

1011-1 McLEOD & SMITH RANCHES &
FARMS, INC.

Box NISLAND, S.D. 57162

Box 1011-1

1. Considered MARCH 20, 1971.
2. Name of Applicant MCLEOD & SMITH RANCHES & FARMS, INC.
3. Post Office Address NISLAND
4. Amount of water claimed 8.4 (4.42 AC. FT.)
5. Source of water supply DRY DRAWS (STORAGE)
6. Water to be used for IRRIGATION
Acres to be irrigated 588
7. Water to be diverted and used in BUTTE County
about 15N 5W miles _____ of NISLAND.
8. Proof of Publication Received 1ST
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 1011-1
 Map No. 835-1 Water Division No. 1 BELLE FOURCHE RIVER (District)
 (Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

STATE WATER RIGHTS COMMISSION
 CIRCLE SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable--)

1. Name of Applicant McLeod & Smith Ranches & Farms, Inc.
 Postoffice address Hiland State South Dakota, 57762
 If a corporation show date and place of incorporation August 23, 1966 South Dakota
2. Method of accomplishing work (contract, employment of others, or by direct labor) contract
3. Name of diversion work Smith # 1
4. Amount of water claimed (cubic feet per second) 8.4
5. Source of water supply Farthen Reservoir on Dry Draw
6. Location of point of diversion N 89 18' W 3250' from S. E. Cor. Sec. 20 T 11 N R 4 E
- County Butte
7. Annual period or periods during which water is to be used April through October
8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation and Livestock
9. For irrigation use, Total number of acres to be irrigated 558

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.	Land Description	No. Acres Irr.
S $\frac{1}{2}$ S W $\frac{1}{4}$ Sec. 20 T11N R4E	80	NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 20 T11N R4E	18
SW $\frac{1}{4}$ Sec. 20 T11N R4E	73	E $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 19 T11N R4E	50
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 20 T11N R4E	38	E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 19 T11N R4E	58
SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 20 T11N R4E	8	SW $\frac{1}{4}$ Sec. 28 T11N R4E	196

Attach sheet if more space is needed S $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 20 T11N R4E 60

10. Time required to complete construction of water supply system two (2) years. Additional time required to complete application of water to the proposed beneficial use one (1) years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Daily Post, Belle Fourche, S. D.
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Earth reservoir and pump

B. Works proposed to transport water to place of use.

Temporary pipe line

C. Works proposed to apply water to beneficial use.

SprinklersEstimated Total Cost \$ 50,000.00

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Butte
Ex T. Smith

I, Ex T. Smith the applicant, certify that I have read the foregoing application and 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 Harold Smith (P)Subscribed and sworn to before me this 6th day of March, 1974

Notary Public (or other qualified officer)

My commission expires 26, Sept 1977

WATER RIGHT APPLICATION APPROVAL

WATER RIGHTS COMMISSION

hereby approves Water Right Application No. 1011-1

MCLEOD & SMITH RANCHES & FARMS, INC.
(Applicant)

NEISLAND
(Post Office Address)

SOUTH DAKOTA 57762
(State)

With the following modifications:

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC USE, INCLUDING LIVESTOCK WATERING, MUST BE BY-PASSED.

APPROVAL OF THIS PERMIT AUTHORIZES STORAGE OF 444 ACRES FEET OF WATER ANNUALLY.

Date of first receipt of application MARCH 7 19 74
Date of return to applicant for correction, amendments or changes required --- 19 ---
Date of receipt of corrected application --- 19 ---
Approved MARCH 20 19 74, Recorded in Book 12 Page 343

WATER RIGHT PERMIT NO. 1011-1

WATER RIGHTS COMMISSION

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1011-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is MARCH 7 19 74
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MARCH 20 19 75
3. The whole of said work is to be completed on or before MARCH 20 19 76 79
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 20 19 77 90
5. The water appropriated shall be used for the purpose of IRRIGATION
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 injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 2.67 8.4 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 use served, and if for the irrigation purposes said appropriation must be limited to not more than 3 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 MARCH 20 19 77 80 said water to be used during the following describe 1 annual period: APRIL THRU OCTOBER

Witness my hand this 10TH day of APRIL 19 74

WATER RIGHTS COMMISSION

By

Donald D. Dainoff
Chief Engineer, Executive Officer

Certificate of Construction Issued February 26 19 82

Water License Issued February 26 19 82

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type _____, Diameter _____, Length _____
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property _____ rds. On property owned by others _____ rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

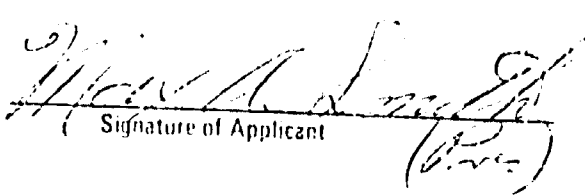
Storage Reservoir Data:

Height: 30 feet

Maximum Water Depth: 25 feet

Surface Area: 63 Acres

Storage Capacity: 444 Ac-Ft.


Signature of Applicant

Permit No. 1011-1

Water Diversion No. 1 Belle Fourche River Water District

10120202

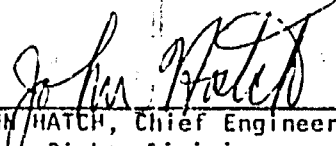
CERTIFICATE OF CONSTRUCTION

This is to Certify, That McLeod and Smith Ranches & Farms, Inc.

the holder S of
Permit No. 1011-1, issued upon Application No. 1011-1, bearing date of priority of March 7, 1974
authorizing the diversion of 6.4 cu. ft. per second of the waters of
a dry draw (Storage Dam) / 444 Ac. Ft. Butte
County of Butte, State of South Dakota at
a point N59°18'W 3250 feet from SE Corner Section 20, T-11N, R-4E
for Irrigation

purposes, has VE 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 2.67 cu. ft. per second of water.

Date February 26, 1982


JOHN HATCH, Chief Engineer
Water Rights Division

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1011-1

(1) WHEREAS, On the 7th day of March A. D. 19 74
McLeod & Smith Ranches and Farms, Inc.

made Water Right Application No. 1011-1 for a permit to use 8.4 cubic feet per second of the waters of a dry draw (storage dam) 444 Ac.Ft.

County of Butte, State of South Dakota, for Irrigation

purposes; and

(2) WHEREAS, On the 20th day of March A. D. 19 74

Permit No. 1011-1, with a date of priority of March 7, 1974

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 20th day of March A. D. 19 79 and for the application to beneficial use of said water on or before the 20th day of March A. D. 19 80

and.

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 2.67 cubic feet per second of water for beneficial use and.

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

To irrigate the following land all in T-11N, R-4E;

Section 19	SE $\frac{1}{4}$ NE $\frac{1}{4}$	8 acres	(AD)
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	26 acres	(DA)
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	13 acres	(DD)
Section 20	SW $\frac{1}{4}$ NW $\frac{1}{4}$	27 acres	(BC)
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	13 acres	(BD)
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40 acres	(CB)
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	36 acres	(CA)
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	36 acres	(CC)
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	21 acres	(CD)
TOTAL -----		220 acres	

(5) 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 McLeod & Smith Ranches and Farms, Inc.

of Nisland

the holder S and owner S of said permit No. 1011-1 a water right, dating from March 7, 1974

to use of 2.67 cubic feet per second of the waters of a dry draw (Storage Dam) 444 Ac.Ft.

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 a point N80°18'W 3250 feet from SE corner, Section 20, T-11N, R-4E

and conducted to and upon portions of Sections 19 and 20 in T-11N, R-4E, more fully described on the Face of this License

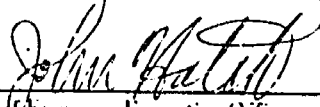
for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 1011-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 26th day of February A. D.
Nineteen Hundred and Eighty-two

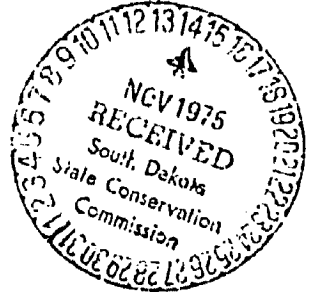
WATER MANAGEMENT BOARD

by:


Chief Engineer, Executive Officer

JOHN HATCH

November 12, 1975



Max A. Smith
McLedd & Smith Ranches & Farms, Inc.
Nisland, SD 57762

Dear Sirs:

You have earlier received the original copy of the report of analysis of the water sample submitted here October 20. I am returning herewith the xerox copy which you sent. This water has moderated amounts of salt in it but is fairly low in sodium. The electrical conductivity of 705 with a sodium/adsorption ratio of 2.32 is not significantly high in either case and you should have no difficulty with chemically-induced changes in the soil as a result of using this water.

However, inasmuch as you are irrigating clay soils which are relatively impermeable in some areas, especially in certain horizons, you should observe the practices of successful irrigators on the claypan soils in the Newell, Nisland and Arpan areas. This, of course, has been the technique of irrigating until the cracks have swelled shut and then ceasing. Normally, there should not be a salt problem unless you are in a seepage area.

I am enclosing a copy of extension circular 654 which may give you some information concerning water management in difficult situations. On the outside back cover of this, the quality of your water is approximately indicated by a red cross.

A copy of this letter, and the WI-1 form, and a copy of the water analysis are being sent to the State Conservation Commission.

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab

LOF:ckb

Enclosures

cc: State Conservation Commission

D. Pahl

Ronald Stee, County Extension Agent

FOR COMMISSION USE ONLY

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: *[Signature]*

Disapproved: _____

Water Quality: _____
Soils Capability: _____
Approved: John J. Lipton
Disapproved: _____

LEGAL DESCRIPTION

1. WELLS LOCATION: N 20 15' W 32.50' from S. E. Cor. Sec. 20 T 11 N R 24E

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): Wet - Electric Driven

4. CROPS TO BE IRRIGATED: Small Grains

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 0-5% - 10%

6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Clayey Soil-

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 75-1009

8. SALINITY: $EC = 705$ (on exam)

9. SODIUM: SAR = 2.32 (low)

I do hereby certify that a chemical analysis of the ground water to be acquired for irrigation from South Dakota State University and: the land capability for irrigation information has been acquired from

and:

that the legal description for the location of the well and land to be irrigated is true and correct.

McLeod & Smith Ranches & Farms, Inc.

By: Max A. Smith
Max A. Smith, Manager

Subscribed and sworn before me this

6th day of November 19 75.

Wanda Schuff
Wanda Schuff

Notary Public

(Title) WANDA SCHUFF,
Notary Public, BUTTE COUNTY, S.D.
Commission Expires NOV. 15, 1976



REPORT OF ANALYSIS
 Water Quality Laboratory
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57006

*Sent Greg + farm
 for information
 it was in report
 10/4/75*

Submitted by: Max L. Smith Date Rec'd: October 20, 1975
 Address: Lotwood Smith Ranches & Farms Sample No. 75-1009
Haslam, SD 57762 Identification Q017
Sec. 20, T. 12N, R. 4E

WATER ANALYSIS

Calcium (Ca)	45	ppm*	2.25	me/l**
Magnesium (Mg)	17	ppm	1.39	me/l
Sodium (Na)	72	ppm	3.13	me/l
Potassium (K)	6	ppm	0.17	me/l
Sulfate (SO ₄)	175	ppm	3.64	me/l
Nitrate (as N)	0.06	ppm	0.00	me/l
Chloride (Cl)	8	ppm	0.21	me/l
Bicarbonate (HCO ₃)	166	ppm	2.72	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	136	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	705	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	2.32			
Sodium	45.10	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	8.00			
Others:				

*ppm=parts per million
 **me/l=milliequivalents per liter
 ***g.p.g.=grains per gallon

COMMENTS: Total cations 6.94 me/l
 Total anions 6.97 me/l

This is considered excellent livestock water.

By: SHIRLEY MICHAEL

Service Performed	Amount Due
Determinations shown above.	\$8.00
	<u>- 6.00 paid</u>
	\$2.00 DUE
Make checks payable to: Water Quality Laboratory	
Cut along dotted line and return the lower portion with payment	

Sample No. 75-1009 Amount Enclosed \$
 Signed _____

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 1011-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Butte) ss.

I, Laurence Weyler hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Daily Post

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

city of Belle Fourche

County of Butte and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

March 14, 1974

March 19, 1974

Laurence Weyler
(Signature)

(Title)

March 19, 1974
(Date Signed)



NOTICE OF INTENT TO AP-
PROPRIATE WATER
Pierre, South Dakota 57501
No. 1011-1

March 11, 1974

Notice is hereby given that
McLeod and Smith Ranches and
Farms, Inc. whose post office
address is Nisland, South Dak-
ota, has made an application in
accordance with the provisions
of the water laws of South Da-
kota for a permit to appropriate
for beneficial use 8.4 cubic feet
of water per second of time
from dry draws through the
Smith #1, the point of diver-
sion which is to be located in
the NW 1/4, SE 1/4 of Section
20, Twp. 11N, Range 4E. Said
water to be used for the pur-
pose of providing irrigation on
portions of the following des-
cribed land:

E1/2 E1/2, Section 19, W1/2,
NE1/4 Section 20; S1/2, Section
28; all in T11N, R4E.

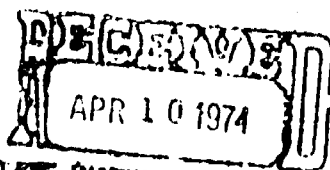
This application No. 1011-1
will be considered by the Water
Rights Commission at their
office at Pierre upon the
20th day of March, 1974 at 2:30
P.M. All interested persons
may appear and be heard.

By:

Burton F. Jones

Water Rights Specialist

21 3/14-19



STATE WATER RIGHTS COM. .
PIERRE, SOUTH DAKOTA

1011-1

Publish first publication, on or before March 14, 19 74

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 11, 19 74

Notice is hereby given that McLeod and Smith Ranches and Farms, Inc.
whose post office address is Nisland, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
8.4 cubic feet of water per second of time from the dry draws through the
Smith & S, the point of diversion of which is to be located in the

NW 1/4 SE 1/4

of Section 20, Twp. 11N, Range 4E. Said water to be used for the purpose
of providing irrigation of ^{portions of} the following described land:

SW 1/4 E 1/2, Section 19, W 1/2, NE 1/4, Section 20; SW 1/4, Section 28; all in T11N, R4E

This application No. 1011-1 will be considered by the Water ~~Resources~~ ^{Rights} Commission at their office at
Pierre upon the _____ day of _____, 19____, at _____. All interested
persons may appear and be heard.

~~WATER RESOURCES COMMISSION~~
WATER RIGHTS COMMISSION

By:

PURTON F. JONES, Water Rights Specialist

BFJ/bx

cc: Allen L. Dittman, Route 67, Box 150, Spearfish, S.D. 57763

APPLICATION FOR EXTENSION OF TIME

TO: Water Rights Commission
Foss Building
Pierre, South Dakota 57501

Date

4 Oct 1977

Dear Sirs:

In Water Right Permit No. 1011-1 it is specified that the water diversion system is to be completed by March 20, 1976 and that the water is to be put to the limit of beneficial use by March 20, 1976.

I hereby request that the date for completing the diversion system be extended to March 20, 1979 and that the date for putting the water to the limit of beneficial use be extended to March 20, 1980.

The extension of time for the completion of these works is requested for the following reasons: Unexpected circumstances pertaining to the
construction of a system in the SW $\frac{1}{4}$ of Section 28, did not allow
for enough time to finish the project on the date allowed in the
original application.

Enclosed herewith is a fee of Two Dollars and Fifty Cents (\$2.50) to pay the cost of filing this request for extension of time.

(Signed)

1011-1
Permit NumberAPPROVED: 12-1-77

WATER RIGHTS COMMISSION

BY: [Signature]

1011-1 McLeod & Son's: Saw-hat & Broom
10-15-77 Wilbur
Waf Smith -
Est. 1000 Bpft 100 ft
120000 (100 ft) 100 ft
+ 60 ft gun
Est. 1000 220 ac. 20
8" line 1000 ft pipe - 1000 + 600 ft
100 ft 1000 ft pipe - 800 ft
1000 ft 1000 ft pipe - 1000 ft
4000 100 ft, 5A 63.10
Down 1000 ft 100 ft
Est 30 ft 100 ft
Bump Records - 100 ft G 103436
Norman Elie 100 ft
From 400 TP/DD 375 218
H 125 - 100 ft 100 ft
70 ft 100 ft 100 ft

7 inches depth full water table.

Valley Cr. made note
Jan 16 1871

1200 gpm @ 70 PSI.

Dam by Elev. 790

Spill over 788

Elev. of dam 68.4

860 ft deep

Permit No. 1011-1Water Division 1 Belle Fourche River Water District
10120202REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD /POSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by McLeod & Smith
Rancher & Farms, Inc. of Nisland, S. Dak. 57762 holder
of Permit No. 1011-1, bearing date of priority of March 7th 1974, 1974
authorizing the diversion of 8.4 cu. ft. per second of the waters of Dry Draw
for Irrigation purposes, in Butte County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water: 75,000 cfs, 25,000 cu yd Dike,
Storage Dam - 1000' long, 30' ft high, 50 surface acres, 244 AF
Motor - Newman Electric, 125 HP at 1775 RPM. Pumps 1200 gpm.
Pump: Peerless Ser # G 105438.

B. Works used to transport water to place of use,

8" dia Pipe - 2475 ft. 150 ft suction pipe

C. Works used to apply water to beneficial use.

Valley CP Model 4071, Ser #46991
Covers 220 Ac.The system is in the following condition. GoodThe point of diversion is located N 58°15'W 3240 ft from SE Cor Sec 20
T11N R4EThe works are capable of diverting and conveying to the place of use 2.67
cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: The following in Sec 19,T11N R4E SE 1/4 NE 1/4 - 9 Ac, NE 1/4 SE 1/4 - 26 Ac, SE 1/4 SE 1/4 - 13 Ac.The following in Sec 20 T11N R4E, SW 1/4 NW 1/4 - 27 Ac.SE 1/4 NW 1/4 - 13 Ac, NW 1/4 SW 1/4 - 40 Ac, NE 1/4 SW 1/4 - 36 Ac,SW 1/4 SW 1/4 - 36 Ac, SE 1/4 SW 1/4 - 21 Ac.comprising a total of 220 acres of land.

1200 - 450 2.67
1100 (2.67)
220 - 70 3.14

Date September 22, 1981
James J. Monaghan
(Signature)

RECEIPT

WATER RIGHTS COMMISSION

No 4 8647

State of South Dakota

PIERRE, January 11, 1982, 1982

RECEIVED OF McLeod & Smith Partnership, c/o Nancy Smith, Highland, SD 57762
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and issuing Cert. of Construction No. 1011-1		
Fee for Inspecting Beneficial Use, and issuing Water License No. 1011-1	50	00
Fee for issuing Location Certificate-Dry Draw. No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By *J. H. Chas.*
Chief Engineer, Executive Officer
JOHN H. CHAS.

R 3 E
R 4 E

T 11 N

18

17

16

19

30

29

198 AC

PROPOSED
IRRIGATION
AREAS

RESERVOIR
CAPACITY
440 AC FT
330 AC

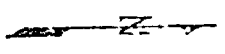
60 AC

SMITH DIVERSION #1

COUNTY ROAD

DRY DRAW

DRY DRAW



I, ALLEN L. SIMMON, a registered professional engineer, do hereby certify that at the request of the property owners, McLeod & Smith, Inc., I have surveyed the tract of land shown on the attached map. I have also located the location of the proposed reservoir and diversion point as shown. In witness whereof, I have hereunto set my hand and seal this day of March, 1972.

ALLEN L. SIMMON, P.E.

STATE OF OREGON

on this day, before me, the undersigned, a Notary Public for the State of Oregon, and for the State and County of Clatsop, Oregon, I have known to be the persons who executed the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

LOCATION MAP

SMITH DIVERSION #1

NW 1/4 SE 1/4 SEC. 20

T 11 N, R 4 E, E 1/2 M.

MAP NE 835-1 APR 26 1972

NOTE: ABOVE LANDS OWNED BY: McLEOD & SMITH RANCHES & FARMS, INC.

19 20

R 4 E

220 Ac. CP

SE 1/4 NE 1/4
8 Ac.

SW 1/4 NW 1/4
27 Ac.

SE 1/4 NW 1/4
13 Ac.

20

T
11
N

NE 1/4 SE 1/4
26 Ac.

NW 1/4 SW 1/4
40 Ac.

NE 1/4 SW 1/4
36 Ac.

SE 1/4 SE 1/4
13 Ac.

SW 1/4 SW 1/4
36 Ac.

SE 1/4 SW 1/4
21 Ac.

19 20

McLeod & Smith
Ranches & Farms Inc

1011-1

Butte County

R3E R4E

T11N

18

U.S. HWY

DRY DRAW

17

COUNTY ROAD

16

19

RESERVOIR
CAPACITY
1440 AC. FT.

3.00 AC. FT.
10" P/C

N.B. 12.1 W
2.852

SMITH DIVERSION '1

220 AC. CP

30

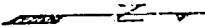
29

198 AC

28

DRY DRAW

PROPOSED
IRRIGATION
AREAS



THIS MAP WAS PREPARED BY THE
BUREAU OF RECLAMATION, U.S. DEPARTMENT OF THE INTERIOR,
WASHINGTON, D.C. 20250, FOR THE
SOUTH PLUM CREEK IRRIGATION PROJECT,
SOUTHERN PLUM CREEK, CALIFORNIA.
IT IS THE PROPERTY OF THE BUREAU OF RECLAMATION AND
IS LOANED TO YOU BY THE BUREAU OF RECLAMATION. IT IS TO BE
USED FOR THE PURPOSES FOR WHICH IT WAS PREPARED AND
IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR
BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING
PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION
STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION
IN WRITING FROM THE BUREAU OF RECLAMATION.

NOTE: ABOVE LANDS OWNED BY: MCLEOD & SMITH
RANCHES & FARMS, INC.

LOCATION MAP

SMITH DIVERSION '1

NW 1/4 SE 1/4 SEC. 20

T11N, R4E, B.H.M.

MAP NE 835-1 APR 25 1961

1011-1

 **Department of
Water & Natural Resources**

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

October 26, 1988

Peggy H. McLeod
411 West Curtis
Bozeman MT 59715

Dear Mrs. McLeod:

I am writing in answer to your letter of October 20, 1988. Enclosed is a partially completed transfer form for Water Right No. 1011-1. Please complete the form, sign it in the presence of a notary and return it to this office with the \$2.50 fee.

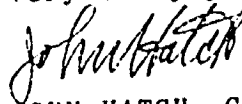
SDCL 45-5-37 states that when any person entitled to the use of appropriated water fails to use beneficially all or any part of such water for the purpose for which it was appropriated, for a period of three years, such unused water shall revert to the public and shall be regarded as unappropriated public water.

Water Management Board rule 74:02:01:37.01 states that legal excuse for nonuse of water, such as unavailability of water to satisfy a permit or right or legal proceedings which prevent the use of water, suspends the period of nonuse specified in SDCL 45-5-37. The high cost of electric power would not be considered legal excuse.

The validity of Water Right No. 1011-1 depends upon the number of years that it has not been used. If the right has been forfeited, a new application would need to be filed if you planned to irrigate in the future.

I have also enclosed a summary of South Dakota Water Law and Water Rights Information.

Very truly yours,



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

enclosure



SPEAR LAZY U RANCH



WILSALL, MONTANA 59086

1011-1

October 20, 1988



South Dakota Dept. of Water and Natural Resources
Joe Foss Building
Water Rights Division
Pierre, SD 57501

Dear Sirs:

Through the dissolution of the McLeod & Smith Partnership, my husband and I have become the owners of the dam covered by water license number 1011-1. This license was just sent to us by our former partners along with information about present adjudication of water rights. Due to the high cost of electric power, there has not been any irrigation in recent years. However, we may wish to irrigate from this dam in the future. We would appreciate information on how to protect this right, or, if it is already lost, how it can be regained in the future if we wish to irrigate.

Thank you.

Peggy H. McLeod

Peggy H. McLeod
411 West. Curtiss
Bozeman, MT 59715

Water Rights Division - DWR

File No. 1011-1

Conversation or File Documentation

NAME OF PERSON OR FILE: Peggy McLeodADDRESS: _____ COUNTY ButteDATE: October 31, 1988 TELEPHONE _____RE: Status of Permit No. 1011-1

COMMENTS:

Peggy McLeod called regarding transfer of Permit No. 1011-1. Ms. McLeod wanted to determine if the transfer was needed due to the system not being used for at least 3 years. I instructed Ms. McLeod to file the transfer for the following reasons:

1. The proper name and address would be on the permit for future correspondence.
2. The storage dam (444 ac-ft capacity) needs to be covered by a water permit regardless of the use -- irrigation or domestic use. No location notice has been filed.
3. The application for Permit No. 1011-1 specified livestock as a use for the water. However, livestock use was not included in the published notice of hearing or in the water license.

I told Ms. McLeod that upon receipt of the transfer form that a decision would be made on what course of action to follow.

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: R. L. Small

4/82

AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR
REPRODUCTIONS. REDUCTION 25:1 ROLL NO. 11-14

DATE MICROFILMED 8-14-00

CAMERA OPERATOR

NO. 1011-1

NOTICE OF TRANSFER OF WATER RIGHTS PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

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

220 acres - SE 1/4 NE 1/4, E 1/2 SE 1/4, Section 19; S 1/2 NW 1/4, SW 1/4,

Section 20; all in T11N, R4E

formerly owned by McLeod & Smith Ranches & Farms, Inc.

has been transferred to BRUCE R & PEGGY H McLEOD ^{411 W. Curtiss, Bozeman, MT 59715}
(please include complete mailing address)

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

Water Right Permit No. 1011-1 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.

Montana)
STATE OF SOUTH DAKOTA)
County of Gallatin) ss.

I, Bruce R McLeod 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.

Bruce R McLeod
(Signed)

Subscribed and sworn to before me this 8th Day of November, 1988.

John M. Henderson
(Notary Public)

NOTARY PUBLIC for the State of Montana
Residing at Bozeman, Montana
My Commission expires August 3, 1990

RECEIPT
Division of Water Rights
South Dakota Department of Water and Natural Resources

Pierre, _____, 19____

RECEIVED OF _____ Bruce R & Penny H. Helgeson, 411 W. Cortlar, Rapidan, MT
the following amount in fees for services rendered as provided for by law: 59715

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>1011-1</u>		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 _____
Chief Engineer JOHN HATCHER

No. 1011-1



Department of Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

Phone (605) 773-3352

November 16, 1988

Bruce R. & Peggy H. McLeod
411 W. Curtiss
Bozeman, Montana 59715

Dear Mr. & Mrs. McLeod:

Enclosed is receipt No. 411488 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 1011-1.

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

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

WNR-821-7/79
Receipt & Notice of filing of Transfer of Water Right

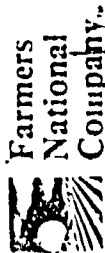
PLEASE FILL OUT AND RETURN
BEFORE DECEMBER 14, 1990

OCTOBER 1990 WATER MANAGEMENT BOARD IRRIGATION QUESTIONNAIRE

1011-1
BRUCE R & PEGGY H HOLDING
411 W CURTISS
BOZEMAN
MT 59715

Telephone No. _____

Type of Power	No. of acres irrigated
1. Electric	_____
2. Gravity	_____
3. Gasoline	_____
4. Nat. Gas pipeline	_____
5. Diesel	_____



Billings Regional Office
Crestside 1, Suite 104
1001 South 24th Street West
Billings, Montana 59102
(406) 656-2133

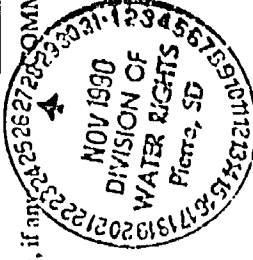
the Nation's Largest Farm and Ranch Management Company
Management ■ Sales ■ Appraisals ■ Insurance ■ Commodity Trading

Butch Bratsky, Regional Vice President
Home Phone 406-652-4050

- 8. Siphons
- 9. Flood
- 10. Other

Other Months

Owner or address change, if any, on 10/25/90



Note: The property is now all dryland. The irrigation system has been sold & there has been no irrigation on the property for quite a few years. All land is now classified as dryland. CB 11-21-90

Complete & return to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

10/11

1011-1

**Water Rights Division -DENR
Conversation or File Documentation**

NAME OF PERSON OR FILE: Butch Bratsky, Vice President, Farmers National Company

ADDRESS: Creekside One, Suite 104, 1001 S 24th Street W, Billings, MT 59102

DATE: July 2, 1993 TELEPHONE: (406) 656-2133

RE: status of irrigation under Water Right No. 1011-1

COMMENTS:

BRIEF HISTORY:

On the past couple's years questionnaire reports, Mr. Bratsky had reported that the land is all dry land farming. The irrigation system has been sold and no irrigation has taken place in quite a few years. Irrigation questionnaires for Water Right No. 1011-1 reflect the last time the land was irrigated was 1983.

TELEPHONE CONVERSATION:

Mr. Bratsky confirmed that no irrigation has taken place since he has been farm manager (6-7 years). He stated Bruce and Peggy McLeod still own the land.

I told Mr. Bratsky that instead of scheduling the water right for cancellation, we would reissue the license for the dam only, and delete any reference to irrigation from it. Due to the size of the dam, a water permit would need to be maintained anyway. He stated this would be fine and felt the McLeod's would agree to this.

He would like a copy of the reissued license sent to him as well as the McLeod's.

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

1011-1

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 1011-1

(1) McLeod & Smith Ranches/Farms, Inc. of Nisland, SD 57762 were issued Water License No. 1011-1, February 26, 1982 for a water right to appropriate 2.67 cubic feet of water per second from a dry draw (444 acre feet storage dam), Butte County, South Dakota for irrigation* purposes. Water License No. 1011-1, with a priority date of March 7, 1974 was issued to the permit holder for diversion of water with construction of the described water supply system completed and with the application of said water for irrigation completed.

Irrigation of the land described in the original license has been abandoned or forfeited. The storage dam still provides water for domestic (livestock watering) purposes. This water license is being reissued to delete the use of stored water for irrigation from No. 1011-1.

Water Right No. 1011-1 was transferred November 15, 1988 to Bruce R and Peggy H McLeod.

(2) It is certified that the water right holder has complied with the provisions of South Dakota State Law and is entitled to store 444 acre feet of water for beneficial use. The location of the storage dam is in the middle of Section 20, T11N, R4E. The spillway is located N89 degrees 18'W 3250 feet from the SE corner of Section 20.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Bruce R and Peggy H McLeod of 411 W Curtiss, Bozeman, MT 59715 the holders and/or owners of Water Right No. 1011-1 are issued a license to appropriate water, the right to store 444 acre feet of water from a dry draw with a priority date of March 7, 1974 from the location specified in (2) of this license. The stored water will provide water for domestic use (livestock watering). This license is subject to any limitations or qualifications listed in Water Permit No. 1011-1 and subject to South Dakota State Law.

AUG 19 1993

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



AUG 10 1993

1011-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

1011-1

Bruce & Peggy McLeod
411 W Curtiss
Bozeman, MT 59715

Butch Bratsky, Vice President
Farmers National Company
Creekside One, Suite 104
1001 S 24th St West
Billings, MT 59102

Dear Mr. & Mrs. McLeod and Mr. Bratsky:

Enclosed is Reissued Water License No. 1011-1. The water license was reissued to specify storage of water for domestic purposes, deleting any reference to irrigation.

The reissuance was based upon irrigation questionnaires submitted by Farmers National Company which indicated the irrigation system has been sold and only dry land farming is being done. Mr. Bratsky indicated in a July 2, 1993, telephone conversation with Genny McMath, of our office, that the storage dam does exist and there is no longer an intent to irrigate from the darn.

If you have any questions concerning the enclosed "Reissued Water License", please contact us.

Very truly yours,

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

enclosure

1011-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

November 27, 1995

1011-1

Kevin Bailey, Attorney
618 State Street
Belle Fourche, SD 57717

Dear Mr. Bailey:

Enclosed, as you requested, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change on Water Right No. 1011-1. The water right is currently listed in the name of Bruce R and Peggy H McLeod.

Please review the form for accuracy. The form will need to be completed and then signed in the presence of a notary by the "new" owner (or his/her representative). Once completed, please return the transfer form to our office with a required filing fee of \$2.50.

If you have any questions concerning the water right or filing of the transfer form, please contact me.

Sincerely,

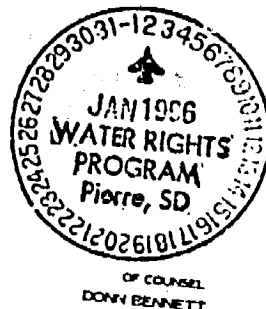
Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosure

MAX MAIN
JOHN R. FREDERICKSON
KEVIN S. BAILEY

LAW OFFICES OF
BENNETT, MAIN & FREDERICKSON
A PROFESSIONAL CORPORATION
618 STATE STREET
BELLE FOURCHE, SOUTH DAKOTA 57717-1489
TEL (605) 892-2011
FAX (605) 892-4084

December 29, 1995



Chief Engineer
Water Rights Program, DENR
523 East Capitol
Pierre, SD 57501-3181

RE: Spear Lazy U Ranch - Lantis; Our File #2944.001095.

Dear Chief Engineer:

Enclosed is the "Notice of Transfer of Ownership" for Water Right No. 1011-1 from the Spear Lazy U Ranch Limited Partnership, a Montana Limited Partnership, to Will and Mary Ellen Lantis. Please feel free to call if you have any questions regarding this matter.

Sincerely,

BENNETT, MAIN & FREDERICKSON, P.C.

Kevin S. Bailey

KSB/cl
Encs.

pc: Roger Tellinghuisen
Janice Whetstone
Bruce and Peggy McLeod

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 1011-1

Date: 12/29/95

I/We request that Water Right No. 1011-1

formerly owned by: Bruce R and Peggy H McLeod, 411 W Curtiss, Bozeman, MT 59715

be transferred to: (name & address) Will and Mary Ellen Lantis, P. O. Box 699,

Spearfish, SD 57783

Telephone No. (605) 642-4736

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

location of dam: center of Section 20, T11N, R4E

I/We understand that the validity of Water Right No. 1011-1 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 SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Lawrence)

I/We Will and Mary Ellen Lantis 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.

Mary Ellen Lantis x
Mary Ellen Lantis

Will Lantis
(Signed) Will Lantis

Subscribed and sworn to before me this 29th day of December, 1995.

Rose Tuff
(Notary Public)
Comm. Exp. 8/14/99

NOTE: Water permits may be canceled 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

Division of Water Rights

South Dakota Department of Environment and Natural Resources

414734

Pierre, _____ January 2, 19 96

RECEIVED OF Bennett, Main & Frederickson (Will & Mary Ellen Lantis), 618 State St,
the following amount in fees for service, rendered as provided for by law:

Belle Fourche SD
57717

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 water Right No. 1911-1

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By John H. Hatch
Chief Engineer



1011-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 10, 1996

No. 1011-1

Kevin S. Bailey, Attorney
Bennett, Main & Frederickson
618 State Street
Belle Fourche, SD 57717

Dear Mr. Bailey:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 1011-1.

Our records now show Will and Mary Ellen Lantis as the owner of Water Right No. 1011-1.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

enclosure

c: Will and Mary Ellen Lantis

1011-1

Fuller, Tellinghuisen, Gordon & Eckrich, P.C.

A. P. Fuller • Roger A. Tellinghuisen • Brad P. Gordon • Jerome A. Eckrich • Michelle K. Percy

LEAD OFFICE
203 W. MAIN
LEAD, SOUTH DAKOTA 57754

MAILING ADDRESS:
P.O. BOX 898
LEAD, SD 57754
TELEPHONE (605) 584-2440
FAX (605) 584-1970

PLEASE REPLY TO THE SPEARFISH OFFICE

April 3, 1996

SPEARFISH OFFICE
132 E. ILLINOIS
SPEARFISH, SOUTH DAKOTA 57763

MAILING ADDRESS:
P.O. BOX 1067
SPEARFISH, SD 57763
TELEPHONE (605) 642-8900
FAX (605) 642-1750

Chief Engineer
Water Rights Program, DENR
523 East Capitol
Pierre, SD 57501-3181



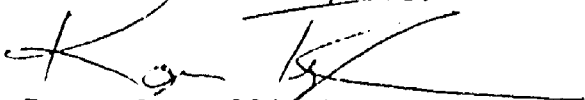
Dear Chief Engineer:

Enclosed is the "Notice of Transfer of Ownership" for Water Right No. 1011-1 from Will and Mary Ellen Lantis to Lantis Perpetual Living Trust. I have also enclosed a check in the amount of \$2.50 to recover the statutory filing fee.

Thank you for your cooperation.

Sincerely,

FULLER, TELLINGHUISEN,
GORDON & ECKRICH, P.C.


Roger A. Tellinghuisen

RAT/kkr

c: Mike Moore
Kevin Bailey (w/o enclosure)

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 1011-1

Date: 12/29/95

I/We request that Water Right No. 1011-1
formerly owned by: Will and Mary Ellen Lantis, Box 699, Spearfish, SD 57783
be transferred to: (name & address) Lantis Perpetual Living Trust, P.O. Box
699, Spearfish, SD 57783 Telephone No. 605-642-4736.
Title to the following described land(s)/property has been transferred as
described above:
location of dam: center of Section 20, T11N, R4E

I/We understand that the validity of Water Right No. 1011-1 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 SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Lawrence)

I/We, being first duly sworn on our oath depose and say that our relation to
the above described undertaking is that of co-trustees to the Lantis
Perpetual Living Trust, that we read the above foregoing statement, and that
we know of our own personal knowledge that the information herein stated is
true.

Travis W. Lantis, Co-Trustee

Cammy Lantis Bugay, Co-Trustee

Wendy L. Lantis, Co-Trustee

Sandra Leah Rinard, Co-Trustee

Subscribed and sworn to before me this 29th day of December, 1996.

Notary Public

My Commission Expires: 03-01-97

NOTE: Water permits may be canceled 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

414894

Division of Water Rights

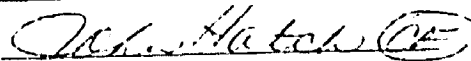
South Dakota Department of Environment and Natural Resources

Pierre, _____ April 8, 1996

RECEIVED OF Fuller, Tellinghuisen, Gordon & Eckrich, P.C., (Will & Mary Ellen Lantis), P.C.B
the following amount in fees for services rendered as provided for by law: Box 1087, Spearfish, SD 57783

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. _____		2 50
Fee for Filing Transfer Form <u>Water Right No. 1011-1</u>		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch 
Chief Engineer

Fuller, Tellinghuisen, Gordon & Eckrich, P.C.

A. P. Fuller • Roger A. Tellinghuisen • Brad P. Gordon • Jerome A. Eckrich • Michelle K. Percy

LEAD OFFICE
203 W. MAIN
LEAD, SOUTH DAKOTA 57754

MAILING ADDRESS:
P.O. BOX 898
LEAD, SD 57754
TELEPHONE (605) 564-2440
FAX (605) 564-1979

PLEASE REPLY TO THE SPEARFISH OFFICE

April 29, 1996

SPEARFISH OFFICE
132 E. ILLINOIS
SPEARFISH, SOUTH DAKOTA 57783

MAILING ADDRESS:
P.O. BOX 1007
SPEARFISH, SD 57783
TELEPHONE (605) 642-8080
FAX (605) 642-1750

Chief Engineer
Water Rights Program, DENR
523 East Capitol
Pierre, SD 57501-3181

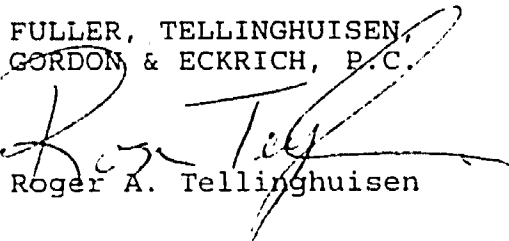


Dear Chief Engineer:

On April 3rd, 1996 I sent a "Notice of Transfer of Ownership" for Water Right No. 1011-1 requesting transfer of ownership from Will and Mary Ellen Lantis to the Lantis Perpetual Trust. I also enclosed a check in the amount of \$2.50 to cover the statutory filing fee. To date I have not received any response to this request. I am writing to request acknowledgement of receipt of the request for transfer and some indication as to when the transfer will be complete. Thank you.

Sincerely,

FULLER, TELLINGHUISEN,
GORDON & ECKRICH, P.C.


Roger A. Tellinghuisen

RAT/kkr
c: Client
Enclosure: Copy of April 3rd letter



1011-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 16, 1996

1011-1

Roger A Tellinghuisen
FULLER, TELLINGHUISEN, GORDON
& ECKRICH, PC
PO Box 1087
Spearfish, SD 57783-1087

Dear Mr. Tellinghuisen:

Thank you for your letter of April 29, 1996, requesting information on the status of a transfer for Water Right No. 1011-1. The "Notice of Transfer of Ownership" transferring the water right from "Will and Mary Ellen Lantis" to "Lantis Perpetual Living Trust" was received April 8, 1996.

Our records show that the transfer was completed upon receipt of the form and filing fee in our office. Water Right No. 1011-1 is now listed under the name of "Lantis Perpetual Living Trust", PO Box 699, Spearfish, SD 57783.

I did not realize until your letter of April 29th that you had not been notified. Enclosed is a copy of Receipt No. 414894 in the amount of \$2.50 which you paid to cover the cost of the filing fee. I apologize for the oversight and want to thank you again for bringing this matter to our attention.

If you have any questions, please contact me.

Sincerely,

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

enclosure

SURVEYOR'S CERTIFICATE

I, Allen L. Dittman, a Registered Land Surveyor, do hereby certify that at the request of the property owners, McLeod and Smith, Ranches and Farms, Inc., I have surveyed the tract of land shown in the above plat, and found the location of the proposed reservoir and diversion point to be as shown. In witness whereof, I have hereunto set my hand and seal this 6th day of March, 1974.

Allen L. Dittman
Registered Land Surveyor

ACKNOWLEDGEMENT OF SURVEYOR

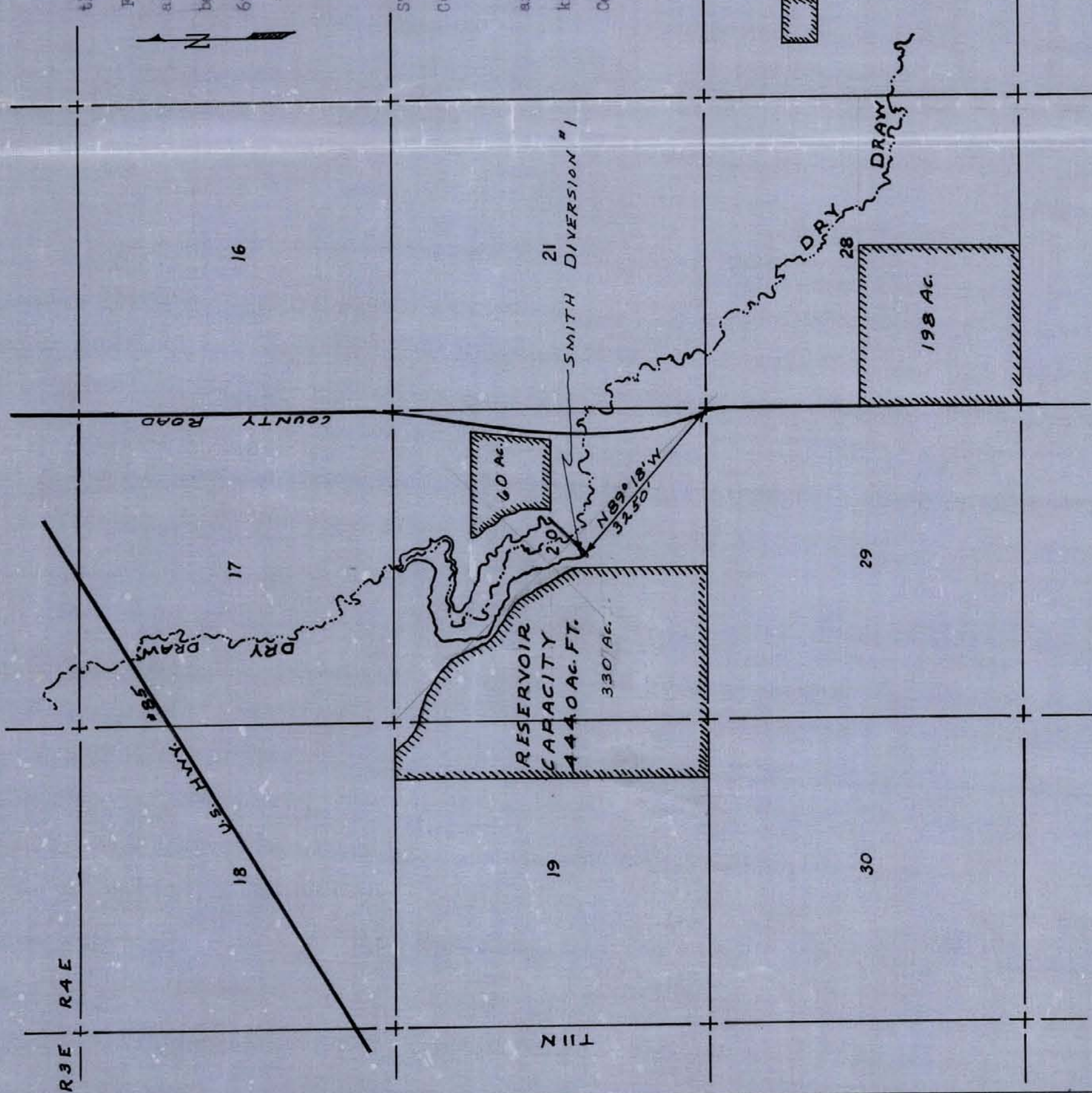
STATE OF SOUTH DAKOTA SS
COUNTY OF BUTTE

On this day, before me, the undersigned, a Notary Public within and for the State and County aforesaid, personally appeared Allen L. Dittman, known to me to be the person who executed the foregoing Surveyor's Certificate and acknowledged to me that he executed the same.

Witness my hand and seal this 6th day of March, 1974.

W. B. Thompson
Notary Public
My Commission Expires 24 Sept 1977

PROPOSED
IRRIGATION
AREAS



LOCATION MAP
SMITH DIVERSION #1
NW 1/4 SE 1/4 SEC. 20
T 11 N, R 4 E, B. H. M.

NOTE: ABOVE LANDS OWNED BY: MCLEOD & SMITH
RANCHES & FARMS, INC.

MAP NO 835-1 (APPL NO 1011-1)