

STATE OF SOUTH DAKOTA
REISSUED VESTED RIGHT WATER LICENSE NO. 1801A-2
DIVISION OF NO. 1801-2 INTO NOS. 1801A-2 AND 1801B-2

(1) The Black Hawk Water Company, Inc., of Box 515, Black Hawk, SD 57718 was issued Partial Vested Water Right License No. 1801-2, December 29, 1982 for a water right to appropriate 0.56 cubic feet of water per second from groundwater (two wells), Meade County, South Dakota for municipal purposes. Partial Vested Right Water License No. 1801-2, with priority dates of January 1, 1949, October 1, 1950 and February 25, 1982 was issued to the applicants for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

On September 30, 1992, the Water Management Board validated the vested right portion of No. 1801-2. Partial Vested Water Right Water License No. 1801-2 is being divided and reissued and will separate the vested portion from the water right as follows:

Vested Water Right No. 1801A-2 - authorizing diversion of 0.38 cfs of water from two wells located in the SE 1/4 NE 1/4 Section 7 and the NW 1/4 NW 1/4 Section 8, T2N, R7E - Priority dates: January 1, 1949 (0.20 cfs) and October 1, 1950 (0.18 cfs)

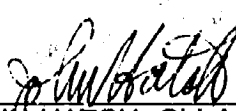
Water Right No. 1801B-2 - authorizing diversion of 0.18 cfs of water from two wells (described above) priority date: February 25, 1982

(2) It is certified that the vested right owner 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 0.38 cubic feet of water per second for beneficial use. The location of the diversion points are Well #1 - 1440'S and 308'W of the NE corner Section 7 (SE 1/4 NE 1/4) and Well #2 - 1100'S and 260'E of the NW corner Section 8 (NW 1/4 NW 1/4) ; all in T2N, R7E.

(3) The vested right owner has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Black Hawk Water Company, Inc. of Box 515, Black Hawk, SD 57718 the holders and/or owners of Vested Water Right No. 1801A-2 is issued a license to appropriate water, the right to use 0.38 cubic feet of water per second from groundwater (two wells) with priority dates of January 1, 1949 (0.20 cfs) and October 1, 1950 (0.18 cfs) from the location specified in (2) of this license. The water is to be used for the purpose of municipal use. This license is subject to any limitations or qualifications listed in Vested Right No. 1801A-2 and subject to South Dakota State Law.

SEP 20 1993



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



1801A-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 20 1993

Black Hawk Water Company Inc.
Box 515
Black Hawk SD 57718

Dear Sir:

Enclosed are Water License Nos. 1801A-2 and 1801B-2 for Black Hawk Water Company Inc.

No. 1801-2 was originally issued as a "partial vested right claim". On September 30, 1992, the Water Management Board validated the Vested Right portion of No. 1801-2. Partial Vested Right Water License No. 1801-2 is being divided and reissued and will separate the vested portion from the water right as follows:

Vested Water Right No. 1801A-2 - authorizing diversion of 0.38 cfs of water from two wells located in the SE 1/4 NE 1/4 Section 7 and the NW 1/4 NW 1/4 Section 8-T2N-R7E - Priority dates: January 1, 1949 (0.20 cfs) and October 1, 1950 (0.18 cfs)

Water Right No. 1801B-2 - authorizing diversion of 0.16 cfs of water from two wells (described above) - Priority date: February 25, 1982

As long as you use the water beneficially as stated in the licenses, you have a continuing right to the use of the water.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
605 773-3352

enclosures

1801A-2

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3131



No. 1801A-2

Date: 5-8-1996

I We request that Vested Water Right No. 1801A-2

formerly owned by: Black Hawk Water Company, Inc.

be transferred to (name & address) Black Hawk Water User District

5513 Oak St. P.O. Box 476 Black Hawk, SD 57718 Telephone No. 605 787-5777

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

diversion point locations: SE 1/4 NE 1/4 and NW 1/4 NW 1/4 Section 8, T2N. R7E. well #2

I/We understand that the validity of Vested Water Right No. 1801A-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 attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Meade)

I/We Brian Peterson 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.

Brian C Peterson
(Signed)

Subscribed and sworn to before me this 8th day of May, 1996.

Rindy Gundersen
(Notary Public)

my commission expires 4-5-99

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

414960

Division of Water Rights

South Dakota Department of Environment and Natural Resources

May 13, 19 96

Pierre.

RECEIVED OF Black Hawk Water Co., Inc., P.O. Box 176, Black Hawk, SD 57718

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 Vested Water Right No. 1801A-2

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By John Hatch *CE*

1801A-2



May 13, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

1341-1

1801A-2

1801B-2

1802-2

Cindy Lundin
Black Hawk Water Co
PO Box 476
Black Hawk, SD 57718-0476

Dear Cindy:

This will acknowledge receipt of the "Notice of Transfer of Ownership" forms you submitted for transferring Water Right Nos. 1341-1, 1801B-2 and Vested Water Right No. 1801A-2 to the Black Hawk Water Users District. The transfers have been completed. Enclosed are Receipt Nos. 414959, 414960 and 414961 in the amount of \$2.50 each which you paid for filing fees.

Upon reviewing the transfer forms you submitted and noting the legal description change you made, I realized I should have also sent you a transfer of ownership form for Water Permit No. 1802-2. Water Permit No. 1802-2, listed in the name of the Black Hawk Water Company, Inc. authorizes a 340' deep well located in the SE 1/4 SW 1/4 Section 6, T2N, R7E.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. The form will need to be signed in the presence of a notary public, by the new owner (representative of the newly formed water user district). Upon completion, please return the form to our office with a required filing fee of \$2.50 each.

I apologize for not including the form for 1802-2 in my initial correspondence. If you have any questions, please contact me.

Sincerely,

Geany McMath

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 1, 1996

1341-1

1801A-2

1801B-2

Black Hawk Water Co
PO Box 476
Black Hawk, SD 57718-0476

Attention: Cindy

Dear Cindy:

Enclosed, as you requested, are "Notice of Transfer of Ownership" forms for use in transferring Water Right Nos. 1341-1, 1801B-2, and Vested Water Right No. 1801A-2 to the Black Hawk Water Users District.

Please review the forms for accuracy and complete as needed. They will need to be signed in the presence of a notary public, by the new owner (representative of the newly formed water user district). Upon completion, please return the forms to our office with a required filing fee of \$2.50 each (\$7.50 total).

I am enclosing a copy of Water License No. 1341-1 and the report of examination of works. You indicated you had never received any papers for No. 1341-1. You may keep these copies for your files. If you have any questions, please contact me.

Sincerely,

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

enclosures