

1176-1

1. Considered NOVEMBER 15 1978
2. Name of Applicant DANIEL J. OEDEKOVEN
3. Post Office Address VALE, S.D.
4. Amount of Water claimed 2.3
5. Source of Water supply WHITEWOOD CREEK
6. Water to be used for IRRIGATION
 Acres to be irrigated 163
7. Water to be diverted and used in BUTTE County
 about 5 miles WEST of VALE
8. Proof of Publication
 Received _____
 Not Received _____
9. Application (L. A. MILLER)
 Approved 11-15-78
 Subject to Low flow By Pass
Aug 15 cutoff
 Not Approved _____
 Action Deferred _____

ONE EXISTING PERMIT ON WHITEWOOD CR
 BELOW THIS APPL - DOTTLE OF VICK,
 BELOW OYIL CREEK - SHOULD WE HAVE
 AMOUNT IS CUTOFF?

10. Remarks:

No. 1176-1Map No. 986-1 Water Division No. 1 BELLE FOURCHE RIVER District
(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 DANIEL J. CEDEKOVEN
Postoffice address Dale State SD 57788

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) direct labor3. Name of diversion work CEDEKOVEN IRRIGATION PROJECT4. Amount of water claimed (cubic feet per second) 4800 cfs per year 2.3 cfs per acre5. Source of water supply Whitewood Creek6. Location of point of diversion approx at the center of NW 1/4 SW 1/4 Sec 34 T8 R5
N 1/4 S 1/4County Battle7. Annual period or periods during which water is to be used Summer months8. Use to be made of water (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 163

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.
<u>See Sheet</u>			
<u>Attached on Back</u>			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 2 years. Additional time required to complete application of water to the proposed beneficial use 5 years. Belle Fourche Bee11. Choice of newspaper for Notice of Intent to Appropriately Water publication The Belle Fourche Bee

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.
pump from the creekB. Works proposed to transport water to place of use.
pipe to fieldsC. Works proposed to apply water to beneficial use.
gated pipe and dirt ditchesEstimated Total Cost \$ 0.000Attachments: 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 BattleI, Daniel J. Cedekoven, 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 constructionSigned Daniel J. CedekovenSubscribed and sworn to before me this 9 day of August 1928Louise Schmitt
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1176-1
DANIEL J. OEDEKOVEN VALE
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57788 With the following modifications.
 (State)

Low flows as needed for downstream domestic use, including livestock watering must be by-passed.

This permit does not authorize diversions of water from the WHITEWOOD CREEK after August 15th of each calendar year, that any time when the river flow is obviously low, unless written orders have been so issued by the State Water Rights Commission, or its legally appointed representative. Diversions under this permit shall be in accordance with any written orders by the Commission or its representative.

Date of first receipt of application AUGUST 10 19 78
 Date of return to applicant for correction, amendments or changes required _____ 19 ____
 Date of receipt of corrected application _____ 19 ____
 Approved NOVEMBER 15 19 78, Recorded in Book 20 Page 92

WATER RIGHT PERMIT NO. 1176-1

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1176-1 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 AUGUST 10 19 78
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 15 19 79
3. The whole of said work is to be completed on or before NOVEMBER 15 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 15 19 83
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 2.3 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, 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 NOVEMBER 15 19 83; said water to be used during the following described annual period: APRIL TO AUGUST 15th

Witness my hand this 17th day of NOVEMBER 19 78

WATER RIGHTS COMMISSION

By:

John Hatch
 Chief Engineer, Executive Officer JOHN HATCH

Certificate of Construction Issued March 4 19 82

Water License Issued March 4 19 82

Daniel J. Delebrun

Land Description	Acres
NE $\frac{1}{4}$ ~~SW~~ $\frac{1}{4}$ Sec 34 T8 R5	40
W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 34 T8 R5	20
N $\frac{3}{4}$ ~~SE~~ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 34 T8 R5	7.5
SW $\frac{1}{8}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 34 T8 R5	1.25
E $\frac{7}{8}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 34 T8 R5	17.5
E $\frac{2}{3}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 34 T8 R5	13.3
SE $\frac{1}{4}$ NE $\frac{1}{4}$ N $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 34 T8 R5	2.5
E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 34 T8 R5	1.25
S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 34 T8 R5	1.25
S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 34 T8 R5	5.
NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 34 T8 R5	2.5
S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 34 T8 R5	1.25
S $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 34 T8 R5	2.5
NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 34 T8 R5	.62
E $\frac{2}{3}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 34 T8 R5	1.7
E $\frac{2}{3}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 34 T8 R5	.8
~~SW~~ SW $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 34 T8 R5	1.25
SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 34 T8 R5	10.0
N $\frac{3}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 34 T8 R5	6.6
N $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 34 T8 R5	2.5
S $\frac{2}{3}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ ~~NE~~ NW $\frac{1}{4}$ Sec 34 T8 R5	6.6
S $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 34 T8 R5	2.5
SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 34 T8 R5	2.5
NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 34 T8 R5	.6
NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 34 T8 R5	.6
SubTotal	152.07

Daniel J. Delebrun

Land Description	Acres
W $\frac{2}{3}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 33 T8 R5	3.3
NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 33 T8 R5	2.5
NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 33 T8 R5	2.5
E $\frac{2}{3}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 33 T8 R5	3.3
SubTotal	11.6

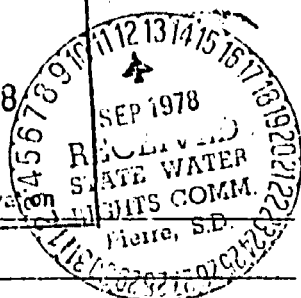
Total 163.67

Water Right Copy

RESERVATION COMMISSION
FORM WI #1
6/78

SOIL/WATER COMPATIBILITY APPLICATION FORM
STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

RECEIVED
SEP 6 1978
South Dakota
Division of Conservation



IN APPLICANT: Read Instructions Before Proceeding!!!

NAME Dan C. Karcia 456-7-11

ADDRESS 1410 S. Dale

CITY Bartlesville

In accordance with State law (Section 1, 58-33-31), if a water right is granted with a conditional permit (Soil/Water compatibility), a copy of such conditional permit must be filed with the County Register of Deeds.

This action must be taken by the holder of a water right within 6 months of receipt of such water right.

LEGAL DESCRIPTION:

1. WELL LOCATION OR DIVERSION POINT Approx. center of NW 1/4 SW 1/4 SW 1/4 NW 1/4 Sec 34 T8 R5
2. LOCATION OF AREA TO BE IRRIGATED Sec 34 T8 R5 32 acres that own through the S. 1/4 NW 1/4 Sec 34 T8 R5, 13.4 ac. NW 1/4 Sec 33 T8 R5 NE+

TYPE OF IRRIGATION:

3. GRAVITY ☒ TOWLINE _____ CENTER PIVOT _____ GUN _____
OTHER (SPECIFY) _____
4. CROPS TO BE IRRIGATED Wheat, small grain & corn

WATER QUALITY: (To be completed by SDNR Water Quality Lab)

- | | |
|---------------------------------------|-----------------------------------|
| 5. SAMPLE NUMBER | <u>78-747</u> |
| 6. SALINITY (EC X 10 ⁶) | <u>998 (high)</u> |
| 7. SODIUM (SAR) | <u>0.55 (low) Adjusted = 1.02</u> |
| 8. RESIDUAL SODIUM CARBONATE (meq/l.) | <u>0.0</u> |

I do hereby certify that a chemical analysis of the irrigation water representative of that used to irrigate shall be acquired from South Dakota State University and the soils information has been acquired from Bartlesville Conservation District, County Extension Office or Soil Conservation Service; and further, that the legal description for the location of the well and land to be irrigated is true and correct.

SUBSCRIBED AND SWORN BEFORE ME THIS
21st DAY OF Aug., 19 78.
Marcus L. Harris
Notary Public
(TITLE OR SEAL)

My Commission Expires May 16, 1983

Daniel A. Carlbrown
APPLICANT'S SIGNATURE
Alfred J. Smith
Approved _____
Disapproved _____
Conditionally Approved _____

(SOILS INFORMATION ON REVERSE SIDE)

SD-CONS-31A
5/75

SOIL MAP



Owner Dan Oardokoven Operator Same

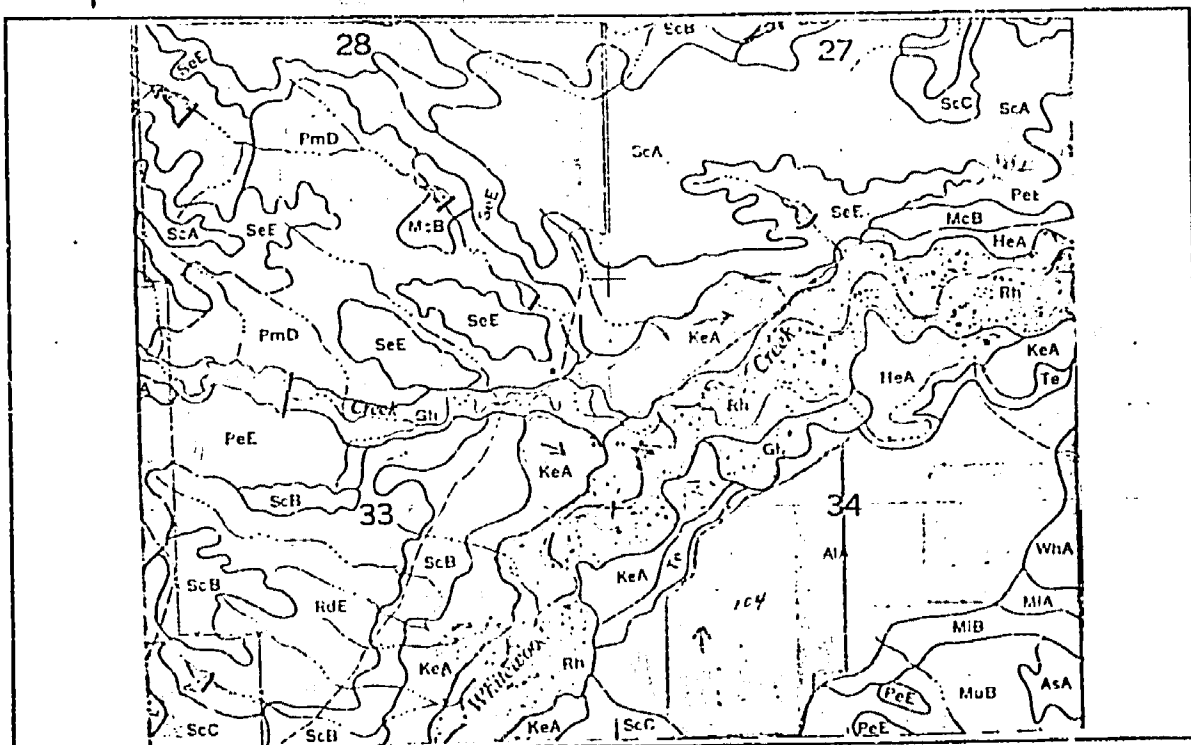
County Butte State South Dakota

Soil survey sheet(s) or code No.(s) _____ Approximate scale 2.6" = 1 mile



Prepared by U.S. Department of Agriculture, Soil Conservation

Service cooperating with Butte Conservation District



SOIL MAP LEGEND

- ALA - Altvan Loam = IJs2 - These are silty clay loam soils on nearly level (0-2%) uplands, underlain by soft bedrock at depths between 20 to 40 inches. Permeability is moderate in the upper part and slow to impervious in the bedrock. Water intake is about 0.5 inches per hour. Water holding capacity is about 2.1 inches per foot. The moisture holding zone is 2 to 3 feet thick.
- KeA - Keith Silt Loam = I-2 - These are deep, well drained soils occurring on nearly level (0-2%) terraces. They have silty or loamy surface layers, silty clay loam or clay loam subsoils and silty or loamy underlying materials. Water intake is about 0.5 inches per hour. Water holding capacity is about 2.1 inches per foot. The moisture holding zone is 3 to 4 foot thick.

9/8/76 Phone call from [unclear] indicated small rocky areas (slabbed bedrock)
See sheet 34.

REPORT OF ANALYSIS
 Water Quality Laboratory
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57007

Submitted by: Don Oriskoven
 Address: Vale, SD 57733

Date Rec'd: August 23, 1978
 Sample No. 73-747
 Identification 1.1, Sec. 34, T 8N, R 5E

WATER ANALYSIS

Calcium (Ca)	190	ppm*	9.50	me/l**
Magnesium (Mg)	23	ppm	1.37	me/l
Sodium (Na)	30	ppm	1.31	me/l
Potassium (K)	12	ppm	0.31	me/l
Sulfate (SO ₄)	434	ppm	9.03	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	55	ppm	1.54	me/l
Bicarbonate (HCO ₃)	59	ppm	0.96	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)	48	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	998	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.55	adjusted	1.02	
Sodium	10.08	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.57			

*ppm=parts per million

**me/l=millequivalents per liter

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



COMMENTS: Total cations 12.99 me/l
 Total anions 11.53 me/l

By: Shirley Eittan

Service Performed	Amount Due
Irrigation analysis	\$15.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 73-747

Amount Enclosed \$

Signed

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

(RECOMMENDED MANAGEMENT)



NAME OF APPLICANT Dan Oedekoven, Vale, SD

RECOMMENDED MANAGEMENT:

1. Water should not be applied more than 1, 2, 3, 4, 5, times during the irrigation season.
2. Each uninterrupted application (one rotation of center pivot) should be of at least 1, 2, 3, 4, inches of water.
3. ☐ Yes ☐ No Surface drainage suggested
4. ☐ Yes ☐ No Subsurface drainage suggested
5. ☐ Yes ☐ No Specific land areas that should be avoided

-
-
-
6. ☐ Deep tillage (For the purpose of aiding movement of water through dense subsoils)

7. ☐ Heavy fall application of irrigation water

Keith soils are well suited to gravity irrigation. They should have enough surface soil depth (at most places) to do leveling to a uniform grade if you so desire.

Altvan soils may tend to stress the crop between irrigations because of the fast permeability of the sands and gravel below 3'. In other words, more frequent irrigations will be required on the Altvan soils. You may want to arrange or shorten the length of run to accommodate the most correct intake throughout the field. Unless you have a 1/2 mile head, 1/2 mile runs may be too long. Over-irrigation, with subsequent loss of fertilizers to the underlying sands in the head end of your runs, could result.

Copy to Applicant - 1
Copies to Water Rights - 2
Copy to File - 1

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1176-1

(1) WHEREAS, On the 10th day of August A. D. 1973
Donald L. Odehoven

made Water Right Application No. 1176-1 for a permit to use 2.3 cubic feet per second of the waters
 of Whitewood Creek
 County of Butte State of South Dakota, for irrigation

purposes; and
 (2) WHEREAS, On the 15th day of November A. D. 1973
 Permit No. 1176-1 with a date of priority of August 10, 1973

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 15th day of November A. D. 1980 and for the
 application to be beneficial use of said water on or before the 15th day of November A. D. 1983

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 2.16 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 T2N, R5E

Section 33 SE 1/4 NE 1/4 12 acres

Section 34 NW 1/4 NW 1/4 17 acres

NE 1/4 NW 1/4 11 acres

SW 1/4 NW 1/4 16 acres

SE 1/4 NW 1/4 10 acres

NW 1/4 SW 1/4 12 acres

NE 1/4 SW 1/4 39 acres

SW 1/4 SW 1/4 15 acres

SE 1/4 SW 1/4 29 acres

TOTAL 151 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 Daniel J. Oadeskoven

of Valle, South Dakota

the holder _____ and owner _____ of said permit No. 1176-1 a water right, dating from August 10, 1978

to use of 2.16 cubic feet per second of the waters

of Whitewood Creek

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 between Point "A" 1630'N and 400'W of the SE

corner of Section 33 and Point "B" 600'S and 500'W of the N 1/4 corner of

Section 34, T8N, R5E

and conducted to and upon portions of Sections 33 and 34, T8N, R5E more fully

described on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1176-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 6th day of March A.D.

Nineteen Hundred and Eighty-two

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 1176-1

Water Diversion No. 1 Beila Fourche R Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Daniel J Oedekoven

_____ the holder _____ of
Permit No. 117E-1, issued upon Application No. 1176-1, bearing date of priority of August 10,
1978 authorizing the diversion of 2.3 cu. ft. per second of the waters of _____
Whitewood Creek County of Butte, State of South Dakota at _____
between Point "A" 1630'N and 400'W of the SE corner of Section 33 and
Point "B" 600'S and 500'W of the N 1/4 corner of Section 34, T8N, R5E
_____, for irrigation

_____ purposes, has 5 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 3.56 cu. ft. per second of water.

Date March 4, 1982

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

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

No. 1176-1

11-15-18

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Butte) ss.

I, Marion Lucan hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Belle Fourche River

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:

Sept. 29, 1978

Oct. 6, 1978

Marion Lucan
(Signature)

Editor (Title)

October 13, 1978

(Date Signed)

Public Notice

No. 1176-1

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

September 21, 1978

Notice is hereby given that Daniel J. Oedekeven whose post office address is: Vale, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, and Commission Rules AKSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 2.3 cubic feet of water per second of time from Whitewood Creek through the Oedekeven Irrigation Project, the point of diversion which is to be located in the NW 1/4 SW 1/4 of Section 34, Twp. 84 Range 5E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

W 1/2 Section 34 and SE 1/4
NE 1/4 Section 33, T8N,
R5E

This application No. 1176-1 will be considered by the Water Rights Commission at SDEA Auditorium, 411 E. Capitol, Pierre, South Dakota upon the 15th day of November, 1978 at 10 A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. Those and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Commission may be appealed to the Courts of the State of South Dakota.

WATER RIGHTS
COMMISSION

Betty Westlund,

Water Rights Specialist

B219/19-10/6

Publish first publication, on or before October 0, 1978 No. 1176-1

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

September 21, 1978

Notice is hereby given that Daniel J. Odekoven whose post office address is Vale, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 2.3 cubic feet of water per second of time from ~~AKR~~ Whitewood Creek through the Odekoven Irrigation Project, the point of diversion which is to be located in the NW 1/4 SW 1/4

of Section 34, Twp. 8N Range 5E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

W 1/2, Section 34 and SE 1/4 NE 1/4, Section 33, T8N, R5E

This Application No. 1176-1 will be considered by the Water Rights Commission at SDEA Auditorium 411 E. Capitol, Pierre, South Dakota upon the 15th day of November, 1978 at 10 A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law.

WATER RIGHTS COMMISSION

BETTY WESTLUND
Water Rights Specialist

cc: Daniel J. Odekoven, Vale, SD 57788



**Department of
Water & Natural Resources**

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

June 10, 1981

Arthur J Odekoven
Vale, SD 57788

Mr. Odekoven:

The rules adopted by the Water Management Board for establishing a water use control area on the Belle Fourche River, Whitewood Creek and Owl Creek requires that the water right holder be assessed a fee of ten dollars for each cubic foot per second or portion thereof of the diversion capability of the diversion works plus twenty-five cents for each acre irrigated as shown by the water rights of record in the Division of Water Rights. These fees are required to be paid to the Division of Water Rights by July 1, 1981.

Permits for which fees have not been paid by July 1, 1981 shall be refused the right to divert water for the remainder of the year. The fees paid will be used to defray the costs of providing water master services within the water use control area. The following is a tabulation of your assessment.

<u>Permit No.</u>	<u>Diversion Rate</u>	<u>Acreage</u>	<u>Fee</u>
1176-1	2.3 cfs	163.0	\$70.75

TOTAL			\$70.75
-------	--	--	---------

Please make check or money order payable to the Dept. of Water and Natural Resources and send to the Division of Water Rights, Joe Foss Building, Pierre, SD 57501.

If you have any questions, do not hesitate to contact this office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH/JW/gy

Equal Opportunity Employer

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8272

June 16, 81

PIERRE, 19

RECEIVED OF Arthur R. Oedekoven, Route 2, Box 96, Vale SD 57788

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		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for water master services on WR# 1176-1	70	75
(any other work as provided by law)		
TOTAL	70	75

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH *ky*

Belle Fourche River and Tributaries
Water Use Control Area
Financial Report
1981

Summary of Receipts and Expenditures
June, 1981 - July, 1981

	<u>Receipts</u>	<u>Disbursements</u>	<u>Balance</u>
Collections (Water User's fees)	\$7,379.37	\$	\$
Watermaster (Salary and Mileage)		2,028.62	5,350.75
	<u>\$7,379.37</u>	<u>\$2,028.62</u>	<u>\$5,350.75</u>

Detailed Report of Receipts

No.	Name	Diversion Rate	Acreage	Receipts (total fee)	Amount Returned
789-1	Louis Budmayr	0.90	95.50	\$ 34.00	\$ 30.10
429-1	Ed Brunner & Son	1.43	106.00	46.50	41.16
429-1A	Mel Pittman	1.07	79.00	40.00	35.41
506-1	Bob Bartels	.23	17.00	14.25	12.61
892-1	Bob Bartels	1.00	70.00	27.50	24.34
417-1A	Quinten & Karen Watson	.53	78.00	29.50	26.11
417-1B	Clarence Anderson	1.43	206.00	64.00	56.65
417-1	Mrs. Eddie(Vivian)Anderson	1.15	69.00	69.50	61.52
531-1	Ruby Dillinger	1.27	89.29	42.50	37.62
1162-1	Charles & Dorothy Shaykett	4.61	324.70	131.00	115.96
1210-1	Charles & Dorothy Shaykett	1.80	128.30	52.00	46.03
1132-1	Ezra Pauley	4.00	285.00	111.25	98.48
1204-1	Art Heitz, Jr.	2.19	153.00	68.25	60.41
1205-1	Harlan K Schnell	1.88	132.00	53.00	46.91
1215-1	H L & Mildred Brunner	3.00	264.50	96.12	85.08
418-1	Alex Miller	1.67	117.00	49.25	43.59
1213-1	Robert W Grant	1.43	100.00	45.00	39.83
419-1	Herman Stark	2.50	179.00	74.75	66.17
421-1	Lee Dutton	2.50	175.00	73.75	65.28
1049-1	Thorval Jensen	1.47	103.00	45.75	40.50
1122-1	Thorval Jensen	4.88	324.14	135.75	120.16
1160-1	Thorval Jensen	1.90	133.49	53.50	47.36
1029-1	Homestake Mining	1.39	97.00	44.25	39.17
910-1	Donald Halbmaier	2.50	175.00	73.75	65.28
1165-1	Tom Bowen	2.85	200.00	80.00	70.81
722-1	Edith Anderson & Tom Bowen	2.80	196.00	79.00	69.93
1148-1	Homestake Mining	13.50	948.00	377.00	333.71
430-1	Gerald Wetz	1.65	116.00	49.00	43.37
432-1	Roy Casteel	4.30	307.00	126.75	112.20
414-1	Mary Ann Schummer	3.40	239.00	99.75	88.30
411-1	Edward Poss	5.10	452.00	173.00	153.13
440-1	David A Richards	5.00	416.00	154.00	136.32
1149-1	Homestake Mining	3.20	226.00	96.50	85.42
1150-1	Homestake Mining	7.60	534.00	213.50	188.98
437-1	McNenny Ranch Inc.	5.90	418.00	164.50	145.61
1151-1	Homestake Mining	5.50	390.00	157.50	139.41
821-1	George Levin & Sons	7.00	490.00	192.50	170.40
1136-1	George Levin & Sons	3.07	215.00	93.75	82.98

Detailed Report of Receipts Cont.

No.	Name	Diversion Rate	Acreage	Receipts (total fee)	Amount Returned
1152-1	Homestake Mining	6.60	462.00	\$ 185.50	\$ 164.20
449-1	George Wurnig	5.00	365.00	171.25	151.59
1153-1	Homestake Mining	6.10	428.00	177.00	156.68
311-1	Lester Clark	16.61	1,163.60	461.00	408.06
310-1	Lester Clark	6.76	473.20	188.50	166.85
248-1	Lawrence Burke	0.90	64.00	26.00	23.01
1077-1	Charles M Arneson	1.44	131.00	52.75	46.69
165-1	Trigg Ranches Inc.	4.30	301.00	275.00	243.42
122-1	Trigg Ranches Inc.	3.75	263.00		
1146-1	Trigg Ranches Inc.	1.89	336.00		
928-1	Charles Wennberg	2.20	155.00	68.75	60.86
912-1	Gilbert Alan	1.46	101.80	45.50	40.28
926-1	Donald Berger	2.04	143.00	65.75	58.20
1176-1	Arthur J Odekoven	2.30	163.00	70.75	62.63
1190-1	Neil Shuck	3.53	247.00	101.75	90.07
611-1	Alex Miller	3.35	235.00	98.75	87.41
569-1	Ramona McFarland	0.97	68.00	27.00	23.90
870-1	Eugene C Bishop	0.70	49.00	22.25	19.70
401-1	Kenneth & Dorothy Aker	1.88	132.00	53.00	46.91
135-1	Walter Hoffman	3.11	220.00	95.00	84.09
408-1	James A Mickelson	3.10	218.00	94.50	83.65
469-1	Raymond Garness	1.30	91.00	42.75	37.84
1218-1	William Dillinger	.40	42.70	20.75	18.37
1222-1	John Ismay (Norman)	1.11	79.00	39.75	35.19
1154-1	Homestake Mining	4.50	319.00	129.75	114.85
285-1	Edgar Colin Smart	1.42	150.00	67.50	---
331-1	Anna Stetta (Louis Budmayr)	1.87	131.00	52.75	---
472-1	Timothy Reich	2.00	167.84	62.00	---
275-1	John Durr	1.90	133.00	53.25	---
271-1	Herbert Clarkson	.06	43.00	20.75	---
296-1	Robert Heimer	2.50	179.00	74.75	---
308-1	Lewis Bertolotto	.64	45.00	21.25	---
282-1	James Jaffrey	1.05	73.70	38.50	---
1182-1	George Leah	1.60	108.00	47.00	---
228-1	Thornton Vallery	.72	54.17	23.75	---
230-1	Thornton Vallery	5.50	386.00	156.50	---
264-1	Thornton Vallery	.22	15.30	14.00	---
321-1	Clarence & Lawrence Foos	1.64	115.00	48.75	---
962-1	Ione A Shevling	3.00	251.00	92.75	---
960-1	Thornton & Gwenivere Vallery	.50	35.00	18.75	---
283-1	Thornton & Gwenivere Vallery	1.02	75.00	38.75	---
273-1	Ruben & Esther Kling	.46	32.60	18.25	---
273-1A	Ruben & Esther Kling	1.54	108.40	47.25	---
1177-1	Ruben & Esther Kling	3.30	231.00	97.75	---
416-1	Creta & Leslie Miner	2.66	198.00	79.50	---
865-1	Solomon Stark	2.14	150.00	67.50	---
237-1	David G Rathbun	2.20	154.00	68.50	---
1126-1	John Lewis	3.11	339.00	124.75	---

Do not use this space.

STATE OF SOUTH DAKOTA

DIRECT VOUCHER

AGENCY VOUCHER No.

DATE

AYEE • Arthur J Odekoven
Vale SD 57798

DEPT. • DWR, Water Rights Division
Joe Foss Bldg.
• Pierre SD 57501

ADDRESS •

Agency	Fund	Sub Fund	Prog. Act.	Obj. Sub. Obj.	Agency Coding	Amount	Contract No.
00301	699	01	0000	0801		62 63	1
							2
							3
							4
							5
							6
							7
							8
							9
							10
TOTAL 22						62 63	

NOTE: Vendors invoice must be attached.

Invoice No.(s)	Date Delivered	QUAN.	DESCRIPTION OF SERVICE OR COMMODITY	UNIT PRICE	AMOUNT	MEMO
			Refund of unexpended funds collected from the Belle Fourche River and tributaries Water Use Control Area Permit Owners 1176-1 Arthur J Odekoven		62 63	
TOTAL					62.63	

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federally assisted programs.

Claimant Signature

Date

11-5-91

AGENCY VERIFICATION

I hereby certify that this claim has been examined by me, and to the best of my knowledge and belief is in all things true and correct and the same is hereby approved.

DIVISION APPROVAL

APPROVAL SIGNATURE

DATE

DATE

11-5-91

11-7-91

Permit No. 1176-1Water 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 / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Daniel J. Oedekeoven of Vale, S. Dak, 57783 holder of Per. No. 1176-1, bearing date of priority of August 10, 1978 authorizing the diversion of 2.3 cu. ft. per second of the waters of Whitewood Creek 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:

Pumping - 800 gpm
 Motor - Lincoln, 40 HP, 1765-RPM, Ser # 2215974.
 Pump - Berkeley, Model. B4JPBM, Ser # 8057926, Imp-13 1/2 x 3 1/2
 Rammaster pump - Model-60P - Ser # 145174.
 Tractor Power Take-off - Pumping 800 gpm (est).

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

5280 ft - 6" - 8" and Gated Aluminum Pipe
 Some plastic Gated pipe

C. Works used to apply water to beneficial use.

Gated Pipe
 2000 ft 4" dia. Tow Lines with 30 ft Spacing

The system is in the following condition. Good

The point of diversion is located Between Pt "A" 1630' N and 400' W of the SE Cor of Sec. 33 and Pt "B" 600' S and 500' W of the N 1/4 Cor Sec. 34, T8N R5E

The works are capable of diverting and conveying to the place of use 3.56cu. ft. per second of water which is to be used for Irrigation.Water has been put to beneficial use to the maximum extent as follows: The following in Sec. 33 T8N R5E

SE 1/4 NE - 12 Ac The following in Sec. 34, T8N R5E
NW 1/4 NW 1/4 - 17 Ac NE 1/4 NW 1/4 - 11 Ac SW 1/4 NW 1/4 - 6 Ac
SE 1/4 NW 1/4 - 10 Ac NW 1/4 SW 1/4 - 12 Ac NE 1/4 SW 1/4 - 39 Ac
SW 1/4 SW 1/4 - 15 Ac SE 1/4 SW 1/4 - 29 Ac

comprising a total of 151 acres of land.

$$151 \div 70 = 2.16$$

License for 2.16 CFS

Date September 30, 1981
LeRoy J. McNaugh
 (Signature)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

Nº 4 8677

PIERRE, January 28, 1982

RECEIVED OF Arthur F. Odeekoven, R#2, Box 96, Vale, SD 57788 (for Daniel J. Odeekoven)
the following amount in fees for services rendered as provided for by law:

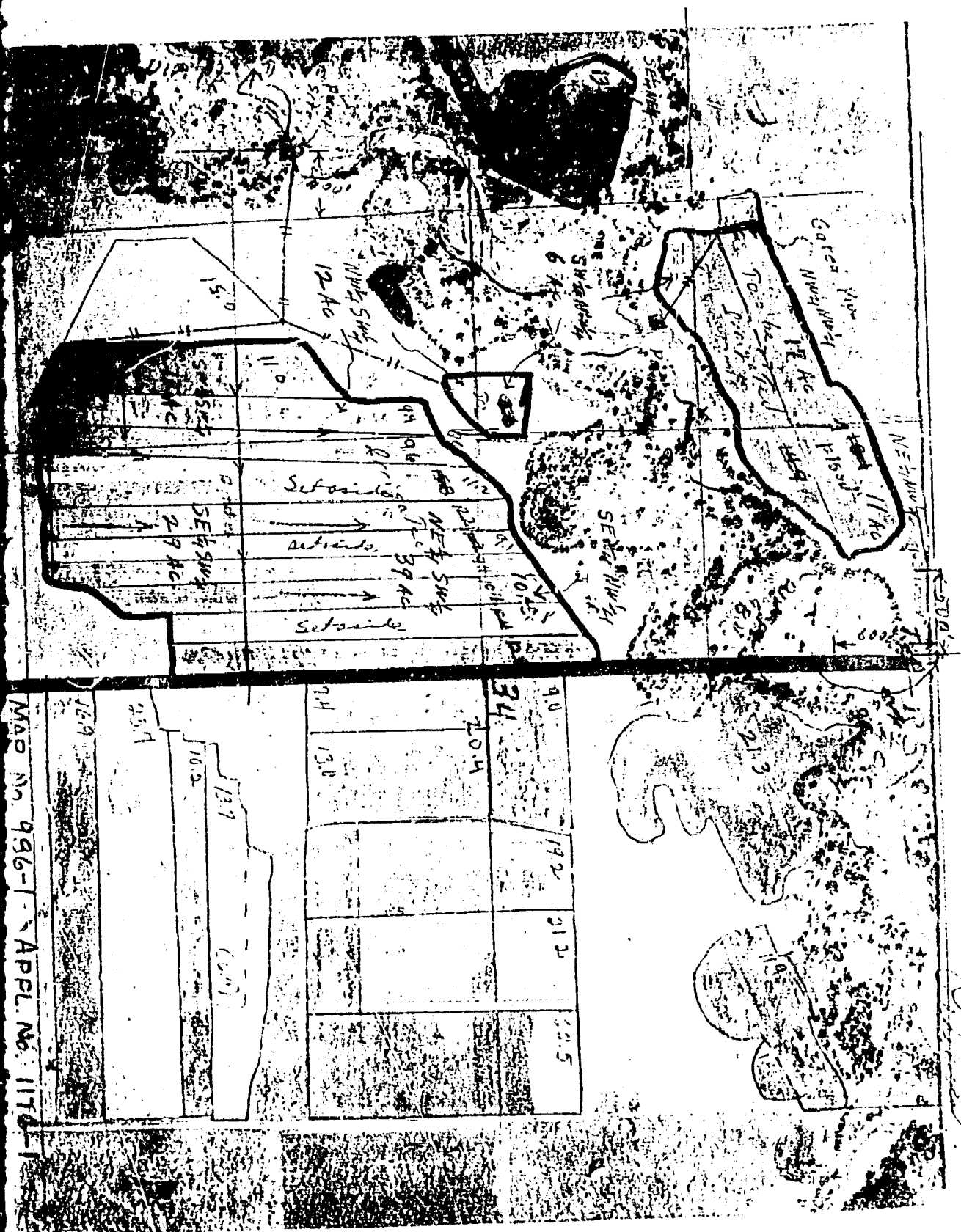
Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and Issuing Cert. of Construction No. 1175-1		
Fee for Inspecting Beneficial Use, and Issuing Water License No. 1176-1	50	00
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filling		
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 *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH (RIS)

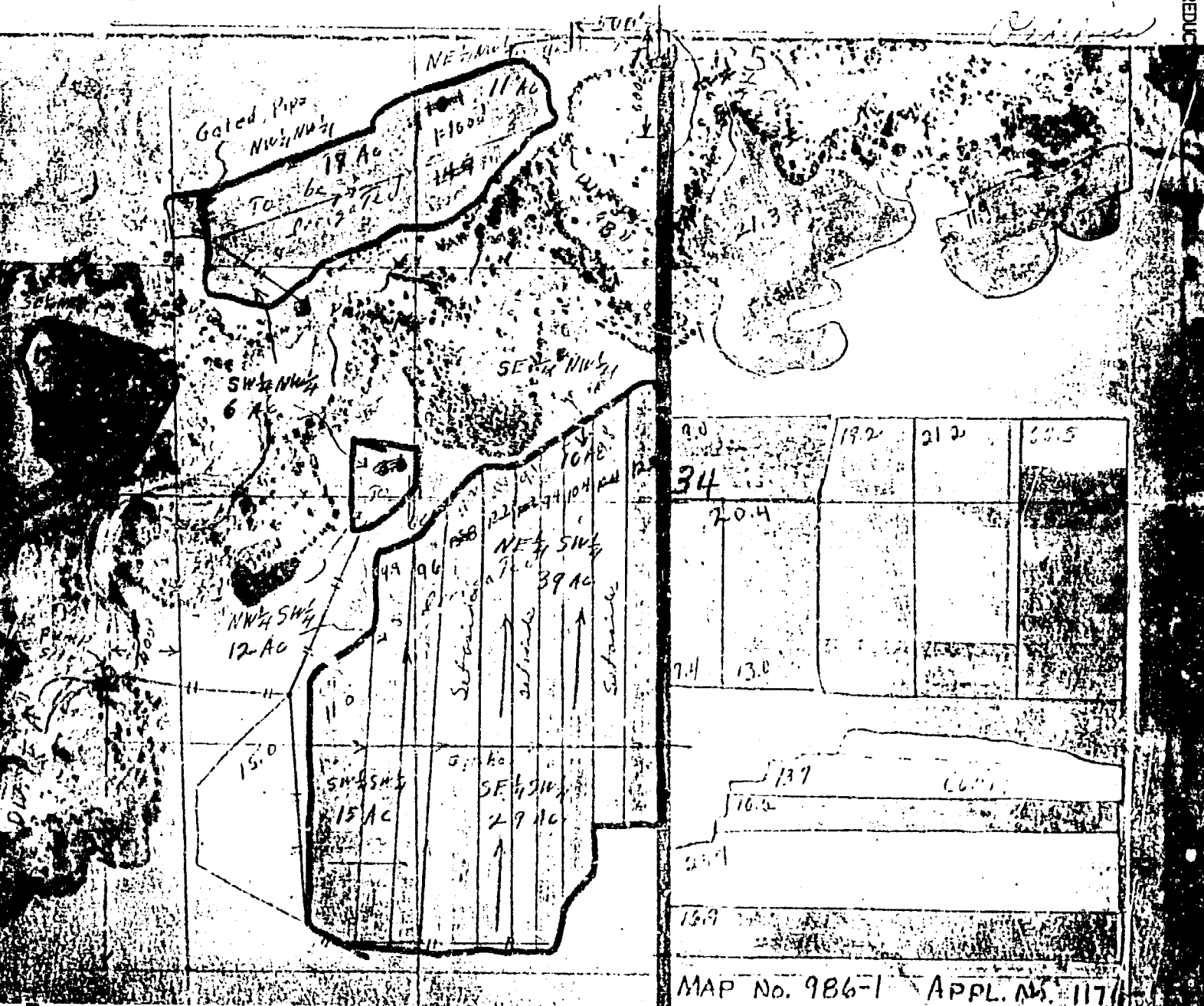
THE PLAN: BUREAU

OWNER John Ackelmann OPERATOR Sam A
COUNTY San He STATE South Dakota DATE 3/15/73
APPROXIMATE ACRES _____ APPROXIMATE SCALE 8" = 1 mi
COOPERATING WITH BHHE CONSERVATION DISTRICT _____
PLAN IDENTIFICATION _____ PHOTO NUMBER _____
ASSISTED BY W. J. Morgan USDA SOIL CONSERVATION SERVICE



CONSERVATION PLAN MAP

Owner Stan Rodakiewicz Operator Sams
 County Beale State South Dakota Date 4/5/75
 Approximate acres Approximate scale 5" = 1 mile
 Cooperating with BUREAU Conservation District
 Plan identification Photo number
 Assisted by Carl E. Jensen USDA Soil Conservation Service



South Dakota
Department of
Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

Phone (605) 773-3352

January 31, 1983

Arthur F. Oedekoven
Route #2, Box 96
Vale, South Dakota 57788

Dear Mr. Oedekoven:

Please find enclosed a copy of our Form 20, Notice of Transfer of Water Permit. This must be signed by the owner before a notary public and returned to this office with a fee of Two Dollars and Fifty Cents (\$2.50).

Upon receipt of the Form 20 and the \$2.50 filing fee the permit will be transferred to the proper name.

Please advise this office if you have any questions.

Sincerely,

Genny Young
Water Rights Specialist

GY:ms
Enc.

This transfer is being sent to you in regard to the 1982 Irrigation Questionnaire you submitted.

Dear Sir

Feb 3-83

at present I do not know
Daniels address and don't
know for sure when I will
so send all correspondence
to me.

Arthur Deekoven,
Vale S. Dak.

Arthur Deekoven
Vale S. Dak.
Feb 3-83



Water Rights Division
605 773-3352

1176-1

August 15, 1983

Daniel Odaskoven
Rt 2, Box 96
Vale SD 57708

Dear Mr. Odaskoven:

In response to your request by telephone on August 15, 1983, the Water Rights Division hereby authorizes continuation of irrigation under Permit No. 1176-1 from Whitewood Creek until August 31, 1983.

This authorization is subject to flows remaining available for downstream domestic users and prior water rights.

If there are any questions, do not hesitate to contact this office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:KCL:ks

1176-1

WATER RIGHTS DIVISION
(605) 773-3352

August 14, 1984

Daniel J. Oedekoven
Route #2, Box 96
Vale, South Dakota 57788

Dear Mr. Oedekoven:

In response to your request on August 14, 1984, the Water Rights Division hereby authorizes continuation of irrigation under Permit No. 1176-1 from Whitewood Creek until October 15, 1984.

This authorization is subject to flows remaining available for downstream domestic users and prior water rights.

If there are any questions, do not hesitate to contact this office.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division

JH:JV:ms

1176-1

WATER RIGHTS DIVISION
(605) 773-3352

August 20, 1985

Daniel Oedekoven
HCR, Box 174
Hisland, South Dakota 57762

Dear Mr. Oedekoven:

In response to your request by telephone on August 19, 1985, you are authorized to continue irrigation under Permit No. 1176-1 from Whitewood Creek until September 20, 1985.

This authorization is subject to flows remaining available for downstream domestic users and prior water rights.

If there are any questions, do not hesitate to contact us.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division

JH:KCL:ms

1176-1

Dear Sir

Jan 5-87

In regards to the
water right on 8-5- section
33 & 34 - write to this
address

MR. ART F. ODEKOVEN
R.R. 1 BOX 96
VALE, SD 57788



Yours truly Arthur
Odekoven

1/15 : called & spoke with Mrs. Odekoven,
Daniel is not around anymore,
water right should be transferred
to Arthur. Arthur owns the land.





Department of Water & Natural Resources

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

water rights division
(605) 773-3352

1176-1

January 15, 1987

Arthur F. Oedekoven
RR 1, Box 96
Vale, South Dakota 57788

Dear Mr. Oedekoven:

Enclosed is a partially completed "Notice of Transfer" for transferring Water Right No. 1176-1 from Daniel to you. Please complete the form by dating and signing it in the presence of a notary.

Upon completion of the form, please return it to our office with a \$2.50 filing fee. Water Right No. 1176-1 and all other pertinent records will then be changed over to your name.

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.

Also enclosed is the 1986 irrigation questionnaire pertaining to Water Right No. 1176-1. The original copy was sent to Daniel in November. Please complete the questionnaire and return it to us as soon as possible.

A postage paid envelope is enclosed for your convenience in returning the "Notice of Transfer", \$2.50 filing fee, and irrigation questionnaire. If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.

NO. 1176-1

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

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

151 Acres - SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33, W $\frac{1}{2}$ Section 34, T8N R5E

_____ formerly owned by Daniel Oedekoven

has been transferred to Arthur F. Oedekoven, RR 1, Box 96, Vale, SD 57788

(please include complete mailing address)

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

Water Right Permit No. 1176-1 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)
County of Butte) ss.

I, Arthur F. Oedekoven being first duly sworn on my oath declare 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.

(Signed)

Subscribed and sworn to before me this 3rd Day of February, 19 87

[Signature]
(Notary Public)

Notary Public

My Commission Expires April 9, 1992

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, February 13, 1997

RECEIVED OF Arthur F. Oedekoven, RRI, Box 10, Vels, 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 1176-1

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

2 50

By

Chief Engineer

JOHN HATCH

(15)



1176-1

Department of Water & Natural Resources

Jon Foss Building
523 East Capitol

Pierre, South Dakota 57501-3181

WATER RIGHTS DIVISION
(605) 773-3352

February 17, 1987

Arthur F. Oedekoven
RR #1, Box 96
Vale, South Dakota 57788

Dear Mr. Oedekoven:

Enclosed is Receipt No. 410742 in the amount of \$2.50 which you paid for the transfer of Water Right No. 1176-1. The water right is now listed in your name.

With reference to your inquiry about the number of acres authorized for irrigation under Water Right No. 1176-1, I have enclosed a copy of the Water License. The original permit authorized irrigation of 163 acres. The water use system was inspected for licensing purposes September 30, 1981. After an inspection, a water license is issued for what is actually developed. In this case, 151 acres.

If you have any questions, please contact us.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.

 **Department of
Water & Natural Resources**

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

March 13, 1990

1176-1

Homestake Mining Co
PO Box 875
Lead, SD 57754

Dear Sir:

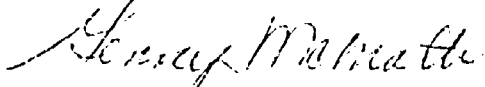
Our office has been notified by Arthur Oedekoven that you now own the land described under his water right. Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Right No. 1176-1.

Please check over the form and sign 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.

I have included a copy of Water Right No. 1176-1 for your records. If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

1176-1

No. _____

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

Date: 3/14/90



I/We request that Water Permit/Right No. 1176-1

formerly owned by: Arthur Oedekoven

be transferred to: (name & address) Whitewood Development Corp.
local mailing address
attn: Delane Wagner - PO Box 975 Lead SD 57751 (telephone No.) 584-1633

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

SE 1/4 NE 1/4 Sec 33; W 1/2 Section 34, T8N, R5E (151 acres)

Butte Co.

I/We understand that the validity of Water Permit/Right No. 1176-1 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 James B. Whitwright 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.

James B. Whitwright
(Signed)

Subscribed and sworn to before me this 14th day of March, 1990.

(SEAL)

Robert J. Sliper
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Division of Water Rights

412143

South Dakota Department of Water and Natural Resources

Pierre, _____ March 12, 19__

RECEIVED OF Whitewood Development Corp., Box 875 Lead, SD 57751
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. 117C-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

1176-1

James B. Wainwright
Whitewood Development Corp.
Box 875
Lead, SD 57754

Dear Mr. Wainwright:

Enclosed is Receipt No. 412143 in the amount of \$2.50 which you paid for transfer of Water Right No. 1176-1.

Our records now reflect you as the owner of this Water Right.

Sincerely,

Marie R. Arthur

MARIE R. ARTHUR
Secretary
Water Rights Division
(605) 773-3352

enclosure



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

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

December 11, 1990

1176-1

Arthur Oedekoven
HC 76 Box 169A
Nisland, SD 57762

Dear Mr. Oedekoven:

In response to your letter of December 6, 1990, enclosed is a 1990 irrigation questionnaire for use in reporting this year's irrigation. The original questionnaire was sent to Whitewood Development Corporation.

Please complete the questionnaire and return it to our office in the enclosed postage paid envelope. Thank you for contacting us concerning this matter. If you need assistance in completing the form, please contact me.

Sincerely, o

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures



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

December 18, 1990

1176-1

Jim Wainwright
Homestake Land Management
PO Box 777
Lead, SD 57754

Dear Mr. Wainwright:

Enclosed, as you requested, is a copy of the 1990 irrigation questionnaire pertaining to Water Right No. 1176-1. The form was completed by Arthur Oedekoven and returned to our office December 17, 1990.

If you have questions concerning the enclosed form, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Jim Wainwright
Whitewood Development Corp
630 E Summit St
Lead, SD 57754-1700

Dear Jim:

Enclosed are your 1996 irrigation questionnaires. They were originally mailed to PO Box 875, Lead, SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

416810

Pierre, March 21, 2001

RECEIVED OF Coldstate Explorations Inc., PO Box 38, 727 Main St., Spearfish, SD 57783
the following amount in fees for services rendered as provided for by law: (Whitewood Development Corp)

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 1176-1

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

Darland Erlala

Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

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



No. _____

Date: 3-20-01

I/We request that Water Permit/Right No. 1176-1

formerly owned by: Whitewood Development Corp. and Goldstake Explorations (SD), Inc.

be transferred to: (name & address) Goldstake Explorations (SD), Inc., P.O. Box 38, 727

Main St., Spearfish, SD 57783

Telephone No. 605-642-5714

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

SW/4NW/4; N/2SW/4; W/2SE/4 & SE/4 SW/4 Section 26, NW/4NE/4; NE/4NW/4 Section 35, T8N, R5E, BHPM, Butte Co., SD

I/We understand that the validity of Water Permit/Right No. 1176-1 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 with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Lawrence)

I/We Goldstake Explorations (SD), 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 that I know of my own personal knowledge that the information herein stated is true.

Kathy Whitelack
(Signature of new owner)

Vice President
Goldstake Explorations (SD), Inc.

Subscribed and sworn to before me this 20th day of March, 2001.

Thomas Hansen
(Notary Public)

My commission expires: May 20, 2001

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment • no intent to use water and use is abandoned.
2. Forfeiture • no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

Prepared by and Recorded at the Request of:
Homestake Mining Company of California
Attn: Margie Winsel Boorda
1600 Riviera Avenue, Suite 200
Walnut Creek, California 94596
925-817-1392

QUITCLAIM and TRANSFER OF INTEREST

For no monetary consideration whatsoever, WHITEWOOD DEVELOPMENT CORPORATION, a California corporation having its principal place of business at 1600 Riviera Avenue, Suite 200, Walnut Creek, California 94596 ("Whitewood") and GOLDSTAKE EXPLORATIONS (SD), INC., a South Dakota corporation having a mailing address of P O Box 38, 727 Main Street, Spearfish, South Dakota 57783 ("Goldstake") both for themselves and as participants in the now terminated Whitewood Creek Venture between the parties (collectively "Grantor") do hereby quitclaim and transfer to Goldstake all of Grantor's right, title and interest in and to that certain State of South Dakota Water Right No. 1176-1, which Water Right was conveyed by Arthur Oedekoven to Whitewood Development Corporation and the Notice of such transfer filed with the South Dakota Department of Water and Natural Resources on March 14, 1990 and which Water Right relates to the irrigation of 151 acres within portions of Sections 33 and 34, Township 8 North, Range 5 East, Butte County, State of South Dakota.

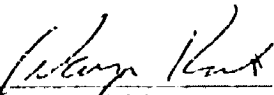
This Quitclaim and Transfer of Interest is made effective as of December 31, 2000.

Exempt from transfer fee SDCL 43-4-22(18)

For:

WHITEWOOD DEVELOPMENT
CORPORATION

By



Wayne Kirk
Vice President

For:

GOLDSTAKE EXPLORATIONS
(SD), INC.

By



Kathy Whitelock
Vice President

State of California

County of Contra Costa

)
) ss.
)

BOOK 299 PAGE 416

On February 16, 2001, before me, MATTHEW THAYLOR, Notary Public, personally appeared Wayne Kirk, Vice President of Whitewood Development Corporation and Homestake Mining Company of California, each being a California corporation

- ☒ personally known to me
☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Matthew Taylor
Signature of Notary Public

Place Notary Seal Above

STATE OF SOUTH DAKOTA

)
) ss.
)

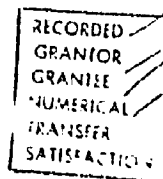
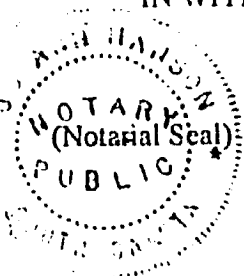
COUNTY OF LAWRENCE

On February 20, 2001 before me, the undersigned officer, personally appeared Kathy Whitelock, personally known to me to be the Vice President of Goldstake Explorations (SD), Inc., a South Dakota corporation, and personally known to me to be the person who executed the within instrument and on said oath stated that he/she was authorized to do so on behalf of said corporation.

IN WITNESS WHEREOF, I have signed my name and affixed my official seal.

JoAnn Hanson
Notary Public

My Commission Expires: May 20, 2001



STATE OF SOUTH DAKOTA, COUNTY OF BUTTE) ss

Recorded this 20th day of February, 2001 at 4:30 o'clock P m
Book 299 Page 415 By Paul G. Walker
2001-303 Fee 12.00
Register of Deeds

DENR - Water Rights Program
523 E Capitol
Pierre, SD 57501
Phone: 605 773-3352
Fax: 605 773-4068

State of South Dakota

Fax

To:	Kathy, Goldstake Explorations	From:	Genny McMath
Fax:	605 642-4281	Date:	April 2, 2001
Phone:	605 642-5714	Pages:	3
Re:	transfer of ownership	Email:	genny.mcmath@state.sd.us

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

•Comments:

As we discussed, I am faxing a copy of Water Right Nos. 611-1 and 1176-1, both listed in the name of Whitewood Development Corporation.

I received 2 documents from you concerning the transfer of Water Right No. 1176-1. The Quitclaim and Transfer of Interest document lists the area as 151 acres in portions of Sections 33 and 34, T8N, R5E. This acreage matches the area outlined on the water right. The second document was the "Notice of Transfer of Ownership". The area described on that particular form does not match either water right (611-1 or 1176-1).

Once you have reviewed the fax copies of the water rights - let me know if one or both of them should be transferred from Whitewood Development Corp to Goldstake Explorations.

**If I can answer any questions for you, please give me a call.
Thanks in advance for your help.**

Genny

P.O. Box 38
727 Main Street
Spearfish, South Dakota USA
Phone: 605-642-5714
Fax: 605-642-4281
Web site: goldstake.com
E-mail: gxp@goldstake.com

**GOLDSTAKE
EXPLORATIONS (SD),
INC.**

Fax

To: Genny McMath

From: Kathy Whitelock

Fax
No: 605-773-4068

of
Pages: 2

Phone
No: 605-773-3352

Date:
4-2-01

Re:

CC:

Original document(s) ~~(will)~~ (will not) follow in the mail

**If you do not receive all pages or the transmission is not clear,
please telephone immediately (605) 642-5714.**

• Comments:

Genny:

Following is a corrected "Notice of Transfer of Ownership".
Sorry about the confusion.

Kathy

04/02/01 11:26 FAX 605-642-1261 GOLDSTAKE EXPLOR 0102

NOTICE OF TRANSFER OF OWNERSHIP

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

No. _____

Date: 3-20-01

I/We request that Water Permit/Right No. 1176-1

formerly owned by: Whitewood Development Corp. and Goldstake Explorations (SD), Inc.

be transferred to: (name & address) Goldstake Explorations (SD), Inc., P.O. Box 38, 727

Main St., Spearfish, SD 57783

Telephone No. 605-642-5714

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

SE/4NE/4 in Sec. 33; W/2 of Sec. 34, Township 8 North, Range 5 East,
Butte County, South Dakota.

I/We understand that the validity of Water Permit/Right No. 1176-1 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 with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Lawrence)

I/We Goldstake Explorations (SD), 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 that I know of my own personal knowledge that the information herein stated is true.

Kathy Whitelock

(Signature of new owner)

Vice President
Goldstake Explorations (SD), Inc.

Subscribed and sworn to before me this 20th day of March, 2001.

John Hanson

(Notary Public)

My commission expires: May 20, 2001

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 3, 2001

1176-1

Kathy Whitelock
Goldstake Explorations (SD), Inc.
PO Box 38
Spearfish, SD 57783

Dear Ms. Whitelock:

Thank you for following up on the ownership change for Water Right No. 1176-1. The transfer has been completed. The water right formerly listed in the name of Whitewood Development Corporation is now listed in the name of Goldstake Explorations (SD), Inc.

Enclosed is your Receipt No. 416810 in the amount of \$2.50. Also enclosed is a sample copy of the yearly irrigation questionnaire. This will give you an idea of what type of records will need to be kept track of during the irrigation season.

If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 1176-1

Date: 6-20-05

I/We request that Water Right/Permit No. 1176-1 formerly owned by:

Goldstake Explorations Inc.

be transferred to:

New Owner Name: Larry and Debbie Ellsbury

Address: P.O. Box 268

City, State, Zip Sundance, WY 82729

Telephone No. 307-283-3800

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

SE 1/4 NE 1/4 Sec. 33 W 1/2 Sec. 34 T8N R5E
Butte County, SD

☐ I understand that the validity of Water Right/Permit No. 1176-1 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 Two Dollars and Fifty Cents (\$2.50) is included to cover the filing fee as required by SDCL 46-2-13.

I, Larry Ellsbury, the new owner, certify that the above information is true and correct.

Larry Ellsbury
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

11/2002

RECEIVED
JUN 24 2005
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date June 24, 20 05

RECEIVED OF Larry & Debbie Ellsbury, PO Box 268, Sundance WY 82729

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	2	50
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>117601</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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

001806

By

Darland Eble
Chief Engineer
gpm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 27, 2005

1176-1

Larry & Debbie Ellsbury
PO Box 268
Sundance WY 82729

Dear Mr. & Mrs. Ellsbury:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for changing ownership on Water Right No. 1176-1. The transfer has been completed. The water right formerly listed in the name of Goldstake Explorations Inc is now listed in your names.

Each year in October, we mail out the annual irrigation questionnaire. Enclosed is a sample copy for your review. This will give you an idea of what type of information you will need to keep track of during the irrigation season.

An additional item I wanted to make you aware of is that in order to maintain water rights, they need to be used. I am including excerpts of our water laws and Water Management Board rules dealing with this issue.

Also enclosed is your Receipt No. 001896 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 1, 2005

1176-1

Larry Ellsbury
PO Box 268
Sundance WY 82729-0268

Dear Mr. Ellsbury:

I am writing in follow-up to our July 28th telephone conversation regarding Water Right No. 1176-1. During our conversation you inquired as to whether or not your water right was "valid", where it was located on Whitewood Creek in comparison to other water rights and the priority dates of water rights on Whitewood Creek.

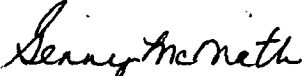
The answer to your first question on validity of the water right is not an easy thing to answer. In South Dakota, water must be placed to beneficial use for the purpose it was appropriated at least once every three years, unless legal excuse exists for the non-use of water. Enclosed are excerpts of the water laws and Water Management Board Rules dealing with these issues.

The Water Management Board is the entity who has the legal authority to determine if a water right is valid and has legal standing. As a staff person, I can tell you what our records show as to whether or not a water right has been used. Enclosed is the summary prepared for the years 1983 – 2004. From a staff viewpoint, nothing in those years would raise a red flag concerning possible abandonment or forfeiture and therefore we would not pursue cancellation of the right. However, as stated above, the Board is the entity who determines this issue. If after reviewing the summary you feel you want to bring the matter to the Board for a final decision, you are certainly within your right to do so and we will provide you information on how to file a declaratory ruling request.

In answer to your questions on location of water rights on Whitewood Creek and their priority dates, Don Stroup with our program prepared a map showing the location of the diversion points along the creek from Whitewood, SD to the confluence of the Belle Fourche River. The water right numbers plotted on the map correspond with the list that includes the irrigators name, address, amount of water, number of acres and their priority dates. You will note that there only two irrigators downstream of your diversion point.

Once you have had a chance to review the enclosed information, feel free to give us a call back if you have further questions. Don or I can be reached at the same number – (605) 773-3352.

Sincerely,


Genny McMath

Environmental Scientist
Water Rights Program
email: genny.mcmath@state.sd.us

enclosures

PERMIT	LAST_NAME	ADDRESS2	CITY	STATE	ZIP	LATITUDE	LONGITUDE	LIC_CFS	LIC_ACRES	PRIORDATE
1176-1	GOLDSTAKE EXPLORATIONS	PO BOX 38	SPEARFISH	SD	57783	44.60986	-103.50270	2.160	151.00	8/10/1978
1190-1	SHUCK	19269 SHUCK RD	VALE	SD	57788	44.61710	-103.49260	1.670	204.00	8/15/1979
611-1	SHUCK	19269 SHUCK RD	VALE	SD	57788	44.61710	-103.47750	2.600	182.00	8/18/1961
912-1	ALAN	20044 WHITEWOOD VALLEY RO	WHITEWOOD	SD	57793	44.49778	-103.61330	1.400	101.00	10/8/1970
926-1	BERGER	19688 ASPEN PLACE	WHITEWOOD	SD	57793	44.55202	-103.52780	1.220	143.00	12/30/1970
928-1	WENINBERG	20164 WHITEWOOD VALLEY RD	WHITEWOOD	SD	57793	44.46885	-103.61840	2.200	155.00	17/1/1971

*

*1176-1 was transferred to Larry & Debbie Ellsbury on June 24, 2005

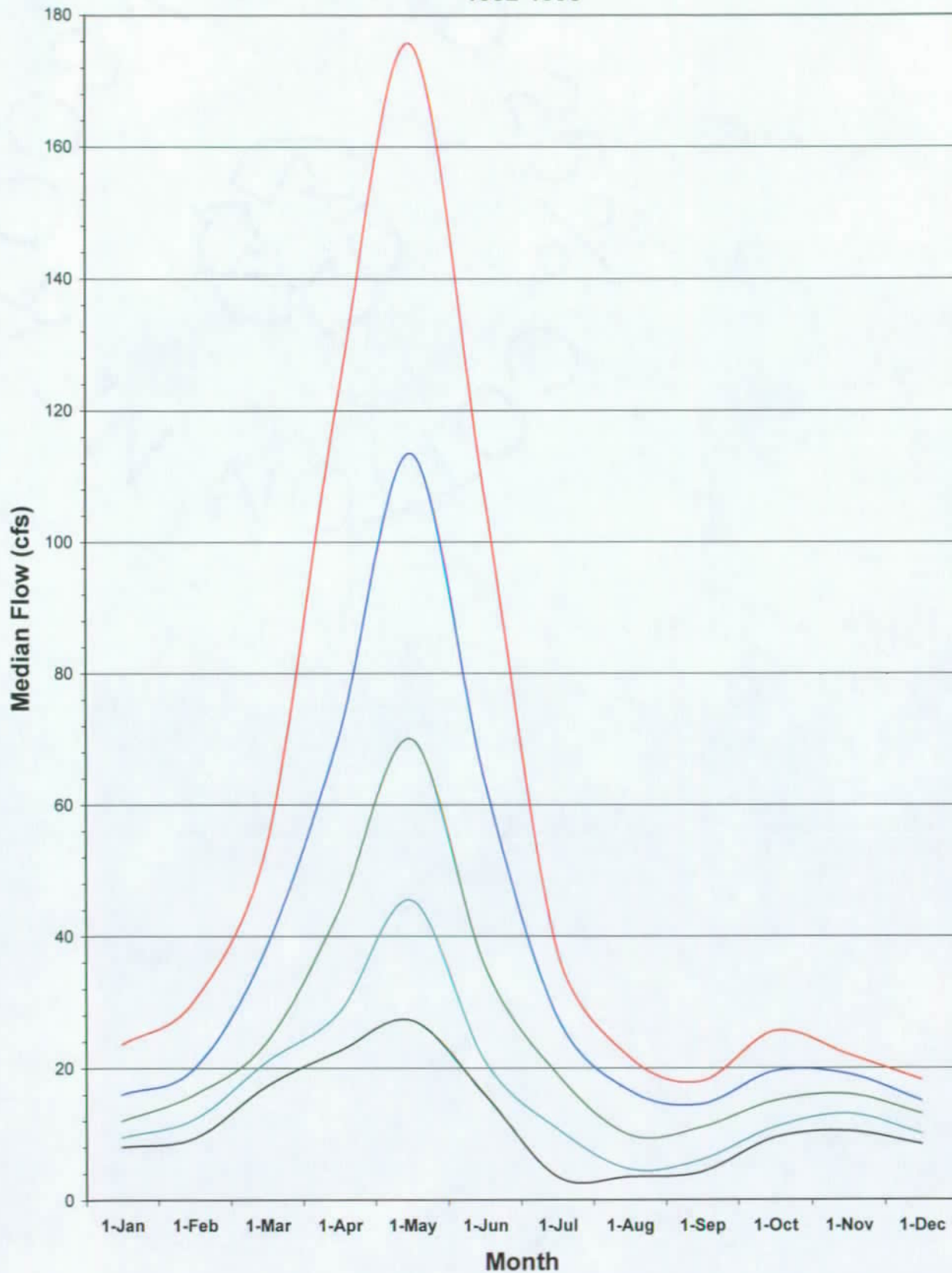
Summary of Irrigation Questionnaires from 1983 to 2004
Water Right No. 1176-1

Year	Permit Holder	Irrigated (Yes or No)	If no, reason given
1983	Daniel Oedekoven	Yes	
1984	Daniel Oedekoven	Yes	
1985	Daniel Oedekoven	Yes	
1986	Arthur Oedekoven	Yes	
1987	Arthur Oedekoven	No	Cost to irrigate was too high
1988	Arthur Oedekoven	Yes	
1989	Whitewood Development Corp	Yes	
1990	Whitewood Development Corp	Yes	
1991	Whitewood Development Corp	No	No reason given
1992	Whitewood Development Corp	Yes	
1993	Whitewood Development Corp	No	Adequate rain
1994	Whitewood Development Corp	Yes	
1995	Whitewood Development Corp	No	Adequate rain
1996	Whitewood Development Corp	Yes	
1997	Whitewood Development Corp	Yes	
1998	Whitewood Development Corp	No	Adequate rain
1999	Whitewood Development Corp	No	Adequate rain
2000	Goldstake Explorations (SD)	No	No reason given
2001	Goldstake Explorations (SD)	Yes	
2002	Goldstake Explorations (SD)	Yes	
2003	Goldstake Explorations (SD)	?	Used Irrigation District Water
2004	Goldstake Explorations (SD)	No	Not needed

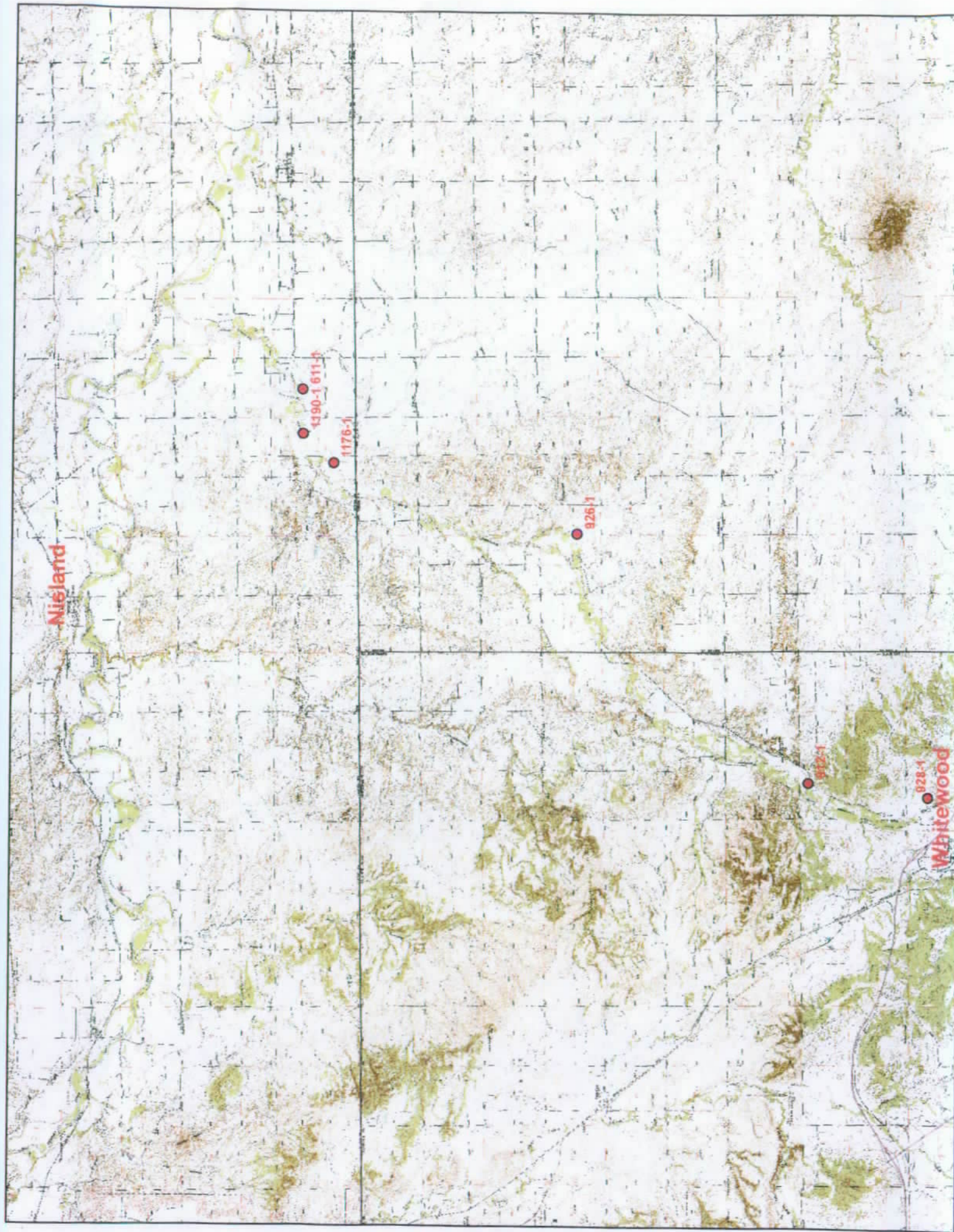
Note: The years that are highlighted in blue are those that no irrigation was reported. There were two years (highlighted in green) that the irrigator did not irrigate and did not give a reason. In 2003, the irrigator reported using "District Water" – however, the irrigation project is not within the Belle Fourche Irrigation District.

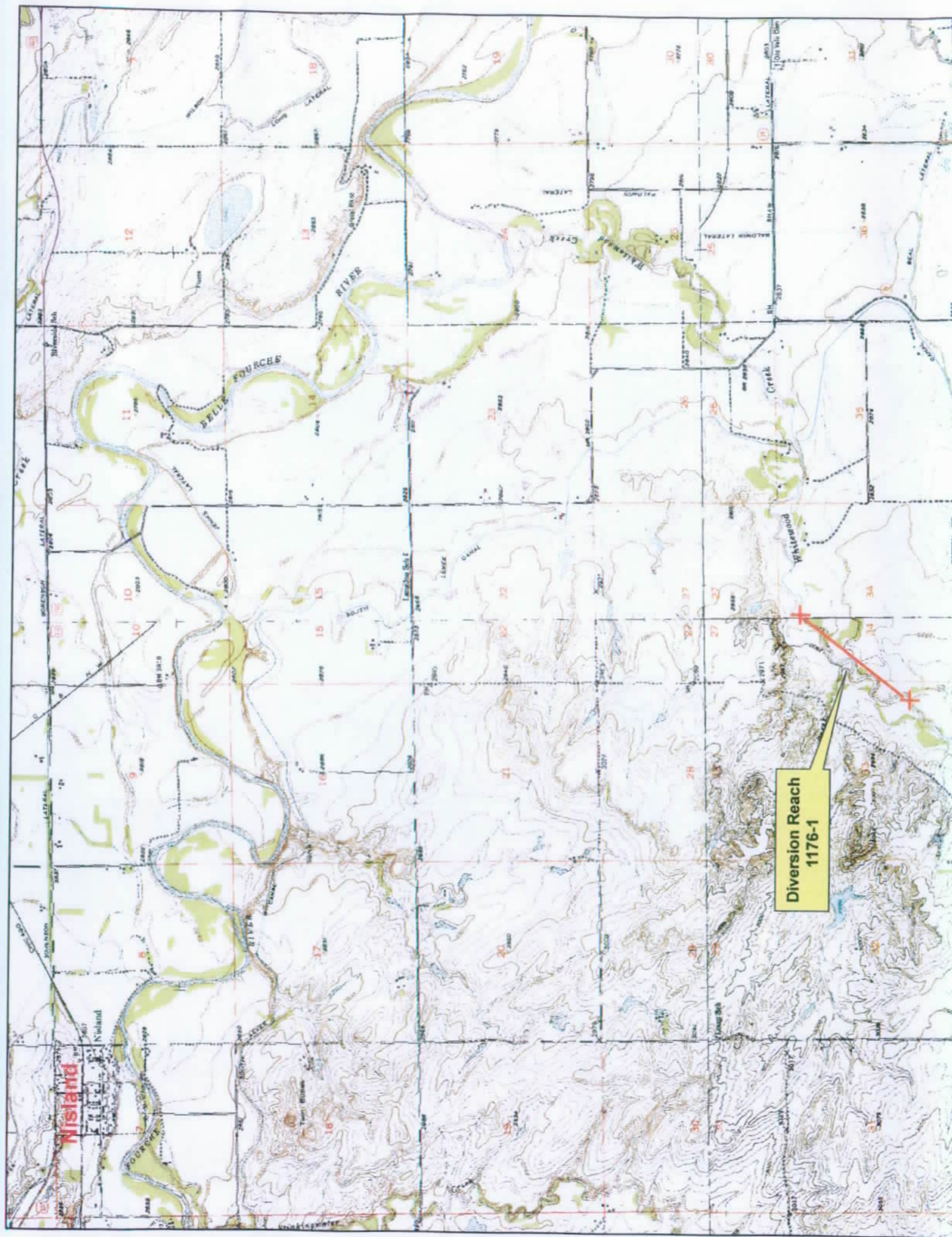
We do not have information for 2005 yet.

Whitewood Creek
Vale, SD
1982-1998



10 Percentile 25 Percentile 50 Percentile 75 Percentile 90 Percentile







**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

NOTICE OF SHUTOFF ORDER

July 20, 2012

TO: LARRY & DEBBIE ELLSBURY
327 FARRALL RD
SUNDANCE WY 82729

FROM: GARLAND ERBELE, Chief Engineer
SD DENR Water Rights Program

SUBJECT: Shutoff Order for Whitewood Creek Water Rights

Shutoff Order for Water Right Nos. 1176-1 1176A-1

Flow in Whitewood Creek has dropped to the point where domestic use of water, which includes livestock watering from the river, has become a concern. Therefore to protect domestic use, the department is issuing shutoff orders for Whitewood Creek. Effective immediately, no diversions of water from Whitewood are authorized under your water rights.

This order will be rescinded as soon as conditions improve. If conditions do not improve, this order will remain in effect until **December 31, 2012**.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

<http://waterdata.usgs.gov/sd/nwis/rt>

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the creek.

If you have any questions, please contact Mark Rath (605- 773-3352) or Aaron Tieman (605-394-2229) with the Water Rights Program. Thank you.

CERTIFICATION

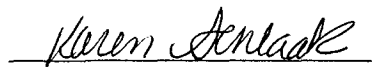
I hereby certify that on July 20, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated July 20, 2012 regarding shutoff orders on Whitewood Creek addressed as stated below:

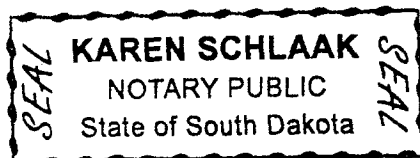
PERMIT_NO	PNO_2	LAST_NAME	FIRST_NAME	ADDRESS2	CITY	STATE	ZIP
1176-1	1176A-1	ELLSBURY	LARRY & DEBBIE	327 FARRALL RD	SUNDANCE	WY	82729
611-1	1190-1	SHUCK	NEIL & FAITH	19269 SHUCK RD	VALE	SD	57788
912-1		ALAN	COREY ROLAND/MARY	20044 WHITEWOOD VALLEY RO	WHITEWOOD	SD	57793
926-1		BERGER	ANN	19688 ASPEN PLACE 20164 WHITEWOOD	WHITEWOOD	SD	57793
928-1		WENNBERG	CHARLES	VALLEY RD	WHITEWOOD	SD	57793


Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 20th day of July, 20 12.


Karen Schlaak
Notary Public
My Commission expires April 1, 2013





1176-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

JUN 29 2016

1176-1
1176A-1

Larry & Debbie Ellsbury
327 Farrall Rd
Sundance WY 82729

Dear Mr. & Mrs. Ellsbury:

Enclosed is Water License No. 1176A-1. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

Sincerely,

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

enclosures

Note: Upon licensing, the applicable portions of Water Right No. 1176-1 were incorporated into Water License No. 1176A-1.