



460B-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 15, 1998

460-2
461-2

Lenora Ruland
19580 239th St
Wail, SD 57790

Dear Mrs. Ruland:

Enclosed, as we discussed, are copies of Vested Water Right Nos. 460-2 and 461-2. Jim Bloom submitted a "Notice of Transfer of Ownership" for a portion of the land described in Vested Water Right No. 460-2. It is my understanding from visiting with him that the remaining land under No. 460-2 and all of the land under No. 461-2, is now owned by you.

I have included partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change. The legal descriptions on the forms match the land described in the vested rights (please see the highlighted areas for specific breakdown on ownership). If I have made an error, please make the correction and adjust the transfer form.

Please complete the area on the forms titled "*be transferred to (name & address)*". Upon completion, please sign the forms in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$5.00).

With regard to Vested Water Right No. 460-2, once we receive your transfer form, the water right will be divided and reissued as 460A-2 and 460B-2 to reflect separate ownership. Vested Water Right No. 461-2 will be transferred in its entirety to you.

If I can answer any questions for you concerning either the vested rights or with filing the ownership changes, please give me a call

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures

4605-3

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 460-2

Date: 7/21/98

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

formerly owned by: Willard Bloom

be transferred to: (name & address) Lenora J or Larry Ruland, 19580 239th St., Wall, SD 57790

Telephone No. 605 386-2164

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

124.3 acres -- S 1/2 NE 1/4, SE 1/4 NW 1/4, N 1/2 SW 1/4, N 1/2 SE 1/4 Sec 13; N 1/2 SW 1/4, SE 1/4 SW 1/4, W 1/2 SE 1/4, SE 1/4 SE 1/4 Sec 7; T1S, R17E
T1S, R161

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 required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

STATE OF SOUTH DAKOTA)

County of Pennington)

I/We Larry and Lenora Ruland 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.

Lenora Ruland
(Signed)

Subscribed and sworn to before me this 21 day of July, 19 98.

Shirley A. Druis
(Notary Public)

CEO Sept 13, 2003

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

NO 415827

Pierre, _____

July 22, 1998

RECEIVED OF Lenora J. or Larry Ruland, 19580 - 239th St., Wall, SD 57790
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. 460-22

Fee for Filing Extension Request _____

Fee for _____

2 50

Total

2 50

(Any Other Work Provided by Law)

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



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and NATURAL RESOURCES

JOE FOSS BUILDING
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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. 460B-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 15 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:

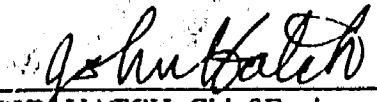
- Vested Water Right No. 460A-2, Jim and/or Maggie Bloom – authorizing diversion of 2.08 cfs from the South Fork of Cottonwood Creek to irrigate 145.7 acres in Section 7, Section 8 and Section 18, T1S, R17E (more fully described in license);
- Vested Water Right No. 460B-2, Lenora J or Larry Ruland – 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 1.77 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 13, T1S, R16E				Section 7, T1S, R17E	
SW ¼ NE ¼	3.0 acres	NW ¼ SW ¼	5.2 acres	NW ¼ SW ¼	9.5 acres
SE ¼ NE ¼	4.8 acres	NE ¼ SW ¼	8.9 acres	NE ¼ SW ¼	22.8 acres
SE ¼ NW ¼	0.5 acres	NW ¼ SE ¼	18.0 acres	SE ¼ SW ¼	1.0 acre
		NE ¼ SE ¼	1.7 acres	NW ¼ SE ¼	25.5 acres
				SW ¼ SE ¼	22.0 acres
Total – 122.9 acres					

(3) Pursuant to Section 46-5-30.1 Lenora J or Larry Ruland, 19580 239th St., Wall, SD 57790 the holders and/or owners of Vested Water Right No. 460B-2 are issued a license to appropriate 1.77 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

