

Considered: _____

VESTED RIGHT

WATER PERMIT NO. 1892-2

MAP No. 1892-2

Name of Applicant Lyda Bowker

Post Office Address RR Buffalo Gap 57722

Amount of Water Claimed 2.40 Total Acres 165.10

Source of Water Supply Beaver Creek

Water to be used for IRR County Custer and Fall River

About _____ miles _____ of _____.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved 12-5-84 Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received 9/20/84 Fee 10.50 Remarks _____
1/1/1881

Corrected Application Received _____ Period of Annual Use 4-1 to 12/31

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____
not applicable

Diversion Point _____

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29-T6S-R7E

Custer county

Land to be Irrigated _____

NW $\frac{1}{4}$, Section 4-T7S-R7E

Fall River County

Well Log: Driller _____ Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map drawn PREPARED BY Del Brosz, DWNr Reviewed and the Number
assigned on 9/21/84

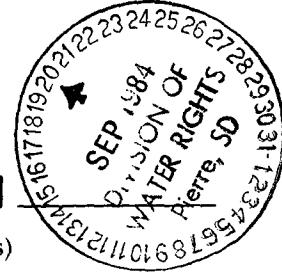
By Betty Westlund
BETTY WESTLUND, NRA III

No. <u>1892-2</u>	Hydrologic Unit <u>10120109</u>
Map No. <u>1892-2</u>	Basin <u>UC</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 ☐ Water Right Filing 032-2
- ☐ 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 Lyda Bowker Phone No. 833-2631
- Post Office Address Rural Route Buffalo Gap, South Dakota State 57722
(Street, RR or Box) Zip Code
2. Amount of water claimed (c.f.s) 2.4 Total acres irrigated 165.1
3. Source of Water supply Beaver Creek
4. Location of point of diversion N 54° W 1200 ft from the SE Corner of Section 29, T6S, R7E
- _____ County Custer
5. Counties where water will be used Fall River
6. Annual period during which water is to be used April to December 31
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.
<u>NW 1/4 Sec. 4, T7S, R7E</u>	<u>43.9</u>
<u>NE 1/4 Sec. 4, T7S, R7E</u>	<u>40.0</u>
<u>SE 1/4 Sec. 4, T7S, R7E</u>	<u>40.0</u>
<u>SW 1/4 Sec. 4, T7S, R7E</u>	<u>41.2</u>

Land Description	No. Acres Irr.
TOTAL	165.1

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)
- This is a gravity irrigation system. A main canal moves the water from Beaver Creek to the edge of the field. The main canal releases the water to field laterals. The water flows thru cuts in the laterals and floods the field or siphon tubes take the water from the laterals and discharge to field furrows.
- In accordance with an agreement, dated September 29, 1920, this water right uses the water from this diversion point during the 21st thru the 30th day each month.

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 Fall River)^{ss}

I, Lyda A. Bowker 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 Lyda A. Bowker

Subscribed and sworn to before me this 18th day of September 1984

Allen G. Wilson
Notary Public (or other-qualified-officer)

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1892-2
Lyda Bowker RR, Buffalo Gap
South Dakota (Applicant) (Post Office Address)
57722
(State) (Zip Code) With the following qualifications.

See VR-1

The applicable portions of Water Right Filings No. 0654-2 and 032-2 have been incorporated into this Vested Right No. 1892-2 and the abandoned portions of Water Right Filing No. 0654-2 and 032-2 have been cancelled.

Date of first receipt of application _____, 19____.

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

Date of receipt of corrected application _____, 19____. Approved _____, 19____.

The Water Management Board hereby approves this Water Permit No. _____ 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:

1. The date from which applicant may claim right is _____, 19____.
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 _____, 19____.
5. The water appropriated shall be used for the purpose of _____.
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 _____ 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 _____, 19____; said water to be used during the following described annual period: _____.

WATER MANAGEMENT BOARD

By: _____
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

_____, 19____

VESTED WATER RIGHT

The Water Management Board hereby recognizes Vested Water Right No. 1892-2

Lyda Bowker

(applicant)

RR, Buffalo Gap

(post office address)

South Dakota

(state)

57722

(zip code)

Date of receipt of Application September 20, 1984.

Recognized December 5, 1984.

The Water Management Board hereby recognizes 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 Vested Water Right, subject, however, to the following limitations and conditions:

1. The date from which the applicant may claim right is November 22, ¹⁸⁸¹~~18~~.
2. The whole of said work has been completed and water has been applied to beneficial use as described on Form 2B of this application.
3. The water appropriated is used for the purpose of irrigation.
4. The prior rights 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.
5. The amount of the appropriation hereby recognized shall not exceed _____

2.4 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 has been actually and beneficially applied for irrigation. The water is to be used during the following described annual period April 1st to December 31st

WATER MANAGEMENT BOARD

By: John Hatch

(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

DEC 20 1985

, 1984.

(Type or Print in Ink)

(Print name) _____ 19__

State of South Dakota

VESTED RIGHT Water License No. 1892-2

(1) Lyda Bowker

of RR, Buffalo Gap, South Dakota 57722

made Application No. 1892-2, September 20, 1984 for /recognition of a Vested Right for a water permit to appropriate

2.4 cubic feet per second of water from Beaver Creek

Fall River County, South Dakota for irrigation purposes.

Vested Right

Permit No. 1892-2, with a priority date of November 22, 1881

recognized December 5, 1984 and issued to applicant(s) for diversion of water with 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

The applicable portions of Water Right Filings No. 0654-2 and 032-2 have been incorporated into this Vested Right No. 1892-2 and the applicable portions of Water Right Filings No. 0654-2 and 032-2 have been cancelled.

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 2.4 cubic feet per second of water

for beneficial use. The location of the diversion point(s) is N 54°W 1200 feet from the SE Corner

of Section 29, T6S, R7E (DD)

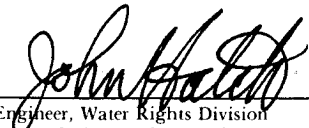
and

(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 lands all in T7S, R7E

Section 4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	43.9	Acres	(BB)
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0	Acres	(BA)
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0	Acres	(BD)
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	41.2	Acres	(BC)
	TOTAL	165.1	ACRES	

(4) Pursuant to §46-5-30.1 Lyda Bowker
of RR, Buffalo, Gap, South Dakota
the holder(s) and/or owner(s) of Vested Right ~~Water Permit~~ No. 1892-2 is issued a license to appropriate water, the right to use
2.4 cubic feet per second of water from Beaver Creek with a priority date
of November 22, 1881 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

This license is subject to any limitations or qualifications listed in Vested Right ~~Water Permit~~ No. 1892-2 and subject
to South Dakota State Law.


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

JOHN HATCH

DEC 20 1985

Permit No. 1892-2Upper Cheyenne 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 Lyda
Bowker of Buffalo Gap, S.D. holder of
 Permit No. 1892-2, bearing the priority of November 22 1881 authorizing
 the diversion of 2.4 cu. ft. per second of the waters of Beaver Creek
 for irrigation purposes, in Fall River County.

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

- A. Works used to divert the water: Log & rock dike in the channel of Beaver Creek. Dike is approximately 100' long and 5' high with a 4' wide opening. The opening is controlled with wood planks for flow bypass. Dike diverts the water to a 24" gated cmp at the canal inlet.
- B. Works used to transport water to place of use:
Earth canal from the creek to the edge of the field.
- C. Works used to apply water to beneficial use: The main canal releases the water to field laterals. Cuts in the laterals or siphon tubes spread the water onto the fields.

The system is in the following condition FairThe point of diversion is located N 54° W 1200 Ft from the SE corner of
Section 29, T6S, R7EThe works are capable of diverting and conveying to the place of use 5cu. ft. per second of water which is to be used for irrigation during the 21st thru the 30th
day each month. 1920 agreement.

Water has been put to beneficial use to the maximum extent as follows:

NW⁴NW⁴ - 43.9 acres, NE⁴NW⁴ - 40.0 acres, SE⁴NW⁴ - 40.0 acres, and
SW⁴NW⁴ - 41.2 acres all in Section 2, T7S, R7E.

comprising a total of 165.1 acres of land and the license should be issued for 2.4 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date June 18, 1987

Delwin D. Berg, P.E.
 (signature)

RECEIPT

Division of Water Rights

No 4 9754

South Dakota Department of Water and Natural Resources

Pierre, September 20, 1984

RECEIVED OF Allen G Wilson, Attorney, Hot Springs SD for Lyda Bowker, RR, Buffalo Gap SD.
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>1892-2</u> to Appropriate Water, to construct works and to put water to beneficial use	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. <u>1892-2</u>	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

Chief Engineer

JOHN HATCH

NAME OF ~~PERSON OR~~ FILE: E. D. & Callie Bond

ADDRESS: —

COUNTY Custer & Fall River

DATE: July 26, 1984

TELEPHONE _____

RE: Water Right Filing 0654-2

This filing is an agreement transferring a $\frac{1}{3}$ interest of water right Filing 032-2. The present owner of the property is Lyda Bowker, Rural Route, Buffalo Gap, S.D. 57722. A vested right is presently being prepared for Mrs. Bowker using Water Right Filing 032-2. Filing 0654-2 should be ~~merged~~ incorporated with Mrs. Bowker's vested right or cancelled since it is simply a transfer agreement.

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

NAME: Alvin D. Broy, P.E.
Hydrologist

Recorded-Filed - Aug 10, 1904

Elm Creek

E. S. Bond & H. L. Bond to

E. D. Bond - June 25, 1903

This Indenture made the 8th day of August A. D. 1904, between Edwin D. Bond, and Callie Bond, husband and wife, parties of the first part, and H. C. Smith party of the second part.

Witnesseth, That the parties of the first part for and in consideration of the sum of one Dollar and other good and valuable consideration, the receipt whereof is hereby acknowledged, do by these presents remise, release, convey and forever quit Claim unto the said party of the second part, and to his heirs and assigns an undivided one third (1/3) interest in and to all their certain water right and privilege of uses of water and irrigation ditch in part part and appurtenant to that certain lot piece or parcel of Land, situated in Fall River County, State of South Dakota, and particularly described as follows, to-wit:-

The North-west quarter of Section Four (4) Township Seven Range Seven East of Black Hills Meridian, together with all and singular the Tenements, Hereditament and Appurtenances thereunto belonging or in any wise appertaining and the reversion and reversions remainder and remainders, rents issues and profits thereof.

To Have and To Hold, all and singular the said premises together with the appurtenances unto said party of the second part and to his heirs and assigns forever.

In Witness whereof, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in Edwin D. Bond. (Seal)

Presence of John F. Parks. Callie Bond (Seal)

State of South Dakota)
County of Fall River.) ss.

Be it remembered that on this 8th day of August, A. D. 1904, in the year Nineteen hundred and four, before me John F. Parks, Notary Public, within and for said County and State, personally appeared, Edwin D. Bond, and Callie R. Bond, well known to me to be the persons who are described in and who executed the within and foregoing instrument, and severally duly acknowledged to me that they executed the same freely.

In Witness Whereof, I have hereunto set my hand and affixed seal in said County, the day and year above written.

(Seal)

John F. Parks
Notary Public.

Water Right

032-2

I the undersigned claim 400 min ers inches of water on Beaver Creek Custer Co. D.T. about one mile below Boland's House to be diverted from its course on the East side of said creek, to be carried one and one half miles down East side of said stream and used for Agricultural and Domestic purposes.

A.D. Bond
Locator.

The original of foregoing instrument was filed for reqrd at 10.30 A.M.
Nov. 22, 1881 and recorded on page 153 Book 4 Locations.

E.H. Flynn
Regis ter of Deeds

STATE OF SOUTH DAKOTA
County of Custer
I hereby certify that the foregoing is a true
copy of an instrument, recorded in Book 4 Loc
page 153 of the records of Custer County
S. D. and that the above is a true copy of the
filing thereon. In witness whereof I have here-
unto set my hand and affixed my official seal
this 1 day of Aug 406
E.H. Flynn

Deputy Reg
Bond, C. D.

WATER RIGHTS DIVISION
(605) 773-3352

July 26, 1984

Lyda Bowker
Rural Route
Buffalo Gap, South Dakota 57722

Dear Mrs. Bowker:

I have completed all of the necessary forms for your vested right to use water for irrigation from Beaver Creek.

Would you please examine the forms and correct anything that is in error. Then, please sign the forms in the presence of a notary where indicated. The forms should then be returned to our office with a check for \$10.50. This will cover the cost of the filing fee and the water license.

Upon recognition of the vested right by the Water Management Board, Water Right Filing 032-2 will be incorporated into your Water Right.

I have enclosed a map of your project. If there are no changes you may keep it for your files. If you have changes please indicate them on the map and return it with the forms. We will then correct our office copy. You may keep the copy of Water Right Filing 032-2.

Any other Water Right Filings that would duplicate your vested right will be cancelled. You will be receiving notices for the ones that will be cancelled.

I checked into the water rights for your land along the railroad track. ~~Since~~ you discontinued using the water for many years the water right is considered abandoned. South Dakota laws are very specific regarding non-use. SDCL 46-5-36 states "When any person entitled to the use of appropriated water fails to use beneficially all or any part of such water for the purpose for which it was appropriated, for a period of three years, such unused water shall revert to the public and shall be regarded as unappropriated public water."

If you have any questions, please feel free to contact me.

Sincerely,

Delvin D. Brosz, P.E.
Hydrologist

DDB:ms
Enc.

WILSON LAW OFFICE

(EST. 1886)

S. EUGENE WILSON (1852-1926)
WM. H. WILSON (1841-1920)
CLIFFORD A. WILSON (1883-1953)
JOYCE WILSON (1895-1982)
ALLEN G. WILSON

112 NORTH CHICAGO STREET
P.O. BOX 731
HOT SPRINGS, SOUTH DAKOTA 57747
TELEPHONE (605) 745-4177
September 19, 1984

Delvin D. Brosz, P. E.
Hydrologist
Department of Water & Natural Resources
Water Rights Division
Joe Foss Building
523 East Capitol Avenue
Pierre, SD 57501



Dear Mr. Brosz:

Re: Lyda A. Bowker

This is in response to your letter of July 26, 1984 to Lyda Bowker
of Buffalo Gap, South Dakota.

Enclosed for appropriate action are executed forms and check for
\$10.50 for filing fee and water license.

Thank you.

Very truly yours,

A handwritten signature in cursive script that reads "Allen G. Wilson".

ALLEN G. WILSON

AGW:nm

enc.

INVESTIGATION REPORT

BEAVER CREEK NEAR BUFFALO GAP, SOUTH DAKOTA

January 22, 1985

1. July 31, 1880 - Water Right Filing 027-2

G. C. Boland notifies the public that he claims 200 inches, miners measurement of the water of Beaver Creek, said water right being located about 300 yards below the mouth of Buffalo Gap.

September 30, 1881 - Water Right Filing 028-2

G. C. Boland, L. B. Reno, Jabez Brandham claim a water right about 1/2 mile below Clark's Ranch and about 1 mile above Boland's Ranch. Claim 800 inches, miners measurement, to be carried by ditch and flume to certain tracts of land about 2 miles below residence of G. C. Boland and to any intermediate point upon said route.

The above two water right filings are the basis for Water Right 316-2. Water Right 316-2 allows a diversion of 8 cfs to irrigate 560 acres. The priority dates apply as follows: July 31, 1880 - 4 cfs and September 30, 1881 - 4 cfs. I have discussed Water Right 316-2 with the present landowner, Frank Schroth, 7-11 Ranch, Incorporated. Mr. Schroth stated that he probably is irrigating less than 560 acres. I informed him that I would make a re-inspection of his Water Right to determine the actual acreage being irrigated. I plan to do this during the summer of 1985.

2. November 19, 1881 - Water Right Filing 032-2

A. D. Bond claims 400 miners inches of water on Beaver Creek about 1 mile below Boland's house, to be diverted from its course on the east side of the creek, to be carried 1½ miles down east side and used for agricultural and domestic purposes.

3. November 28, 1882 - Water Right Filing 093-2

Charles L. Conger claims 400 cubic inches of water to be diverted from the channel of (Amphibious Creek) about 200 yards below the NW Corner of SW¼ of Section 33, T6S, R7E and to be conducted on the east side of creek, not exceeding 3 miles.

This Water Right Filing is the basis for Vested Right 1759-2. Vested Right 1759-2 allows a diversion of 3.9 cfs to irrigate 195.8 acres and is authorized use of an undivided 1/2 interest in the ditch and water with Vested Right 1854-2. The 1/2 interest is from a Referee's Report, December 12, 1892, in the case of E. D. Bond and J. Bond vs C. L. Conger, J. M. Smith and F. Allen.

4. July 7, 1883 - Water Right Filing 0412-2

James M. Smith claims 500 inches of Beaver Creek, to be diverted about 300 yards south and west from the dwelling house now occupied by Brunschmid and Brooks and 2½ miles from Buffalo Gap.

This Water Right Filing is the basis for Vested Right 1854-2. Vested Right 1854-2 allows a diversion of 2.25 cfs to irrigate 112.40 acres and is authorized use of an undivided 1/2 interest in the ditch and water with Vested Right 1759-2. The 1/2 interest is from a Referee's Report, December 12, 1892, in the case of E. D. Bond and J. Bond vs C. L. Conger, J. M. Smith and F. Allen.

5. November 12, 1886 - Water Right Filing 0657-2

Issacher Schofield claims 10,000 inches of water from Beaver Creek to be taken out at a point on the SE Corner of NW $\frac{1}{4}$ of Section 29.

This Water Right Filing is the basis for Vested Right 1894-2. Vested Right 1894-2 allows a diversion of 1.3 cfs to irrigate 89.4 acres. On March 29, 1948, Mr. W. F. Nolan who was the owner of Water Right Filing 0657-2 at that time, stated that he would continue to use the water only at flood stages and at such times as it is not being otherwise used. Vested Right 1894-2 is therefore limited to excess waters.

6. June 29, 1887 - Water Right Filings 032-2

A. D. Bond, gives warranty deed to W. A. Brooks, for \$1.00 for a 1/2 interest in a certain water right described as follows: Said Water Right is on Beaver Creek about 400 yards easterly from the Railroad Depot at Buffalo Gap.

W. A. Brooks gives a warranty deed to A. D. Bond for \$1.00 for a 1/2 interest in a certain water right described as follows: said Water Right is on Beaver Creek about 400 yards easterly from the Railroad Depot at Buffalo Gap.

Wm. A. Brooks gives warranty deed to Joseph Brunschmid for a 1/4 interest in a certain water right; said water right is on Beaver Creek about 400 yards easterly from the Railroad Depot at Buffalo Gap.

This exchange of water rights relates to Item 2 - Water Right Filing No. 032-2 located by A. D. Bond. The exchange of Water Rights by the above three persons are the basis for the following Vested Rights:

Vested Right 1892-2, Lyda Bowker (A.D. Bond)
Vested Right 1910-2, Floyd Simunek (J. Brunschmid)
Vivian Rhoades (J. Brunschmid)
Paul & Carol Fugier (W. A. Brooks)
William L. Miller (W. A. Brooks)

Lyda Bowker and Floyd Simunek have submitted Vested Right Applications and these were recognized by the Water Management Board. Vested Right Application forms have been forwarded to Vivian Rhoades, Paul and Carol Fugier and William L. Miller. At this time, these forms have not been returned to the Division of Water Rights.

September, 1920 - Agreement that owners, heirs and assigns of the Brooks, Bond and Brunschmid water right will divide the water, diverted at their common diversion point, on a 1/3 basis from April 1 to December 31, as follows:

Pengro (this now is Floyd Simunek) and Busteed (this now is Vivian Rhoades) are entitled to take all of the water for the first 10 days of a 30 day month and the first eleven days of 31 day month, (I was informed that presently Simunek gets the water for the first 10 days and Rhoades receives the water during the 31st day of a month);

Mildred F. Miller (this now is Paul & Carol Fugier and William L. Miller) is entitled to take all of the water for the next ten days of the month;

Charles Smith (this now is Lyda Bowker) is entitled to take all of the water for the last ten days of the month.

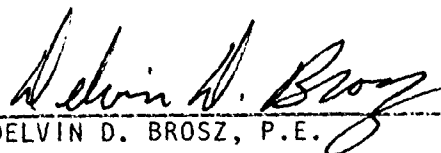
It is understood between the parties that this agreement in no way combines or modifies their respective ownership in and to the individual water rights. Each is to pay a 1/3 cost in repair and maintenance of the dam and main ditch. This agreement to stand unless the parties herinafter, by agreement, make different arrangements.

7. Other Water Rights on Beaver Creek

Water Right 1755 - allows irrigation of 78 acres with water from Vested Right 1854-2 (no additional appropriation of water) with a priority date of February 6, 1981.

Vested Right 1794-2 - any excess water not utilized by the two undivided one-half interests in Vested Right 1759-2 and 1854-2 can be utilized on these acreages up to a maximum of 1 cfs from each 70 acres. The application was for 537.3 acres. The priority date is 1920.

These are all of the Water Rights that are presently active between the diversion point for Water Right 316-2 and where Beaver Creek empties into the Cheyenne River. All other Water Right Filings that have been abandoned have been cancelled or are in the process of being cancelled.



DELVIN D. BROSZ, P.E.
Hydrologist

SOUTH DAKOTA Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
(605) 773-3352

DEC 20 1985

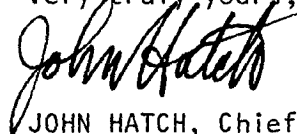
Lyda Bowker
RR
Buffalo, South Dakota 57722

Dear Mrs. Bowker:

Enclosed herewith are your Vested Right Permit, Water License No. 1892-2.
This Water License is the final water right document completing your
process of obtaining a vested 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

The applicable portions of Water Right Filings No. 0654-2 and 032-2 have
been incorporated into this Vested Right No. 1892-2 and the abandoned
portions of Water Right Filings No. 0654-2 and 032-2 have been cancelled.

VIKEN, VIKEN, PECHOTA, LEACH & DEWELL

Attorneys at Law

Linda Lea M. Viken
Jeffrey L. Viken
Terry L. Pechota
James D. Leach
Kenneth R. Dewell
Scott D. McGregor
Lisa L. Kiser
Cheryl Three Stars Valandra

1617 Sheridan Lake Road
Rapid City, South Dakota 57702
FAX: (605)341-0718

TEL: (605)341-4400



Mission Office
P.O. Box 221
Mission, SD 57555
(605)856-2781



Cindy J. Aeschbacher
Legal Assistant

January 13, 1992

John Hatch
Chief Engineer
Division of Water Rights
Dept. of Water & Natural Resources
523 E. Capitol
Pierre, SD 57501-3181

Re: Lyda A. Bowker, Deceased
Water Right No. 032-2

Dear John:

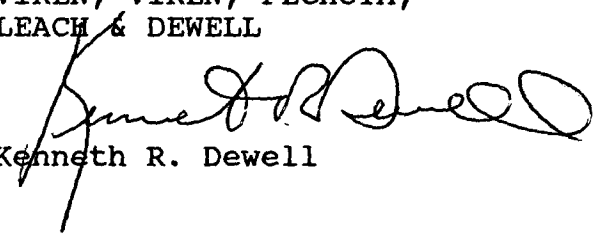
Enclosed please find a certified copy of the Final Decree with regard to the above captioned probate estate. By the terms of that Final Decree all of the property rights and interest of Lyda A. Bowker are transferred over to the Lyda A. Bowker Family Trust. The trustee of that trust is Lois A. Emery of HCR 52, Box 136-A, Hot Springs, South Dakota.

Based upon this Final Decree I would request that you transfer and assign Water Right No. 032-2 over to the Lyda A. Bowker Family Trust, c/o Lois A. Emery, trustee, HCR 52, Box 136-A, Hot Springs, SD. If there are any forms which need to be completed or fees for these activities, please notify my office of your requirements and I will see that they are properly provided to you.

In advance I would like to thank you for your prompt and courteous attention to this matter and I look forward to working with you.

Respectfully submitted,

VIKEN, VIKEN, PECHOTA,
LEACH & DEWELL


Kenneth R. Dewell

krd/sn
Enc.
cc: Lois A. Emery

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF FALL RIVER)



IN CIRCUIT COURT
SEVENTH JUDICIAL CIRCUIT

Pro. # 91-27

IN THE MATTER OF THE ESTATE OF)
)
LYDA A. BOWKER,)
)
Deceased.)

FINAL DECREE AND
AND ORDER TERMINATING LIFE ESTATE

Gary W. Gunderson, Executor of the Estate of Lyda A. Bowker, Deceased, having filed the Final Report And Petition For Final Distribution And For Order For Termination Of Life Estate and showing this Court that Lyda A. Bowker, departed this life testate on the 31st day of October, 1990, leaving an estate within the County of Fall River, and the County of Custer, State of South Dakota, and being at the time of her death a resident of RR 1, Box 102, Buffalo Gap, Custer County, South Dakota 57722; and the Court by the Notice Of Hearing On Final Report And Petition For Final Distribution And For Order For Termination Of Life Estate, having set Friday, the 4th day of October, 1991, at the hour of 10:00 o'clock A.M., as the time when said account would be settled and the Petition would be heard; and the Court finding that due and legal notice of the time and place for hearing has been given as required by law; and the Court being fully advised in the premises now, on motion of Kenneth R. Dewell, it is, in open Court with no one opposing:

IT IS HEREBY ORDERED AND DECREED

1.

That Lyda A. Bowker, Deceased, departed this life testate in the City of Rapid City, Pennington County, South Dakota, on the 31st day of October, 1990, leaving an estate within the County of Fall River, and the County of Custer, State of South Dakota, and being at

the time of her death a resident of RR 1, Box 102, Buffalo Gap, Custer County, South Dakota.

2.

That the Last Will And Testament of Lyda A. Bowker, Deceased, dated the 17th day of August, 1984, was duly admitted to probate by Order of the Honorable Merton B. Tice, Circuit Court Judge, by Order Admitting Will To Probate and for Letters Testamentary dated the 28th day of December, 1990.

3.

That thereafter and upon proper proceedings held, Norwest Capital Management and Trust Company, Inc., by and through Gary W. Gunderson was duly appointed by this Court as Executor of the Estate of Lyda A. Bowker, and duly qualified as such by filing the Oath and Letters Testamentary of said Estate which were issued to him on the 28th day of December, 1990, and he has ever since that time been and is now duly appointed, qualified and acting Executor of the Estate of Lyda A. Bowker, Deceased.

4.

That the Executor gave notice to the creditors of the Decedent in the form required by law, once a week for three (3) successive weekly issues in the Hot Springs Star, a legal weekly newspaper printed and published in Fall River County, South Dakota, with the first publication thereof being the 11th day of December, 1990, and the last publication thereof being on the 25th day of December, 1990, and the Court having found that due publication of the Notice to Creditors in the above entitled estate has been had in all

respects as required by law and the Order of this Court. Further, that the time for presenting claims has since expired.

5.

That the Executor caused said Estate to be inventoried and appraised, which Inheritance Tax Report And Inventory, dated the 20th day of June, 1991, was filed in the office of the Clerk of the above entitled Court. That thereafter, the Honorable John K. Konenkamp, Circuit Court Judge of the Seventh Judicial Circuit in and for Fall River County, South Dakota, made, entered and filed his Order determining that the total amount of inheritance and estate tax in the above entitled matter is \$9,181.79, which tax has been paid in full as shown on the receipt on file herein.

6.

That the names and address of the heirs, heirs-at-law and legatees of the Decedent are as follows:

Lois A. Emery	Legal	HCR 52 Box 136A Hot Springs, SD 57747	daughter and surviving joint tenant
Cynde Lou Bowman	Legal	Route 6 Box 37K Pocatello, ID 83202	granddaughter
Shana Lee Dienstel	Legal	Route 2 North Box 158-C Pocatello, ID 83202	granddaughter
Laurie Jo Small	Legal	Route 2 North Box 158-C Pocatello, ID 83202	granddaughter
Kristi Lynn Thieman,	Legal	Box 131 Carissa Plains Route Santa Margarita, CA 93453	granddaughter
Pamela Joy Emery-Hinrichs	Legal	7565 Otis Street Arvada, CO 80003	granddaughter
Ina Rose Davis	Legal	P.O. Box 339 Custer, SD 57730	sister

Phyllis Hagen	Legal	2624 Pioneer Drive Rapid City, SD 57701	sister
Zachary Parris	4/26/84	Route 2 North Box 158-C Pocatello, ID 83202	great- grandson
Heidi Jo Small	6/25/91	Route 2 North Box 158-C Pocatello, ID 83202	great- granddaughter

7.

That during the course of the Administration, the Executor has disbursed the following funds in settlement of claims against the estate of Lyda A. Bowker, Deceased, as follows:

J. D. Sabow, M.D. Medical Services	\$ 363.75
Rapid City Medical Center Medical Services	231.00
Black Hills Rehab. Hosp. Medical Services	3.00
Rapid City Anesth. Ser., P.C. Medical Services	249.48
Radiology Associates Medical Services	83.35
Fall River County Treas. 1991 Mobile Home Tax in Full	312.22
Radiology Associates	17.64
McColley's Chapel of the Southern Hills - Funeral	11,089.70
Nat'l Farmers Union Propane & Cas Co. Prem. on Auto Pol.	91.50
Fall River Co. Vet. Clinic	526.02
Rancher Feed & Seed Posts & Wire	722.60
Rapid City Regional Hosp.	96.02
Black Hills Orth. Clinic, P.C.	1,465.65

Internal Medicine Group	880.80
Wyatt's Real Estate Appraisal on Ranchland	728.00
Bradeen Real Est. & Auction Appraisal of Pers. Property	180.00
Ed Hussey - Combining Alfalfa Seed	660.00
Nat'l Farmers Union Prop. & Cas Co. - Premiun on Pol.	241.50
Farmers Union Insurance Ins. on 1955 Ford Fairlane	64.93
Philip Zacher, CPA - Preparation Final Form 1040/1990	132.50
Custer Co. Treasurer 1st ½ 1990 R.E. Tax - Custer Co. Ranchland	1,022.61
Fall River Co. Treasurer 1st ½ 1990 R.E. Tax - Fall River Co. Ranchland	800.38
Steven K. Goff, MD	147.11
Rapid City Regional Hosp.	59.72
Gary Romey - Fencing	325.00
Nat'l Farmers Union Prop. & Cas Co. - Insurance Installment	17.17
Nat'l Farmers Union Prop. & Cas. Co. - Insurance Installment	201.00
Nat'l Farmers Union Prop. & Cas. Co. - Insurance Installment	68.50
Nat'l Farmers Union Prop. & Cas. Co. - Insurance Installment	121.83
S.D. Department of Revenue Inheritance Taxes	9,181.79
Johnson's Ranchers Supply, Inc. Weed Application	1,520.38

Bill Deming - Fencing	750.00
Kenneth R. Dewell Legal Fees	5,300.00
Northwest Capital Mgmt. & Trust - Executor's Fees	10,000.00
Philip Zacher, CPA - Preparation Inheritance Tax Report	450.50

8.

That pursuant to Article IV of the Last Will And Testament of Lyda A. Bowker, Deceased, Norwest Capital Management and Trust Company was appointed to act as the Trustee of the Lyda A. Bowker Trust, following completion of these probate proceedings. However, since the commencement of these proceedings, the heirs and beneficiaries of said Trust have agreed to permit Norwest Capital Management and Trust Company to withdraw from the appointment of such Trustee and have all executed an Agreement For Change Of Trustee, the original of which is on file with the above captioned Court. That pursuant to such Agreement and by a separate Order Appointing Successor-Trustee, dated the 4th day of October, 1991, this Court has appointed Lois A. Emery as the Successor-Trustee of the Lyda A. Bowker Trust.

9.

That pursuant to the Last Will And Testament of the Decedent, Article IV, all of the Estate of the Decedent shall be and is hereby distributed to Lois A. Emery, Successor-Trustee of the Lyda A. Bowker Trust, subject to the terms and conditions of such Trust as set forth in Article IV, Article V, Article VI, Article VII, Article VIII, Article IX, Article X, Article XI, Article XII, Article XIII and

Article XIV of said Last Will And Testament. That the property of the Decedent together with the proceeds of the sale of any such items, subject to this provision, is more particularly described, as follows:

LIVESTOCK

32 Cows @ \$900.00	\$ 28,000.00
12 Yearling Heifers @ \$800.00	9,600.00
19 Calves @ \$425.00	8,075.00
32 Sheep @ \$40.00	1,280.00
2 Horses @ \$500.00	<u>1,000.00</u>

TOTAL VALUE \$ 48,755.00

CASH AND SECURITIES

AARP GNMA and U.S. Trs. Fund	\$ 29,547.20
Ck. Mutual of Omaha	253.26
Ck. Edgemont Livestock Market	<u>1,062.43</u>

\$ 30,862.89

INSURANCE AND ANNUITIES

New York Life Insurance -
Bowker Est. Payee

\$106,703.39

VEHICLES

1955 Ford Fairlane	\$ 8,000.00
1950 Ford 100 Pickup	500.00
1966 Ford 100 Pickup	500.00
1959 Ford F600 Truck	900.00
1977 Ford F150 Pickup	<u>500.00</u>

\$ 10,400.00

MACHINERY AND EQUIPMENT

\$ 3,320.00

PERSONAL PROPERTY

\$ 4,000.00

ALFALFA SEED

\$ 1,000.00

REAL ESTATE

Tame Grass 80 Acres	
@ \$100.00/A	\$ 8,000.00
Dry Crop 268 Acres	
@ \$125.00/A	33,500.00
Irrigated 67 Acres	

@ \$200.00/A	13,400.00
Pasture 1820 Acres	
@ \$80.00/A	145,600.00
Buildings	<u>16,000.00</u>

\$216,500.00

LEGAL DESCRIPTION

Township Six (6) South, Range Seven (7) East,
Black Hills Meridian, Custer County, South Dakota:

Section 21: Southwest Quarter (SW $\frac{1}{4}$).

Section 30: Southwest Quarter (SW $\frac{1}{4}$).

Section 31: All.

Section 32: That part of the South Half of the
Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$), lying
West of the Chicago Northwestern
Railroad Track, containing 17 $\frac{7}{8}$
acres, more or less;

TRACT WATSON located in the
Northwest Quarter of the Northwest
Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$), containing
thirteen (13) acres, more or less,
as described in Book 9 of Plats,
page 123, in the Office of the
Register of Deeds of Custer County,
South Dakota;

South Half of the Northwest Quarter
(S $\frac{1}{2}$ NW $\frac{1}{4}$);

Southwest Quarter (SW $\frac{1}{4}$);

West Half of the Southeast Quarter
(W $\frac{1}{2}$ SE $\frac{1}{4}$);

East Half of the Southeast Quarter
(E $\frac{1}{2}$ SE $\frac{1}{4}$), less 2 acres as shown in
Book 3 of Deeds, page 51.

Town of Buffalo Gap, Custer County, South Dakota:

Block 19: South One-Third (S $\frac{1}{3}$) of Lots
Fifteen (15) and Sixteen (16).

Township Seven (7) South, Range Seven (7) East,
Black Hills Meridian, Fall River County, South Dakota:

Section 4: Northwest Quarter (NW $\frac{1}{4}$), together with an undivided one-third ($\frac{1}{3}$) interest in and to certain ditches and water rights pertaining to and appurtenant to said described lands and evidenced by Vested Water Right #1892-2.

Section 5: West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$);
Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$);
Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$);
North Half of the Southwest Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$);
Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$);
Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$);
Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$);
Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$);

Lot 3: Excepting therefrom a tract of land described as follows:
Beginning at a point 725' south of the NE corner of said Lot 3, running west 660', thence south 675', thence east 660', thence north 675' to the place of beginning, containing 10 acres and 15';

East Half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$), together with an undivided one-third interest in and to certain ditches and water rights pertaining to and appurtenant to said described lands and evidenced by Vested Water Right #1892-2; and

East Half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$).

Section 6: Southeast Quarter (SE $\frac{1}{4}$).

following described property terminated as of the date of her death and is now vested solely in the name of the surviving joint tenant, Lois A. Emery, free and discharged of any trust or right title or claim of the Decedent, Lyda A. Bowker, or her Estate, or anyone claiming under her, namely:

CASH AND SECURITIES

First Fed. Savings Bank
#008-2001145 jointly
with Lois Emery \$ 1,198.18

Norwest Bank Account
#1180031472 jointly
with Lois Emery 9,501.17

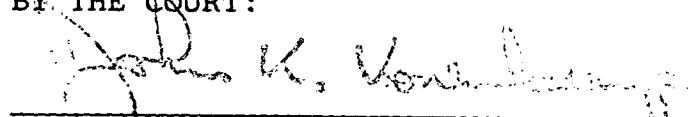
\$ 10,699.35

11.

That the Final Report of the Executor and each and every act, receipt, expenditure therein enumerated be, and they hereby are approved, allowed and confirmed in full and upon the Executor completing the transactions necessary to transfer all of the property to the Lyda A. Bowker Trust and upon the filing of its Affidavit requesting discharge, the said Executor shall thereafter be discharged from its official capacity with regard to the above captioned matter.

DONE IN OPEN COURT in the City of Hot Springs, County of Fall River, State of South Dakota, this 4th day of October, 1991.

BY THE COURT:


JOHN K. KONENKAMP - CIRCUIT JUDGE

ATTEST:


LORRY LOU MILLETT - CLERK OF COURTS

VIKEN, VIKEN, PECHOTA, LEACH & DEWELL

Attorneys at Law

Linda Lea M. Viken
Jeffrey L. Viken
Terry L. Pechota
James D. Leach
Kenneth R. Dewell
Scott D. McGregor
Lisa L. Kiser
Cheryl Three Stars Valandra

1617 Sheridan Lake Road
Rapid City, South Dakota 57702
FAX: (605)341-0718

Mission Office
P.O. Box 221
Mission, SD 57555
(605)856-2781

TEL: (605)341-4400

Cindy J. Aeschbacher
Legal Assistant

April 3, 1992



Genny McMath
Natural Resources Analyst
Dept. of Environment & Natural Resources
523 East Capitol
Pierre, SD 57501-3181

Re: Water Right Claim No. 1892-2
Lyda Bowker to Lyda A. Bowker Family Trust

Dear Genny:

This is a follow-up of our correspondence in January of this year with regard to the above captioned matter.

Consistent with your instructions, enclosed please find the original of the Notice of Transfer of Ownership which has been executed by Lois A. Emery, Trustee of the Lyda A. Bowker Family Trust. Also enclosed please find our office check in the amount of \$2.50 as is required for the fee for this filing.

Once the transfer has occurred, I would ask that you forward it to my office address so that a copy can be provided for my file before I forward it on to Lois Emery. Of course should you require any further evidence for this transfer, please feel free to contact my office.

In advance I would like to thank you for your prompt and courteous attention to this matter.

Respectfully submitted,

VIKEN, VIKEN, PECHOTA, LEACH & DEWELL

Kenneth R. Dewell

KRD (SD)

Enc.

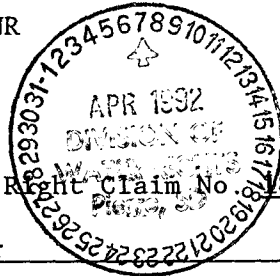
cc: Lois A. Emery

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1892-2

Date: April 3, 1992



I\We request that Vested Water Right Claim No. 1892-2

formerly owned by: Lyda Bowker

be transferred to: (name & address) Lyda A Bowker Family Trust, c/o Lois A Emery,
trustee, HCR 52 Box 136A, Hot Springs, SD 57747 (Telephone No.) _____

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

165.1 acres - NW 1/4 Section 4, T7S, R7E

I\We understand that the validity of Vested Water Right Claim No. 1892-2 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 Fall River)

I\w Lois A. Emery, Trustee 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.

Lois A. Emery
(Signed)

Subscribed and sworn to before me this 3rd day of April, 19 92.

Kenneth R. Dew
Kenneth R. Dew (Notary Public)
My Commission expires: 6-5-94

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 Water and Natural Resources

413167

Pierre, April 7, 19 92

RECEIVED OF Kenneth Dewell, Att, (Lyda Bowker Family Trust) 1617 Sheridan Lake,
Rapid City, SD 57702
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____

Fee for Filing Transfer Form VR 1892-2 _____

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

Chief Engineer

John Hatch / Jmk



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 8, 1992

No. 1892-2

Kenneth Dewell, Attorney
1617 Sheridan Lake
Rapid City, SD 57702

Dear Mr. Dewell:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Vested Water Right Claim No. 1892-2.

Our records now show Lyda A. Bowker Family Trust as the owner of Vested Water Right Claim No. 1892-2.

Sincerely,

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

enclosure

cc: Lyda A., Bowker Family Trust

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1892-2 FOR IRRIGATION

Date of Receipt of Claim September 20, 1984.

Date of Validation May 6, 1992.

The Water Management Board validated Vested Water Right Claim No. 1892-2 for irrigation purposes for Lyda Bowker Family Trust, c/o Lois A Emery, trustee, HCR 52, Box 136A, Hot Springs SD 57747 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1892-2 appropriates 2.4 cubic feet of water per second from Beaver Creek located in the SE 1/4 SE 1/4 Section 29-T6S-R7E to irrigate 165.1 acres located in the NW 1/4 Section 4-T7S-R7E.
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: April 1- December 31.
3. The priority date of the Vested Water Right is November 22, 1881.
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.

QUALIFICATION

The applicable portions of Water Right Filings No. 0654-2 and 032-2 have been incorporated into this Vested Right No. 1892-2 and the applicable portions of Water Right Filings No. 0654-2 and 032-2 have been cancelled.

WATER MANAGEMENT BOARD

By: 
Chief Engineer

JUN 29 1992

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

JUN 29 1992

Lyda Bowker Family Trust
c/o Lois A Emery, trustee
HCR 52, Box 136A
Hot Springs SD 57747

Dear Ms. Emery:

The Water Management Board has validated the enclosed Vested Water Right No. 1892-2. This validation gives legal status to the claim and is the final document for your vested right.

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

Very truly yours,

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

enclosure

