

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED
NOV 19 2014
WATER RIGHTS
PROGRAMMail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 1894B-2

Date: 11-17-14

I/We request that Water Right/Permit No. 1894B-2 formerly owned by:

STEVE TYMKOWICH

be transferred to:

New Owner Name: Robert K BAKER

Address:

27050 Beaver Valley Rd.

City, State, Zip

Buffalo Gap, S.D. 57722Telephone No. 605-833-2500

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

cell 605-381-1589

FOR 19.48 AND 4.64 IRRIGATABLE ACRES (See Attached map)
in Section 29 Township 6 South, Range 7 East, BHM,
Guster County, South Dakota

- ☐ I understand that the validity of Water Right/Permit No. 1894B-2 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, Robert K BAKER, 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.

2009-07

Based upon an email dated December 13, 2014 from Bob Baker, he wishes to have the water right transferred to both "Robert K or Rita B Baker"

NOV 19 2014

WATER RIGHTS
PROGRAMLand North and West of Main Ranch

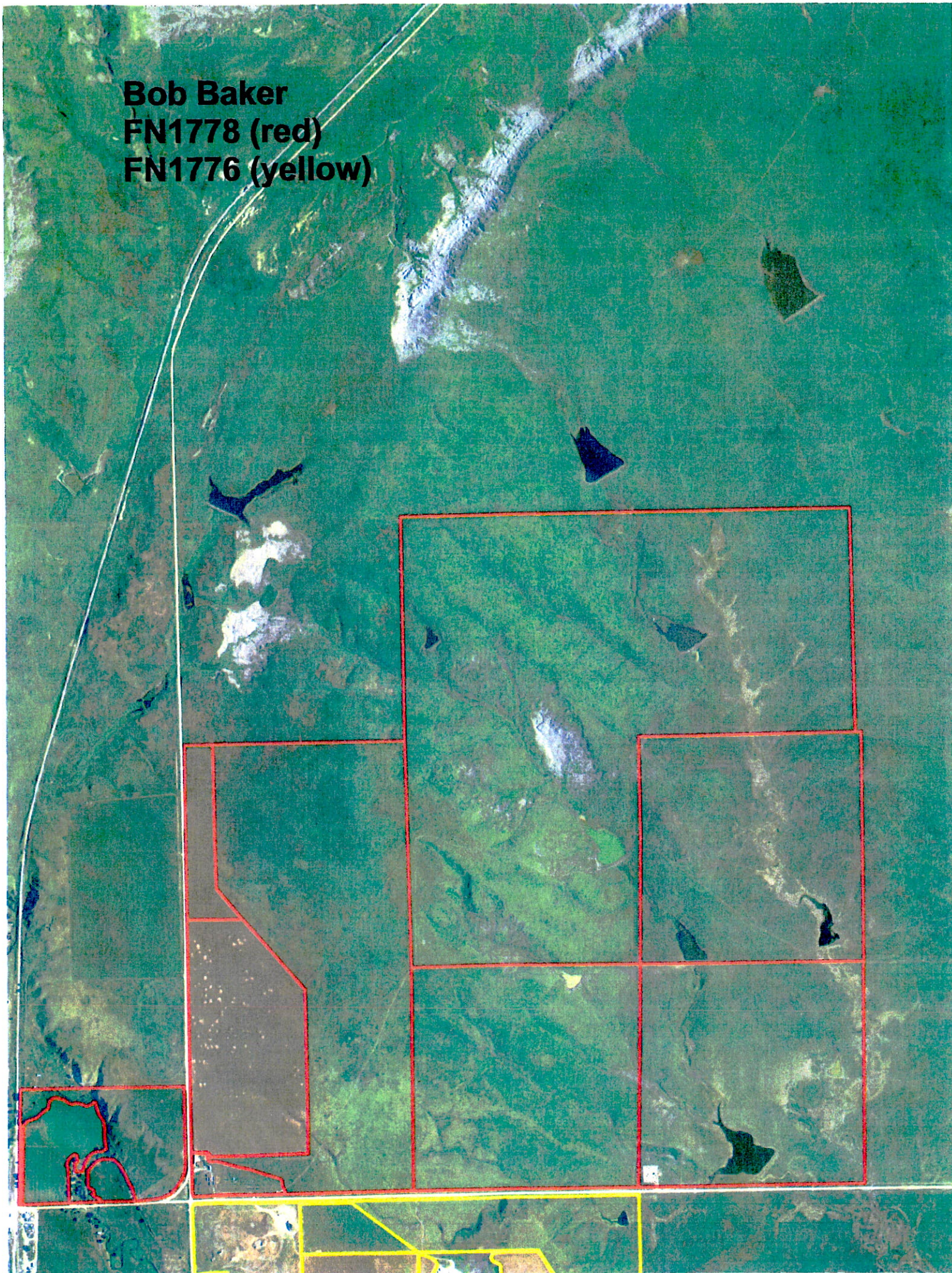
Custer County - 59 Acres - Bob & Rita Baker - 100% Ownership CA 11-09-09

The SE1/4 of the SE1/4 of Section 29 ("Outlot A")
And part of SW1/4SE1/4, said part being more fully described as:
Beginning at a point on the south line of said SW1/4SE1/4, Section 29 84' east from the center line of the main tract of Chicago & Northwestern Railroad Co., measured at right angles thereto, running thence north parallel with said railway center line 921'; thence north on a straight line to a point on the north line of said SW1/4SE1/4 which is 100' east from said railway center line, measured at right angles thereto; thence east along the said north line to a point which is 225' east from the said railway center line, measured at right angles thereto; thence south on a line parallel with said railway center line and 225' east thereof to the south line of the said railway center line and 225' east thereof to the south line of the said SW1/4SE1/4 and thence west along the said south line to the place of beginning; And also a strip of land 50' wide lying east of and adjoining the land hereinbefore described and

west of Outlot "A" as said outlot is laid out upon the recorded plat of Outlot "A" and "B" to the Town of Buffalo Gap, recorded February 1, 1889, in the Office of the Register of Deeds, Custer County, South Dakota:

all of which is located in Township 6 South, Range 7 East in the Black Hills Meridian, Custer County, South Dakota consisting of 59 acres more or less, to include all improvements, buildings and structures located thereon, and all Sellers' water and mineral rights in the property and subject to all easements, covenants and restrictions of record (hereinafter, "property").

Bob Baker
FN1778 (red)
FN1776 (yellow)





United States Department of Agriculture
Farm Service Agency

April 27, 2011

PLSS: 29_6S_7E **Custer County, SD**
Farm: 1778 1:8,136

RECEIVED
NOV 19 2014

WATER RIGHTS
PROGRAM

Wetland Determination Identifiers
 ● Restricted Use
 ▼ Limited Restrictions
 ■ Exempt from Conservation Compliance Provisions

Common Land Units
 Non Cropland

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area.
 Refer to your original dermination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

2010 Ortho-Photography - Not to Scale

McMath, Genny

Subject: FW: RE: RE: Water Rights for Bob Baker

From: Bob Baker [<mailto:woodchip@rapidnet.com>]

Sent: Saturday, December 13, 2014 5:57 PM

To: Gronlund, Eric

Subject: Fwd: RE: RE: Water Rights for Bob Baker

Hi Eric

Yes Eric I do want the right in both Robert K. or Rita B. Baker names. As I am one to play by the rules at any time the DENR wants to check pump size or irrigated acres, send them out. Thank you very much!

Bob Baker

Sent from my Samsung Galaxy Tab® S

----- Original message -----

From: "Gronlund, Eric" <Eric.Gronlund@state.sd.us>

Date: 12/11/2014 1:04 PM (GMT-07:00)

To: 'Bob Baker' <woodchip@rapidnet.com>

Subject: RE: RE: Water Rights for Bob Baker

Totally understand the delay! I was just about to send you an email to make sure you received my initial response. Glad to hear your making progress.

DENR will proceed to split the water right in an "A" and "B". In the near future, a water right with your proportionate share will be issued and sent to your Buffalo Gap address. On the transfer you list only your name, am I correct based this last email that you want the water right in name of Robert and Rita Baker?

From your response it appears you will be able to live with the acres and diversion rate that is your proportionate share of the water right. Just as a word of caution, do not exceed these amounts (diversion rate or acres) as you are make a financial investment in equipment and if it exceeds the allotted amount, you will be required to limit to the amount authorized. I am not optimistic that DENR will recommend favorably on any application for additional diversion rate authority or acres.

Eric

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/20, 2014

RECEIVED OF Robert K Baker 27050 Beaver Valley Rd Buffalo Gap SD 57722

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>1894-2</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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **06988**

By *James Goodman* 11/2
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

FEB 17 2015

1894B-2

Robert K or Rita B Baker
27050 Beaver Valley Rd
Buffalo Gap SD 57722

Dear Mr. & Mrs. Baker:

Enclosed is your Vested Right Water License No. 1894B-2. Due to the ownership change you filed for portions of the land described in Vested Right No. 1894-2, the license has been divided and reissued to reflect separate ownership as follows:

- **Vested Water Right No. 1894A-2: Stephen J and Linda L Tymkowych**
authorizing diversion of 1.02 cfs from the flood waters of Beaver Creek located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32 to irrigate 70.2 acres in the NE $\frac{1}{4}$ Section 32, T6S, R7E;
- **Vested Water Right No. 1894B-2: Robert K or Rita B Baker**
authorizing diversion of 0.28 cfs from the flood waters of Beaver Creek located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29 to irrigate 19.2 acres in the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 29, T6S, R7E.

Enclosed for your records is Receipt No. 06988 in the amount of \$50 which you paid for filing the ownership change. As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA
VESTED RIGHT WATER LICENSE NO. 1894B-2
DIVISION OF NO. 1894-2 INTO 1894A-2 AND 1894B-2

(1) Stephen J and Linda L Tymkowych, 1209 Pine Knoll Place, Rapid City SD 57701 were issued Vested Right Water License No. 1894-2, October 30, 2009 for a right to divert 1.30 cubic feet of water per second (cfs) from the flood waters of Beaver Creek, Custer County, South Dakota for irrigation purposes. The water license was reissued at that time to remove a gravity diversion point located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, T6S, R7E that had been cancelled by the Water Management Board due to abandonment and/or forfeiture.

The October 30, 2009 reissued water license authorizes diversion of 1.30 cfs from the flood waters of Beaver Creek with the two remaining diversion points located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32, T6S, R7E to irrigate 89.4 acres in portions of the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 29 and NE $\frac{1}{4}$ Section 32, T6S, R7E.

On November 19, 2014, an ownership change was filed for a portion of land authorized under Vested Water Right No. 1894-2. The vested water right is being reissued to reflect separate ownership as follows:

- **Vested Water Right No. 1894A-2: Stephen J and Linda L Tymkowych**
authorizing diversion of 1.02 cfs from the flood waters of Beaver Creek located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32 to irrigate 70.2 acres in the NE $\frac{1}{4}$ Section 32, T6S, R7E;
- **Vested Water Right No. 1894B-2: Robert K or Rita B Baker**
authorizing diversion of 0.28 cfs from the flood waters of Beaver Creek located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29 to irrigate 19.2 acres in the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 29, T6S, R7E.

(2) It is certified that the vested right holders have complied with the provisions of South Dakota State Law relating to completion of works and the application of water to beneficial use and are entitled to divert 0.28 cubic feet of water per second for beneficial use. The location of the diversion point is as follows:

- 1800' west and 1000' north of the SE corner of Section 29, T6S-R7E (SW $\frac{1}{4}$ SE $\frac{1}{4}$);

The irrigated acreage is located:

Section 29, T6S, R7E	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	13.2 acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$	6.0 acres
Total	19.2 acres

(3) Pursuant to South Dakota Water Law 46-5-30.1 Robert K or Rita B Baker, 27050 Beaver Valley Rd, Buffalo Gap SD 57722 the holders and/or owners of Vested Water Right No. 1894B-2 are issued a license to appropriate water, the right to use 0.28 cubic feet of water per second from the flood waters of Beaver Creek with a priority date of November 12, 1886 from the location specified in (2) of this license for irrigation purposes.

continued

Vested Right Water License No. 1894B-2

Page 2

This license is subject to South Dakota Water Law, any limitations or conditions listed in Vested Water Right No. 1894-2 and subject to the following qualifications:

- Irrigation is allowed to take place only at times when there is excess water in Beaver Creek – flood flows.
- The applicable portions of Water Right Filing No. 0657-2 were incorporated into Vested Water Right No. 1894-2 and the abandoned portions of Filing No. 0657-2 have been cancelled (*taken from original vested right validation*)



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

FEB 17 2015

date



1894B-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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NOV 21 2018

WATER RIGHTS
PROGRAM

1894B-2

November 15, 2018

Robert Baker
27050 Beaver Valley Rd
Buffalo Gap SD 57722

Dear Mr. Baker:

Enclosed is the irrigation questionnaire you submitted. In order for the questionnaire to be complete, additional information is needed.

I read the notes about only irrigating on weekends however you indicated some weekends you didn't irrigate, some you did etc etc. I would prefer not to try and guess the numbers. Please complete the back side of the form with the number of days in each month you pumped and the number of hours per day the system was running.

Enclosed is a postage paid envelope for your convenience. The due date for the questionnaire is still December 3rd.

Sincerely,

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

enclosures

*I do have some questions as to your
required records on right # 1894 as my
2 other rights require none.*
Bob Baker



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 28, 2018

1894B-2

Robert Baker
27050 Beaver Valley Rd
Buffalo Gap SD 57722

Dear Mr. Baker:

Thank you for completing the 2018 irrigation questionnaire for Water Right No. 1894B-2. The additional information you supplied completes the reporting requirements for this year.

Along with your letter, I noticed your inquiry as to why you were required to report annual use under No. 1894B-2 but no reporting requirements were in place for your other two water rights. The reason is due to the application method. The following are excerpts from Water Management Board Rules dealing with annual reporting:

74:02:01:14.02. Mandatory requirement to submit irrigation water use report --

Exception. Except for owners of water spreading systems, all irrigation permit or right owners or their authorized agents shall report annually to the chief engineer the amount of water used for irrigation. The chief engineer shall provide a form for reporting water use.

Our records show that the type of system you utilize under Vested Water Right Nos. 1910-2 and 1854A-2 are gravity type or water spreading systems. The type of system we show that you use under No. 1894B-2 includes the ability to pump water meaning there is a way to measure how much is actually diverted. The use of a pump would then fall under the requirement to report annual water use.

If the other two water rights (1854A-2 and 1910-2) now utilize a pump to apply Beaver Creek water to the irrigated acres, future reporting is required. Please let us know if that is the case.

I hope I have answered your questions. If you still have concerns please give either myself or Eric Gronlund a call and we can discuss it.

Sincerely,

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