

RECEIVED
AUG 18 1950
STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

No. 493-2

RECEIVED
AUG 4 1950
STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Water: Division No. 2 Bottle Creek District
(blank to be filled by the Engineer for the W. R. C.)

VESTED RIGHTS
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant Leo Rensch and Carl A. Paterson
Postoffice address Harmona, County Custer, State S. Dak.

I. If a corporation

- (a) Name of same _____
(b) Date and place of incorporation _____
(c) Amount of capital stock _____
(d) Amount paid in _____
(e) Names and addresses of directors _____

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)
completed

(b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
(d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work _____
(maximum allowable 1 cubic foot per second for each 70 acres irrigated)

3. Amount of water 1.4 cubic feet per second 1427-2

4. Source of water supply Dry Draw Location Notice & Certificate No. 1472-2

5. Location of point of diversion 1520 feet East, 200 feet North of SW Corner, Section 21, Town-
ship 2 South, Range 10 East, RHM on _____ bank Custer County.

6. Annual period or periods during which water is to be used April through November

7. To be used for:

1. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? gravity

(a) Number of acres to be irrigated 80 acres.

(b) Legal subdivisions to be irrigated SE 1/4 of SW 1/4, Section 21, Township 2 S, Range 10 E

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)
NW 1/4 of NE 1/4, Section 28 & NE 1/4 of NW 1/4 of Section 28

(c) Statement as to domestic use (giving location, etc.) _____

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use stockwater
Name any of the above uses claimed _____

(b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____

8. Estimated cost of work:

(a) Head Gates, \$-----

(b) Pumping plant, \$-----

(c) Fluming, \$-None----- (d) Canal-earth, \$100-----

Rock, \$-----

(e) Other structures: Dam-----\$50.00-----

Total, \$-----

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Dam, flumes and ditches-----

II. Dimensions of works:

(a) Dam: Height 8-----feet; length at bottom 40-----feet; length at top 60-----feet; thickness at bottom 52-----feet; thickness at top 10-----feet; slope at front water face 3 to 1-----; slope at back face 2 to 1-----; material used in construction earth-----

(b) Reservoir: Capacity when filled one-half-----acre feet. Surface area at highwater mark 0.1 1/2-----acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET ACRE-Feet CAPACITY
<u>1 1/2</u>		

None-flood water irrigation mainly

(c) * Head gate: Width-----feet; h-----feet;

Material-----

(d) Canal: Total length 1/3-----miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work completed in 1-----years.

in 1950

11. Time required for complete application of water to the proposed beneficial use completed-----years.

12. Choice of newspaper for publication of notice of intention to appropriate-----

STATE OF SOUTH DAKOTA

County of Guster Pennings } ss.I, Leo Rousch and Carl A. Peterson

, 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, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true. Leo Rousch

Signed Carl A. PetersonSubscribed and sworn to before me this 31stday of July1958C. W. F. Buelix
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

"Vested Right" claimed

The diversion rate limitation of 1 cubic foot per second for each 70 acres irrigated shall not apply to this Dry Draw irrigation diversion during periods of flood flows, when such flows are in excess of the amount of water required to satisfy domestic use requirements and other water rights.

This Permit No. 493-2 will establish a "Vested Right" record for the irrigation project covered by Location Notice No. 1427-2 dated November 29, 1949,

STATE OF SOUTH DAKOTA

County of

Dughees

Pierre, South Dakota,

August 11, 1958

This is to certify that the foregoing application was received by the Commission at 8:15 o'clock

9 m. upon the 4 day of August 1958

State Water Resources Commission

By:

J. O. Brinner

Chief Engineer, Executive Officer

Number of permit

493-2

Date of first receipt of application

August 4, 1958

Date of return to applicant for correction, amendments or changes required as follows:

August 11, 1958

Date of receipt of corrected application

August 18, 1958

Date from which applicant may claim right

November 29, 1949

Approved

August 11, 1958

Recorded in Book

5

Page

19

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before

Completed, 1958

2nd. The whole of said work is to be completed on or before

Completed

1958

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

Completed

1958

4th. The water appropriated shall be used for the purpose of

irrigation

5th. 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 injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed

1.14

cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must 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 Completed, 1958; said water to be used during the following described annual period:

April to November inclusive

Witness my hand this

20

day of

August

1958

State Water Resources Commission

By:

J. O. Brinner

Chief Engineer, Executive Officer

Certificate of Construction issued

August 20, 1958

Water Licence issued

August 20, 1958

Permit No. 493-2Water Division No. 2 Battle Creek Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Leo Rousch and Carl A. Petersonof Hermosa, County of Custer, and State of South Dakota, the holder 8 of Permit No. 493-2 issued upon ApplicationNo. 493-2, bearing date of priority of November 29, 1949, authorizing the diversion of1.14

cu. ft. per second of the waters of

a dry drawCounty of Custer, State of South Dakota, at 1520 feet eastand 200 feet north of the SW Cor., Sec. 21, T 2 S R 10 E.for irrigationpurposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 1.14 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit: 80 acres located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21; NW $\frac{1}{4}$ NE $\frac{1}{4}$ andNE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28 all in T 2 S, R 10 E BHMWitness my hand this 20th day of August A. D. 19 58

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 493-2

WHEREAS, On the 4th day of August A. D. 1958

Leo Rousch and Carl A. Paterson

of Harrison County of Custer and State of South Dakota duly made application (No. 493-2) to us for a Vested Right permit to use 1.14

cubic feet per second of the waters of a dry draw

County of Custer State of South Dakota, for irrigation purposes; and

WHEREAS, On the 20th day of August A. D. 1958

Vested Right

Permit No. 493-2 was issued to said applicant for the diversion of said water, and recognizing ~~and for the~~ completion of the works of diversion therein described on or before the 29th day of

November A. D. 1949 and for the application to beneficial use of said water on or before the 29th day of November A. D. 1949 and,

WHEREAS, On the 4th day of August A. D. 1958

Vested Right

the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.14

cubic feet per second of said waters, as evidenced by our Certificate No. 493-2

dated August 20, 1958 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.14 cubic feet per second of water, with date of priority of November 29, 1949 and,

WHEREAS, On the 4th day of August A. D. 1958

proof was duly made of the application to beneficial use of 1.14 cubic feet per second of said water;

on 80 acres located in the SE $\frac{1}{4}$ Sec. 21; NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 28 all in T 2 S, R 10 E B1M

NOW, THEREFORE, by the virtue of the authority vested in us by the laws of the State of South Dakota,
 We hereby grant and confirm to Len Rousch and Carl A. Paterson Vested Right
 of Harmen, South Dakota the holderA and ownerA of said permit No. 493 2
 a water right, dating from November 29, 1949 to the use of 1.14
 cubic feet per second of the waters of a dry draw
 in the County of Butte and State of South Dakota, or so much thereof as may be
 necessary for the purposes hereinbelow mentioned, to be diverted at 1520 feet east and 200 feet
north of the SW Cor., Sec. 21, T 2 S, R 10 E BHM
 and conducted to and upon the SE 1/4, Sec. 21, NW 1/4, and NE 1/4, Sec. 28,
T 2 S, R 10 E BHM

for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
 this 20th day of August A. D. Nineteen
 Hundred and Fifty-eight

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

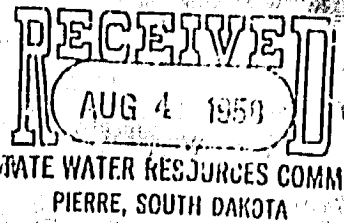
Place of Use _____

Purpose _____

Date of Priority _____

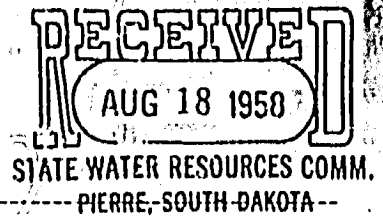
Recorded _____

In Book _____ of _____ Page _____

Location No. 493-2Water Division No. 2Water District Battle Creek

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER



Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Leo Rousch and Carl A. Peterson

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. Posting Nov. 29, 1949. Recording Nov. 29, 1949. State Engineer Rec. 14, 1949

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. A dry Draw in SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 21, Township 2 South, Range 10, East, Black Hills Meridian

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. A dam 8 feet high and 80 long capable of storing $\frac{1}{2}$ acre feet. A ditch 1600 feet long extends from the dam to the lands irrigated. These works were completed and used in 1950.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Irrigation of 80 acres in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 21, Township 2 South, Range 10 East, and a 80 acres in the (other subdivisions if any) NW $\frac{1}{4}$ & NE $\frac{1}{4}$ Section 28 & NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28, Township 2 South Range 10 East B.H.M.

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. stockwater

Ques. 8. What is the minimum amount of water required for the use specified above? 1.4 cfs.

Ans. (maximum allowable is one cubic foot per second for each 70 acres irrigated)

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. Purchased from Mr. Sam Wedmore November 18, 1953, by Mr. Leo Rousch.

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. Water was first used for irrigation in 1950 in a ditch from the dam to the irrigated land. Water has been used each year since that time in a depth of perhaps 2 1/2 feet in the ditch, maximum. Maximum rate of perhaps 1 cubic foot per second.

(Sign) X

Leo Rauch
X Carl A. Pelgram

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Rapid City, County of Pennington, State of South Dakota, on this 31st day of July, A. D. 1958

Witnesses.

H. F. Brady
Notary Public

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No. _____

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

 **Department of
Water & Natural Resources**

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

September 21, 1988

NOTICE

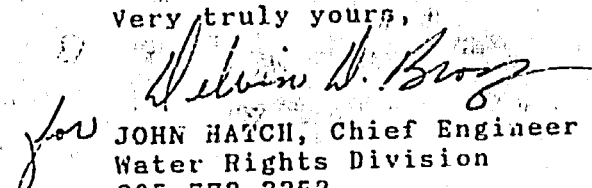
Leo Rausch
Carl Peterson
Hermosa SD 57744

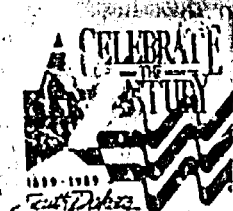
Dear Mr. Rausch & Mr. Peterson:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s) 93-2 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,


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



Water Rights Division - DWR

File No. 493-2

Conversation or File Documentation

NAME OF PERSON OR FILE: Leo Rausch & Carl A. PetersonADDRESS: (Richard Rausch) HCR 89 Box 257 RR-2 Box 38 Hermosa, SD COUNTY CusterDATE: March 15, 1993 TELEPHONE: 255-4270RE: Validation of Vested Right Claim No. 493-2

COMMENTS:

On March 10, 1993, I made an inspection of Vested Right Claim No. 493-2 for validation purposes. The project appeared to be functioning as described on Vested Right Claim No. 493-2, and should be validated for the 80 acres irrigated with a priority date of Location Notice No. 1427-2, filed by Sam Wedmore on November 29, 1949.

The project is now owned by Richard Rausch & Marion D. Maude. A Transfer of Ownership form will need to be filed.

Division Point - 330 ft. North & 15.80 ft. East of the SW corner of Section 21-T2S-R10E (SE 1/4 SW 1/4)

Irrigated Acres - SE 1/4 SW 1/4 Section 21-T2S-R10E - 10 Acres
 NE 1/4 NW 1/4 Section 28-T2S-R10E - 40 } Rausch
 NW 1/4 NE 1/4 Section 28-T2S-R10E - 30 - Maude

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Tim Schaal

NOTICE OF TRANSFER OF OWNERSHIP

No. 493-2

To: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: _____

I, We request that ^{Vested Right Claim} ~~water permit/right~~ No. 493-2

formerly owned by: Leo Rausch & Carl A. Peterson

be transferred to: (name & address) Richard Rausch, HCR 89 Box 257, Hermosa, SD and
Marion D. Maude, HCR 89 Box 259, Hermosa, SD 57744 (telephone No.) 255-4270

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

SE1/4, SW1/4, Section 21-T2S-R10E, NE1/4 NW1/4 and NW1/4 NE1/4 Section 28-T2S-R10E

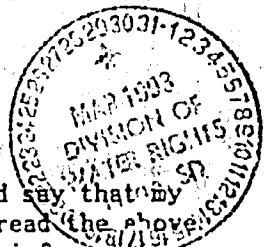
I, We understand that the validity of ^{Vested Right Claim} ~~water permit/right~~ No. 493-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, 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 SDCR 40-2-13.

STATE OF SOUTH DAKOTA)
County of Butte)

I/We Richard Rausch 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 foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.



Richard Rausch
(Signed)

Subscribed and sworn to before me this 13th day of March, 19 93.

[Signature]
(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 water 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

Division of Water Rights

South Dakota Department of Environmental and Natural Resources

493-2
413704

Pierre _____ March 29, 19 93

RECEIVED OF _____, Co. _____, P.O. Box 257, Veranda SD 57744

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 _____ 493-2

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By

Chief Engineer

(Signature)

493-2

SOUTH DAKOTA

VESTED WATER RIGHT NO. 493-2 FOR IRRIGATION

Date of Receipt of Claim August 4, 1958.

Date of Validation May 5, 1993.

The Water Management Board validated Vested Water Right Claim No. 493-2 for irrigation purposes for Richard Rausch, HCR 89, Box 257, Hermosa SD 57744 and Marion D. Maude, HCR 89, Box 259, Hermosa SD 57744 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 493-2 appropriates 1.14 cubic feet of water per second from a dry draw located in the SE 1/4 SW 1/4 Section 21 to irrigate 30 acres located in the SE 1/4 SW 1/4 Section 21 and the NE 1/4 NW 1/4, NW 1/4 NE 1/4 Section 28; all in T2S-R10E.
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 - November 30.
3. The priority date of the Vested Water Right is November 29, 1949.
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.

QUALIFICATIONS

The diversion rate limitation of 1 cubic foot per second for each 70 acres irrigated shall not apply to dry draw irrigation diversion during periods of flood flows, when such flows are in excess of the amount of water required to satisfy domestic use requirements and other water rights.

WATER MANAGEMENT BOARD

By:

John Hatch
John Hatch, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources

JUN 11 1993

date

493-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 11 1993

Richard Rausch
HCR 89, Box 257
Hermosa SD 57744

Dear Mr. Rausch:

The Water Management Board has validated the enclosed Vested Water Right No. 493-2. This validation gives legal status to the claim and is the final document for the vested right. Also, enclosed is the receipt for the \$2.50 paid to transfer the vested right to your names.

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", is written over a horizontal line.

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

enclosures

cc: Marion D. Maude
HCR 89, Box 259
Hermosa SD 57744

493-2

RECEIVED

JAN 29 2021

WATER RIGHTS
PROGRAM

COSTELLO, PORTER, HILL, HEISTERKAMP,
BUSHNELL & CARPENTER, LLP

ATTORNEYS AT LAW

KENNETH L. HEISTERKAMP
GENE R. BUSHNELL
EDWARD C. CARPENTER
DONALD A. PORTER
JOSEPH R. LUX
HEATHER LAMMERS BOGARD[†]
JESS M. PEKARSKI

[†]Also available at Spearfish office
115 N. 7th Street, Suite 3
Spearfish, SD 57783

+ Also admitted in North Dakota

* Also admitted in Wyoming

^Also admitted in Nebraska

200 SECURITY BUILDING
704 ST. JOSEPH STREET
MAILING ADDRESS P. O. BOX 290
RAPID CITY, SD 57709

Telephone: (605) 343-2410

Fax: (605) 343-4262

PHILLIP R. STILES
JONATHAN P. McCOY*
MICHAEL F. STEVE^
KRISTEN E. BASHAM
REECE R. WEBER

± Registered Patent Attorney

J.M. COSTELLO
1923-2007

WILLIAM G. PORTER
1926-2004

January 27, 2021

PMB 2020
DENR-Water Rights Program
523 E. Capitol Avenue
Pierre, SD 57501

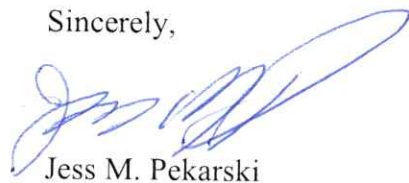
Re: Water Right/Permit No. 493-2
Our File No. 162214

Dear DEMR:

Enclosed please find the executed Notice of Transfer of Ownership to transfer the above water permit to the new owners, Jake D. VanderMay and Sarah M. VanderMay. Also enclosed is our office check in the amount of \$50 as payment for the transfer of ownership.

Thank you for your assistance in this matter and please do not hesitate to contact our office with any questions for concerns.

Sincerely,



Jess M. Pekarski

JMP/rjw

Enclosures

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

RECEIVED

JAN 29 2021

WATER RIGHTS
PROGRAM

PAID

JAN 29 2021

Ck# 079401

Water Right/Permit No. 493-2

Date: January 2021

I/We request that Water Right/Permit No. 493-2 formerly owned by:
Richard Rausch be transferred to:

New Owner Name: Jake D. VanderMay and Sarah M. VanderMayAddress: 26704 Fish Creek RoadCity, State, Zip Long Valley SD 57547 Telephone No. _____

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

Township 2 South, Range 10 East of the Black Hills Meridian, Pennington County, South Dakota:
Section 20: NE1/4SW1/4; PT SE1/4SW1/4; NW1/4SE1/4; PT SW1/4SE1/4; PT SE1/4SE1/4;
Section 21: PT SW1/4SW1/4

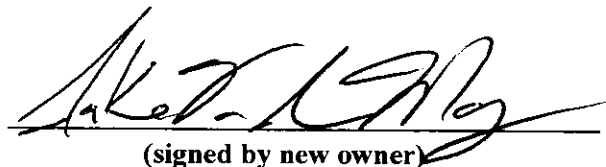
SE1/4SW1/4 of Section 29, Township 2 South, Range 10 East of the Black Hills Meridian County of
Custer, State of South Dakota

☒ I understand that the validity of Water Right/Permit No. 493-2 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, Jake D. VanderMay, 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.

McMath, Genny

From: Reece Weber <rweber@costelloporter.com>
Sent: Thursday, February 4, 2021 9:59 AM
To: McMath, Genny
Subject: [EXT] Permit No. 493-2

Genny, this email is regarding the Rausch to VanderMay transfer of water rights for Permit No. 493-2, as such, we wish to amend the legal descriptions provided in the Notice of Transfer of Water Rights. The land that should be in the Transfer is legally described as follows:

Township 2 South, Range 10 East of the Black Hills Meridian, Custer County, South Dakota:

Section 20: SE1/4SW1/4; S1/2SE1/4

Section 21: SW1/4SW1/4

Section 28: NW1/4; W1/2SW1/4

Section 29: E1/2; E1/2W1/2

Township 2 South, Range 10 East of the Black Hills Meridian, Pennington County, South Dakota:

Section 20: NE1/4SW1/4; PT SE1/4SW1/4; NW1/4SE1/4; PT SW1/4SE1/4; PT SE1/4SE1/4

Section 21: PT SW1/4SW1/4

The rest of the land regarding that permit is owned by third parties. Thank you very much and if you should have any questions please let me know. Thank you.



ATTORNEYS AT LAW SINCE 1889

Reece R. Weber

704 St. Joseph St. | P.O. Box 290 | Rapid City, SD 57709-0290

Main: (605) 343-2410 | Fax: (605) 343-4262

rweber@costelloporter.com

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423-2

RECEIPT**WATER RIGHTS PROGRAM**
South Dakota Department of Environment and Natural ResourcesDate January 29, 2021RECEIVED OF Costello Porter Hill Heisterkamp Bushness & Carpenter LLP 704 St. Joseph PO Box 290 Rapid City SD 57709

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 <u>493-2</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$50.00

By Eric Gronlund
Chief Engineer
EG