

not on CRT

Considered: _____

VESTED RIGHT
WATER PERMIT NO. 1912-2

MAP No. 1912-2

Name of Applicant ROBERT & MARK TUBBS

Post Office Address Box 563 EDGEMONT SD 57735

Amount of Water Claimed 1.90 Total Acres 134.00

Source of Water Supply DRY DRAW

Water to be used for IRR County FR

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 10-11-84 Fee 10.50 Remarks _____

3/11/1914

Corrected Application Received ^{FEE} 11-19-84 Period of Annual Use 1/1 to 12/31

WATER QUALITY APPROVAL RECEIVED N/A APPROVED/CONDITIONAL (Circle one)

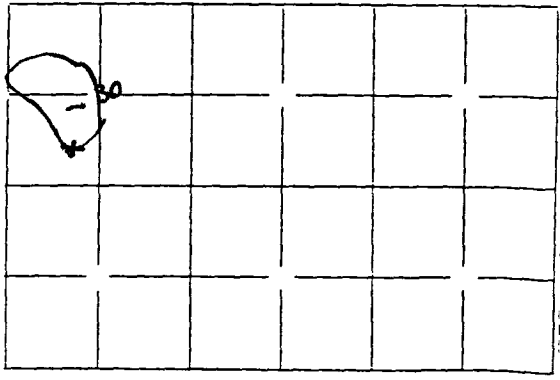
WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point _____

SE⁴SW⁴ SEC. 30-T7S'-R1E

Land to be Irrigated _____

S¹/₂NW⁴; N¹/₂SW⁴ & SE⁴SW⁴, SEC. 30-T7S'-R1E



Well Log: Driller _____ Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map DRAWN PREPARED BY DEL BROSZ DWR Reviewed and the Number

assigned on 11-19-84 By Betty Westlund
NRA III

No. <u>1912-2</u>	Hydrologic Unit <u>10130106</u>
Map No. <u>1912-2</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 ☐ Location Notice 522-2
- ☐ 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 Robert & Mark Tubbs Phone No. _____Post Office Address Box 563 Edgemont State SD 57735
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s) 1.9 Total acres irrigated 1343. Source of Water supply Dry Draw4. Location of point of diversion N55° E 2110' from the SW Corner of Section 30, T7S, R1E
SE SWCounty Fall River5. Counties where water will be used Fall River6. Annual period during which water is to be used all year

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.
SW1/4 Section 30, T7S, R1E	38
SE1/4 Section 30, T7S, R1E	34
NW1/4 Section 30, T7S, R1E	24
NE1/4 Section 30, T7S, R1E	36

Land Description	No. Acres Irr.
SE1/4 Section 30, T7S, R1E	2
TOTAL	134

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 water spreading system. A small dam across the dry draw spreads the water around the ends of the dam onto the lowlands.

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, Robert Tubbs 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 Robert TubbsSubscribed and sworn to before me this 9 day of October 1994Terle Anderson

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. _____

(Applicant) (Post Office Address)

(State) (Zip Code)

With the following qualifications.

SEE VR 1

The applicable portions of Location Notice No. 522-2 have been incorporated into this Vested Right No. 1912-2 and the abandoned portions of Location Notice No. 522-2 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. 1912-2

Robert and Mark Tubbs

(applicant)

Box 563

Edgemont

(post office address)

South Dakota

57735

(state)

(zip code)

Date of receipt of Application October 11, 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 March 14, 1914.
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 _____

1.9 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 January 1 to December 31.

WATER MANAGEMENT BOARD

By: John Hatch

(Chief Engineer)

JOHN HATCH

Division of Water Rights

Dept. of Water and Natural Resources

January 3

, 1985.

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

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

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____ 3'

c) Crest Width _____ 6'

Crest Length _____ 120'

d) Height _____ 8'

e) Outlet Dimensions:
 Pipe diameter _____ None

Spillway width _____ None

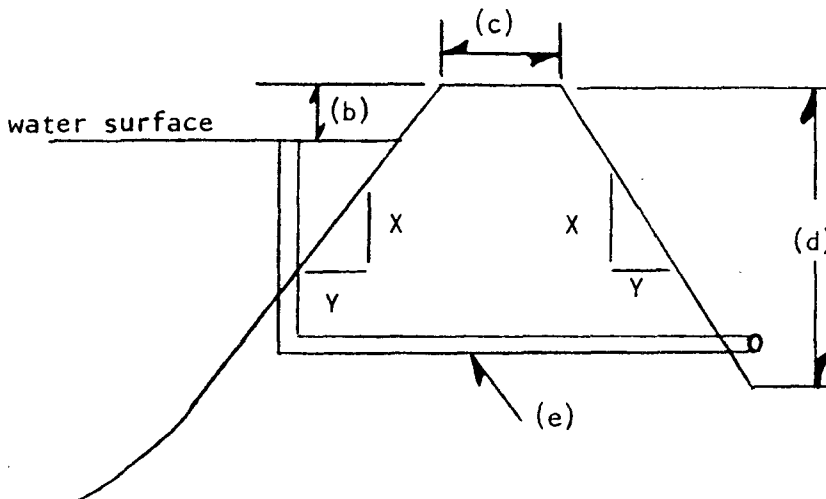
f) X & Y Slope
 Upstream _____ 3:1

Downstream _____ 3:1

Surface Area of Impoundment _____ None

Storage _____ None _____ acre feet

Drainage area above dam _____ 800 acres



Robert Tubbs

Signature of Applicant

Affidavit of Water UseNo. 1912-2

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.

**Affidavit Of Construction Of Water Use System
And Application Of Water To Beneficial Use**

Name of Applicant (Same as Form 2) Robert & Mark Tubbs

Post Office Address Box 563 Edgemont SD 57735
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation March 14, 1914 Date of Posting March 14, 1914

Date of recording April 1, 1914 Recording date State Engineer 4 118
Where Book Page

B. Date of start of construction of water supply system 1914C. Date that water was first applied to beneficial use 1914D. Name of owner of original water supply system Thomas HollandE. Amount of water originally applied to beneficial use 6 cfsF. Present Use of Water - Amount of water now being used 1.9 cfsDate that this water was first used 1914

G. Chronological History of Water Use

Thomas Holland filed the notice in 1914

Albert Nelson became the owner in the 1930's

Robert & Mark Tubbs purchased the property in 1973

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota)

County of Fall River)^{SS}

I, Robert Tubbs the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.

Signed Robert TubbsSubscribed and sworn to before me October 9th, 1984

Derlo Anderson
 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.

_____, 19____
(Print name)_____, 19____
(Print name)

State of South Dakota

VESTED RIGHT Water License No. 1912-2

(1) Robert and Mark Tubbs

of Box 563, Edgemont, South Dakota 57735

made Application No. 1912-2, October 11, 1984 for recognition /of a Vested Right for a water permit to appropriate

1.9 cubic feet per second of water from a dry draw,

Fall River County, South Dakota for Irrigation purposes.

Vested Right Permit No. 1912-2, with a priority date of March 14, 1914

recognized was approved December 5, 1984 and issued to applicant(s) for diversion of water with construction of the described /recognizing

water supply system to be completed on or before and for the application to beneficial use of said

water on or before

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.9 cubic feet per second of water

for beneficial use. The location of the diversion point(s) is N55°E, 2110' from the SW Corner of

Section 30, T7S, R1E (CD)

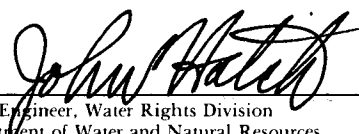
and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in T7S, R1E

Section 30	SW$\frac{1}{4}$NW$\frac{1}{4}$	38 Acres	(BC)
	SE$\frac{1}{4}$NW$\frac{1}{4}$	34 Acres	(BD)
	NW$\frac{1}{4}$SW$\frac{1}{4}$	24 Acres	(CB)
	NE$\frac{1}{4}$SW$\frac{1}{4}$	36 Acres	(CA)
	SE$\frac{1}{4}$SW$\frac{1}{4}$	2 Acres	(CD)
TOTAL		134 ACRES	

(4) Pursuant to §46-5-30.1 Robert and Mark Tubbs
of Box 563, Edgemont, South Dakota 57735
the holder(s) and/or owner(s) of ~~Water Permit No.~~ **Vested Right 1912-2** is issued a license to appropriate water, the right to use
1.9 cubic feet per second of water from a dry draw with a priority date
of March 14, 1914 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 ~~Water Permit No.~~ **Vested Right 1912-2** and subject
to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources
JOHN HATCH
December 21, 1984

LOCATION NOTICE

State Publishing Co., Pierre, S. D.

#522-2

KNOW ALL MEN BY THESE PRESENTS:

THAT Thomas Holland whose post office is Edgemont, South Dakota, a citizen of the United States, above the age of 21 years, being in possession of the following described land, to-wit: SW 1/4 SW 1/4 & SW 1/4 NW 1/4 section 30 township 7 S range 1 E B. H. M. in Fall River County, South Dakota. Said lands comprising Desert Entry No. Land District, availing himself of the right granted him under the provisions of Section 31 of Chapter 180 of the Session Laws of South Dakota of 1907, has located and claims the right to construct a certain dam across a dry draw situated in the SE 1/4 of the SW 1/4 section 30 township 7 S range 1 E B. H. M. and has located and claims the right to construct ditches and flumes for the purpose of directing flood waters from said dam for irrigation of the land first above described, and claims the right of way across any land for the purpose of conveying said waters for said purpose.

Said locator claims for the above purpose 6 cubic feet of water per second during the following described annual periods Whenever available inclusive each year.

The location of the point of diversion of the reservoir is as follows:

From the South side of Sec. 31 and extending to the SE 1/4 of the SW 1/4 of Sec. 30 T7S R1E BHM

The ditch will run in a Northerly direction to and on said land for a distance of feet.

Said location was made on the 14 day of March 1914

Witness my hand and seal this 28 day of March 1914

Locator.

State of South Dakota.

County of Fall River } ss.

On the 14 day of March 1914, before me Thomas Holland, a notary public in and for the County and State aforesaid, personally appeared Thomas Holland to me personally known to be the person who executed the foregoing instrument and acknowledged that he executed the same for the uses and purposes therein set forth.

Witness my hand and official seal, the day and date above written.

Notary Public.

Pierre, South Dakota, April 1 1914

This is to certify that the foregoing location notice was received at this office at 1 o'clock PM, upon the 14 day of April 1914, and after examination it was filed

State Engineer.

Permit No. 1912-2Upper 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 Robert & Mark Tubbs of Edgemont, S.D. holder of Permit No. 1912-2, bearing the priority of March 14 1914 authorizing the diversion of 1.9 cu. ft. per second of the waters of dry draw 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: Small dam in dry draw spreads water around the ends onto the lowlands.
- B. Works used to transport water to place of use: short small ditch on one side of dam. Nothing on the other side.
- C. Works used to apply water to beneficial use: Nothing. Water floods across the lowlands.

The system is in the following condition FairThe point of diversion is located N 55° E 2110' from the SW corner of section 30, T7S, R1EThe works are capable of diverting and conveying to the place of use 6 cfscu. ft. per second of water which is to be used for irrigation - water spreadingWater has been put to beneficial use to the maximum extent as follows: SW & NW - 38 acres, SE & NW - 34 acres, NW & SW - 24 acres, NE & SW - 36 acres, and SE & SW - 2 acres all in section 30, T7S, R1E.comprising a total of 134 acres of land and the license should be issued for 1.9 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date June 20, 1984

Delwin D. Boring, P.E.
(signature) Hydrologist



No. 1912-2

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
(605) 773-3352

January 3, 1985

Robert & Mark Tubbs
Box 563
Edgemont, South Dakota 57735

Dear Sirs:

Enclosed herewith are your Vested Right Permit, Water License No. 1912-2.
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,

A handwritten signature in black ink that reads "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

enclosures

The applicable portions of Location Notice No. 522-2 have been incorporated
into this Vested Right No. 1912-2 and the abandoned portions of Location
Notice No. 522-2 have been cancelled.

RECEIPT

Division of Water Rights

No 4 9826

South Dakota Department of Water and Natural Resources

Pierre, November 19, 1986

RECEIVED OF Robert D. Tubbs, Box 563, Edgemont, SD 57735

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 _____	8	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	2	50
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	10 50

By John Hatch
Chief Engineer

JOHN HATCH/ins



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 23, 1990

1813-2

1814-2

1912-2

NOTICE

TO: Robert/Mark Tubbs
BOX 563
EDGEMONT, SD 57735

FROM: *for Delvin D. Brosz*
JOHN HATCH, CHIEF ENGINEER
Water Rights Division
(605)773-3352

SUBJECT: Low Water Levels in Angostura Reservoir

The water level in Angostura Reservoir on March 6, 1990 was at 3171.1 feet above mean sea level (msl). This is approximately 16 feet below the full elevation of 3187.2 msl. The present estimates are that the Angostura Irrigation District will be able to deliver less than 50% of full service water to project lands during the 1990 irrigation season. We are contacting you to advise you of the actions we have taken due to the low water situation in Angostura Reservoir. Junior Water Right owners above Angostura have been ordered not to use water until Angostura fills.

Since your Water Right Nos. 1813-2, 1814-2 and 1912-2 have priority dates that are senior to the April 11, 1941 priority for Angostura Irrigation Water Right No. 579-2, your permits are not directly affected by the Junior Priority Order. However, I am requesting that all Senior Water Right holders comply with any qualifications and limitations as stated on their water right. With the existing low runoff conditions, we expect to monitor all water rights above Angostura Reservoir.

I want to thank all Water Right Holders above Angostura for the cooperation that we have received up to this time. If you have any questions, please contact Del Brosz (605 773-3352).



JUL 1 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Robert & Mark Tubbs
Box 563
Edgemont SD 57735

Dear Sirs:

The Water Management Board has validated the enclosed Vested Water Right No. 1912-2. 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,

A handwritten signature in cursive script, appearing to read "John Hatch".

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

enclosure

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1912-2 FOR IRRIGATION

Date of Receipt of Claim October 11, 1984.

Date of Validation May 6, 1992.

The Water Management Board validated Vested Water Right Claim No. 1912-2 for irrigation purposes for Robert & Mark Tubbs, Box 563, Edgemont SD 57735 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1912-2 appropriates 1.9 cubic feet of water per second from a dry draw located in the SE 1/4 SW 1/4 Section 30 to irrigate 134 acres located in the S 1/2 NW 1/4, N 1/2 SW 1/4, SE 1/4 SW 1/4 Section 30; all in T7S-R1E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: January 1 - December 31.
3. The priority date of the Vested Water Right is March 14, 1914.
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 Location Notice No. 522-2 have been incorporated into this Vested Right No. 1912-2 and the abandoned portions of Location Notice No. 522-2 have been cancelled.

WATER MANAGEMENT BOARD

By: _____


Chief Engineer

JUL 1 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources

19
30

Robert & Mark Tubbs
Edgemont, S.D.

County Road

Fall River County
Section 30, T7S, R1E

Approximate
Scale: 1" = 660'



SW⁴ NW⁴
38 acres

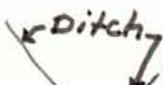
SE⁴ NW⁴
34 acres

NW⁴ SW⁴
24 acres

NE⁴ SW⁴
36 acres

SE⁴ SW⁴
2 acres

N55°E 2110'



Map Prepared By:
Delvin H. Burg, P.E.
Hydrologist
Division of Water
Rights

31

A/M # 1912-2