

Considered: _____

WATER PERMIT NO. 1919-2

MAP No. same

Name of Applicant Uivian Rhoades

Post Office Address RT. 1, Box 32 Buffalo Gap S.D.

Amount of Water Claimed 0.2 cfs Total Acres 13.5

Source of Water Supply Beaver Creek

Water to be used for IRR County Custer

About _____ miles _____ of _____.

PROOF OF PUBLICATION: Received N/A Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received _____ Fee _____ Remarks _____

Corrected Application Received _____ Period of Annual Use _____

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

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

Diversion Point SE⁴ SE⁴ sec. 29 T6SR7E

Land to be Irrigated SW⁴ SW⁴ sec. 33 T6SR7E

	33				

Well Log: Driller _____ Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map Drawn PREPARED BY Del Brosz Reviewed and the Number

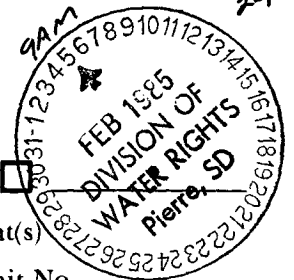
assigned on 2-22-85 By RC Larson

No. <u>1919-2</u>	Hydrologic Unit <u>10120109</u>
Map No. <u>same</u>	Basin <u>Upper Cheyenne</u>
Newspaper _____	

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 Vivian Rhoades Phone No. _____
- Post Office Address Route #1, Box 32, Buffalo Gap, South Dakota State 57722
(Street, RR or Box) Zip Code
2. Amount of water claimed (c.f.s.) 0.2 Total acres irrigated 13.5
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 Custer
6. Annual period during which water is to be used April 1 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.
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33, T6S, R7E	13.5

Land Description	No. Acres Irr.

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. The main canal moves the water from Beaver Creek to the edge of the field. Water is released from the main canal to a lateral canal. Siphon tubes take the water from the laterals and discharge to field furrows. In accordance with an agreement with other water right holders this water right uses the water from this diversion point on the 31st day of 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 Custer)^{ss}

I, Vivian Rhoades 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 X Vivian Rhoades

Subscribed and sworn to before me this 1 day of Feb 19 85

[Signature]

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1919-2
Vivian Rhoades (Applicant) RR#1 Box 32, Buffalo Gap (Post Office Address)
South Dakota (State) 57722 (Zip Code) With the following qualifications.

See VR-1

Applicable portions of Water Right Filing No. 032-2 have been incorporated into Vested Right No. 1919-2 and the abandoned portions of Water Right Filing No. 032-2 are 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. 1919-2

Vivian Rhoades
(applicant)

RR #1 Box 32, Buffalo Gap
(post office address)

South Dakota 57722
(state) (zip code)

Date of receipt of Application February 5, 1985.

Recognized March 6, 1985.

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.
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 _____

0.2 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 H. Hatcher
(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

DEC 20 1985

, 19 .

Affidavit of Water Use

No. _____

(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) Vivian Rhoades

Post Office Address Route #1, Box 32 Buffalo Gap, South Dakota 57722
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation November 22, 1881 Date of Posting _____

Date of recording November 22, 1881 Recording date Custer County 4 153
Where Book Page

B. Date of start of construction of water supply system 1881

C. Date that water was first applied to beneficial use 1882

D. Name of owner of original water supply system A. D. Bond

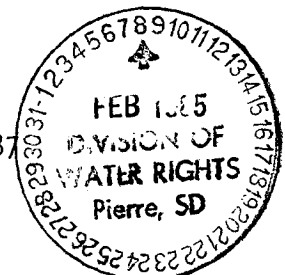
E. Amount of water originally applied to beneficial use 8 cfs

F. Present Use of Water - Amount of water now being used 0.2 cfs

Date that this water was first used 1881

G. Chronological History of Water Use

The Water Right was filed by A.D. Bond in 1881
The Water Right was transferred to W. A. Brooks in 1887
The Water Right was transferred to Joseph & Anna Brunschmid in 1887
The Water Right was transferred to Charles Busteed in 1906
The Water Right was transferred to Gertrude Halley in 1927
The Water Right was transferred to Vivian Rhoades in the 1960's



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 Custer)
SS

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

Signed X Vivian Rhoades

Subscribed and sworn to before me Feb 7, 1985

[Signature]
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.

(Print name) 19____

(Print name) 19____

State of South Dakota

VESTED RIGHT Water License No. 1919-2

(1) Vivian Rhoades
of RR#1, Box 32, Buffalo Gap, South Dakota
made Application No. 1919-2, February 5, 1985 for recognition of/a Vested Right
0.2 cubic feet per second of water from Beaver Creek
Custer County, South Dakota for irrigation purposes.
Vested Right
Permit No. 1919-2, with a priority date of November 22, 1881
/recognized March 6, 1985 and issued to applicant(s) for diversion of water/recognizing
was approved 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

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 0.2 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is N54°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:

SW¹/₄SW¹/₄ Section 33, T6S, R7E 13.5 Acres (CC)

(4) Pursuant to §46-5-30.1 Vivian Rhoades
of RR#1, Box 32, Buffalo Gap, South Dakota 57722
the holder(s) and/or owner(s) of Vested Right ~~Water Permit~~ No. 1919-2 is issued a license to appropriate water, the right to use
0.2 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. 1919-2 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. 1919-2Upper 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 Vivian Rhoades of Buffalo Gap, S.D. holder of Permit No. 1919-2, bearing the priority of November 22, 1881 authorizing the diversion of 0.2 cu. ft. per second of the waters of Beaver Creek for irrigation purposes, in Custer 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 flow bypass thru the opening is controlled with wooden planks. Dike diverts the water to a 24" gated culch 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: pipe outlets in the main canal release water to a lateral canal. Siphon tubes take the water from the lateral to field furrows

The system is in the following condition Fair

The point of diversion is located N 54° W 1200 ft from the SE corner of Section 29, T6S, R7E

The works are capable of diverting and conveying to the place of use 5

cu. ft. per second of water which is to be used for irrigation during the 31st day of each month. Agreement with other water right holders.

Water has been put to beneficial use to the maximum extent as follows: SW & SW 4 Sec 33, T6S,

R7E - 13.5 acres

comprising a total of 13.5 acres of land and the license should be issued for 0.2 cfs

Applicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date June 18, 1984

Delvin D. Burg, P.E.
(signature)

RECEIPT

Division of Water Rights

No 4 9929

South Dakota Department of Water and Natural Resources

Pierre, February 8, 1985

RECEIVED OF Vivian Rhoades, Route #1, Box 32, Buffalo Gap, SD 57722

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

Fee for Application for Permit No. 1991-2 1919-2 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. 1991-2 1919-2	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

Water Right

022-2

I the undersigned claim 400 min ers inches of water on Beaver Creek Custer Co. D.T. about one mile below Bolands 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 recrd at 10.30 A.M.
Nov. 22, 1881 and recorded on page 153 Book 4 Locations.

E.H. Flynn
Regis ter of Deeds

SEAL OF THE COUNTY OF CUSTER
I hereby certify that the foregoing is
a copy of an instrument recorded in Book 4
page 153 of the register of Deeds
C. D. 1881 that the above is a true copy of the
original. In witness whereof I have hereunto
set my hand and affixed my official seal
this 1 day of Aug 1886
Henry & Co.

Deputy Reg
Bond, C. D.

WATER RIGHTS DIVISION
(605) 773-3952

July 26, 1984

Vivian Rhoades
Route #1, Box 32
Buffalo Gap, South Dakota 57722

Dear Mrs. Rhoades:

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.

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

Sincerely,

Delvin D. Brosz, P.E.
Hydrologist

DDB:ms
Enc.

WATER RIGHTS DIVISION
(605) 773-3352

January 15, 1985

Vivian Rhoades
Route #1, Box 32
Buffalo Gap, South Dakota 57722

Dear Mrs. Rhoades:

In July, 1984, I forwarded the necessary forms to modernize your Water Right for using water from Beaver Creek. The forms have not been returned and you have not contacted us if there is a problem.

The Division of Water Rights would like to know what your plans are relative to this Water Right. If there is a problem or if we can answer any questions, please contact us. Several Irrigators along Beaver Creek have completed this process. Filing of the forms will establish an up-to-date record of your Water Rights.

Sincerely,

Delvin D. Brosz, P.E.
Hydrologist

DDB:ms

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



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

February 5, 1985

Vivian Rhoades
Route #1, Box 32
Buffalo Gap, South Dakota 57722

Dear Mrs. Rhoades:

This will acknowledge receipt of your application for permit to appropriate water.

I am enclosing another copy of Affidavit of Water Use, which must be signed before a notary and returned with the \$10.50 fee for filing and Water License, as explained in my letter of July, 1984. Upon receipt of the above information we can process your application.

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

Sincerely,

Delvin D. Brosz, P.E.
Hydrologist

DDB:ms
Enc.

I don't feel this is fair for only 13 1/2 acres -





No. 1919-2

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
(605) 773-3352

DEC 20 1985

Vivian Rhoades
Rt. 1, Box 32
Buffalo, South Dakota 57722

Dear Mrs. Rhoades:

Enclosed herewith are your Vested Right Permit, Water License No. 1919-2.
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

Applicable portions of Water Right Filing No. 032-2 have been incorporated
into Vested Right No. 1919-2 and the abandoned portions of Water Right
Filing No. 032-2 are cancelled.



Department of Water & Natural Resources

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

1919-2

July 14, 1988

Paul Fugier
RR #1 Box 104
Buffalo Gap, SD 57722

Dear Mr. Fugier:

Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Vested Water Right Claim No 1919-2. Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50. No. 1919-2 will then be transferred to your name.

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

If you have any questions, please contact us.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



NOTICE OF TRANSFER OF WATER RIGHT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 7-19-88

This is to notify you that the title to the lands described as follows:

13.5 acres - SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, T6S, R7E

formerly owned by Vivian Rhoades

has been transferred to Paul E. Fugier, RR1 Box 104 Buffalo, S.D. 57722
(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1919-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of Custer) ss.

I, Paul E. Fugier 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 I know of my own personal knowledge that the information herein stated is true.

Paul E. Fugier
(Signed)

Subscribed and sworn to before me this 19 Day of July, 1988.

Joann Phillips
(Notary Public)

expires 11-21-93

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411324

Pierre, July 20, 1988

RECEIVED OF Paul or Carol Fugler, RR 1, Box 104, 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 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 <u>Permit No. 1919-2</u>	2	50
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

By John Hatch
Chief Engineer

JOHN HATCH

MS

SOUTH Dakota Department of
Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division

Phone (605) 773-3352

July 22, 1988

Paul or Carol Fugler
RR 1, Box 194
Buffalo Gap, South Dakota 57722

Dear Mr. & Mrs. Fugler:

Enclosed is receipt No. 411324 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 1919-2.

Our records now show you as the owner of this Water Right.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 29 1992

Paul or Carol Fugier
RR 1, Box 104
Buffalo Gap SD 57722

Dear Mr. & Mrs. Fugier:

The Water Management Board has validated the enclosed Vested Water Right No. 1919-2. 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

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1919-2 FOR IRRIGATION

Date of Receipt of Claim February 5, 1985.

Date of Validation May 6, 1992.

The Water Management Board validated Vested Water Right Claim No. 1919-2 for irrigation purposes for Paul or Carol Fugier, RR 1, Box 104, Buffalo Gap SD 57722 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1919-2 appropriates 0.2 cubic feet of water per second from Beaver Creek with the point of diversion located in the SE 1/4 SE 1/4 Section 29-T6S-R7E to irrigate 13.5 acres located in the SW 1/4 SW 1/4 Section 33-T6S-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

Applicable portions of Water Right Filing No. 032-2 have been incorporated into Vested Right No. 1919-2 and the abandoned portions of Water Right Filing No. 032-2 are 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
www.state.sd.us/denr

August 4, 2000

No. 1919-2

Shawn Fugier
HC 56 Box 103
Buffalo Gap SD 57720

Dear Mr. Fugier:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 1919-2. The water right is currently listed in the name of Paul or Carol Fugier.

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

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

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 1919-2

Date: 8-14-00

I/We request that Water Right No. 1919-2

formerly owned by: Paul or Carol Fugier, Buffalo Gap SD

be transferred to: (name & address) Shawn Fugier, HC 56, Box 103, Buffalo Gap SD ~~57720~~ 57722

Telephone No. 605-833-2780

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

13.5 acres - SW 1/4 SW 1/4 Sec 33-T6S-R7E

I/We understand that the validity of Water Right No. 1919-2 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 Custer)

I/We Shawn Fugier 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.

Shawn A. Fugier
(Signed)

Subscribed and sworn to before me this 14th day of August, 2000.

Jane Sieg 4-28-2005
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 416603

Pierre, August 16, 2000

RECEIVED OF Shawn Fugier, HC 56 Box 103, 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 _____

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 1919-2

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By

Marla and Erbele

Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

August 17, 2000

1919-2

Shawn Fugier
HC 56 Box 103
Buffalo Gap, SD 57722

Dear Mr. Fugier:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for changing ownership of Vested Water Right No. 1919-2. The transfer has been completed and the vested right is now listed in your name.

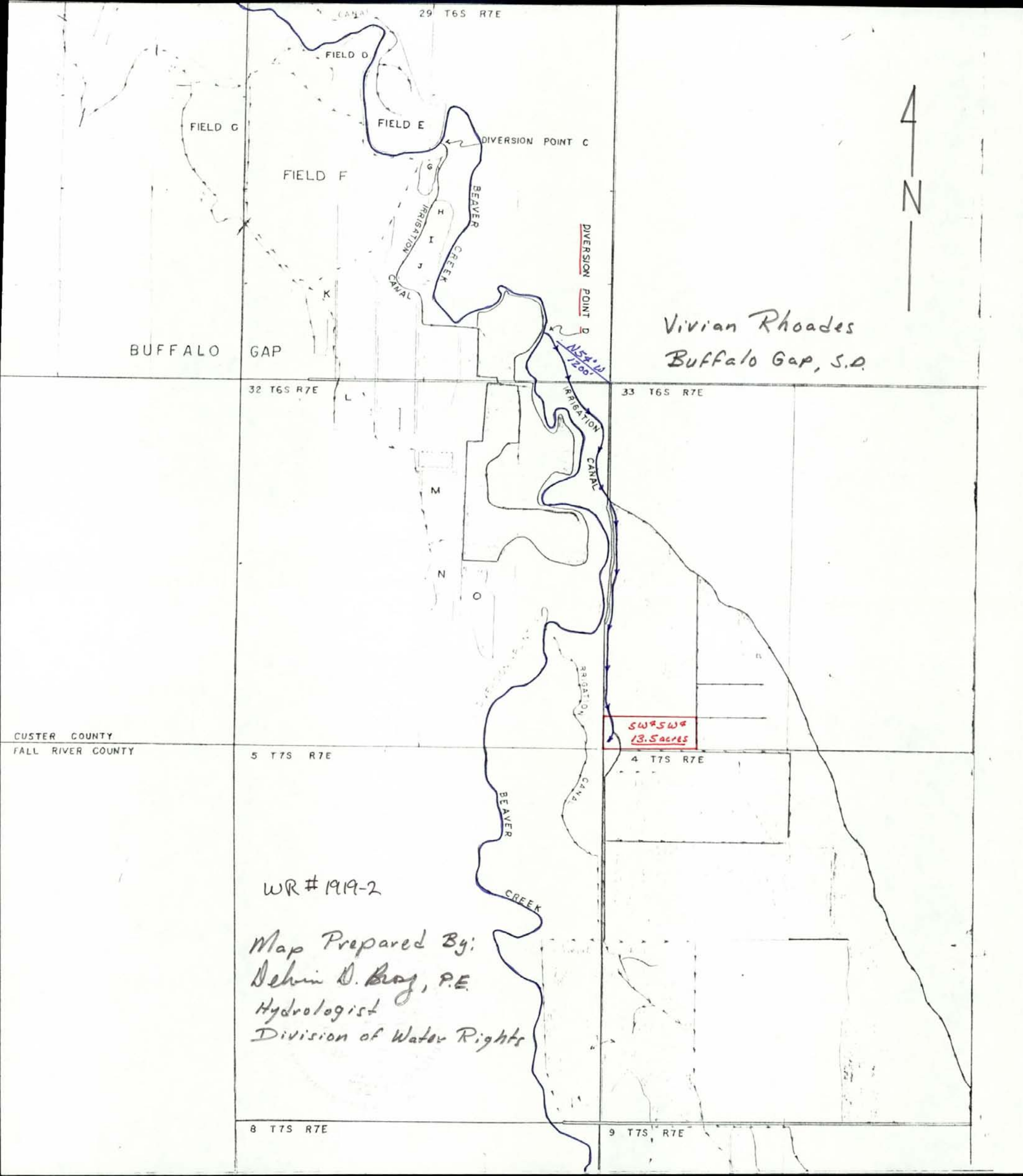
Enclosed is your Receipt No. 416603 in the amount of \$2.50. You may keep this for your records.

If I can answer any questions for you, please get in touch with me.

Sincerely,

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

enclosure



Vivian Rhoades
Buffalo Gap, S.D.

BUFFALO GAP

32 T6S R7E

33 T6S R7E

CUSTER COUNTY
FALL RIVER COUNTY

5 T7S R7E

4 T7S R7E

8 T7S R7E

9 T7S R7E

WR # 1919-2
Map Prepared By:
Delvin D. Bray, P.E.
Hydrologist
Division of Water Rights

SW 1/4 SW 1/4
13.5 acres