{2}$ Sec 10

320

$N.W\frac{1}{4}$ Sec 11

160

$pt. E\frac{1}{2}NW\frac{1}{4}, W\frac{1}{2}NW\frac{1}{4}, SW\frac{1}{4}$ Sec 15

305.

all above in B N 16 E. Pennington Co.

Owner, Marilyn Cummings,
Star Route

Wall & Dah 57790.

This is the description of O'Neill land now owned
by Marilyn Cummings.

Respectfully.

Mrs. Mary L. O'Neill,
Star Route

Wall & Dah 57790



MAR 12 1993

1778-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3161

Marilyn O'Niell Cummings
Star Route
Wall SD 57790

Dear Ms. Cummings:

The Water Management Board has validated the enclosed Vested Water Right Nos. 1777-2 and 1778-2. These validations give legal status to the claims and are the final documents 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

1778-2

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1778-2 FOR IRRIGATION

Date of Receipt of Claim May 18, 1981.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 1778-2 for irrigation purposes for Marilyn O'Niell Cummings, Star Route, Wall, South Dakota, 57790 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1778-2 appropriates 0.89 cubic feet per second of water from a dry draw to irrigate 62 acres. The points of diversion are located between the NE1/4 SW1/4 and the SW1/4 NE1/4 Section 10, T3N, R16E. The irrigated lands are located in the SE1/4 NW1/4, SW1/4 NE1/4, NE1/4 SW1/4 and in the NW1/4 SE1/4; all in Section 10, T3N, R16E.
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 to October 31.
3. The priority date of the Vested Water Right is: January 1, 1952
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 12 1993

date

Division of Water Rights
Dept. of Environment and Natural Resources

1778-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 1, 1995

No. 1778-2

Kathleen Saull
19301 219th St.
Wall, SD 57790

Dear Ms. Saull:

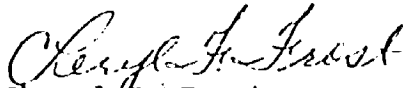
Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 1778-2. The water right is currently listed in the name of Marilyn O. Neill Cummings.

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

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,


Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1778 2

Date: March 3, 1995



I/We request that Water Right No. 1778-2

formerly owned by: Marilyn O. Neill Cummings

be transferred to: (name & address) Kathleen Neill Shull
19301-219th St. Wall, S.D. 57790 (Telephone No) 605-457-3652

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

62 acres - SE 1/4 NW 1/4, SW 1/4 NE 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4 Section 10-T3N-R16E

I/We understand that the validity of Water Right No. 1778-2 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 at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)

County of Jessington)

I/We Kathleen Shull 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.

Kathleen Shull
(Signed)

Subscribed and sworn to before me this 3rd day of March, 1995.

My Commission expires
February 13, 2001

Marie Albracht
(Notary Public)

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

Division of Water Rights

South Dakota Department of Environment and Natural Resources

414425

Pierre, _____ March 6, 19 35

RECEIVED OF Kathleen Shull, 19361 219th St, Wall, SD 57790

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 <u>Water Right No. 1778-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By *John H. Hatch*
Chief Engineer

1778-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 6, 1995

No. 1778-2

Kathleen O'Neill Shull
19301-219th St.
Wall, SD 57790

Dear Ms. Shull:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 1778-2.

Our records now show you as the owner of Water Right No. 1778-2.

Sincerely,

A handwritten signature in cursive script that reads 'Cheryl F. Frost'.

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 18, 2003

1777-2
1778-2

Kathleen O'Neill Shull
19301 219th St
Wall SD 57790

Dear Ms. Shull:

Thank you for contacting us concerning the pending ownership change for Vested Water Right Nos. 1777-2 and 1778-2. Enclosed are copies of the vested water rights for your files.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing an ownership change. Please review the forms and make any necessary corrections. The forms should be signed by the "new owner" and returned to our office with a required filing fee of \$2.50 each (\$5.00 total). The check or money order for the fee can be made payable to the Water Rights Program.

During our phone conversation last week, we discussed the existence of possibly another water right because the two vested rights did not seem to authorize irrigation of all the lands that you currently irrigate. I reviewed our old location notices and found five in the area you described. Two of the location notices are somewhat hard to read due to the darkness of the copy.

Please review the location notices and let us know if the systems they authorize are still being used. If they are, our normal office procedure is to conduct a field investigation of the area involved to determine the extent of irrigation. At that time, we would issue a water license which would clarify the location and number of acres being irrigated and also the amount of water used.

If you have any questions concerning the enclosed documents or the procedures to follow for transferring the vested rights, please contact me.

Sincerely,

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

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date June 5, 2003

RECEIVED OF Roger Shull, 19340 219th St., Wall SD 57790

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>1778-2</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.

000796

By

David Erbe
Chief Engineer *gm*

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

JUN - 5 2003

WATER RIGHTS
PROGRAM

No. 1778-2

Date: _____

I/We request that Vested Water Right No. 1778-2

formerly owned by: Kathleen O'Neill Shull

be transferred to: (name & address)

Roger Shull

19340 219th St.

Wall, S.D. 57790

Telephone No. 605-457-2125

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

62 acres - SE 1/4 NW 1/4, SW 1/4 NE 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4 Section 10, T3N, R16E

I/We understand that the validity of Vested Water Right No. 1778-2 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 Roger Shull, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 6, 2003

1777-2
1778-2

Roger Shull
19340 219th St
Wall SD 57790

Dear Mr. Shull:

I am writing to acknowledge receipt of the transfer forms and filing fees you sent in for Vested Water Right Nos. 1777-2 and 1778-2. The ownership changes have been completed. The vested water rights, formerly held by Kathleen O'Neill Shull or Marilyn O'Neill Cummings are now listed in your name.

Enclosed are your Receipt Nos. 000796 and 000797 in the amounts of \$2.50 each which you paid for filing the ownership changes. You may keep these for your records.

If I can answer any questions for you, please give me a call.

Sincerely,

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

enclosures

Mrs O'Neill

NOT TO SCALE

62.6 4-160L
Marilyn O'Neill Cummings

23.8

49.3

2100'

1750'

SE 1/4 NW 1/4

14 AC.

SW 1/4 NE 1/4

Point of Diversion

15 AC.

10

7 AC.

NE 1/4 SW 1/4

26 AC.

NW 1/4 SE 1/4

Point of Diversion

1320'

2130'

35.0

77.0

Map by LeRoy M. Mangan
Water Resources Eng.

3N-16

Map# 1532
VIRapp 1778-2