

1. Considered MAY 12, 1976 1096-1
2. Name of Applicant JOHN H. RANCH, INC.
3. Post Office Address BELLE FOURCHE
4. Amount of water claimed 188 MINNELUSA
5. Source of water supply GROUND WATER (3400' DEEP WELL)
6. Water to be used for IRRIGATION (EXPECTED FLOW OF 850 G.P.M. TO STORAGE DAM - 17143 AC FT CAPACITY)
- Acres to be irrigated 445
7. Water to be diverted and used in BUTTE county
about 4E, 5N miles of BELLE FOURCHE
8. Proof of Publication Received 1st 5-21-76
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

Map No. 90B-1 Water Division No. 1 BELLE FOURCHE RIVER
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriately Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Seven-H Ranch, Inc.
 Postoffice address Belle Fourche State South Dakota
 If a corporation show date and place of incorporation May 1, 1973 Belle Fourche, South Dakota
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work _____
4. Amount of water claimed (cubic feet per second) 850 G.P.M. (Minimum flow from well)
5. Source of water supply Deep Well (3400 feet)
6. Location of point of diversion T.9N., R.3E., Sec. 20 SW1SW4 (Well)
T.9N., R.3E., Sec. 28 NW1NW4 (Dam)
- County Butte

7. Annual period or periods during which water is to be used April through September
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use _____ Total number of acres to be irrigated 115

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.
SEE ATTACHED FORM			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1 Year years. Additional time required to complete application of water to the proposed beneficial use 4 Years years.
11. Choice of newspaper for Notice of Intent to Appropriately Water publication Belle Fourche Daily Post
12. Principal Features of the Proposed Water Supply System.

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

Combination Deep Well and Water Storage Dam

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

Underground Pipe Line

C. Works proposed to apply water to beneficial use.

Electric Pumps, Center Pivot Sprinklers and Gated Pipe (for flood irrigation)Estimated Total Cost \$ 185,000.00Attachments: 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)I, Kenneth L. Bean the applicant, certify that I have read the foregoing application and have examined the attachments and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Seven-H Ranch, Inc. By Signed Kenneth L. Bean
Vice-PresidentSubscribed and sworn to before me this 14th day of April 1976My Commission Expires:
September 12, 1976

(SEAL)

Caryl J. Bean
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1096-1

SEVEN H RANCH, INC. % KENNETH L. BEAN, ET. #1, Box 74, Belle Fourche
(Applicant) (Post Office Address)

SOUTH DAKOTA 57217

With the following modifications:

The irrigation well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawal so there is not a reduction of needed water supplies in existing domestic wells.

THE WELL APPROVED UNDER THIS PERMIT SHALL BE VALUED AND THE FLOW REDUCED TO A MINIMUM WHEN NOT BEING USED FOR IRRIGATION OR FOR DIVERSION INTO STORAGE. IF THIS WELL IS ABANDONED OR THE PERMIT CANCELLED, THE WELL MUST BE PLUGGED IN ACCORDANCE WITH SPECIFICATIONS OF THE WATER RIGHTS COMMISSION.

Date of first receipt of application APRIL 16 1976

Date of return to applicant for correction, amendments or change required — 19—

Date of receipt of corrected application APRIL 30 1976

Approved MAY 20 1976 Recorded in Book 15 Page 67

WATER RIGHT PERMIT NO. 1096-1

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1096-1 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 APRIL 16 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 20 1976
3. The whole of said work is to be completed on or before MAY 20 1977 ^{extended 5-1-81}
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 20 1981 ⁸⁵
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 1.88 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, 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 MAY 20 1981 ⁸⁵; said water to be used during the following described annual period: APRIL THRU SEPTEMBER

Witness my hand this 21ST day of MAY 1976

WATER RIGHTS COMMISSION

By:

John Hatch
Engineer, Executive Officer

Certificate of Construction Issued — 19—

Water License Issued — 19—

LEGAL DESCRIPTION
LAND TO BE IRRIGATED

TOWNSHIP	RANGE	SECTION	QUARTER	ACRES
9N	3E	20	SW $\frac{1}{4}$ SW $\frac{1}{4}$	15
9N	3E	20	SE $\frac{1}{4}$ SW $\frac{1}{4}$	15
9N	3E	28	NW $\frac{1}{4}$ SW $\frac{1}{4}$	35
9N	3E	28	NE $\frac{1}{4}$ SW $\frac{1}{4}$	30
9N	3E	28	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40
9N	3E	28	SE $\frac{1}{4}$ SW $\frac{1}{4}$	15
9N	2E	29	NW $\frac{1}{4}$ NW $\frac{1}{4}$	40
9N	3E	29	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40
9N	3E	29	NW $\frac{1}{4}$ NE $\frac{1}{4}$	15
9N	3E	29	SW $\frac{1}{4}$ NW $\frac{1}{4}$	5
9N	3E	29	SE $\frac{1}{4}$ NW $\frac{1}{4}$	20
9N	3E	29	SW $\frac{1}{4}$ NE $\frac{1}{4}$	35
9N	3E	29	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40
9N	3E	29	NE $\frac{1}{4}$ SE $\frac{1}{4}$	15
9N	3E	29	SW $\frac{1}{4}$ SE $\frac{1}{4}$	40
9N	3E	29	SE $\frac{1}{4}$ SE $\frac{1}{4}$	15
9N	3E	33	NW $\frac{1}{4}$ NW $\frac{1}{4}$	20
9N	3E	33	NE $\frac{1}{4}$ NW $\frac{1}{4}$	10

Total Acres - 445

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 11 Inches, Depth 3400 Feet
(2) Casing, Type 28 Lb. Steel Diameter 8 5/8" O.D. Thickness 5/16 In.
(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 Missoula Formation

Depth to top of water bearing material 2100 Feet

Depth to bottom of water bearing material 15400 Feet

Thickness of water bearing material 600 Feet

Depth to water (ground surface to water level) Flows to the surface

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

On same owner's property 380 rds. On property owned by others 330 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.

Water storage dam - Survey work by A. T. Wolf of Butte County Soil Conservation Service.

Specifications:

Fill - 26,000 Cu. Yds.

Max. Height of Fill - 24.6 Ft.

Max. Depth of Water - 15.5 Ft.

Surface Area - 18.6 Acres

Capacity - 146 Acre Feet

Rip-rapping and Trickle Tube Recommended

Seven-H Ranch, Inc.

By Kenneth L. Bran
Signature of Applicant Vice-President

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well S 1/4 1/4 1/4 Section 1 Township 9 N Range 3 E
 Well owner Bill Fausch (Name) Bill Fausch (Address)
 Date well drilling completed 12-2-76 Purpose of well Domestic (domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer	
		<u>3200</u>	ft.
		Depth to static water level	ft.
		Name of producing aquifer (if known)	<u>Madison</u>
		Total depth of drill hole	<u>3111</u> ft.
		Depth to bottom of casing	<u>3197</u> ft.
		Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.	
		<u>3197 x 7" OD 2.3 lb. 30' long</u>	
		<u>270' 10" surface on top</u>	
		<u>Cemented</u>	
		Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.	
		<u>100' Ext.</u>	
		If a flowing well, flow of completed well <u>100' Ext.</u> G.P.M.	

Attach sheet if more space is needed

(2) PUMP INSTALLATION

Company name and size of pump _____ HR _____
 Type of pump _____ Capacity of installed pump _____ G.P.M.
 Depth of pump placement _____ ft., Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.40B of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.
 Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____

Name of Pump Installation Contractor

1096-1

April 27, 1976

Seven-H Ranch, Inc.
c/o Kenneth L. Bean
R.R. #1, Box 74
Belle Fourche, SD 57717

Dear Mr. Bean:

The water analysis for your sample submitted here on April 14 has been completed. The original copy of this report is enclosed for your keeping, along with a copy of AES publication #13. On the outside back cover of this publication you will find a red cross denoting the approximate quality of this water for irrigation uses. You will see that it is in the medium salinity, low sodium category.

As such, the water has practically no chemical hazard in and of itself to soils on which it is used. Thus, there is no salt accumulation or sodium build-up hazard anticipated. The soils which you propose to irrigate are moderately well suited to irrigation and you should have no chemical difficulty therewith.

A copy of this letter, and of the water analysis, and the WI-1 form, and other application materials are being sent to the State Conservation Commission for their action.

Sincerely yours,

L. O. Fink

L. O. Fink
Water Quality Lab

LOF:ckb

Enclosures

cc: State Conservation Commission

D. Pahl

Ronald Stas, County Extension Agent



CONSERVATION
COMMISSION
FORM W1 #1

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)

NAME Seven-H Ranch, Inc.

ADDRESS R.R. #1 - Box 74 Belle Fourche, South Dakota 57717

COUNTY Butte

LEGAL DESCRIPTION

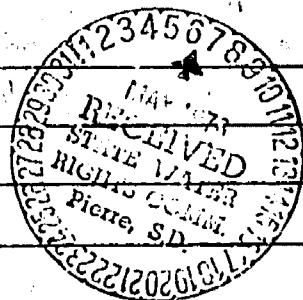
1. WELL LOCATION Township 9N, Range 3E, Section 20 - SE $\frac{1}{4}$ SW $\frac{1}{4}$
2. LOCATION OF AREA TO BE IRRIGATED See Attached Sheet

TYPE OF IRRIGATION

3. GRAVITY X TOWLINE _____ CENTER PIVOT X GUN _____
4. CROPS TO BE IRRIGATED Corn and Alfalfa

WATER QUALITY

5. SAMPLE NUMBER 76-367
6. SALINITY (EC X 10⁶) EC = 457 (medium)
7. SODIUM (SAR) 0.06 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0



I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and: the soils information has been acquired from Butte County Conservation District, County Extension office or Soil Conservation Service.

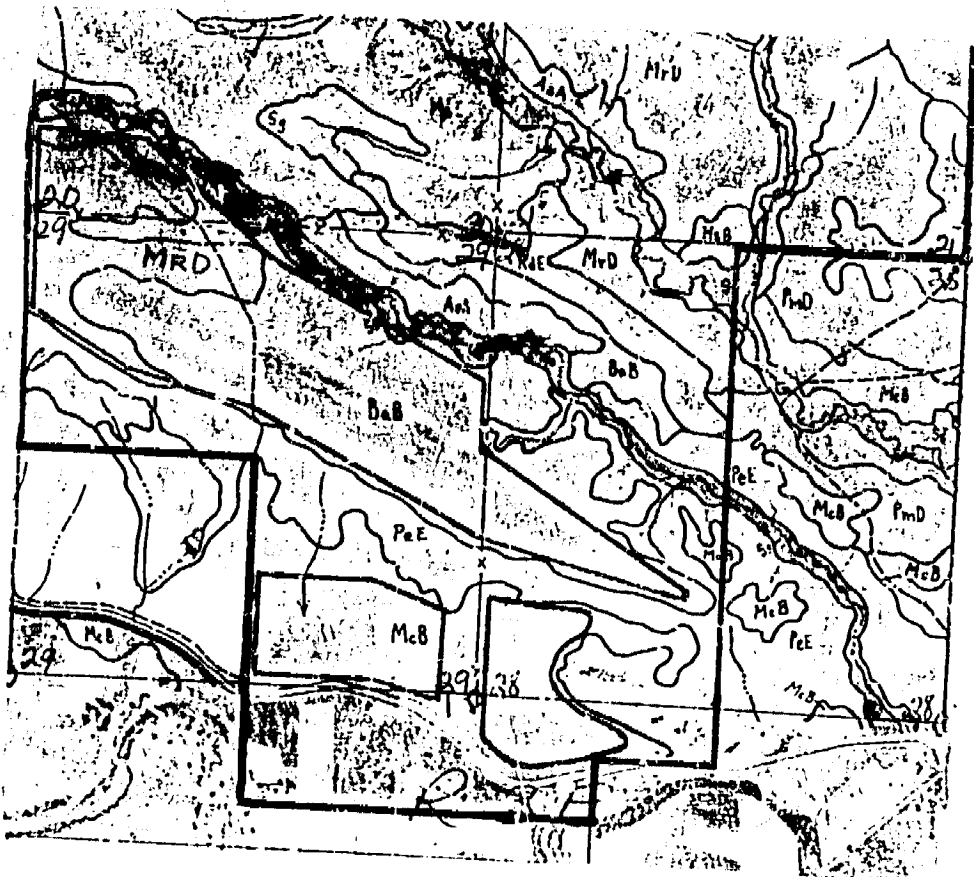
and: that the legal description for the location of the well and land to be irrigated is true and correct.

SEVEN-H RANCH, INC.
By Ken Webb, L. Beam
APPLICANT'S SIGNATURE Vice-President

SUBSCRIBED AND SWORN BEFORE ME THIS
12 DAY OF April 19 76.

Carl J. Brant
(TITLE OR SEAL) Notary Public
My Commission Expires:
September 12, 1976 (SOILS INFORMATION ON REVERSE SIDE)

Albert J. Haffelt
APPROVED/NOT APPROVED



SD-CONS- ' R

11./75

UNITED STATES DEPARTMENT OF AGRICULTURE
Soil Conservation Service

FARM AND RANCH

TAXES OF SOIL INTERPRETIVE GROUPS

[illegible]

Indicate with Asterisk () if Irrigated.



LEGAL DESCRIPTION
LAND TO BE IRRIGATED

TOWNSHIP	RANGE	SECTION	QUARTER	ACRES
9N	3E	20	SW $\frac{1}{4}$ SW $\frac{1}{4}$	15
9N	3E	20	SE $\frac{1}{4}$ SW $\frac{1}{4}$	15
9N	3E	28	NW $\frac{1}{4}$ SW $\frac{1}{4}$	35
9N	3E	28	NE $\frac{1}{4}$ SW $\frac{1}{4}$	30
9N	3E	28	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40
9N	3E	28	SE $\frac{1}{4}$ SW $\frac{1}{4}$	15
9N	3E	29	NW $\frac{1}{4}$ NW $\frac{1}{4}$	40
9N	3E	29	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40
9N	3E	29	NW $\frac{1}{4}$ NE $\frac{1}{4}$	15
9N	3E	29	SW $\frac{1}{4}$ NW $\frac{1}{4}$	5
9N	3E	29	SE $\frac{1}{4}$ NW $\frac{1}{4}$	20
9N	3E	29	SW $\frac{1}{4}$ NE $\frac{1}{4}$	35
9N	3E	29	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40
9N	3E	29	NE $\frac{1}{4}$ SE $\frac{1}{4}$	15
9N	3E	29	SW $\frac{1}{4}$ SE $\frac{1}{4}$	40
9N	3E	29	SE $\frac{1}{4}$ SE $\frac{1}{4}$	15
9N	3E	32	NW $\frac{1}{4}$ NW $\frac{1}{4}$	20
9N	3E	33	NE $\frac{1}{4}$ NW $\frac{1}{4}$	10

Total Acres - 445



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

Submitted by: Severn-H. Barch, Inc. Date Rec'd April 14, 1976
 Address: Kenneth L. Bean, Vice-Pres. Sample No. 76-367
Rt. 1, Box 74 Identification Well-
Belle Fourche, SD 57717 SW, Sec. 20, T. 9, R. 35

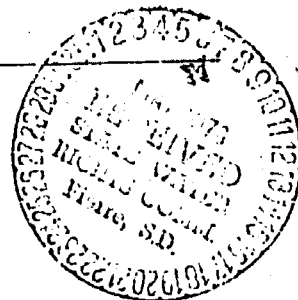
WATER ANALYSIS

Calcium (Ca)	78	ppm*	3.90	me/l**
Magnesium (Mg)	23	ppm	1.69	me/l
Sodium (Na)	12	ppm	0.10	me/l
Potassium (K)	1	ppm	0.03	me/l
Sulfate (SO ₄)	32	ppm	0.57	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	3	ppm	0.08	me/l
Bicarbonate (HCO ₃)	307	ppm	5.04	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)	252	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	457	microhms per cm at 25° C.		
Sodium Adsorption Ratio	0.06			
Sodium	1.68	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.32			

Others:
 *ppm=parts per million
 **me/l=millequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations 5.92 me/l
 Total anions 5.79 me/l



By: Stanley Litten

Service Performed

Amount Due

Irrigation analysis

68.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-367

Amount Enclosed \$

Signed

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

No. 1096-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Butte) ss.

I, Laurence Meyer hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Starly River French Cr.

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:

May 6, 1976
May 13, 1976

Laurence Meyer
(Signature)
Publisher
(Title)

May 18, 1976
(Date Signed)



No. 1096-1

NOTICE
INTENT TO
APPROPRIATE WATER

Pierre, South Dakota 57501
May 3, 1976

Notice is hereby given that
Seven H. Ranch, Inc. whose
post office address is Belle
Fourche, 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 1.88 cubic feet
of water per second of time
from the ground water
(Minnelusa) through the Seven
H. Ranch No. 1, the point of
diversion of which is to be
located in the SW 1/4 SW 1/4 of
Section 20, Twp. 9N, Range 3E.
Said water to be used for the
purpose of providing irrigation
on portions of the following
described land: S 1/4 SW 1/4, Sec.
20, NW 1/4 E 1/4, Sec. 29; SW 1/4
Sec. 28, N 1/4 NW 1/4 Sec. 33,
T9N, R3E.

This application No 1096-1
will be considered by the Water
Rights Commission at their
office at Pierre upon the 20th
day of May, 1976, at 1:00 P.M.
All interested persons may
appear and be heard.

WATER RIGHTS
COMMISSION

Burton I. Jones

Water Rights Specialist
2/5/6-13



Form 6 - Notice of Intent to Appropriate Water

No. 1096-1

Publish first publication, on or before May 6, 19 76

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

May 3, 19 76

Notice is hereby given that Seven H. Ranch, Inc.

whose post office address is Belle Fourche, 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

1.88 cubic feet of water per second of time from the ground water (Minnelusa) through the

Seven H. Ranch No. 1, the point of diversion of which is to be located in the _____

SW $\frac{1}{4}$ SW $\frac{1}{4}$

of Section 20, Twp. 9N, Range 3E. Said water to be used for the purpose of providing irrigation on ^{portions of} the following described land:

S $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, NW $\frac{1}{4}$ E $\frac{1}{2}$, Sec. 29; SW $\frac{1}{4}$ Sec. 28, N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec.

33, T9N, R3E

This application No. 1096-1 will be considered by the Water Rights Commission at their office at Pierre upon the 20th day of May, 19 76, at 1:00P M. A interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw
cc

Seven H. Ranch, Inc.
Rt. #1, Box 74
Belle Fourche, SD 57717

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8186

PIERRE, April 23, 1981

RECEIVED OF Kenneth Bean, Sevan H Ranch, Inc., Belle Fourche, SD 57717

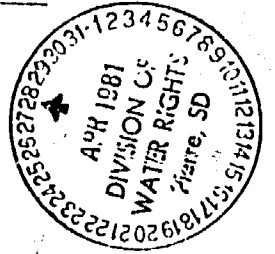
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____	
Fee for inspecting Construction, and issuing Cert. of Construction No. _____	
Fee for inspecting Beneficial Use, and issuing Water License No. _____	
Fee for issuing Location Certificate-Dry Draw, No. _____	
Fee for filing extension of time for water permit no. 1096-1	2 50
Fee for certified copy of _____	
Fee for Print copy of map _____	
Fee for Certifying _____	
Fee for _____	
(any other work as provided by law)	

TOTAL 2 50

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH (93)



Date APRIL 28, 1981

Dear Sirs:

1096-1

Permit Number _____

APPROVED: 5-1-81

Board of Water Management

BY:

Burton Jones

State of South Dakota

Water License No. 1096-1

(1) Seven H Ranch, Incorporated
of RR#1, Box 74, Belle Fourche, South Dakota 57717
made Application No. 1096-1 on April 16, 1976 for a water permit to appropriate
1.38 cubic feet per second of water from groundwater-one well & a storage dam
Butte County, South Dakota for irrigation purposes.
Permit No. 1096-1, with a priority date of April 16, 1976
was approved May 20, 1975 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before May 20, 1981 and for the application to be beneficial use of said
water on or before May 20, 1985.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 1.38 cubic feet per second of water
for beneficial use. The location of the diversion point(s) are: Well-140'N and 190'W of the NE $\frac{1}{4}$
Corner of Section 29; Lam-600'E and 480'S of the NE $\frac{1}{4}$ Corner of Section 29, T9N,
R3E (Well-SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20; Dam-NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29)

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following lands all in T9N, R3E

Section 20	SW $\frac{1}{4}$ SW $\frac{1}{4}$	19 Acres	(CC)
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	13 Acres	(CD)
Section 29	NW $\frac{1}{4}$ NW $\frac{1}{4}$	36 Acres	(BB)
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	37 Acres	(BA)
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	4 Acres	(BC)
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	10 Acres	(BD)
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	19 Acres	(AB)
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	31 Acres	(AC)
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	37 Acres	(AD)
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	1 Acre	(DB)
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	9 Acres	(DA)
TOTAL		216 ACRES	

(4) Pursuant to §46-5-30.1 Seven H Ranch, Incorporated

at RR#1, Box 74, Belle Fourche, South Dakota

the holder(s) and/or owner(s) of Water Permit No. 1096-1 is issued a license to appropriate water, the right to use 1.88 cubic feet per second of water from groundwater-one well & storage dam with a priority date of April 16, 1976 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in Water Permit No. 1096-1 and subject to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources
JOHN HATCH
DEC 2 1985

Permit No. 1096-1Belle Fourche River Water District 10120202**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Seven H Ranch, Inc
Rt #1, Box 74, Belle Fourche, S. Dak 57717 holder of
 Permit No. 1096-1, bearing the priority of April 16 1976 authorizing
 the diversion of 1.88 cu. ft. per second of the water at Well #1 Dam.
 for Irrigation purposes, in Butte County.

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

- A. Works used to divert the water Well has shut-off Valve
Well see attached Well Log. Well flows 700 gpm @ 108° Temperature.
West Motor = Marathon Elec. Model FV32TDR7303BBWFL, 60 HP, 3535 RPM
Ser # 1201704. Pump = Berkeley Model B4E PB Ser # 7740240, 3600 RPM IMF. 8.562
East Motor = Gould Century Part # 6-323053-01, FR 286 TCZ, 40 HP. PUMPS 700 gpm
3520 RPM. Pump = Berkeley Model B3E PRL, Ser # 7740226, 3450 RPM Pumps 500 gpm
- B. Works used to transport water to place of use:
1900' 8" PVC pipe underground
1550' 6" PVC pipe underground.
- C. Works used to apply water to beneficial use:
West Center Pivot = Zimmatic, Model 410, Ser # L 07224.
East center pivot = Zimmatic Model 307-410, Ser # L 07237.
East pivot moved between two points.

The system is in the following condition Good.

The point of diversion is located Well 140' N and 190' W of N 1/4 Cor Sec. 29, Dam = 600' E
and 480' S of N 1/4 Cor of Sec. 29, T 9 N R 3 E

The works are capable of diverting and conveying to the place of use 2.67cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: All in T 9 N R 3 E

<u>SW 1/4 SW 1/4 Sec. 20 = 19 Ac.</u>	<u>SW 1/4 NW 1/4 Sec. 29 = 4 Ac.</u>	<u>SE 1/4 NE 1/4 Sec. 29 = 37 Ac.</u>
<u>SE 1/4 SW 1/4 " 20 = 13 Ac.</u>	<u>SE 1/4 NW 1/4 " 29 = 10 Ac.</u>	<u>NW 1/4 SE 1/4 " 29 = 1 Ac.</u>
<u>NW 1/4 NW 1/4 Sec. 29 = 36 Ac.</u>	<u>NW 1/4 NE 1/4 " 29 = 19 Ac.</u>	<u>NE 1/4 SE 1/4 " 29 = 9 Ac.</u>
<u>NE 1/4 NW 1/4 " 29 = 37 Ac.</u>	<u>SW 1/4 NE 1/4 " 29 = 31 Ac.</u>	

comprising a total of 216 acres of land and the license should be issued for 2.67 cfs 1.88 (Jm)Applicable permit qualifications have been complied with X Yes NoExceptions to compliance are: Date October, 10, 1984

Reverse Side for Dam Information

Leroy J. McNamee
 (Signature)

1096-1 Soren H. Frank
10-25-84 Well location OK

Depth Has shut off
Artesian 9 pm 700', Hgt. 100' degrees Temp
Run into dam to cool.

West C.P. Zimmerman, Model. 412, Ser. # L 07224.

Pump & Motor

West - Motor Marathon Elec. Model. FD 326TT DR7203BBW F1.
60 HP. 3535 RPM. Ser #1201702 Pump 600 gpm
Pump. Beckley Model. BHE PB. Ser # 774 C220
3600 RPM. Pump 8-562.

East Motor ^{Gould} Century Part # 6-323053-01. Fr 286 702.
40 HP. 3520 RPM. Pump 400 gpm csl

Pump Beckley Model. B32 PBH, Ser # 7740 226. Rotor 3450

8 gpm 10 gpm 12 gpm
Pan 10 gpm 12 gpm, 3.0' Fr 100' 400' long, 3.0' Fr 100' 400' long
Est 60 mph gpm 10. 2.0' Fr 100' 400' long
= 9.6 gpm

East C.P. Motor 10000 Two 10000

Zimmerman Model. 412-410 Ser # L 07237



Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 1096-1

February 12, 1985

Seven H Ranch, Inc.
c/o Kenneth Bean
Route #1, Box 74
Belle Fourche, South Dakota 57717

Dear Sir:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 1096-1 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

NOTE: On form of payment, please include the number of the water permit.
This insures proper handling of the fee.

DWNR-814 8/83

SECOND NOTICE

July 8, 1965

Permit No. 1096-1

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Seyen H. Ranch
W. Kenneth Bean
Rt 1, Box 74
Bellevue Fourche, South Dakota 57717

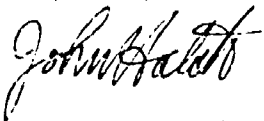
Dear Mr. Bean:

February 12, 1965 you were notified the final inspection fee of \$50.00 is due before Water License No. 1096-1 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-15(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,



John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 775-3552

SSOB:mr

RECEIPT

Division of Water Rights

No 4 10115

South Dakota Department of Water and Natural Resources

Pierre, July 16, 1945

RECEIVED OF Kenneth/Carol Bean, Seven M Ranch Inc., RR#1, Box 74, Belle Fourche, SD 57513
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1000-1</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	50	00

By [Signature]
Chief Engineer JOHN HATCHER

No. 16.

SOUTH DAKOTA Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

DEC 2 1985

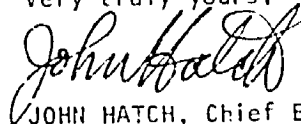
Seven H. Ranch, Inc.
RR#1, Box 74
Belle Fourche, South Dakota 57717

Dear Sirs:

Enclosed herewith is, Water License No. 1096-1. This is the final water right document completing your process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH: TS

Enclosures

WNR-617 3/83
Transmittal of Water License



Department of Water & Natural Resources

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

March 23, 1987

KENNETH BEAN- SEVEN H RANCH
RR #1 BOX 74
BELLE FOURCHE, SD 57717

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 1096-1. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 1096-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

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

NOTE: If the questionnaire(s) is received in this office before the hearing date, your name will be deleted from the agenda for the hearing.

 **Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

May 13, 1987

NOTICE OF AMENDMENT TO WATER PERMIT(s)

TO: KENNETH BEAN- SEVEN H RANCH
RR #1 BOX 74
BELLE FOURCHE, SD 57717

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352



SUBJECT: Amendment to Water Permit No(s). 1096-1

Pursuant to the provisions of the notice dated March 23, 1987, and following the Hearing May 6, 1987, the Water Management Board has amended Water Permit No(s). 1096-1 to add the following qualification:

"This permit is subject to the Irrigation Water Use Questionnaire being submitted each year."

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in **SUSPENSION** of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

Attachment to Water Permit No. 1096-1

Pursuant to the provisions of the notice dated March 23, 1987 and following the Hearing May 6, 1987, the Water Management Board has amended Water Permit No. 1096-1 to add the following qualification:

"This Permit is subject to the Irrigation Water Use Questionnaire being submitted each year."

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

KENNETH BEONE - SEVEN H RANCH
PO BOX 74
BELLE FOURCHE SD 57717

4. Article Number

P 576 309 702

Type of Service:

☐ Registered ☐ Insured
☐ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED**.

5. Signature - Addressee

X *Kenneth L. Beone*

6. Signature - Agent

X

7. Date of Delivery

X 5-18-86

8. Addressee's Address (ONLY if requested and fee paid)

**South Dakota Department of
Water & Natural Resources**

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



May 13, 1987

NOTICE OF AMENDMENT TO WATER PERMIT(s)

TO: KENNETH BEAN- SEVEN H RANCH
RR #1 BOX 74
BELLE FOURCHE, SD 57717

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3351

John Hatch

SUBJECT: Amendment to Water Permit No(s). 1096-1

Pursuant to the provisions of the notice dated March 23, 1987, and following the Hearing May 6, 1987, the Water Management Board has amended Water Permit No(s). 1096-1 to add the following qualification:

"This permit is subject to the Irrigation Water Use Questionnaire being submitted each year."

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in **SUSPENSION** of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

6-30-87

This property has been sold to

*Steve Bryant
601. 60.004*

Spencer, SD 57783

**South Dakota Department of
Water & Natural Resources**

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

WATER RIGHTS DIVISION
(605) 773-3352

1096

July 10, 1987

Greg Bryant
RR 1, Box 234
Spearfish, South Dakota 57783

Dear Mr. Bryant:

Our office has been contacted by Seven H Ranch of Belle Fourche in regard to ownership of lands covered under Water Right No. 1096-1. They have indicated that the property has been sold to you.

In order to up-date this water right you will need to file a "Notice of Transfer" to have the water right changed from Seven H Ranch to your name. Enclosed is a partially completed transfer form. Please check over the form, date, and sign in the presence of a notary. Upon receipt of the form, return it to our office with a required filing fee of \$2.50.

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

I have enclosed a copy of Water Right No. 1096-1 for your records. If you have any questions, please contact us.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.

L

South Dakota
Department of
Water & Natural Resources

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

September 18, 1987

Second Notice
Water Right No. 1096-1

Greg Bryant
RR #1 Box 234
Spearfish, SD 57783

Dear Mr. Bryant:

On July 10, 1987, notice was sent to you concerning the transfer of Water Right No. 1096-1 in the name of Seven H Ranch, Inc which covers irrigation of 216 acres in portions of Section 20 and 29, T9N, R3E. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The water right can then be transferred to your name. If you are not the present owner of the land covered under this water right, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact us.

Very truly yours,



John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

enclosure

1096-1

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to

Greg Bryant
RRI, Box 234
Spearfish SD 57783

4. Article Number

P 321 925 674

Type of Service:

☒ Registered ☐ Insured
☐ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED**.

5. Signature - Addressee

X *Jami Bryant*

6. Signature - Agent

X

7. Date of Delivery

9-19-87

8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT

South Dakota
Department of
Water & Natural Resources

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

October 20, 1987

1096-1

Greg Bryant
RR #1 Box 234
Spearfish, SD 57783

Dear Mr. Bryant:

The 1987 irrigation water use questionnaire and a postage paid envelope are enclosed. The questionnaire pertains to any irrigation done under Water Right No. 1096-1 during the 1987 irrigation season. Water Management Board Rules or water permit qualifications require the irrigation questionnaires to be submitted each year. Please complete the enclosed questionnaire as accurately as possible and return by November 30, 1987.

Water Right No. 1096-1, is currently listed under the name of Seven H Ranch, Inc. Our office is still awaiting a "Notice of Transfer" from you for use in transferring the water right to your name.

If you need assistance in completing the irrigation questionnaire or the transfer form, please contact us.

Sincerely,

Genny McMath

GENNY MCMATH
Natural Resources Analyst
605 773-3352

encl

NOV 1957
DIVISION OF
PERMITS
Pierre, SD

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 11-18-77

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

216 Acres - S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 20; NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 29, T9N-R3E.

formerly owned by Seven H Ranch Inc.

has been transferred to Golben Investments Inc. & RR1 Box 234 Sparwood, S.D. sm
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1096-1 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.

STATE OF SOUTH DAKOTA)
) ss.
County of Lawrence)

I, Colleen Farnsworth Inc. 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.

By Mary Bryant - President
(Signed)

Subscribed and sworn to before me this 19th Day of November, 1987.

John H. Hester
(Notary Public)
My commission expires May 20, 1993

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411034

Pierre, November 23, 1967

RECEIVED OF Golden Investments, Inc., RR 1, Box 234, Spearfish, SD 57783

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH (ms)

No. 1096-1



Department of Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

November 24, 1987

Golden Investments, Inc.
RR 1, Box 234
Spearfish, South Dakota 57783

Dear Sir:

Enclosed is receipt No. 411064 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 1096-1.

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

**South Dakota Department of
Water & Natural Resources**

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

February 8, 1989

GREG BRYANT, PRESIDENT
GOLDEN INVESTMENTS INC
RR 1 BOX 234
SPEARFISH, SD 57783

NOTICE

RE: Violation of Water Permit No(s). 1096-1

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 1096-1. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1096-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

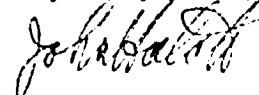
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 1096-1 until the 1988 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire is received in this office before the March 1st hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,


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



SOUTH DAKOTA
Department of
Water & Natural Resources

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

February 23, 1989

1096-1

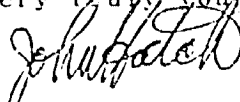
Greg Bryant, President
Golden Investments Inc
RR #1 Box 234
Spearfish, SD 57783

Dear Mr. Bryant:

I am writing to acknowledge receipt of your 1988 irrigation questionnaire for Water Permit No. 1096-1. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. With receipt of the questionnaire your name has been deleted from the March Water Management Board meeting agenda.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

1096-1

QUINN, DAY & BARKER

ATTORNEYS AT LAW

117 5TH AVENUE

P.O. BOX 370

BELLE FOURCHE, SOUTH DAKOTA 57717-0370

PHONE (605) 892-2743

December 18, 1989

TERENCE H. QUINN
MICHAEL W. DAY
KENNETH E. BARKER
ROBERT L. MORRIS



R. E. BRANDENBURG
OF COUNSEL

FAX (605) 892-4273

Mr. John Hatch, Chief Engineer
Water Rights Division
Department of Water and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: Butte-Meade Sanitary Water District
Our File No. 1591.011

Dear Mr. Hatch:

Please find enclosed a Water Rights Application Form submitted on behalf of Butte-Meade Sanitary Water District. The District has purchased a flowing well at the location set forth therein. As the Division is aware, the well was purchased for expansion of the Butte-Meade Sanitary Water District. The total amount of the flow from the well will not be used, with the overflow being utilized for irrigation purposes. Accordingly, the water right should be transferred to the name of Butte-Meade Sanitary Water District, although the overflow will continue to be utilized by Golden Investments, Inc. I have completed the irrigation questionnaire for Golden Investments, Inc. and include it herein so that the right will continue to be perfected. However, your records should be changed to reflect the current ownership.

If you have any questions, please feel free to call.

Very truly yours,


Kenneth E. Barker

KEB/bl

Enclosure

cc: Dale Knutson
Greg Bryant

 **Department of
Water & Natural Resources**

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

February 23, 1990

1096-1

Kenneth E Barker
QUINN, DAY & BARKER
117 5th Avenue
PO Box 370
Belle Fourche, SD 57717

Dear Mr. Barker:

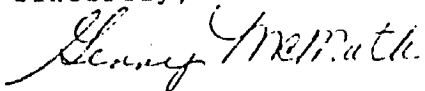
I am contacting you in response to your letter of December 18, 1989 concerning ownership of Water Right No. 1096-1. You indicated in your letter that the ownership would be changing from Golden Investments Inc. to Butte-Meade Sanitary District.

Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Right No. 1096-1. The form should be reviewed and then signed, by the owner (or representative) in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50.

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

If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure

QUINN, DAY & BARKER

ATTORNEYS AT LAW

117 5th AVENUE

P.O. BOX 370

BELLE FOURCHE, SOUTH DAKOTA 57717-0370

PHONE (605) 692-2743

March 9, 1990

TERENCE R. QUINN

MICHAEL W. DAY

KENNETH E. BARKER

ROBERT L. MORRIS



R.E. BRANDENBURG
OF COUNSEL

FAX (605) 692-4273

Genny McMath, Natural Resources Analyst
Department of Water and Natural Resources
Joe Foss Building
523 East Capitol Avenue
Pierre, SD 57501-3181

Re: Water Right No. 1096-1)
Our File No. 1591.011

Dear Ms. McMath:

Thank you for your letter of February 23, 1990. I have enclosed the completed Notice of Transfer of Ownership for Water Right No. 1096-1.

Please note that the use of the well will be changed from irrigation to household and livestock consumption. While this use is defined as "domestic use" under SDCL 46-1-6(4), it is also "municipal use" under subsection (5).

You should know that the previous owner of the well has retained the right to the overflow, which he could apply to irrigation. However, the title to the well has changed to Butte-Meade Sanitary Water District as set forth in the Notice.

Also enclosed is the filing fee of \$2.50 attached to the cover of the Notice.

I would also request that you send me a copy of the permit and any other filing information you have regarding the City of Belle Fourche's recent application to develop a domestic well. The hearing, as I understand it, for that well was held on March 7, 1990. The last time that Belle Fourche dug a Madison well, it affected the flow of the well subject to Water Right No. 1096-1. People living in the area claim that the artesian flow decreased from 800 gpm to approximately 600 gpm when the well was drilled. As you might expect, the District is concerned about the City of Belle Fourche's plans to drill an additional Madison well.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Ken Barker".

Kenneth E. Barker

KEB/bl

Enclosures

cc: Dale E. Knutson, Butte-Meade Water Dist.



Department of Water & Natural Resources

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

1096-1

March 28, 1990

Kenneth E Barker, attorney
Quinn, Day & Barker
PO Box 370
Belle Fourche SD 57717-0370

Dear Mr. Barker:

This letter is in response to your letter dated March 9, 1990, to Genny McMath regarding the transfer of ownership of Water Right No. 1096-1 to the Butte-Meade Sanitary Water District. As noted in your letter, water is to be used for household and livestock water in addition to irrigation use.

An application for a water permit needs to be approved prior to adding uses or changing the type of use authorized by Water Right No. 1096-1. The application may be considered an amendment to Water Right No. 1096-1 if the rate of diversion or volume of water use does not increase pursuant to SDCL 46-5-30.4. The April 16, 1976 priority date assigned to No. 1096-1 may be retained upon amendment of No. 1096-1. A new priority date will be assigned if the proposed charges increase the diversion rate, increase the water volume or use water outside of April through September as specified on Water Right No. 1096-1.

Enclosed are application forms to apply for either a change in use or for additional water uses. Please contact me if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.

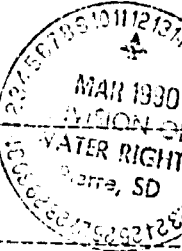
cc: Dale E Knutson, Butte-Meade Water District

NOTICE OF TRANSFER OF OWNERSHIP

No. 1096-1

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

Date: 3/8/90



I/We request that Water ~~Permit~~ Right No. 1096-1

formerly owned by: Golden Investments Inc

be transferred to: (name & address) Butte - made Sanitary Water District

PO Box 5 Newell, SD 57740 (telephone No.) 605 756-228

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

~~246 acres - S1 SW1 Section 20, NW1, HW1 NE1, S1 NE1, N1SE1 Section 20, T9N, R3E~~

The well use is changed from irrigation to household & livestock use. (municipal use as defined by SDCL 546-1-6(5)). occasional irrigation from overflow.

I/We understand that the validity of Water ~~Permit~~ Right No. 1096-1 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 Butte)

I/We Kenneth S. Barker 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.

Kenneth S. Barker
(Signed)

Subscribed and sworn to before me this 8th day of March, 1990.

Barbara Lamb

(Notary Public)

BARBARA LAMB

Notary Public, STATE OF SOUTH DAKOTA
Commission Expires MAR. 8, 1996

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 Water and Natural Resources

412131

Pierre, March 17, 1930

RECEIVED OF Quinn, Day, & Barker, 117 5th Avenue, Box 370, Belle Fourche, SD 57717

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 1096-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)		
Total	2	50

By [Signature]
Chief Engineer

 **Department of
Water & Natural Resources**

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

March 28, 1990

No. 1096-1

Kenneth E Barker, Attorney
PO Box 370
Belle Fourche SD 57717-0370

Dear Mr. Barker:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 1096-1.

Our records now show the Butte-Meade Sanitary Water District as the owner of this Water Right.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Senior Secretary
Water Rights Division
605 773-3352

enclosure

QUINN, DAY & BARKER

ATTORNEYS AT LAW

117 5TH AVENUE

P.O. BOX 370

BELLE FOURCHE, SOUTH DAKOTA 57717-0370

PHONE (605) 892-2743

April 24, 1990

TERENCE R. GUINN
MICHAEL W. DAY
KENNETH E. BARKER
ROBERT L. MORRIS



R.E. BRANDENBURG
OF COUNSEL

F/X (605) 892-4272

Mr. Ron Duvall, Natural Resources Engineer
Department of Water and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: Well located at Section 29, Township 9 North,
Range 3 East, Butte County, South Dakota
Butte-Meade Sanitary Water District
Our File No. 1591.011

Dear Mr. Duvall:

This is to inquire whether the Department has any drilling logs or other records on the above referenced well at the time that it was drilled? If so, could you please advise me as to the extent of those records and what the estimated flow of the well was at the time that it was constructed?

Very truly yours,

Kenneth E. Barker

Kenneth E. Barker

KEB/01

cc: Dale Knutson

**South Dakota Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

May 1, 1990

1096-1

Kenneth E Barker
QUINN, DAY & BARKER
Attorneys At Law
PO Box 370
Belle Fourche, SD 57717-0370

Dear Mr. Barker:

Enclosed is a copy of the well log for the well in Section 29, T9N, R3E owned by Butte-Meade Sanitary District. Also enclosed is a copy of the inspection report dated October 19, 1984. This is the latest information we have regarding this well.

If you have any questions, please contact us.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

South Dakota

DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

February 1, 1991

BUTTE-MEADE SANITARY WATER DIS
PO BOX 5
NEWELL SD 57760

NOTICE

RE: Violation of Water Permit No(s) 1096-1

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 1096-1. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 1096-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

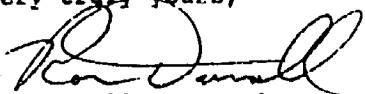
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s) 1096-1 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire is received in this office before the February 27th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,



Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
 Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge)
 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to: BUTTE-MEADE SANITARY WATER DIS PO BOX 5 NEWELL SD 57760	4. Article Number P 694 057 415 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED .
5. Signature -- Addressee X	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature -- Agent X <i>Don Glanville</i>	
7. Date of Delivery FEB - 5 1991	



DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 15, 1991

1096-1

Butte-Meade Sanitary District
PO Box 5
Newell, SD 57760

Dear Sir:

I am writing to acknowledge receipt of your 1990 irrigation questionnaire for Water Right No. 1096-1. You may disregard the February 1, 1991. Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaire, your name has been deleted from the February Water Management Board meeting agenda.

If you have any questions, please contact Genny McMath, at (605) 713-3352.

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division

cc: Kenneth E Barker, QUINN, DAY & BARKER, PO Box 370,
Belle Fourche, SD 57717-0370

Water Rights Program -- File Documentation

NAME: Butte-Meade Sanitary Water District c/o Dale Knutson, Manager

ADDRESS: PO Box 5, Newell SD 57760

DATE: October 10, 1997 **COUNTY:** Butte **TELEPHONE:** (605) 456-2288

RE: Status of Water Permit Nos. 1096-1, 1096A-1, 1496-1 & 1504-1

COMMENTS:

On August 12, 1997 I spoke with Dale Knutson concerning the status of Water Right Permit Nos. 1096-1, 1096A-1, 1496-1 & 1504-1. Mr. Knutson indicated that the flow rate from the well is 550 to 600 gpm when not being diverted into the system. Currently, the flow the water system is approximately 400 gpm with overflow going to the dam. According to Mr. Knutson, there is the possibility that more than 400 gpm will be diverted as system use grows. The time period to place water to beneficial use expires on October 3, 1999 as specified on Permit Nos. 1096A-1 and 1496-1. Mr. Knutson would like to wait with licensing of the permits since the diversion rate may increase to meet future demands on the system.

The irrigated acreage has been split between owners as follows:

Floyd E and Marel Wennberg

SW $\frac{1}{4}$ SW $\frac{1}{4}$ sec 20

NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ sec 29

Lyndon S and Jane E Kok

SE $\frac{1}{4}$ SW $\frac{1}{4}$ sec 20

NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ sec 29

The center pivots observed by Leroy Mernaugh, former staff engineer, during his investigation completed on October 10, 1984 are no longer in place. Mr. and Mrs. Wennberg were not available to discuss their portion of the permitted acreage and Lyndon Kok was out of town according to Tim Martin. Mr. Martin was at the site with a spade diverting water from a recently dug ditch. The ditch extended from near the flowing well through an alfalfa field. According to Mr. Martin, Lyndon Kok was experimenting using gravity flow via ditch to do some irrigating. I informed Mr. Martin that a portion of the area that the ditch could irrigate is outside of the permitted acreage and would need to be included on the permit if the ditch was to remain in place. The ditch amounted to furrow that you could create using a plowshare.

RECOMMENDED ACTION:

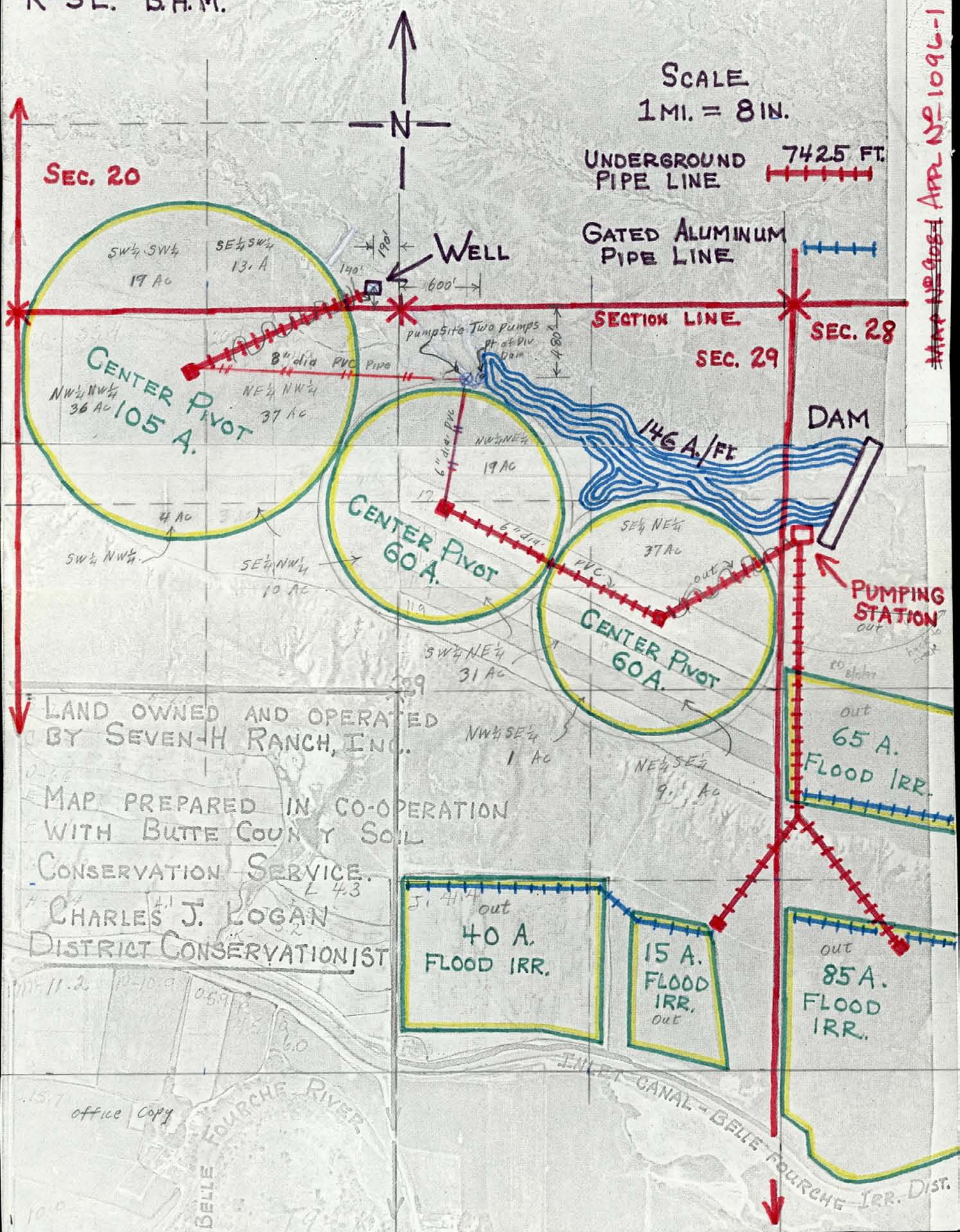
Based on comments by Mr. Knutson, licensing of the permits for rural water use should wait until the time period to place water to beneficial use expires in October 1999. If the changes made to the irrigation system remain in place, then a change in location of irrigated acreage will be needed.



Ron Duvall, Natural Resources Engineer
Water Rights Program

T-9N.
R-3E. B.H.M.

SCALE
1 MI. = 8 IN.



Map No. 9081 Apr. 22-10-96-1

RECEIVED

FEB - 3 2014

WATER RIGHTS
PROGRAM

SD EForm - 0495LD V2 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

Water Right/Permit No. 1096-1Date: 1/31/14I/We request that Water Right/Permit No. 1096-1 formerly owned by:Lyndon Kok and Jane Kok be transferred to:New Owner Name: Bar Bar V Livestock, LLCAddress: 14476 Marty RdCity, State, Zip Newell ☒ SD ☒ 57760 Telephone No. 605-866-4868

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

SEE ATTACHED LEGAL DESCRIPTION

☒ I understand that the validity of Water Right/Permit No. 1096-1 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, Bar Bar V Livestock LLC, the new owner, certify that the above information is true and correct.


(signed by new owner)
its President

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.

EXHIBIT A

LEGAL DESCRIPTION

Township 9 North, Range 3 East, of the Black Hills Meridian, Butte County, South Dakota:

Section 28: W $\frac{1}{2}$, less that part of Tract 1 of Kok's Tracts lying in the SW $\frac{1}{4}$, as shown by the Plat recorded as

Document #2002-1852 and less Lot K located in the N $\frac{1}{2}$ SW $\frac{1}{4}$, as shown by the Plat recorded as Document #2006-3142.

AND

Tract 2 of Kok's Tracts located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29 and the

SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, all located in Township 9 North, Range 3 East of the Black Hills Meridian, Butte

County, South Dakota as shown by the Plat recorded as Document #2002-1852.

AND

Tract 1 in NE $\frac{1}{4}$ of Section 32 and the NW $\frac{1}{4}$ of Section 33, Township 9 North, Range 3 East, of the Black Hills Meridian, Butte County, South Dakota, as shown by the plat recorded in Plat Book 13 on Page 34, less Tract 1 of Kok's Tracts lying in the NE $\frac{1}{4}$ of Section 32 as shown by the Plat recorded as Document #2002-1852.

AND

Lot K, located in the N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 28, Township 9 North, Range 3 East of the Black Hills Meridian, Butte County, South Dakota, as shown by the Plat recorded as Document #2006-3142, together with the right of ingress and egress over and across the N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 28, Township 9 North, Range 3 East of the Black Hills Meridian, Butte County, South Dakota

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

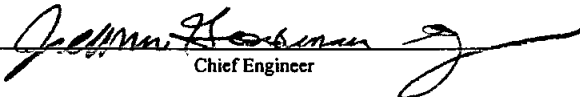
Date 2/3, 2014

RECEIVED OF Black Hills Title & Abstract PO Box 459 Spearfish SD 57783

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	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1096-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **06714**

By 
Chief Engineer

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1670-1

(1) Lyndon & Jane Kok, Belle Fourche SD 57717 made Application No. 1670-1, June 9, 1998 for a water permit to modify existing permitted acres and authorize irrigation of an additional 106 acres to accommodate a change in the method of irrigation. The existing well (Madison Formation) flows at a rate of 1.33 cubic feet of water per second (cfs) and is used by the Butte Meade Sanitary Water District. Water Permit No. 1670-1 authorizes appropriation of the flow of the well when not diverted by the Butte-Meade Sanitary Water District. The irrigation project is located in Butte County, South Dakota. Permit No. 1670-1, with priority dates of June 9, 1998 (106 additional acres) and April 16, 1976 (original 147 acres) was approved October 1, 1998 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before October 1, 2003 and for the application to beneficial use of said water on or before October 1, 2007.

Water Right No. 1096-1, held by Butte Meade Sanitary Water District with a priority date of April 16, 1976, authorized diversion of water from one well (Madison Formation) at a maximum rate of 1.88 cfs and a storage dam for irrigation of 216 acres. The authorized irrigated acres were by land ownership with 147 acres owned by Kok and 69 acres owned by Wennberg.

Water Permit No. 1096A-1 held by Butte Meade Sanitary Water District transferred the use of 1.33 cfs from irrigation to rural water system use by Butte Meade Sanitary Water District with any excess flow to continue to be used for irrigation of the land in Water Right No. 1096-1.

Water Permit No. 1670-1 modified the permitted acres associated with Kok's 147 acres and added 106 acres for a total of 253 acres. The permit authorizes appropriation of the flow of the Madison well up to the 1.33 cfs that is not diverted by the Butte Meade Sanitary Water District. This permit also provided that water from the well will be diverted via a ditch to a portion of the irrigated acres and also to a low area instead of the storage dam authorized by Water Right No. 1096-1. The permit authorized diversion at a rate of 3.61 cfs from the low area for irrigation of other portions of the irrigated acres.

On February 3, 2014, Water Right No. 1096-1 (portion associated with Kok's 147 acres) and Water Permit No. 1670-1 were transferred to Bar Bar V Livestock LLC, Derek Brink, President.

The applicable portions of Water Right No. 1096-1 associated with the Bar Bar V Livestock (originally Kok) land are being incorporated into this Water License No. 1670-1. No. 1670-1 appropriates flow of the well that is not diverted by the Butte-Meade Sanitary Water District. The portion of water that overflows from the well and is not used by the sanitary water district flows down a waterway into laterals for gravity irrigation with the remainder of the water flowing into a small regulating dugout in the low area where water is pumped for irrigation of authorized land at a rate of 3.61 cfs.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 1.33 cubic feet of water per second for beneficial use limited to overflow from the Madison well when not used by Butte Meade Sanitary Water District. Water is used directly for irrigation or diversion is to a low area for irrigation at a rate of 3.61 cubic feet of water diverted from a regulating dugout.

continued

Water License No. 1670-1

The location of the Madison well is 2,360 feet east and 100 feet north of the SW corner of Section 20, T9N, R3E (SE ¼ SW ¼) and the regulating dugout approximately 250 feet east and 2,570 feet south of the NE corner of Section 29, T9N, R3E (SE ¼ NE ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 28, T9N, R3E		Section 29, T9N, R3E		Section 33, T9N, R3E	
SW ¼ NW ¼	27 acres	NW ¼ NE ¼	13 acres	NW ¼ NW ¼	24 acres
SE ¼ NW ¼	2 acres	NE ¼ NE ¼	3 acres		
NW ¼ SW ¼	26 acres	SE ¼ NE ¼	40 acres		
NE ¼ SW ¼	3 acres	SW ¼ NE ¼	34 acres		
SW ¼ SW ¼	32 acres	NW ¼ SE ¼	1 acre		
		NE ¼ SE ¼	14 acres		
		SE ¼ SE ¼	34 acres		
				Total irrigated acres - 253	

(4) Pursuant to South Dakota Water Law 46-5-30.1 Bar Bar V Livestock LLC, 14476 Marty Rd, Newell SD 57760 the holder and/or owner of incorporated Water Right No. 1670-1 is issued a license to appropriate water, the right to use the overflow from Butte-Meade Sanitary Water District at a rate of 1.33 cubic feet of water per second from ground water (one well – Madison Formation) with priority dates of April 16, 1976 (147 acres) and June 9, 1998 (106 acres) from the locations specified in (2) of this license for irrigation purposes. The use of water from the well is limited to overflow from the Madison well not used by Butte Meade Sanitary District for rural water system purposes. The water right holder is authorized to pump from the low area regulating dugout at a rate of up to 3.61 cfs to irrigate the authorized acres.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1670-1 and subject to the following qualification:

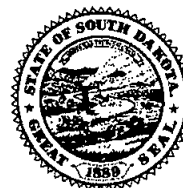
- This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Jeanne Goodman

Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 01 2015

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

1096-1
1670-1

OCT 01 2015

Derek Brink
Bar Bar V Livestock LLC
14476 Marty Rd
Newell SD 57760

Dear Mr. Brink:

Enclosed is Water License No. 1670-1, issued in the name of Bar Bar V Livestock LLC. This is the final water right document completing the process of obtaining a Water Right. Included with the license is a map prepared by the staff engineer who conducted the field investigation.

On February 3, 2014, ownership changes were filed for the portions of Water Right No. 1096-1 formerly owned by Lyndon and Jane Kok and Water Permit No. 1670-1, listed in their names. The ownership changes, effective the day they were received, transferred Nos. 1096-1 and 1670-1 to Bar Bar V Livestock LLC. Upon licensing, the applicable portions of Water Right No. 1096-1 were incorporated into Water License No. 1670-1. The receipts for the filing fees are being forwarded by copy of this letter to Black Hills Title & Abstract in Spearfish, SD.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

c: Black Hills Title & Abstract, PO Box 459, Spearfish SD 57783