

QUIT CLAIM DEED

Larry Ruland and Lenora Ruland, husband and wife, of 19580 239th Street, Wall, South Dakota 57790, Grantors, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, convey and quitclaim to James A. Bloom and Margaret B. Bloom, husband and wife, of 2946 Country Club Drive, Rapid City, South Dakota 57702, Grantees, as joint tenants with right of survivorship and not as tenants in common, the following described real estate located in Pennington County, South Dakota:

Township One South (T1S), Range Sixteen East (R16E):

Section 25: SW $\frac{1}{4}$

Section 36: W $\frac{1}{2}$

Township One South (T1S), Range Seventeen East (R17E):

Section 5: W $\frac{1}{2}$ of Lot 2, Lots 3 and 4, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, and S $\frac{1}{2}$ NW $\frac{1}{4}$ less right of way

Section 7: N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$

Section 8: NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$

Section 18: NW $\frac{1}{4}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$

Section 19: W $\frac{1}{2}$

Section 30: NW $\frac{1}{4}$, less right of way



Exempt from transfer fee per SDCL 43-4-11 (7).

Subject to easements and reservations of record.

Dated this 18th day of July, 1996.

☐ TRANSFER FEE PAID \$
☒ EXEMPT FROM TRANSFER FEE



DOC NO. 10512
BOOK 63 PAGE 8870
5th Deed

96 JUL 23 PM 3:30

PENNINGTON COUNTY
REGISTER OF DEEDS

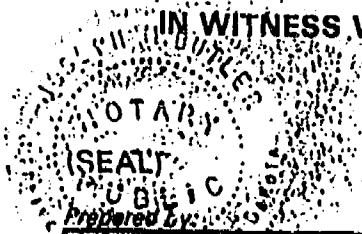
Larry Ruland
Larry Ruland

Lenora Ruland
Lenora Ruland

STATE OF SOUTH DAKOTA)
COUNTY OF PENNINGTON) SS

On this the 18th day of July, 1996, before me the undersigned officer, personally appeared Larry Ruland and Lenora Ruland, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal



James A. Bloom
Notary Public
My Commission Expires: April 1, 1998



NOTICE OF TRANSFER OF OWNERSHIP

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



No. 460-2

Date: 6-5-98

I We request that Vested Water Right No. 460-2

formerly owned by: Willard W. Bloom

be transferred to (name & address) Jim & Maggie Bloom

4370 E. 53rd St Rapid City SD 57703 Telephone No 605 393 8742

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

T1S 17E Sec 7 NE 1/4 SE 1/4 39.1 acres T1S 17E Sec 8 all
T1S 17E Sec 18 all

I We understand that the validity of Vested Water Right No. 460-2 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 Pennington)

I We Jim Bloom 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.

Jim Bloom
(Signed)

Subscribed and sworn to before me this 11 day of June, 1998.

David Byrd
(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.

total acres 145.7

MEMO

from
Dr. Jim Bloom

6-24-98

Jimmy
this is the check
I forgot to send.
thank you.
Jim Bloom



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 115812

Pierre,

June 29, 19 98

RECEIVED OF James A. Elcom, 4370 E. 53rd St., Rapid City, SD 57701
the following amount in fees for services rendered as provided for by law:

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

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

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

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

Fee for Filing Transfer Form Vested Water Right No. 460-2

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By

Chief Engineer

John Hatch

460-2
460A-2
460B-2

WATER RIGHTS PROGRAM FILE DOCUMENTATION

NAME OF PERSON OR FILE: Lenora Ruland

ADDRESS: 19580 239th St, Wall, SD 57790 COUNTY: Pennington

DATE: July 23, 1998 TELEPHONE: 605 386-2164

RE: transfer and division of 460-2 -- ownership of land

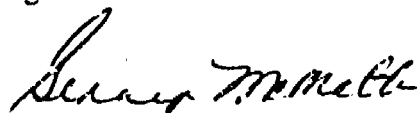
COMMENTS:

Vested Water Right No. 460-2 is being divided and reissued as No. 460A-2 and 460B-2 to reflect separate ownership. The original license described diversion of 3.85 cfs from the South Fork of Cottonwood Creek to irrigate 270 acres in portions of Section 13, T1S, R16E and Sections 7, 8, & 18, T1S, R17E.

Jim Bloom completed a transfer of ownership on June 16, 1998 for 145.7 acres. On July 22, 1998 Lenora & Larry Ruland filed a transfer for 122.9 acres. A small 1.4 acre portion in the SE ¼ SE ¼ Section 7, T1S, R17E was not included with either of the transfers. On July 23, 1998, I contacted Mrs. Ruland concerning the acreage and she indicated that whole quarter is owned by someone else and should not be included in their license. It was my understanding from our conversation that the 1.4 acres is not irrigated.

CONCLUSION:

The 1.4 acres in the SE ¼ SE ¼ Section 7 will be deleted from the area described in Vested Water Right Nos. 460A-2 and 460B-2. A water spreading type system is utilized and the 1.4 acres may or may not receive water. Omission of the acreage from the licenses does not prohibit the water rights holders from utilizing the system as it was constructed, nor does it adversely impair their water rights.



Genny McMath
Environmental Scientist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SEP 8 1998

460A-2
460B-2

Jim or Maggie Bloom
4370 E 53rd St
Rapid City, SD 57703

Lenora J or Larry Ruland
19580 239th St
Wall, SD 57790

Dear Mr. & Mrs. Bloom and Mr. & Mrs. Ruland:

The transfer of Vested Water Right No. 460-2 into your names has been completed. The vested water right was divided and reissued to reflect separate ownership as follows:

- Vested Water Right No. 460A-2, Jim and/or Maggie Bloom – authorizing diversion of 2.08 cfs from the South Fork of Cottonwood Creek to irrigate 145.7 acres in Section 7, Section 8 and Section 18, T1S, R17E;
- Vested Water Right No. 460B-2, Lenora J or Larry Ruland – authorizing diversion of 1.77 cfs from the South Fork of Cottonwood Creek to irrigate 122.9 acres in Section 13, T1S, R16E and Section 7, T1S, R17E.

Enclosed are your respective vested water right licenses and receipts for the filing fees you paid. The original vested water contained an error in the legal description of the acreage. The validation was reissued to correct the error. A copy is enclosed for your records.

As long as you use the water beneficially as stated in the water licenses, South Dakota water law provides that you have a continuing right to the use of the water.

If you have any questions concerning the enclosed materials, please get in touch with us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA
REISSUED VESTED RIGHT WATER LICENSE NO. 460A-2
DIVISION OF NO. 460-2 INTO NO. 460A-2 AND 460B-2

(1) Vested Water Right No. 460-2 for Willard Bloom, Wall, SD, with a priority date of January 1, 1900 was validated December 2, 1992. The validation and subsequent water license authorized appropriation of 3.85 cubic feet of water per second (cfs) from the South Fork of Cottonwood Creek, Pennington County, South Dakota, for irrigation purposes. Construction of the described water supply system and application of water to beneficial use was completed and complied with applicable provisions of South Dakota State Law.

On June 16 and July 22, 1998, ownership changes were filed transferring the land described in No. 460-2 to two new owners. Vested Water Right No. 460-2 is being divided and reissued to reflect separate ownership as follows:

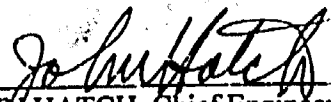
- Vested Water Right No. 460A-2, Jim and/or Maggie Bloom – authorizing diversion of 2.08 cfs from the South Fork of Cottonwood Creek to irrigate 145.7 acres in Section 7, Section 8 and Section 18, T1S, R17E (more fully described in license);
- Vested Water Right No. 460B-2, Lenora J or Larry Ruland – authorizing diversion of 1.77 cfs from the South Fork of Cottonwood Creek to irrigate 122.9 acres in Section 13, T1S, R16E and Section 7, T1S, R17E (more fully described in license).

(2) The vested right owners are entitled to divert 2.08 cubic feet of water per second for beneficial use. The location of the diversion point is: between points in the SW ¼ NW ¼ Section 7, T1S, R17E and the NW ¼ SW ¼ Section 13, T1S, R16E.

The location of the irrigated acreage is:

Section 7, T1S, R17E		Section 8, T1S, R17E		Section 18, T1S, R17E	
NE ¼ SE ¼	39.1 acres	SW ¼ NW ¼	11.2 acres	NW ¼ NW ¼	0.8 acres
		SE ¼ NW ¼	29.0 acres	NE ¼ NW ¼	3.4 acres
		NW ¼ SW ¼	24.0 acres	SW ¼ NW ¼	10.0 acres
		NE ¼ SW ¼	16.2 acres	NW ¼ NE ¼	2.0 acres
Total - 145.7 acres					

(3) Pursuant to Section 46-5-30.1 Jim and/or Maggie Bloom, 4370 E 53rd St, Rapid City, SD 57703 the holders and/or owners of Vested Water Right No. 460A-2 are issued a license to appropriate 2.08 cubic feet of water per second from the South Fork of Cottonwood Creek with a priority date of January 1, 1900 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 460-2 and subject to South Dakota State Law.


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

SEP 8 1998

date





460A-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

July 6, 2011

Jim Bloom
4370 E 53rd Street
Rapid City SD 57703

Dear Mr. Bloom:

Last week you called the Water Rights Program regarding the dam along the interstate southeast of Wall and its potential impact to your downstream water right. You hold Vested Water Right No. 460A-2 appropriating water from the South Fork of Cottonwood Creek for irrigation. At the time of our phone conversation, I wasn't able to get a good handle on the location of the dam in question. Since that time, I have found information on the dam and reviewed its history regarding concerns your father had back in the late 1970's.

The dam in question lies along the section line between Section 14 and 15, T1S, R17E with the impoundment being primarily in Section 15. Back in the late 1970's your father filed a complaint that the dam was depriving him water to satisfy his existing downstream water right. The question whether the state of South Dakota or US Forest Service owned the dam also came up in the discussions. Enclosed is a copy of the location notice filed by the US Forest Service for the dam.

Back in 1978, a meeting between your father and the Forest Service resulted in an agreement on a bypass to insure flow to satisfy the water right. At the time the bypass amount to satisfy the downstream water right was 8.74 cubic feet of water per second (3,922 gpm) which has since been reduced 3.85 cfs (1,728 gpm) during licensing to reflect the level of development. The bypass involved a small retaining wall upstream of the dam to provide the head to divert flow into a diversion channel which routes water to a neighboring drainage to the South Fork of Cottonwood Creek and is available to satisfy your water right. During low flows the water is diverted around the dam and at periods of high flow the concrete wall is overtopped and water is available to maintain water levels in the dam.

I am enclosed a 2010 FSA aerial of Section 15 where the dam is located. Encircled in red the diversion channel for conveying water is visible. I do not know the condition of the concrete wall.

There is to be a mechanism in place to divert enough flow around the dam during periods of low flow to satisfy your downstream water right. I hope this helps address concerns regarding the dam's impact on your water right. If you have any further questions, please do not hesitate to contact me.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

enclosures

