

Considered: _____

Vested Right Claim: _____
WATER PERMIT NO. _____

1402-1

20

MAP No. same

Name of Applicant Lower Power Canal c/o James Chenoweth

Post Office Address Box 248, Woodrow, Colorado 80757

Amount of Water Claimed 8.0 cfs Total Acres 18².7

Source of Water Supply Redwater River

Water to be used for irrigation County Butte & Lawrence

About 6 miles N of Spearfish.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received November 17, 1986 Fee \$15⁰⁰ Remarks _____

Corrected Application Received _____ Period of Annual Use May 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

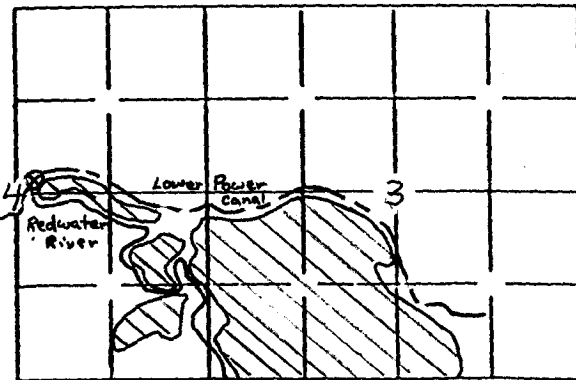
WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point Redwater River: SW¹/₄ NE¹/₄

section 4 - T7N-R2E

Land to be Irrigated SW¹/₄ SE¹/₄, SW¹/₄ section 3; E¹/₂ SE¹/₄, NW¹/₄ SE¹/₄, SW¹/₄ NE¹/₄ section 4; all in T7N-R2E

NW¹/₄ SE¹/₄, SW¹/₄ NE¹/₄ section 4; all in T7N-R2E



Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map aerial photo & plat PREPARED BY Rassool Ahadi Reviewed and the Number

assigned on August 12, 1987 By Ron Duvall

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1402-1 FOR IRRIGATION

(1) Lower Power Canal % James Chenoweth of Box 248, Woodrow CO 80757, made Application No. 1402-1, November 17, 1986 for validation of a vested right claim to appropriate 8.00 cubic feet of water per second from the Redwater River, Butte and Lawrence Counties, South Dakota, for irrigation purposes. Vested Water Right No. 1402-1 was validated December 2, 1987 with a priority date of June 24, 1879 and April 1, 1890. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

The applicable portions of Water Right Filing No. 0397-1 have been incorporated into No. 1402-1 and the abandoned portions of Filing No. 0397-1 have been cancelled.

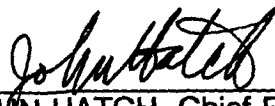
Water Permit No. 1402-1 authorizes 5.2 cfs to irrigate 182.7 acre via Lower Power Canal (April 1, 1890 priority date). A diversion authority of 1.84 cfs previously authorized under Concordia Ditch (No. 1395-1) has been transferred to the Lower Power Canal by Water Permit Nos. 1467-1 and 1485-1 (June 24, 1879 priority date). The total authorized diversion rate from Redwater River to the Lower Power Canal is 7.04 cfs.

(2) The vested right owner is entitled to divert 7.04 cubic feet of water per second for beneficial use. The location of the diversion point is: 2430 feet S and 2275 feet W of the NE corner Section 4-T7N-R2E (SW 1/4 NE 1/4)

The location of the irrigated acreage is:

T7N-R2E	Section 4	NE 1/4 SE 1/4	10.5 acres
		SE 1/4 SE 1/4	10.2 acres
		NW 1/4 SE 1/4	1.0 acre
		SW 1/4 NE 1/4	4.2 acres
	Section 3	SW 1/4 SE 1/4	19.0 acres
		NW 1/4 SW 1/4	32.8 acres
		NE 1/4 SW 1/4	30.0 acres
		SW 1/4 SW 1/4	35.0 acres
		SE 1/4 SW 1/4	40.0 acres
	Total		182.70 acres

(3) Pursuant to Section 46-5-30.1 Lower Power Canal, % James Chenoweth of Box 248, Woodrow CO 80757 the holder and/or owner of Vested Water Right No. 1402-1 is issued a license to appropriate 7.04 cubic feet of water per second from the Redwater River with priority dates of June 24, 1879 and April 1, 1890 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 1402-1 and subject to South Dakota State Law.



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

MAR 14 1994

date

SOUTH DAKOTA
VESTED WATER RIGHT NO. 1402-1 FOR IRRIGATION

Date of Receipt of Claim November 17, 1986

Date of Validation December 2, 1987

The Water Management Board validated Vested Water Right Claim No. 1402-1 for irrigation purposes for Lower Power Canal, c/o James Chenoweth, Box 248, Woodrow, CO 80757 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1402-1 appropriates 5.2 cubic feet of water per second (cfs) from the Redwater River to irrigate 182.7 acres via the Lower Power Canal. In addition, a diversion authority of 1.84 cfs previously authorized under Concordia Ditch (No. 1395-1) has been transferred to the Lower Power Canal by Water Permit Nos. 1467-1 and 1485-1. The total authorized diversion rate from Redwater River to the Lower Power Canal is 7.04 cfs. The Redwater River diversion point is located in the SW1/4 NE1/4 Section 4 and the irrigated acreage is located in the SW1/4 SE1/4, SW1/4 Section 3; E1/2 SE1/4, NW1/4 SE1/4, SW1/4 NE1/4 Section 4; all in T7N, R2E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per acre per year for each acre of irrigated land. The water is to be used during the following annual period: May 1 - October 31. The applicable portions of Water Right Filing No. 0397-1 have been incorporated in No. 1402-1 and the abandoned portions of Filing No. 0397-1 have been cancelled.
3. The priority date of the Vested Water Right is: April 1, 1890 for 5.2 cfs.
June 24, 1879 for 1.84 cfs.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. That Vested Water Right No. 1402-1 is subject to domestic use rights. Diversion of water under Water Right No. 1402-1 is contingent upon supplies being available first to domestic users.
2. That a flow measuring device be installed at or near the point of diversion for Lower Power Canal within one year of validation of Vested Water Right No. 1402-1. The measuring device shall be permanently installed. The design shall be approved prior to construction, by the Chief Engineer.

WATER MANAGEMENT BOARD



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

MAR 14 1994

date

Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

No. _____ Hydrologic Unit _____
Map No. _____ Basin _____
Newspaper _____

Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application: Check one or more of the following:

New ☐ Vested Right ☒ Future Use ☐

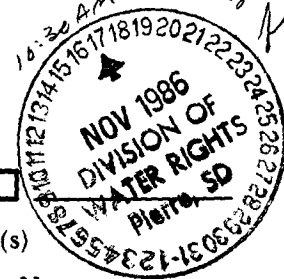
☐ Application to amend Permit No. _____ with old priority date retained

☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐

☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)

☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____

☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____



1. Name of Applicant Lower Power Canal/James Chenoweth Phone No. _____

Post Office Address Box 248 Woodrow Colorado State 80757
(Street, RR or Box) Zip Code

* 2. Amount of water claimed (c.f.s) 8 Total acres irrigated 182.7

3. Source of Water supply Redwater River

4. Location of point of diversion 2500 ft W, 2500 ft N of SE corner Section 4, T7N-R2E

SW 1/4 NE 1/4 Sec 4 2430 ft S, 2275 ft W of NE corner Section 4 T7N-R2E
No change in diversion point - check in original location, Butte County Butte

5. Counties where water will be used Butte & Lawrence

* 6. Annual period during which water is to be used May 1 - October 31

* 7. 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.
T7N R2E Sec 4 NW 1/4, SW 1/4	40.0
T7N R2E Sec 4 SE 1/4, SW 1/4	40.0
T7N R2E Sec 3 SW 1/4, SE 1/4	19

Land Description	No. Acres Irr.
T7N R2E Sec 3 NW 1/4, SW 1/4	32.5
T7N R2E Sec 3 NE 1/4, SW 1/4	30
T7N R2E Sec 3 SW 1/4, SW 1/4	3.5
T7N R2E Sec 3 SE 1/4, SW 1/4	40

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

This application is to License a vested right pursuant to SDCL 46-5-49

NE 1/4 SE 1/4 Sec 4-T7N-R2E 10.5 acres
SE 1/4 SE 1/4 " 10.2
NW 1/4 SE 1/4 " 1.0
SW 1/4 NE 1/4 " 4.2

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA)
County of Butte)^{ss}

I, Carl C Chenoweth the applicant, certify that I have read the foregoing application, have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Carl C Chenoweth

Subscribed and sworn to before me this 14th day of November 19 86

* To be completed by Applicant

Pearl Reis

Notary Public (or other qualified officer) My Comm. expires 4-24-90

Affidavit of Water Use

No. _____

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.

**Affidavit Of Construction Of Water Use System
And Application Of Water To Beneficial Use**

Name of Applicant (Same as Form 2) Lower Power Canal/James Chenoweth

Post Office Address Box 248, Woodrow, Colorado 80757
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation April 1, 1890 Date of Posting April 2, 1890

Date of recording April 1, 1890 Recording date Butte County, Instrument No. 2373
Where Book Page

B. Date of start of construction of water supply system April 1, 1890

C. Date that water was first applied to beneficial use April 1, 1890

D. Name of owner of original water supply system Henry G. Weare

E. Amount of water originally applied to beneficial use 400 Miners Inches

*F. Present Use of Water - Amount of water now being used 400 Miners Inches

Date that this water was first used April 1, 1890

*G. Chronological History of Water Use

not available

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota)

County of Butte) SS

I, Carl C Chenoweth the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.

Signed Carl C Chenoweth

Subscribed and sworn to before me November 14, 1986

Peare Geis
 Notary Public or other qualified officer My Comm. expires 4-24-90

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein stated are true.

Harvey M. Paulson 11/14 1986
(Print name)

*To be completed by applicant

_____, 19_____
(Print name)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

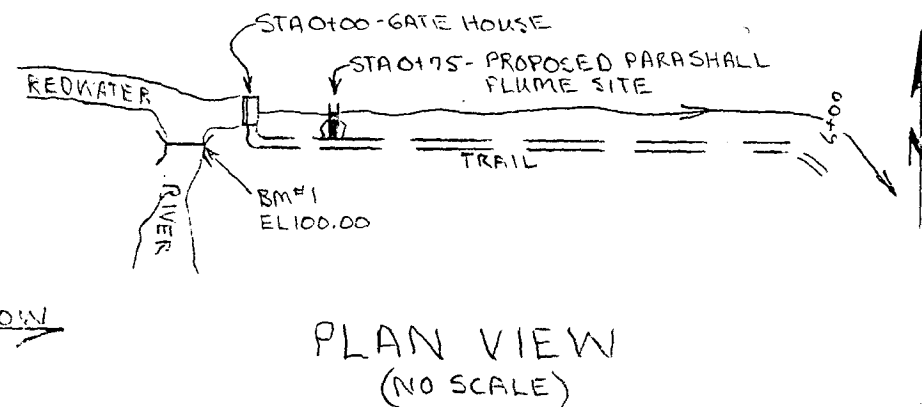
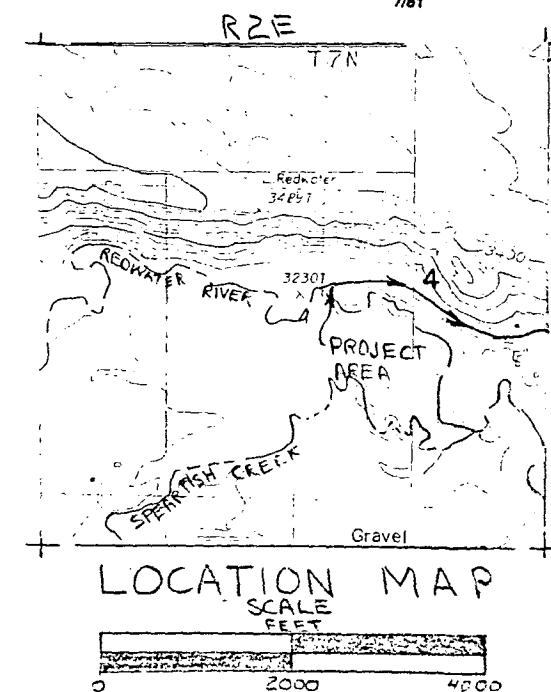
410619

Pierre, November 17, 1986

RECEIVED OF Lower Power Canal/James Chenoweth, Box 248, Woodrow, Colorado 80757
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>1402-1</u> to Appropriate Water, to construct works and to put water to beneficial use _____	15	00	VR
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 _____			
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	15	00

By John Hatch
Chief Engineer JOHN HATCH ms



FLOW
VALUES

HEAD (Ft)	FLOW (CFS)
1.3	12.0
1.2	10.6
1.1	9.27
1.0	8.0
0.9	6.80
0.8	5.66
0.76	5.23
0.7	4.60
0.6	3.62
0.5	2.73
0.4	1.93
0.3	1.24
0.2	0.66

NOTE: 1) INLET & OUTLET OF PARASHALL
FLUME MUST BE LINED W/ ROCK
TO PREVENT UNDERMINING OF
STRUCTURE. USE A 1' THICK LAYER
OF ROCK RIP-RAP W/ ROCK GRADED
FROM 1' DIA. MAX. SIZE DOWN TO
3" MIN. SIZE

2) AN EARTHEN DIKE WILL HAVE TO TIE
INTO PARASHALL FLUME FROM SOUTH
& EXTEND TO DITCH BANK. TOP EL 100.5
TOP WIDTH - 8', 3:1 SS

PARASHALL FLUME
LOWER POWER CANAL

SEC 4, T 7N - R 2E, BUTTE CO.



U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Date		Approved by: <i>Thos. P. McKel-</i>	
Designed <i>J. VERHELST</i>		Title <i>Eng'g</i>	
Drawn		Title	
Traced		Sheet	
Checked		Drawing No.	
		No	
		of	

Lower Power Canal

Parashall Flume

Measure - 5.2 CFS

Try 2' x 2' Flume

Submergence Allowed - 70%

$$H_a = .76 @ 5.23 \text{ cfs}$$

$$\frac{H_b}{H_a} = .7 \Rightarrow H_b = .76 (.7)$$

$$H_b = .53$$

Flow depth - 1.0

$$A = 1.0 - .53$$

$$= .47$$

$$\text{Upstream Depth} = H_a + A$$

$$= .76 + .47$$

$$= 1.23'$$

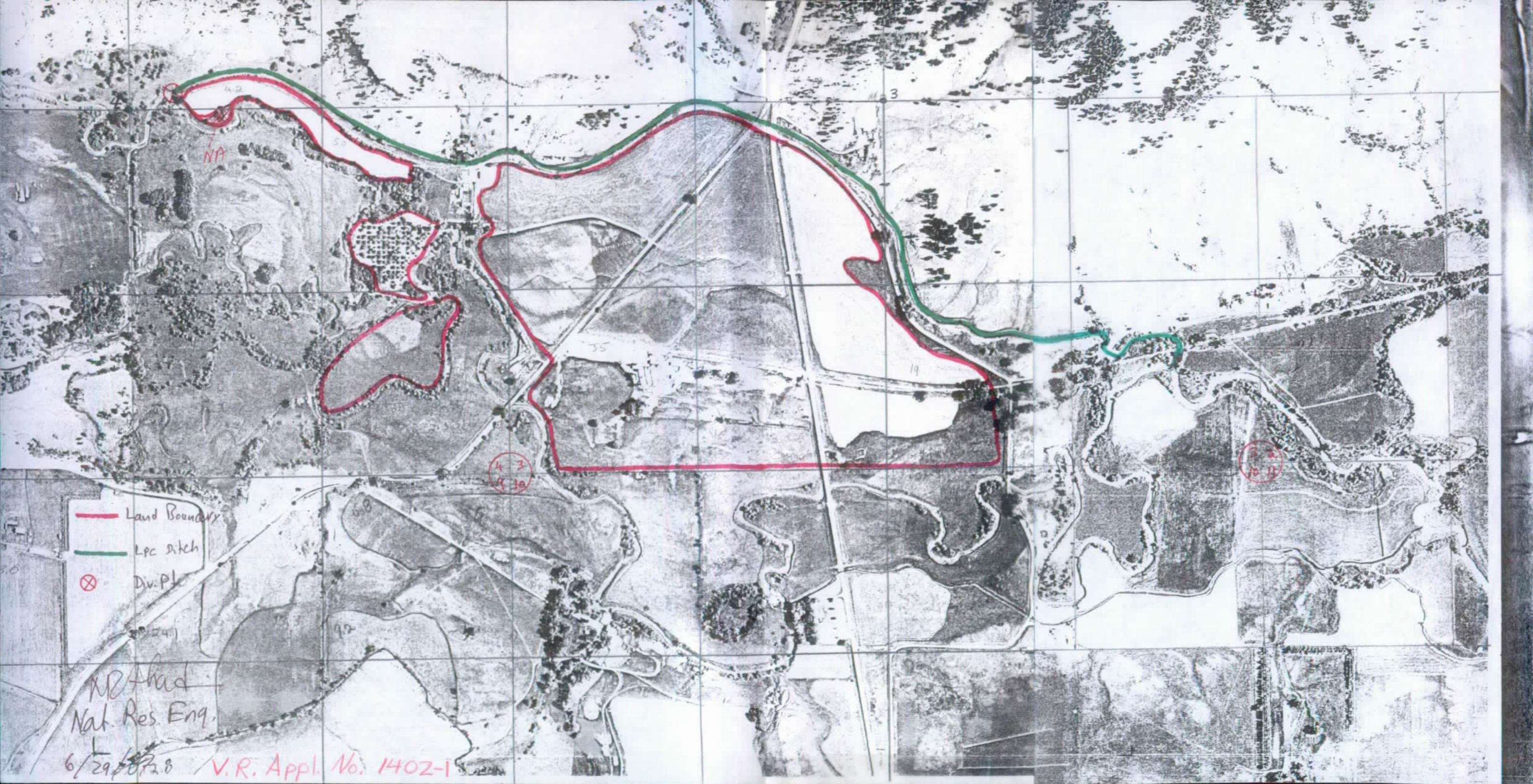


USE 98.50

$$\text{CREST EL } 98.0 + .47 = 98.47$$

$$\text{TOPEL } 98.47 + 2 = 100.47$$

USE 100.50



- Land Boundary
- Lpc ditch
- ⊗ Div. Pl.

NR Had
Nat. Res. Eng.

6/29/88 V.R. Appl. No. 1402-1

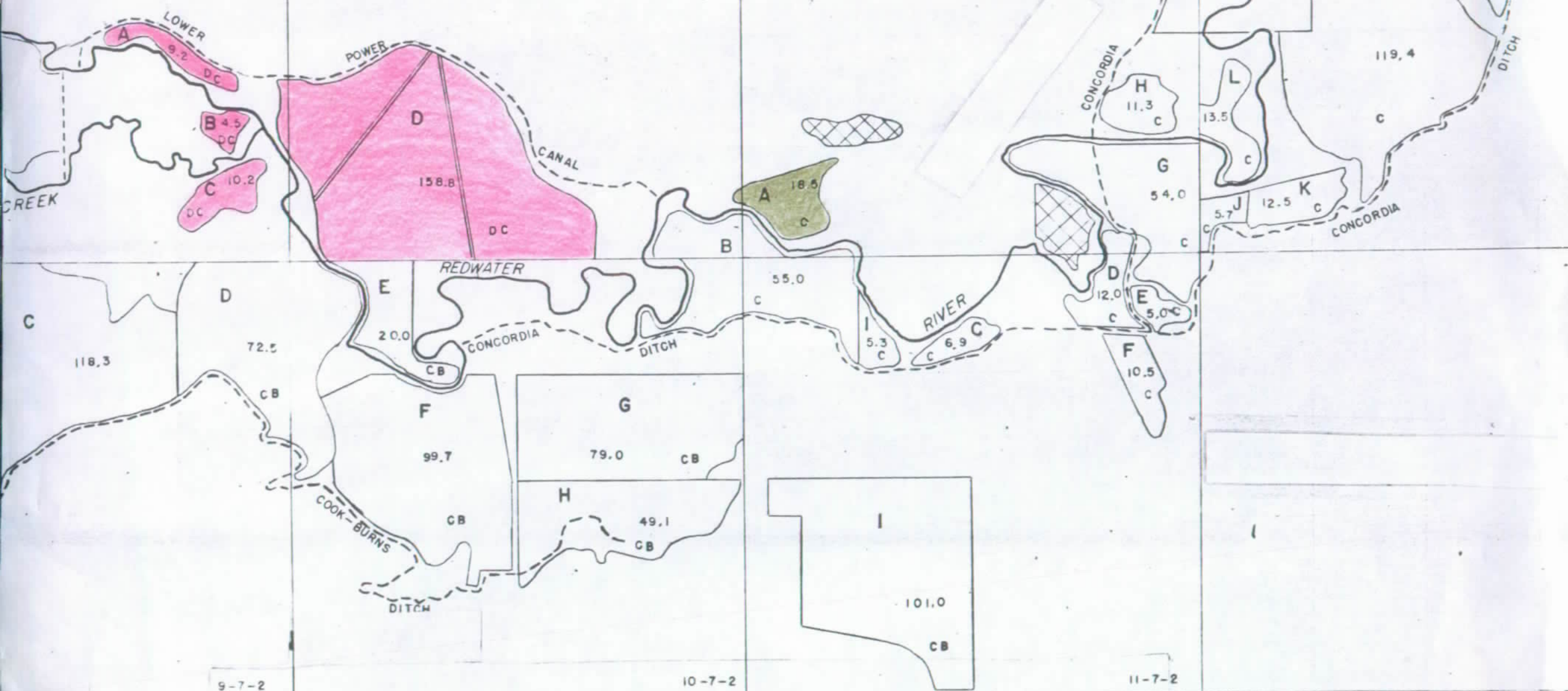
3-7-2

2-7-2

1-7-2

LOWER POWER CANAL
CHENEWITH & DOWNING IRRIGATION DC

Scale - 4 inches = 1 mile



V.R. Appl. No. 1402-1

3-7-2

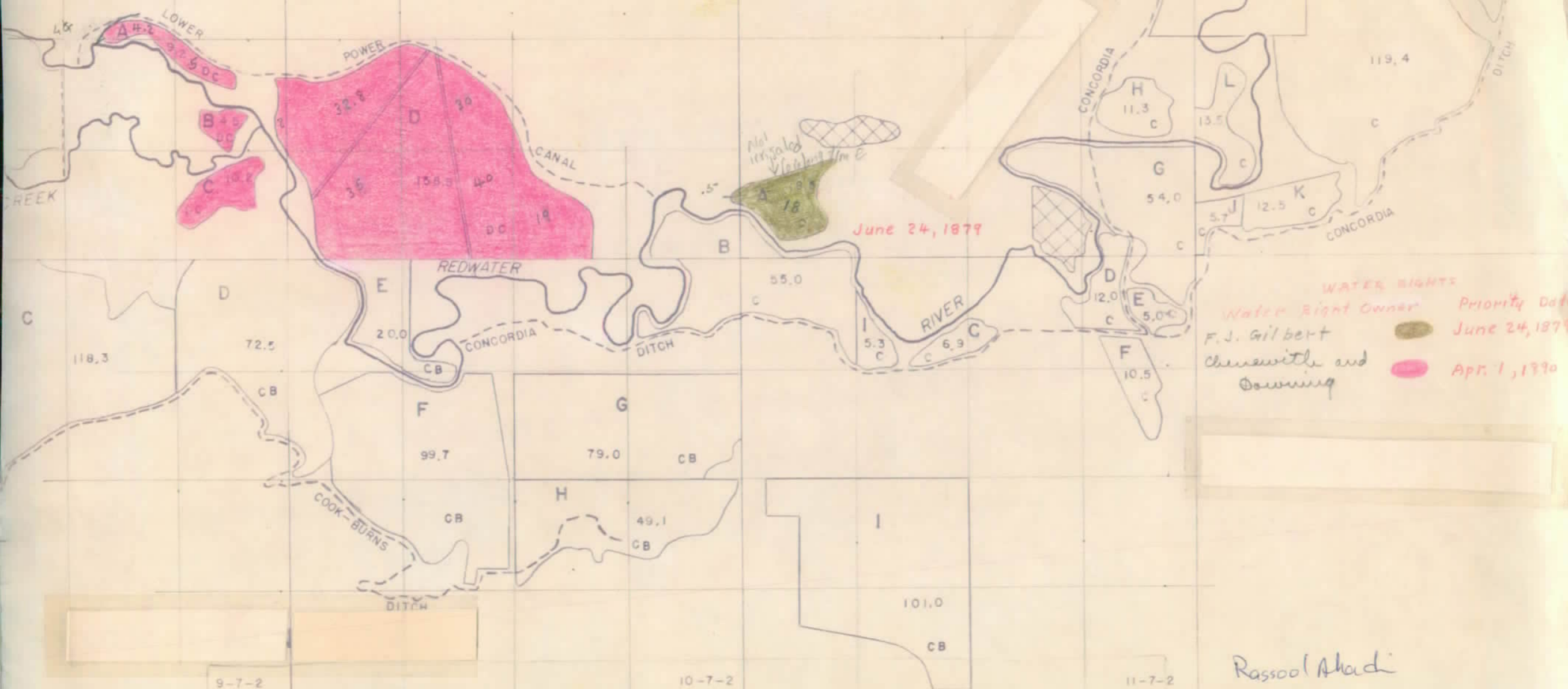
2-7-2

1-7-2



LOWER POWER CANAL CHENEWITH & DOWNING IRRIGATION (DC)

Scale - 4 inches = 1 mile



V.R. Appl. No. 1402-1

Rassool Akhadi
WNR Engineer

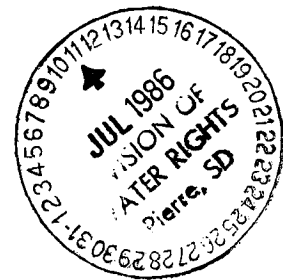
DIVERSION DITCH SERVICE

NAME OF THE DITCH: Redwater River Lower Power Canal
 ADDRESS: Hwy 85 South Box 100
 Belle Fourche, S.D. 57717
 DIVERSION POINT: NW 1/4 SE 1/4 SEC. 4 T 7 N-R 2 E; SOURCE: Redwater River
 MAXIMUM DIVERSION RATE: 8 C.F.S.
 ACREAGE SERVED: 182.7 ACRES

LANDOWNER'S NAME	LOCATION OF LAND BEING IRRIG. BY THIS DITCH	ACREAGE	COMMENTS
owner James M. Chenoweth Box 248 Woodrow, Colo. 80757	Sec 4		
	SW 1/4, NE 1/4	4.2	
	NE 1/4, SE 1/4	5	
	NE 1/4, SE 1/4	4.5	
operator Carl C. Chenoweth Hwy 85 South Belle Fourche, S.D. 57717	SE 1/4, SE 1/4	10.2	
	NE 1/4, SE 1/4	2	
	Sec 3		
	NW 1/4, SW 1/4	32.8	
	NE 1/4, SW 1/4	30	
	SW 1/4, SW 1/4	35	
	SE 1/4, SW 1/4	40	
	SW 1/4, SE 1/4	19	
		158.8	
			182.7 Acres total

9.2 Acres Field A.
 4.5 B
 10.2 C

Field D



- Pipes Capacity:

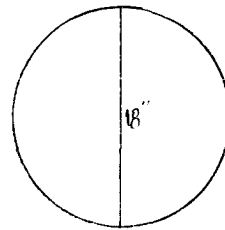
2 - 18" Pipes

$$Q = V \cdot A$$

$$V = \frac{1.49}{n} R^{\frac{2}{3}} S^{\frac{1}{2}}$$

$$n = .015$$

$$S = .004$$



$$R = \frac{A}{W_p} = \frac{1.7671 \text{ ft}^2}{4.7124 \text{ ft}} = .3750'$$

$$V = \frac{1.49}{.015} (.3750)^{\frac{2}{3}} (.004)^{\frac{1}{2}} = 3.2668 \text{ FPS}$$

$$Q = V \cdot A = 5.8 \text{ CFS For one Pipe} \Rightarrow Q = \underline{\underline{11.6 \text{ CFS}}} \text{ For both Pipes}$$

- Gate Capacity:

$$Q = C_d (b - 2nH) \sqrt{g} H_1^{\frac{3}{2}}$$

$$H_1 = 6'$$

$$b = 4'$$

$$n = .1$$

$$C_d = .587$$

$$g = 32.2 \text{ ft/s}^2$$

$$Q = \underline{\underline{137.0 \text{ CFS}}}$$

$$\text{Vested: } \underline{\underline{8 \text{ CFS}}}$$

0397-1
Henry G. Weare

9.3.11

2373

Location of Water

Know all men by these presents: that the undersigned, Henry G. Weare hereby locates and appropriates the waters of Redwater River Stream, creek or gulch, to be taken and diverted therefrom at a point on the same, near the NW corner of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section four (4) Township Seven (7) North of Range two (2) E. B.H.M. in Butte County, South Dakota. Said water to be taken from the left bank of the stream and carried thence by ditch and flume on a line as near as may be about two miles in a south easterly direction along the said left bank of Redwater river to a point near the center of Section ten (10) this water to be used and for use at all points along the line of the ditch. The number of inches of water claimed and appropriated is four hundred miners inches. The purpose of the appropriation is for irrigation and domestic uses.

Date of appropriation April 1, 1890.

Date of posting at the head of ditch April 2, 1890.

Date of certificate April 1, 1890.

Henry G. Weare.

December 14, 1961

Mr. Harry R. Stephens 892-3311
507 1/2 State
Belle Fourche, S. Dak.

Re: Irrigation from the Lower Power Canal

Dear Mr. Stephens:

As representative of Mr. Chenewith and Mr. Downing, who own land bordering the Lower Redwater River Power Canal, this letter is being sent to you. Extra copies of the letter and maps are enclosed which you may desire to forward to Mr. Chenewith and Mr. Downing.

The State Water Resources Commission has been making a study of water use pertaining to the surface flows of Redwater River and its tributaries in South Dakota.

As a part of this study, a search has been made for written records and documents which pertain to the diversions of the water. The Commission found the following pertaining to the Chenewith and Downing irrigated lands bordering the Lower Redwater River Power Canal:

(1) The "Location of Water", dated April 1, 1890, signed by Harry G. Weare, claiming 400 inches of the waters of Redwater Creek. This is recorded with the Register of Deeds, Butte County, as Instrument 2373.

(2) Agreement for conveyance of water between Tri-State Milling Company and Ralph B. and Anne Wendelken, dated October 26, 1933 and filed in Butte County December 13, 1945 in Book 128, page 294. In this document, it was agreed that the Milling Company would deliver water to the Wendelkens as specified in the Weare water right, but the Wendelkens couldn't take out more than 4 second feet (200 miner's inches) except with permission of the Milling Company.

No record was found wherein the Court interpreted, determined or established this water right. The data collected, as outlined above, records this water right as being an appropriative water right for 400 miner's inches with a priority date of April 1, 1890.

Mr. Harry R. Stephens

December 14, 1961

In an appropriative water right, the amount claimed, in your clients' case 400 miner's inches, is not necessarily the amount of water which your clients are entitled to divert. Your clients are entitled to divert that amount of water put to beneficial use, not exceeding 400 miner's inches, providing that amount is available after holders of prior water rights have obtained their allocation of the water.

It would be advisable for you to check to see if you can locate additional records that pertain to this water right. The Water Resources Commission would appreciate being informed about any additional data you find that you deem applicable, in order to obtain as complete a record as possible, and would arrange to have a representative meet with you to discuss the information contained in this letter and such additional information as you might find, if you so desire.

A letter dated January 14, 1961 was sent to you enclosing a map showing fields reported to be irrigated and the acreages of these fields. We understand the fields and acreages as shown were correct. Enclosed, for your information, is an additional copy of this map and a list of owners and acreages.

Sincerely,

J. W. GRIMES
Executive Officer and
Chief Engineer

Encls: Map and List

CC: Mr. Daniel E. Gerkin
Star Route 858
Belle Fourche, S. Dak.

South Dakota Department of
Water & Natural Resources

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

August 12, 1987

Lower Power Canal
c/o James Chenoweth
Box 248
Woodrow CO 80757

Dear Mr. Chenoweth:

This letter is to inform you that the vested right claim for Lower Power Canal has been reviewed. A report on the investigation of the vested right claim is being prepared. When the report is finalized your application will be complete pursuant to SDCL 46-2A-2. A recommendation will then be prepared and notice of hearing will be given stating the time and place the Water Management Board will consider the vested right claim. Tentatively, the hearing is to be scheduled for December 2 and 3, 1987 in the Black Hills area.

Please contact us if you have any questions.

Sincerely,



RON DUVALL
Water Resources Engineer
605 773-3352

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 1402-1, Lower Power Canal

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Validation of Vested Water Right Application No. 1402-1, Lower Power Canal, c/o James Chenoweth, Box 248, Woodrow, Colorado.

The Chief Engineer is recommending VALIDATION of Application No. 1402-1 for 5.2 cfs and that the applicable portions of Water Right Filing No. 0397-1 have been incorporated into No. 1402-1 and the abandoned portions of Filing No. 0397-1 have been cancelled, because 1) water has been appropriated as described for irrigation use with a priority date of April 1, 1890, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest with the following qualifications.

1. That Vested Water Right No. 1402-1 is subject to domestic use rights. Diversion of water under Water Right No. 1402-1 is contingent upon supplies being available first to domestic users.
2. That a flow measuring device be installed at or near the point of diversion for Lower Power Canal within one year of validation of Vested Water Right No. 1402-1. The measuring device shall be permanently installed. The design shall be approved prior to construction by the chief engineer.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
October 14, 1987

Report on the Lower Power Canal (Redwater River)
Chenoweth Irrigation
Vested Right Validation Application No. 1402-1
September 29, 1987

Background

Pursuant to SDCL 46-5-49 and ARSD 74:02:01:20, the Lower Power Canal/Chenoweth Irrigation has filed an application to validate a vested right claim. The application claims 8 cfs of Redwater River water to irrigate 182.7 acres of land located in Sections 3 and 4, T7N-R2E in Butte and Lawrence Counties. The diversion point is located in the SW1/4 NE1/4 Section 4, T7N-R2E in Butte County.

Document Search

The following documents were found pertaining to the Chenoweth Irrigation:

- 1) Water Right Filing No. 0397-1, dated April 1, 1890, was signed by Harry G. Weare and claimed 400 miner's inches of Redwater River water. This is recorded with the Register of Deeds, Butte County as Instrument # 2373.
- 2) An agreement for conveyance of water between Tri State Milling Company and Ralph B. and Ann Wendelken, dated October 26, 1933 which was filed and recorded in Butte County December 13, 1945 in Book 128, Page 294. In this document it was agreed that the Milling Company would deliver water to the Wendelkens as specified in the Weare water right, but the Wendelkens could not take out more than 4 second feet (200 miner's inches) except with permission of the Milling Company. No record was found wherein the court interpreted, determined, or established this water right.

Discussion

The Water Resources Commission investigated the irrigation from the Lower Power Canal in the early 1960's. At that time, 201.2 acres were mapped as being irrigated from the canal.

Recent investigations by Water Rights Division engineers have found that 182.7 acres are being served by the ditch. The headgate has a capacity of diverting more water than the amount claimed and the pipes in the ditch can carry 11.6 cfs of water. The farmstead and roadways are included within the boundaries of the area served by the ditch. The 1960's mapping also included farmstead and roadways.

To determine the amount of water needed to irrigate 182.7 acres, two different methods were used:

- 1) State Law, SDCL 46-5-6 allows 1.0 cfs for each 70 acres of irrigation. If 1.0 cfs is necessary to irrigate 70 acres of land, 2.61 cfs will be used to irrigate 182.7 acres. Considering the efficiency of flood irrigation in the area, which according to SCS for this area is 50%, the total diversion rate required will be 5.2 cfs.
- 2) Using the SCS, S.D. Irrigation Guide, the peak water consumption occurs in July. The crops in the area use 28.8% of their annual water consumption during the Month of July. Assuming the crops need 3 feet of water every irrigation season, a total of 548 acre-feet of water is needed for the season, from which 158 acre-feet or 2.57 cfs will be used in the Month of July. Considering a 50% loss due to the system, the total diversion rate required will be 5.14 cfs.

Conclusions and Recommendations

- 1) The headgate and the culverts are capable of diverting more water than the amount claimed. The application claims 8.0 cfs as the quantity of water necessary for the flood irrigation system to irrigate 182.7 acres. The quantity claimed based upon the calculations, is in excess of what would be reasonable.
- 2) Based upon the 1.0 cfs per 70 acres criterion plus a 50% loss calculation, the peak quantity of water necessary to irrigate the land served by Chenoweth Irrigation would be 5.2 cfs. Comparing this to the SCS, South Dakota Irrigation Guide calculations, this quantity of water appears to be reasonable.
- 3) It is recommended that the Lower Power Canal/Chenoweth Irrigation Vested Water Right Claim be validated for a diversion rate of 5.2 cfs for irrigation of 182.7 acres as described in Application No. 1402-1 with a priority date of April 1, 1890.
- 4) It is recommended that if Application No. 1402-1 is validated, that the applicable portions of Water Right Filing No. 0397-1 be incorporated into No. 1402-1, and that the abandoned portions of the Water Right Filing No. 0397-1 be cancelled.

MAhadi

Rassool Ahadi
Natural Resources Engineer

SOUTH DAKOTA
Department of
Water & Natural Resources

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

October 22, 1987

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT THE
NEWSPAPERS RIGHT AWAY.

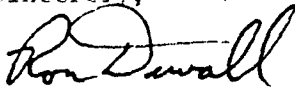
Lower Power Canal
c/o James Chenoweth
Box 248
Woodrow CO 80757

Dear Mr. Chenoweth:

Your Application No. 1402-1 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publishers of the QUEEN CITY MAIL printed at Spearfish and the BELLE FOURCHE DAILY POST printed at Belle Fourche. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your notice of hearing to validate a vested right and to arrange for payment. Early contact with the papers can eliminate delays. The publishers have been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

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

October 22, 1987

BELLE FOURCHE DAILY POST
1004 5th Ave
Belle Fourche SD 57717

Dear Sir:

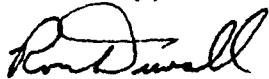
Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1402-1. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before October 28, 1987.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Lower Power Canal, c/o James Chenoweth, Box 248, Woodrow CO 80757.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Validate A Vested Right Application which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



Department of Water & Natural Resources

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

October 22, 1987

QUEEN CITY MAIL
Box 7
Spearfish SD 57783

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1402-1. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before October 28, 1987.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Lower Power Canal, c/o James Chenoweth, Box 248, Woodrow CO 80757.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Validate A Vested Right Application which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper -- Publish first publication of the following Notice on or before October 28, 1987 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Right Application No. 1402-1 to Appropriate Water

Notice is hereby given that Lower Power Canal, c/o James Chenoweth whose mailing address is Box 248, Woodrow, Colorado 80757, has filed an application to validate a vested right claim to appropriate 8.0 cubic feet of water per second (cfs) from Redwater River to irrigate 182.7 acres via the Lower Power Canal with a claimed priority date of April 1, 1890. The Redwater River diversion point for the Lower Power Canal is located in the SW 1/4 NE 1/4 Section 4, T7N, R2E. The irrigated acreage is located in the SW 1/4 SE 1/4, SW 1/4 Section 3; E 1/2 SE 1/4, NW 1/4 SE 1/4, SW 1/4 NE 1/4 Section 4; all in T7N, R2E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1402-1 for 5.2 cfs and that the applicable portions of Water Right Filing No. 0397-1 be incorporated into No. 1402-1 and the abandoned portions of Filing No. 0397-1 be cancelled because 1) water has been appropriated as described for irrigation with a priority date of April 1, 1890, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of this application will be considered by the Water Management Board at Howard Johnson's, Roosevelt and Jefferson Rooms, Rapid City SD, December 2, 1987 at 1:00 pm.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by November 20, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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 State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 20, 1987.

No. 1402-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Butte) ss.

I, Marion Lucas hereby

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

Water was taken from the Belle Fourche Daily Post

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

city of Belle Fourche

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

October 27, 1987

November 3, 1987

Marion Lucas
(Signature)

Editor
(Title)

November 3 1987
(Date Signed)

Cost of Printing: \$43.42

129 Lines 2 times

Public Notice

NOTICE OF HEARING
TO VALIDATE
Vested Right Application
No. 1402-1
to Appropriate Water

Notice is hereby given that
Lower Power Canal, c/o James
Chenoweth whose mailing ad-
dress is Box 248, Woodrow,
Colorado 80757, has filed an
application to validate a vested
right claim to appropriate 8.0
cubic feet of water per second
(cfs) from Redwater River to
irrigate 182.7 acres via the
Lower Power Canal with a
claimed priority date of April 1,
1890. The Redwater River di-
version point for the Lower
Power Canal is located in the
SW 1/4 NE 1/4 Section 4, T7N,
R2E. The irrigated acreage is
located in the SW 1/4 SE 1/4, SW
1/4 Section 3; E 1/2 SE 1/4, NW
1/4 SE 1/4, SW 1/4 NE 1/4 Sec-
tion 4; all in T7N, R2E.

Pursuant to SDCL 46-2A-2
the Chief Engineer of the Water
Rights Division recommends
VALIDATION of Vested Water
Right Application No. 1402-1
for 5.2 cfs and that the appli-
cable portions of Water Right
Filing No. 0397-1 be incorpo-
rated into No. 1402-1 and the
abandoned portions of Filing
No. 0397-1 be cancelled, be-
cause 1) water has been appro-
priated as described for irriga-
tion with a priority date of April
1, 1890, 2) the use has been
developed without unlawful
impairment of existing rights,
3) it is a beneficial use of water
and 4) it is in the public interest.

Validation of this application
will be considered by the Water
Management Board at Howard
Johnson's, Roosevelt and Jeffer-
son Rooms, 2211 LaCrosse,
Rapid City, SD, December 2,
1987 at 1:00 p.m.

The recommendation of the
Chief Engineer is not final or
binding upon the Board and the
Board is authorized to 1) ap-
prove validation, 2) approve the
validation with qualifications,
3) defer, or 4) deny validation of
the application after it reaches a
conclusion based upon facts
presented at the public hearing.



Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by November 20, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petition, and the petition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15, 46-2-3, 1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18, 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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 State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped, can contact the Water Rights Division, Joe Ross Bldg., Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or person who filed a petition. The request for extension must be filed with the Chief Engineer by November 20, 1987.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Lawrence) ss.

I, Jimmie R. Stephenson hereby

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

Water was taken from the Queen City Mail

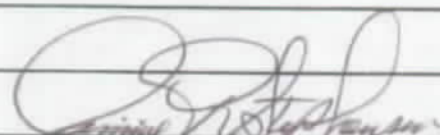
A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

City of Spearfish

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

October 28th

November 4th


(Signature)

Publisher
(Title)

11-4-87
(Date Signed)

Cost of Printing: _____

109 x .2564 = 27.95

109 x .2051 = 22.36

Total = 50.31

NOTICE OF HEARING
TO VALIDATE VESTED
RIGHT APPLICATION
NO. 1402-1 TO
APPROPRIATE WATER

Notice is hereby given that Lower Power Canal, c/o James Chenoweth whose mailing address is Box 248, Woodrow, Colorado 80757, has filed an application to validate a vested right claim to appropriate 8.0 cubic feet of water per second (cfs) from Redwater River to irrigate 182.7 acres via the Lower Power Canal with a claimed priority date of April 1, 1890. The Redwater River diversion point for the Lower Power Canal is located in the SW 1/4 NE 1/4 Section 4, T7N, R2E. The irrigated acreage is located in the SW 1/4 SE 1/4, SW 1/4 Section 3; E 1/2 SE 1/4, NW 1/4 SE 1/4, SW 1/4 NE 1/4 Section 4; all in T7N, R2E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1402-1 for 5.2 cfs and that the applicable portions of Water right Filing No. 0397-1 be incorporated into No. 1402-1 and the abandoned portions of Filing No. 0397-1 be cancelled because 1) water has been appropriated as described for irrigation with a priority date of April 1, 1890, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of this application will be considered by the Water Management Board at Howard Johnson's, Roosevelt and Jefferson Rooms, 2211 LaCrosse, Rapid City SD, December 2, 1987 at 1:00 pm.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by November 20, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing



7 APR 68

November 24, 1987
(date)

page 1

Parties of Record before Water Management Board regarding Vested Right
Application No. 1402-1, Lower Power Canal

For:

Interested

James Chenaweth
Lower Power Canal
Box 248
Woodrow CO 80757

Richard Beringson, Secretary
SD Dept of Game, Fish & Parks
Anderson Bldg., 445 E Capitol
Pierre SD 57501

Against:

B.E. Martin, Regional Director
US Bureau of Reclamation
PO Box 36900
Billings MT 59107-6900

Bruce Layman
U.S. Bureau of Reclamation
P.O. Box 226
Newell SD 57760

South Dakota
Department of
Game, Fish and Parks

Division of Wildlife
Sigurd Anderson Building
445 East Capitol
Pierre, South Dakota 57501-3185
(605) 773-3381

November 16, 1987



Mr. John Hatch, Chief Engineer
Division of Water Rights
S.D. Department of Water & Natural Resources
Joe Foss Building
Pierre, SD 57501

Dear Mr. Hatch:

Pursuant to the notice provided by the Chief Engineer under SDCL 46-2A-4 the South Dakota Department of Game, Fish and Parks intends to be a party to water right claim 1402-1 on Redwater River, Butte & Lawrence County.

GF&P is an interested and potentially affected party by virtue of statutory authority to manage fish and wildlife resources of the state (SDCL Chapter 41). The pending water right claim could affect the quantity of water available for natural resource management.

Thank you for the opportunity to comment on this pending water right application.

Sincerely,


Richard J. Beringson
Secretary

RJB/ld

cc: Lower Power Canal % James Chenoweth



United States Department of the Interior
BUREAU OF RECLAMATION
Missouri Basin Region
P.O. Box 36900
Billings, Montana 59107-6900



IN REPLY
REFER TO: MB-450
870.

John Hatch, Chief Engineer
Water Rights Division
Joe Foss Building
Pierre, SD 57301

NOV 19 1987

Dear Mr. Hatch:

Pursuant to South Dakota Civil Law 1-26, we hereby make known our objections to Applications to Validate Vested Water Rights (applications) Nos. 1388-1, 1390-1, 1394-1, 1395-1, 1399-1, 1400-1, 1402-1, 1405-1, 1408-1, 1409-1, 1410-1, 1411-1, 1412-1, 1413-1, 1415-1, 1417-1, 1423-1, and 1425-1. These applications are scheduled for consideration by the Water Management Board in Rapid City, South Dakota, on December 2, 1987, at 1:00 pm.

We concur with the Chief Engineer's recommendations regarding the diversion rates for the applications listed above and would object to increases in the diversion rates above those recommended by the Chief Engineer. The Bureau of Reclamation (Bureau) is the owner of water rights for the Belle Fourche Irrigation Project (Project) located on the Belle Fourche River. Most of the vested rights (with the exception of application No. 1423-1) have points of diversion located on tributaries to the Belle Fourche River upstream of the Project diversion dam. The Project could be adversely impacted if the applications are validated with flow rates in excess of those historically utilized.

Finally, we request that you send a copy of the Chief Engineer's recommendation regarding each of the applications listed above to Bruce Laymon who will be representing the Bureau's interests at the hearings. His mailing address is listed below.

U.S. Bureau of Reclamation
Attention: Bruce Laymon
Belle Fourche Project Office
P.O. Box 226
Newell, SD 57760

If you have any questions regarding our interest in these matters, please contact Dave Nelson at (406) 657-6639 or Bob Pike at (406) 657-6469.

Sincerely yours,


Donald R. Glaser

For B. E. Martin
Regional Director

Enclosure

Identical letters sent to attached listing

Mr. Ralph Bahm
RR 1, Box 196
Spearfish, SD 57783

Ms. Della Crago
RR 1, Box 24
Belle Fourche, SD 57717

Mr. Dick Cundy
St. Onge Road
Spearfish, SD 57783

Homestake Mining Company
P.O. Box 875
Lead, SD 57754

Mr. Albert Jeffery
RR 1
Spearfish, SD 57783

Mr. Leland Johnson
Mr. Keith Johnson
RR 1, Box 1011
Spearfish, SD 57783

Mr. Richard Lausser
RR 1, Box 195
Spearfish, SD 57783

Redwater Irrigation Association
P.O. Box 351
Belle Fourche, SD 57717

Mr. R. Thornton Vallery
Star Route, Box 188
Nisland, SD 57762

Mr. James Chenowith
Box 248
Woodrow, CO 80757

Mr. Ralph Crago
RR 1, Box 52B
St. Onge, SD 57779

Mr. Melvin Delzer
Box 1045
Spearfish, SD 57783

Mr. Robert Humphrey
Rt. 1, Box 170
Spearfish, SD 57783

Mr. James Jennings
RR 1, Box 182C
Spearfish, SD 57783

Mr. William Lambert
Box 335
Beulah, WY 82712

Mr. Josef Meier
421 Meier Street
Spearfish, SD 57783

Mr. Wesley W. Thompson
Rt. 1, Box 198A
Spearfish, SD 57783

**South Dakota
Department of
Game, Fish and Parks**

**Division of Wildlife
Sigurd Anderson Building
445 East Capitol
Pierre, South Dakota 57501-3185
(605) 773-3381**

November 20, 1987

Mr. John Hatch, Chief Engineer
Division of Water Rights
S.D. Department of Water & Natural Resources
Joe Foss Building
Pierre, SD 57501



Dear Mr. Hatch:

Pursuant to the filings made by the S.D. Department of Game, Fish and Parks to the attached list of applicants, some confusion exists regarding the intent of the filings. For your information when dealing with inquiries to the nature of the GF&P interest in the upcoming hearings the following information should be useful.

GF&P intends to participate in the upcoming water right validations by supporting the water rights staff recommendations that will bring each water right into legal compliance with existing laws, e.g. appropriate quantities of water for the land base, appropriately sized and gauged headgates for the right in question, abandonment of unused quantities of water, etc. GF&P filed with your office and each applicant so that we would officially be parties to the hearing process and be able to carry out the mandated duties of the Department under SDCL Chapter 41. We also are of the opinion that the Department would have been negligent in not participating in proceedings that relate to water resource allocation directly affecting waters that support fish and wildlife values.

I hope this information will aid you in describing the nature of the interest the Department of Game, Fish and Parks has in the upcoming proceedings. If you have any questions you can contact me at 773-5511.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Ron Koth', written over a horizontal line.

Ron Koth
Water Permits Coordinator

RK/ld



Department of Water & Natural Resources

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

January 9, 1989

Lower Power Canal
c/o Carl Chenoweth
Hwy 85S, Box 100
Belle Fourche SD 57717

RE: Installation of a Permanent Measuring Device for
Vested Right No. 1402-1

Dear Mr. Chenoweth:

As a reminder, the Water Management Board, at the December 2 and 3, 1987 meeting, validated your vested right claim on Lower Power Canal Ditch. The Board's motion required installation of a permanent measuring device on the ditch at or near the point of diversion within one year of validation of your vested right claim. To comply with the Board's order, the measuring device must be installed prior to the 1989 irrigation season. Please note that the plans and specifications for the measuring device must be approved by the chief engineer prior to installation.

If you have any questions, please contact me.

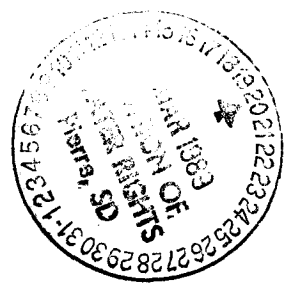
Sincerely,

RASSOOL AHADI
Natural Resources Engineer
(605)773-3352



South Dakota

Department of Water and
Natural Resources



Dear Sirs,

The Lower Power Canal is extremely silted in and will need to be cleaned out in the near future. For this reason I would like permission to construct the parashall flume with treated timber instead of concrete. Then when the canal is dug out I can easily lower the Parashall flume to the proper height. I will be happy to discuss this with one of your representatives.

Carl Chenoweth
Lower Power Canal
Carl Chenoweth
HCR 30 Box 188
Belle Fourche, SD 57717
605-892-3231

 **Department of
Water & Natural Resources**

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

March 27, 1989

Carl Chenoweth
HCR 30, Box 188
Belle Fourche, S.D. 57717

RE: Vested Water Right No. 1402-1, Lower Power Canal,
Installation of Flow Measuring Device.

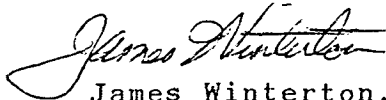
Dear Mr. Chenoweth:

We have reviewed plans and specifications for your measuring device designed by the Soil Conservation Service. The measuring device will be used to measure the flow in Lower Power Canal. According to the proposed plan, a Parshall Flume with a throat of 24 inches will be used. The plans and specifications are approved as submitted.

As requested in your letter, we will approve the use of treated timber in the construction of your measuring device. The installation, however, must meet the design criteria set forth by the Soil Conservation Service. Construction and temporary installation of your measuring device must be supervised or approved by a qualified engineer. The measuring device must permanently be installed prior to the 1990 irrigation season with engineering supervision.

If you have any questions, please contact Rassool Ahadi,
(605)773-3352.

Very truly yours,



James Winterton, P.E.
Natural Resources Engineer
For JOHN HATCH, Chief Engineer
Water Rights Division
(605)773-3352



**Department of
Water & Natural Resources**

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

April 11, 1989

Leland Johnson
391 E. 8th Avenue
Ft. Pierre, S.D. 57532

RE: Application to Change Location of Diversion Point.

Dear Mr. Johnson:

Enclosed you will find two copies Form 2 required to change location of your diversion point from Concordia Ditch to Lower Power Canal. Please note that 18.3 acres covered under Concordia Ditch will keep the same priority date as before. The 5.1 acres, above the abandoned railroad track will have a new priority date. Please review the forms for accuracy, sign and notarize them, and return them to our office with \$50.00 application fee.

If you have any questions, please contact me.

Sincerely,



M. RASSOOL AHADI
Natural Resources Engineer
(605)773-3352

enclosures



Lower Power Canal



T. Ver Helst 4/10/89

Measuring Device - 5.2 cfs

1

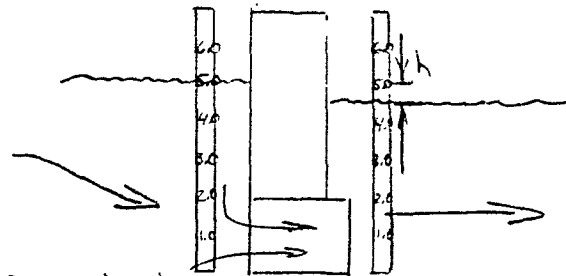
Lower Power Canal has 2-18" DIA 100 PSI PVC PIPES 3' long extending from Redwater River into canal. A rough measuring device could be installed using standard short tube flow data found in King's Handbook of Hydraulics - 4th Edition Pg 3-19

$$Q = CA \sqrt{2gh}$$

One pipe Open:

$$Q = .78 (1.72) \sqrt{64.4 (.05)}$$

$$Q = 2.4 \text{ cfs}$$



Coef of discharge:

$$C = .78 \text{ to } .83 \text{ (Use } .78)$$

$$\text{Area} = \frac{\pi (1.48)^2}{4} = 1.72 \text{ ft}^2$$

Two pipes Open:

$$Q = .78 (3.44) \sqrt{64.4 (.05)}$$

$$Q = 4.8 \text{ cfs}$$

	Q, cfs ONE PIPE	Q, cfs TWO PIPES
0.35	6.4	12.7
0.30	5.9	11.8
0.25	5.4	10.8
0.20	4.8	9.6
0.15	4.2	8.3
0.10	3.4	6.8
0.05	2.4	4.8

h

Note: 1) Carl Chenoweth indicates he only operates control gates fully open or fully closed.

2) Measuring staff will be placed on inside of concrete inlet box just adjacent to C-10 canal gates.

3) Measuring staff downstream will be placed on concrete pillar 2' past outlets of pipes and in easy viewing from ditch bank.

4) Both staffs will have the same reference point of the invert of the inlet.

 **Department of
Water & Natural Resources**

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

April 14, 1989

Carl Chenoweth
HCR 30, Box 188
Belle Fourche, S.D. 57717

RE: Vested Water Right No. 1402-1, Lower Power Canal,
Installation of Flow Measuring Device.

Dear Mr. Chenoweth:

We have reviewed plans and specifications for your measuring device designed by the Soil Conservation Service. According to the proposed plan, a Standard Short Tube flow measuring device will be used, using two existing 18 inch Polyvinyl Chloride (PVC) pipes. The measuring device will be used to measure the flow in Lower Power Canal. The plans and specifications are approved as submitted.

As requested, the measuring device will be replacing the Parshall Flume approved by the Division of Water Rights on March 27, 1989. The installation must meet the design criteria set forth by the Soil Conservation Service. The measuring device must permanently be installed prior to the 1990 irrigation season with engineering supervision.

If you have any questions, please contact Rassool Ahadi,
(605)773-3352.

Very truly yours,



James Winterton, P.E.
Natural Resources Engineer
For JOHN HATCH, Chief Engineer
Water Rights Division
(605)773-3352





May 9, 1989

Mr. Rassool Ahadi
Natural Resources Engineer
South Dakota Department of
Water and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: Installation of a Permanent Measuring Device of Vested Right
No. 1402-1

Dear Mr. Ahadi:

With Soil Conservation assistance the water measuring device on
the lower power canal has been completed. The device meets the
design specifications that we discussed.

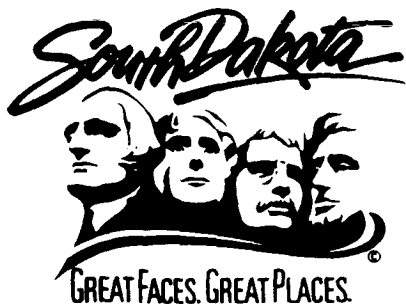
If you have any further questions, please contact me.

Sincerely,

Carl C. Chenoweth

Carl C. Chenoweth

CCC/ljc



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 14 1994

1402-1

James Chenoweth
Lower Power Canal
Box 248
Woodrow, CO 80757

Dear Mr. Chenoweth:

Enclosed are your Validated Vested Water Right and Water License No. 1402-1. 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
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 15, 1994

James M. Chenoweth
301 Harvard St
Brush CO 80723

Dear Mr. Chenoweth:

Enclosed is your check for \$15.00. Our records indicate that the vested right filing fee of \$15.00 was submitted on November 17, 1986. Enclosed is the receipt for your records.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Division
605 773-3352

enclosures

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Right No. 1402-1, Lower Power Canal

ADDRESS: COUNTY: Butte County

DATE: May 12 and 13, 2005 TELEPHONE:

RE: new culvert through Hwy 85

COMMENTS:

Bart Krautschun (892-3371 and cell 641-3092), who is the Butte County Extension Agent, called me on behalf of the owners of the Water Right No. 1402-1. He said with the construction of Hwy 85 the culvert is place at the wrong elevation. The top of the culvert is at the bottom elevation of the ditch thalweg. He said under the current configuration the ditch will not function to provide water to land on the east side of the highway.

In response, Don Stroup, Water Rights staff person, went to the site along with Bart. Don took the attached picture. He stated that the culvert would not properly function.

I then got in contact with Lyle Haak who is the Belle Fourche Area Engineer for DOT. Mr. Haak stated that the culvert issue caused them concern in the design. He stated that the culvert will not operate properly but that this is due to siltation of the irrigation ditch. He said the top and bottom of the culvert are at the same elevation as the previous culvert. So the ditch prior to the highway construction did not operate properly. The ditch on the east side of the highway does capture run-off from 292 acres.

Mr. Haak provided me a little history. He said there was a box culvert through the road since 1940. It was a three barrel box culvert. In 1986 the road was reconstructed and DOT wanted to remove or alter the culvert but the locals said they may want to reactivate the power plant. The decision was made to close two of the barrels leaving one 5' H X 10' W barrel that needed to be extended to accommodate the road. Since they weren't sure what to do with this new design they choose to put the new culvert at the same elevation as the previous one knowing that it will silt in and not function properly. They put in a 60" arched culvert which equates to the same 5' height.

Mr. Haak investigated cleaning out the irrigation ditch so DOT could use the material taken out for fill for the highway construction project. DOT conducted a survey and found it would take about a ½ mile of clean-out and couldn't justify this expense.

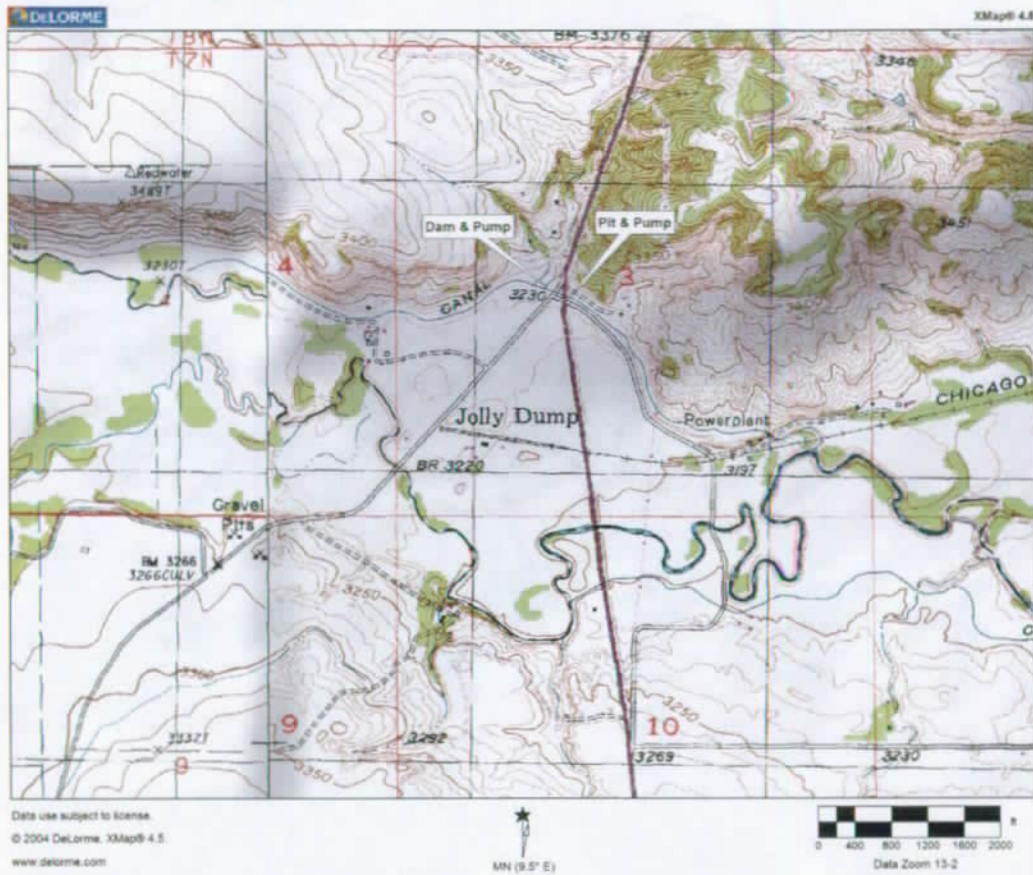
I contacted Mr. Krautschun back and informed him that this appears to be a ditch maintenance and that based on the information provide by DOT the culvert is set to the original elevation. If this is

is the case, Water Rights could not take any action as this is a maintenance issue. I told him if he found out something differently to give me a call.

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

Name Eric Hunsley

NAME:



taken May 11 2005 by Don Stroup



Looking in a westerly direction with the culvert in view

taken May 11, 2005 by Don Stroup



Looking in an easterly direction with the ditch visible in the background

1402-1

LAW OFFICES OF
BENNETT, MAIN & GUBBRUD
A PROFESSIONAL CORPORATION
618 STATE STREET
BELLE FOURCHE, SOUTH DAKOTA 57717-1489
TEL (605) 892-2011
FAX (605) 892-4084
EMAIL: bellelaw@bellelaw.com

MAX MAIN*
DWIGHT A. GUBBRUD*
*LICENSED IN SOUTH DAKOTA AND WYOMING

EST. 1908

RECEIVED
OCT 20 2008
WATER RIGHTS
PROGRAM

RETIRED
DONN BENNETT

October 15, 2008

Chief Engineer
Water Rights Program, DENR
Board of Water and Natural Resources
523 E. Capitol
Pierre, SD 57501-3182

RE: Water License No. 1402-1; Nancy Veal; Our File No. 2537.010008.

Dear Chief Engineer:

Enclosed is a Notice of Transfer of Ownership for Water License No. 1402-1. All the lands covered by the Water License are now owned by Nancy L. Veal.

James and Doris Chenoweth formerly owned the lands. They conveyed all the lands to their son Carl Chenoweth over a course of years from 1984 through 1997. Copies of the conveyances are enclosed.

Carl Chenoweth died in 2002, survived by his wife, Nancy L. Veal. All of the lands were distributed from Carl's Estate to Nancy by Personal Representative's Deeds in 2004. Copies of the Personal Representative's Deeds are enclosed.

Also enclosed is a check in the amount of \$2.50 as payment of the filing fee.

The third paragraph of Water License No. 1402-1 refers to Water Permit Nos. 1467-1 and 1485-1. Can you tell me if those permits are also held by James Chenoweth/Lower Power Canal?

Please confirm transfer of ownership of Water Right No. 1402-1 to Nancy L. Veal. Should you have any questions, please do not hesitate to contact me.

DENR

Page 2

Sincerely,

BENNETT, MAIN & GUBBRUD, P.C.


Max Main

MM/njo

Encs.

cc: Client (Notice of Transfer)

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

Water Right/Permit No. 1402-1Date: 10/15/2008

I/We request that Water Right/Permit No. 1402-1 formerly owned by:
Lower Power Canal %James Chenoweth be transferred to:

New Owner Name: Nancy L. Veal
Address: 10881 Rimrock Lane
City, State, Zip Belle Fourche SD 57717 Telephone No. (605) 210-3232

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

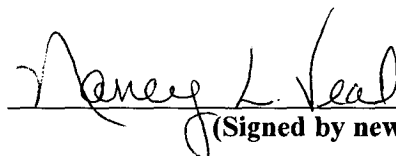
Township 7 North, Range 2 East, BHM
Section 4: NE1/4SE1/4; SE1/4SE1/4; NW1/4SE1/4; and SW1/4NE1/4.
Section 3: SW1/4SE1/4; NW1/4SW1/4; NE1/4SW1/4; SW1/4SW1/4; and SE1/4SW1/4.

☒ I understand that the validity of Water Right/Permit No. 1402-1 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, NANCY L. VEAL, the new owner, certify that the above information is true and correct.


(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/20, 20 08

RECEIVED OF Bennett, Main, Gubbrud, PC 618 State St 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 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>1402-1</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. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

03776

By

Laurence E. Erbe
Chief Engineer

1251-84

Exempt From Transfer Fee

BOOK 232 PAGE 73

WARRANTY DEED

JAMES M. CHENOWETH, a/k/a J. M. CHENOWETH and DORIS J. CHENOWETH, Grantors, of Woodrow, Colorado, for and in consideration of One Dollar and other good and valuable consideration GRANTS, CONVEYS, AND WARRANTS to CARL CHENOWETH, a married man claiming homestead elsewhere, Grantee, of South Highway 85, Belle Fourche, SD 57717, the following described real property in the County of Butte, State of South Dakota:

Township 7 North, Range 2 East, B.H.M., Butte & Lawrence Cty., SD:

Section 3: Tract "C" of the Northwest Quarter of the Southwest Quarter, containing 24.68 acres; and, Tract "D" of the Northwest Quarter of the Southwest Quarter, containing 2.82 acres.

Township 8 North, Range 2 East, B.H.M., Butte County, SD:

Section 34: North Half of the Northwest Quarter of the Northwest Quarter;
Lot D of the Northwest Quarter of the Southeast Quarter, containing 2.26 acres; and,
Lot B of the Southwest Quarter of the Southeast Quarter, containing 6.40 acres.

Doris J. Chenoweth relinquishes any and all homestead rights to said property.

Dated this 24 day of August, 1984.

EXEMPT FROM TRANSFER FEE BY VIRTUE OF SDCL 43-4-22(5).

James M. Chenoweth
JAMES M. CHENOWETH

Doris J. Chenoweth
DORIS J. CHENOWETH

STATE OF SOUTH DAKOTA)
)SS.
COUNTY OF BUTTE)

RECORDED
GRANTOR
GRANTEE
NUMERICAL
TRANSFER
SATISFACTION

SS
OF BUTTE

On this the 24 day of August, 1984, before me the undersigned Notary Public, personally appeared JAMES M. CHENOWETH and DORIS J. CHENOWETH, known to me or satisfactorily proven to be the persons whose names are subscribed to the within Warranty Deed and acknowledged that they executed the same for the purposes therein contained and of their free act and deed.

In Witness Whereof, I hereunto set my hand and official seal.

Michael W. Day
NOTARY PUBLIC

MICHAEL W. DAY
Notary Public, State of South Dakota
My Commission Expires JUNE 1, 1991



STATE OF SOUTH DAKOTA, COUNTY OF BUTTE, 1984 at 10:55 o'clock, A.M.

Exempt From Transfer Fee

WARRANTY DEED

DORIS J. CHENOWETH, Grantor, of Woodrow, Colorado, for and in consideration of One Dollar and other good and valuable consideration GRANTS, CONVEYS, AND WARRANTS to CARL CHENOWETH, a married man claiming homestead elsewhere, Grantee, of South Highway 85, Belle Fourche, SD 57717, the following described real property in the County of Butte, State of South Dakota:

Township 8 North, Range 2 East, B.H.M., Butte County, SD:
 Section 34: Northeast Quarter of the Northwest Quarter; and,
 South Half of the Northwest Quarter of the
 Northwest Quarter.

Dated this 24 day of August, 1984.

EXEMPT FROM TRANSFER FEE BY VIRTUE OF SDCL 43-4-22(5).

Doris Chenoweth
 DORIS CHENOWETH

STATE OF SOUTH DAKOTA)
) SS.
 COUNTY OF BUTTE)

On this the 24 day of August, 1984, before me the undersigned Notary Public, personally appeared DORIS CHENOWETH, known to me or satisfactorily proven to be the person whose name is subscribed to the within Warranty Deed and acknowledged that she executed the same for the purposes therein contained and of her free act and deed.

In Witness Whereof, I hereunto set my hand and official seal.

Michael W. Day
 NOTARY PUBLIC

MICHAEL W. DAY
 Notary Public, State of South Dakota
 My Commission Expires JUNE 1, 1991



SOUTH DAKOTA, COUNTY OF BUTTE } SS

is 24 day of August 1984 at 10:50 o'clock A.M.
 By Carl J. Walker
 Register of Deeds

388-89

WARRANTY DEED

BOOK 248 PAGE 226

Exempt From Transfer Fee

JAMES M. CHENOWETH, a/k/a J.M. CHENOWETH and DORIS J. CHENOWETH, husband and wife as joint tenants with right of survivorship and not as tenants in common, Grantors, of P.O. Box 248, Woodrow, CO 80757, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, GRANT, CONVEY AND WARRANT to CARL CHENOWETH, a married man whose wife claims homestead elsewhere, Grantee, of Highway 85 South Dakota, 57717, the following described property in the County of Butte, State of South Dakota, to-wit:

T 8 N, R 2 E, B.H.M., Butte County, South Dakota
Section 33: W1/4SW1/4SW1/4

T 7 N, R 2 E, B.H.M., Butte County, South Dakota
Section 4: Lot 3 -

Doris J. Chenoweth relinquishes any and all homestead rights as to said property.

Dated this 13th day of March, 1989.

James M. Chenoweth
 JAMES M. CHENOWETH, a/k/a J.M.
 CHENOWETH

Doris J. Chenoweth
 DORIS J. CHENOWETH

Exempt from transfer fee by virtue of SDCL §43-4-22(5)

STATE OF COLORADO)
) SS
 COUNTY OF MORGAN)

On this 13th day of March, 1989, before me, the undersigned officer, appeared JAMES M. CHENOWETH and DORIS J. CHENOWETH, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

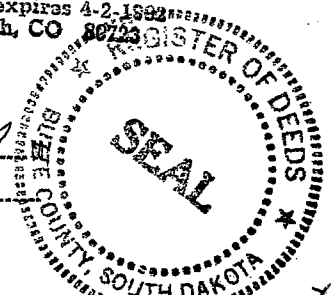
(SEAL)

RECORDED
 GRANTOR ☒
 GRANTEE ☒
 NUMERICAL
 TRANSFER ☒
 SATISFACTION

Marlene Galyk
 Notary Public My Commission expires 4-2-1992
 Box 525, Brush, CO 80723

STATE OF SOUTH DAKOTA, COUNTY OF BUTTE } ES

Filed this 24th day of March 1989 at 11:15 o'clock, A
 Book 248 Page 226 By Paul J. Walker
Fee \$3.00 Register of Deeds



390 - 89
Exempt from Transfer Fee

WARRANTY DEED

BOOK 248 PAGE 228

DORIS J. CHENOWETH, Grantor, of P.O. Box 248, Woodrow, CO 80757, for and in consideration of One Dollar(\$1.00) and other good and valuable consideration, GRANTS, CONVEYS AND WARRANTS to CARL CHENOWETH, a married man whose wife claims homestead elsewhere, Grantee, of South Highway 85, Belle Fourche, Butte County, South Dakota 57717, the following described property in the County of Butte, State of South Dakota, to-wit:

T 8 N, R 2 E, B.H.M., Butte County, South Dakota
Section 33: W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{2}$ SW $\frac{1}{4}$

T 7 N, R 2 E, B.H.M., Butte County, South Dakota
Section 4: Lot 4

Dated this 13th day of March, 1989.

Doris J. Chenoweth
DORIS J. CHENOWETH

Exempt from transfer fee by virtue of SDCL §43-4-22(5)

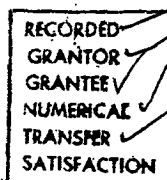
STATE OF COLORADO)
COUNTY OF MORGAN) SS

On this 13th day of March, 1989, before me, the undersigned officer, appeared DORIS J. CHENOWETH, known to me or satisfactorily proven to be the person whose names is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official

seal.

Margie Galyk
Notary Public
My Commission expires 4-2-1992
Box 525, Brush, CO 80723



STATE OF SOUTH DAKOTA, COUNTY OF BUTTE } SS

Filed this 24th day of March, 1989 at 11:15 o'clock, A.M.
Book 248 Page 228 By Doris J. Walker
Register of Deeds
Fee \$300



1708-90

EXEMPT FROM Transfer Fee

CORRECTIVE
WARRANTY DEED

BOOK 253 PAGE 342

DORIS J. CHENOWETH, Grantor, of P.O. Box 248, Woodrow, CO 80757, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, GRANTS, CONVEYS AND WARRANTS to CARL CHENOWETH, Grantee of HCR 30, Box 188, Belle Fourche, South Dakota 57717, the following described property in the County of Butte, State of South Dakota, to-wit:

✓ T 8 N, R 2 E, B.H.M., Butte County, South Dakota
Section 37: W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$

✓ T 7 N, R 2 E, B.H.M., Butte County, South Dakota
Section 4: Lot 4

Doris J. Chenoweth relinquishes any and all homestead rights as to said property.

This Deed is to correct an erroneous description contained in the Warranty Deed filed in the office of the Butte County Register of Deeds on March 24, 1989 and recorded in Book 248 at Page 228.

Dated this 26th day of October, 1990.

Doris J. Chenoweth
DORIS J. CHENOWETH

Exempt from transfer fee by virtue of SDCL §43-4-22(4)

STATE OF COLORADO)
COUNTY OF MORGAN) SS

On this 26th day of October, 1990, before me, the undersigned officer, appeared DORIS J. CHENOWETH, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official

seal.
(SEAL)

RECORDED
GRANTOR
GRANTEE
NUMERICAL
TRANSFER
SATISFACTION

Martine Galyk
Notary Public My Commission expires 4-2-1992
Box 525, Brush, CO 80729

STATE OF SOUTH DAKOTA, COUNTY OF BUTTE } SS

Filed this 7th day of November 1990 at 4:30 o'clock, P.M.
Book 253 Page 342 By Paul J. Walker
Fee \$300 Register of Deeds



1710-90

Exempt From Transfer Fee

WARRANTY DEED

BOOK 253 PAGE 344

DORIS J. CHENOWETH, Grantor, of P.O. Box 248, Woodrow, CO 80757, for and in consideration of One Dollar(\$1.00) and other good and valuable consideration, GRANTS, CONVEYS AND WARRANTS to CARL CHENOWETH, a married man whose wife claims homestead elsewhere, Grantee, of HCR 30, Box 188, Belle Fourche, Butte County, South Dakota 57717, the following described property in the County of Butte, State of South Dakota, to-wit:

T 7 N, R 2 E, B.H.M., Butte County, South Dakota
Section 4: SE1/4NW1/4; and Lot 2

Dated this 26th day of October, 1990.

Doris J. Chenoweth
 DORIS J. CHENOWETH

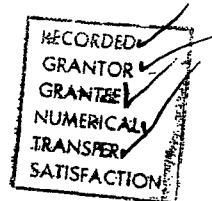
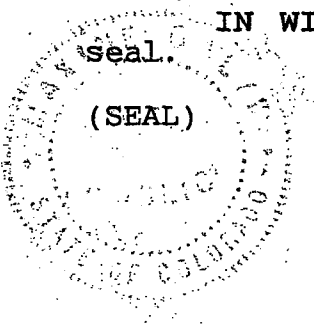
Exempt from transfer fee by virtue of SDCL §43-4-22(5)

STATE OF COLORADO)
) SS
 COUNTY OF MORGAN)

On this 26th day of October, 1990, before me, the undersigned officer, appeared DORIS J. CHENOWETH, known to me or satisfactorily proven to be the person whose names is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official

Margie Galyk
 Notary Public My Commission Expires 4-2-1992
 Box 525, Beach, CO 80722



STATE OF SOUTH DAKOTA, COUNTY OF BUTTE } SS

Filed this 7th day of November 1990 at 4:30 o'clock, P.M.

Book 253 Page 344 By Carl J. Walker
Fee 13.00 Register of Deeds

1711-90

Exempt From Transfer Fee

WARRANTY DEED

BOOK 253 PAGE 345

JAMES M. CHENOWETH, a/k/a J.M. CHENOWETH and DORIS J. CHENOWETH, husband and wife as joint tenants with right of survivorship and not as tenants in common, Grantors, of P.O. Box 248, Woodrow, CO 80757, for and in consideration of One Dollar(\$1.00) and other good and valuable consideration, GRANT, CONVEY AND WARRANT to CARL CHENOWETH, a married man whose wife claims homestead elsewhere, Grantee, of HCR 30, Box 188, Belle Fourche, South Dakota, 57717, the following described property in the County of Butte, State of South Dakota, to-wit:

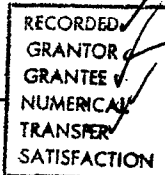
T 7 N, R 2 E, B.H.M., Butte County, South Dakota
Section 3: Tract "B" in the SW $\frac{1}{4}$ NW $\frac{1}{4}$; and, Lot "1-A" in the SW $\frac{1}{4}$ NW $\frac{1}{4}$.

Section 4: Tract "B" in the NE $\frac{1}{4}$ SE $\frac{1}{4}$; Lot "1-A" in the NE $\frac{1}{4}$ SE $\frac{1}{4}$; Tracts "B" and "C" in the SW $\frac{1}{4}$ NE $\frac{1}{4}$; Lots "1-A" and "2-A" in the SW $\frac{1}{4}$ NE $\frac{1}{4}$; Tract "A" in the SE $\frac{1}{4}$ NE $\frac{1}{4}$; and Lot "1-A" in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ according to Plat Book 3, page 30 or Lot "A" in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ according to Plat Book 5, page 108.

Dated this 26th day of October, 1990.

James M. Chenoweth
JAMES M. CHENOWETH, a/k/a J.M.
CHENOWETH

Doris J. Chenoweth
DORIS J. CHENOWETH



Exempt from transfer fee by virtue of SDCL §43-4-22(5)

STATE OF COLORADO

COUNTY OF MORGAN

STATE OF SOUTH DAKOTA, COUNTY OF BUTTE
Filed this 7th day of November 1990 at 4:30 o'clock.
By Paul J. Walker
Book 253 Page 345 Register of Deeds
Fee \$3.00

On this 26th day of October, 1990, before me, the undersigned officer, appeared JAMES M. CHENOWETH and DORIS J. CHENOWETH, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official

seal.

(SEAL)

Maxine Galyk
Notary Public My Commission Expires 4-2-1992
Box 525, Brush, CO 80723

2225-9/

Exempt from Transfer Fee

WARRANTY DEED

BOOK 258 PAGE 167

JAMES M. CHENOWETH, a/k/a J.M. CHENOWETH and DORIS J. CHENOWETH, husband and wife as joint tenants with right of survivorship and not as tenants in common, Grantors, of P.O. Box 248, Woodrow, CO 80757, for and in consideration of One Dollar(\$1.00) and other good and valuable consideration, GRANT, CONVEY AND WARRANT to CARL CHENOWETH, a married man whose wife claims homestead elsewhere, Grantee, of HCR 30, Box 188, Belle Fourche, South Dakota, 57717, the following described property in the County of Butte, State of South Dakota, to-wit:

T 7 N, R 2 E, B.H.M., Butte County, South Dakota

Section 4: Tract "C" in the NE $\frac{1}{4}$ SE $\frac{1}{4}$; consisting of 29.48 acres, according to Plat Book 5, page 115.

Dated this 19th day of December, 1991.

J. M. Chenoweth
James M. Chenoweth
 JAMES M. CHENOWETH, a/k/a J.M.
 CHENOWETH

Doris J. Chenoweth
 DORIS J. CHENOWETH

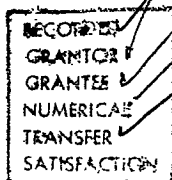
Exempt from transfer fee by virtue of SDCL §43-4-22(5)

STATE OF COLORADO)
) SS
 COUNTY OF MORGAN)

On this 19th day of December, 1991, before me, the undersigned officer, appeared JAMES M. CHENOWETH and DORIS J. CHENOWETH, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

(SEAL)



Mapiene Galyk
 Notary Public My Commission expires 4-2-1992
 Box 525, Brush, CO 80723

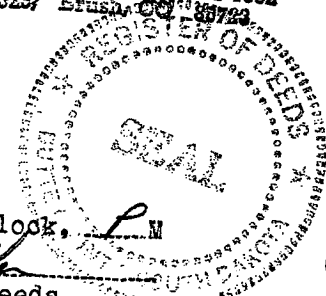
STATE OF SOUTH DAKOTA, COUNTY OF BUTTE } SS

Filed this 30th day of December 1991 at 4:30 o'clock, P.M.

Book 258 Page 167 By Carl J. Walker

Register of Deeds

Fee \$3.00



2212-72

BOOK 258 PAGE 864

Exempt From Transfer Fee

WARRANTY DEED

JAMES M. CHENOWETH, a/k/a J. M. CHENOWETH, a married man claiming homestead elsewhere, GRANTOR, of P.O. Box 248, Woodrow, CO 80757, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, GRANTS, CONVEYS AND WARRANTS to DORIS J. CHENOWETH, GRANTEE, of P.O. Box 248, Woodrow, CO 80757, the following described property in the County of Butte, State of South Dakota, to-wit:

Township 7 North, Range 2 East, B.H.M., Butte County, SD:

Section 3: Lot 4 (NW1/4NW1/4);
Lot 1-A in the NE1/4SW1/4 except Lots H2, H4, and H5;
Tract C in the NW1/4SE1/4.

Section 4: Lot 1 (NE1/4NE1/4)

Dated this 28 day of December, :

*Tract C is
indexed under
Lot C of NW1/4SE1/4*

J.
J.

a

EXEMPT FROM TRANSFER FEE BY VIRTUE OF SDCL §43-4-22(5).

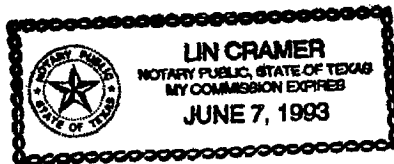
STATE OF *Texas*)
COUNTY OF *Harris*) SS

On the 28th day of December, 1992, before me, the undersigned officer, personally appeared JAMES M. CHENOWETH, a/k/a J. M. CHENOWETH, known to me or satisfactorily proven to be the person whose name is subscribed to the within Warranty Deed and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Lin Cramer
Notary Public
My Comm. Expires: 6-7-93

(SEAL)



RECORDED
GRANTOR
GRANTEE
NUMERICAL
TRANSFER
SATISFACTION

ST. OF SOUTH DAKOTA, COUNTY OF BUTTE } SS
Filed this 30th day of December 1992 at 9:25 o'clock, A.M.
Book 258 Page 864 By C. J. Walker
Register of Deeds SOUTH DAKOTA

MICROFILM 300

2213-92

Exempt From Transfer Fee

WARRANTY DEED

BOOK 258 PAGE 865

DORIS J. CHENOWETH, a married woman whose spouse claims homestead elsewhere, GRANTOR, of P.O. Box 248, Woodrow, CO 80757, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, GRANTS, CONVEYS AND WARRANTS to CARL CHENOWETH, a single man, GRANTEE, of HC 30, Box 188, Belle Fourche, SD 57717, the following described property in the County of Butte, State of South Dakota, to-wit:

Township 7 North, Range 2 East, B.H.M., Butte County, SD:

Section 3: Lot 4 (NW1/4NW1/4);

Lot 1-A in the NE1/4SW1/4 except Lots H2, H4, and H5;
Tract C in the NW1/4SE1/4.

(Section 4: Lot 1 (NE1/4NE1/4))

Dated this 28th day of December, 1992.

Doris J. Chenoweth
DORIS J. CHENOWETH

EXEMPT FROM TRANSFER FEE BY VIRTUE OF SDCL §43-4-22(5).

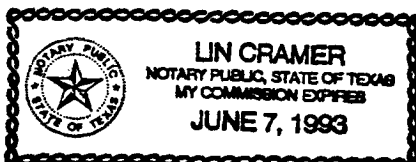
STATE OF Texas)
COUNTY OF Harris) SS

On the 28th day of December, 1992, before me, the undersigned officer, personally appeared DORIS J. CHENOWETH, known to me or satisfactorily proven to be the person whose name is subscribed to the within Warranty Deed and acknowledged that she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Lin Cramer
Notary Public
My Comm. Expires: 6-7-93

(SEAL)



STATE OF SOUTH DAKOTA, COUNTY OF BUTTE } SS

Filed this 30th day of December, 1992 at 2:25 o'clock.

Book 258 Page 865 By Paul J. Walker

McLennan's Printing Office Supply—Mitchell, S. D.

RECORDED
GRANTOR
GRANTEE
NUMERICAL
TRANSFER



2214-92

WARRANTY DEED

BOOK 258 PAGE 866

Exempt From Transfer Fee

JAMES M. CHENOWETH, a/k/a J. M. CHENOWETH, a married man whose spouse claims homestead elsewhere, GRANTOR, of P.O. Box 248, Woodrow, CO 80757, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, GRANTS, CONVEYS AND WARRANTS to CARL CHENOWETH, a single man, GRANTEE, of HC 30, Box 188, Belle Fourche, SD 57717, the following described property in the County of Butte, State of South Dakota, to-wit:

Township 7 North, Range 2 East, B.H.M., Butte County, SD:

Section 3: Tract C in Lot 3 (NE1NW1);
Tracts B, C and D in the SW1SW1; and,
Tract B and Lot 1-A in the NW1SW1.

Dated this 28 day of December, 1992.

J. M. Chenoweth
JAMES M. CHENOWETH, a/k/a
J. M. CHENOWETH

EXEMPT FROM TRANSFER FEE BY VIRTUE OF SDCL §43-4-22(5).

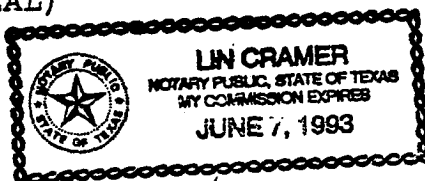
STATE OF Texas)
COUNTY OF Harris) SS

On the 28th day of December, 1992, before me, the undersigned officer, personally appeared JAMES M. CHENOWETH, a/k/a J. M. CHENOWETH, known to me or satisfactorily proven to be the person whose name is subscribed to the within Warranty Deed and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Lin Cramer
Notary Public
My Comm. Expires: 6-7-93

(SEAL)



RECORDED
GRANTOR
GRANTEE
NUMERICAL
TRANSFER

STATE OF SOUTH DAKOTA, COUNTY OF BUTTE } SS

Filed this 30th day of December 1992 at 9:25 o'clock, AM

Book 258 Page 866 By Carl J. Wilbur
Register of Deeds

5-93

Exempt From Transfer Fee

WARRANTY DEED

BOOK 258 PAGE 908

DORIS J. CHENOWETH, a married woman whose spouse claims homestead elsewhere, GRANTOR, of P.O. Box 248, Woodrow, CO 80757, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, GRANTS, CONVEYS AND WARRANTS to CARL CHENOWETH, a single man, GRANTEE, of HC 30, Box 188, Belle Fourche, SD 57717, the following described property in the County of Butte, State of South Dakota, to-wit:

Township 7 North, Range 2 East, B.H.M., Butte County, SD:
Section 3: Tract E and F in the NE1SW1.

Dated this 28th day of Dec, 1992

Doris J. Chenoweth
DORIS J. CHENOWETH

EXEMPT FROM TRANSFER FEE BY VIRTUE OF SDCL §43-4-22(5).

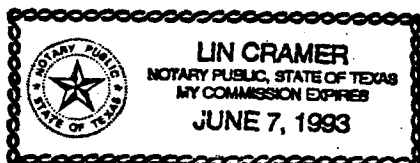
STATE OF Texas)
COUNTY OF Harris) SS

On the 28th day of Dec, 1992, before me, the undersigned officer, personally appeared DORIS J. CHENOWETH, known to me or satisfactorily proven to be the person whose name is subscribed to the within Warranty Deed and acknowledged that she executed the same for the purposes therein contained.

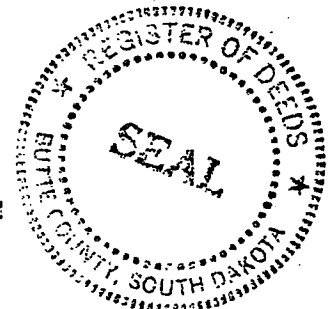
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Lin Cramer
Notary Public
My Comm. Expires: 6-7-93

(SEAL)



STATE OF SOUTH DAKOTA, COUNTY OF BUTTE } SS
Filed this 4th day of January 1993 at 4:30 o'clock, P
Book 258 Page 908 By Paul J. Walker
Fee \$500.00 Register of Deeds



6-93

BOOK 258 PAGE 909

Exempt From Transfer Fee

WARRANTY DEED

JAMES M. CHENOWETH, a/k/a J. M. CHENOWETH, a married man whose spouse claims homestead elsewhere, GRANTOR, of P.O. Box 248, Woodrow, CO 80757, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, GRANTS, CONVEYS AND WARRANTS to CARL CHENOWETH, a single man, GRANTEE, of HC 30, Box 188, Belle Fourche, SD 57717, the following described property in the County of Butte, State of South Dakota, to-wit:

Township 7 North, Range 2 East, B.H.M., Butte County, SD:

Section 3: Tract C in the NE $\frac{1}{4}$ SW $\frac{1}{4}$; and,
Tracts B and D in the SE $\frac{1}{4}$ SW $\frac{1}{4}$.

Dated this 28 day of Dec., 1992.

J. M. Chenoweth
JAMES M. CHENOWETH, a/k/a
J. M. CHENOWETH

EXEMPT FROM TRANSFER FEE BY VIRTUE OF SDCL §43-4-22(5).

STATE OF Texas)
COUNTY OF Harris) SS

On the 28th day of Dec, 1992, before me, the undersigned officer, personally appeared JAMES M. CHENOWETH, a/k/a J. M. CHENOWETH, known to me or satisfactorily proven to be the person whose name is subscribed to the within Warranty Deed and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Lin Cramer
Notary Public
My Comm. Expires: 6-7-93

(SEAL)



RECORDED
GRANTOR
GRANTEE
NUMERICAL
TRANSFER

STATE OF SOUTH DAKOTA, COUNTY OF BUTTE } SS
Filed this 4th day of January, 1993 at 4:30 o'clock, P.M.
Book 258 Page 909 By Paul J. Walker
Register of Deeds

1905-94

Exempt from Transfer Fee

WARRANTY DEED

BOOK 270 PAGE 258

DORIS J. CHENOWETH, a married woman whose spouse claims homestead elsewhere, GRANTOR, of 301 Harvard, Brush, CO 80723, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, GRANTS, CONVEYS AND WARRANTS to CARL CHENOWETH, a single man, GRANTEE, of HC 30, Box 188, Belle Fourche, SD 57717, the following described property in the County of Butte, State of South Dakota, to-wit:

Township 7 North, Range 2 East, BHM, Butte and Lawrence County, SD:

/ Section 3: Tract B in the SW $\frac{1}{4}$ SE $\frac{1}{4}$.

/ Section 4: Lot 2-A and Tract B in the NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Dated this 1st day of November, 1994.

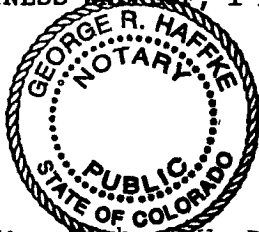
Doris J. Chenoweth
DORIS J. CHENOWETH

EXEMPT FROM TRANSFER FEE BY VIRTUE OF SDCL §43-4-22(16).

STATE OF Colorado)
COUNTY OF Morgan) SS

On the 1st day of November, 1994, before me, the undersigned officer, personally appeared DORIS J. CHENOWETH, known to me or satisfactorily proven to be the person whose name is subscribed to the within Warranty Deed and acknowledged that she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



George R. Haffke
Notary Public

My Comm. Expires: MY COMMISSION EXPIRES
9-23-97

(SEAL)

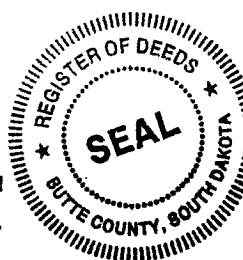
Prepared by: Michael W. Day
Address: P.O. Box 370
Belle Fourche, SD 57717
Telephone #: (605) 892-2743



STATE OF SOUTH DAKOTA, COUNTY OF BUTTE } SS

Filed this 9th day of November, 1994 at 8:42 o'clock, A M

Book 270 Page 258 By Carl F. Walker
Register of Deeds



Doc NO. 94-5162
FEE \$ 5.00 SLN
1994, Nov 14
11:26 A.M.
JUDY R. MEVERDEN
LAWRENCE COUNTY
REGISTER OF DEEDS
1 Page

DOC. # 94-5162 PAGE 1 OF 1

EXEMPT FROM TRANSFER FEE

1906 -97

EXEMPT FROM TRANSFER FEE

WARRANTY DEED

BOOK 270 PAGE 259

JAMES M. CHENOWETH, a/k/a J. M. CHENOWETH, a married man whose spouse claims homestead elsewhere, GRANTOR, of 301 Harvard, Brush, CO 80723, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, GRANTS, CONVEYS AND WARRANTS to CARL CHENOWETH, a single man, GRANTEE, of HC 30, Box 188, Belle Fourche, SD 57717, the following described property in the County of Butte, State of South Dakota, to-wit:

Township 7 North, Range 2 East, BHM, Butte and Lawrence County, SD:

Section 3: Tract C and E in the SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Tract A in the SW $\frac{1}{4}$ SE $\frac{1}{4}$; and,
Section 4: Tract B (SE $\frac{1}{4}$ SE $\frac{1}{4}$).

Dated this 1st day of NOVEMBER, 1994.

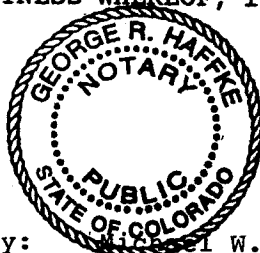
James M. Chenoweth
JAMES M. CHENOWETH, a/k/a
J. M. CHENOWETH

EXEMPT FROM TRANSFER FEE BY VIRTUE OF SDCL §43-4-22(16).

STATE OF Colorado)
COUNTY OF Morgan) SS

On the 1st day of November, 1994, before me, the undersigned officer, personally appeared JAMES M. CHENOWETH, a/k/a J. M. CHENOWETH, known to me or satisfactorily proven to be the person whose name is subscribed to the within Warranty Deed and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

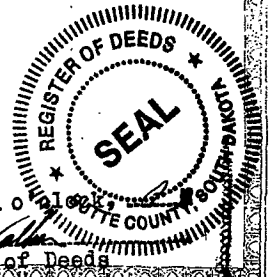


(SEAL)

George R. Haffke
Notary Public

My Comm. Expires: MY COMMISSION EXPIRES 9-23-97

Prepared by: Carl W. Day
Address: P.O. Box 370
Belle Fourche, SD 57717
Telephone No.: (605) 892-2743



STATE OF SOUTH DAKOTA, COUNTY OF BUTTE } SS

Filed this 9th day of November, 1994 at 8:15 o'clock
Book 270 Page 259 By Paul J. Walker
Register of Deeds

Doc NO. 94-5163
FEE \$ 5.00 200
1994, Nov 14
11:27 A.M.
JUDY R. MEVERDEN
LAWRENCE COUNTY
REGISTER OF DEEDS
1 Page

DOC. #94-5163 PAGE 1 OF 1

EXEMPT FROM TRANSFER FEE

97-2340

Exempt From Transfer Fee

WARRANTY DEED

BOOK 282 PAGE 609

JAMES M. CHENOWETH, a/k/a J. M. CHENOWETH, a married man whose spouse claims homestead elsewhere, GRANTOR, of 301 Harvard, Brush, CO 80723, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, GRANTS, CONVEYS AND WARRANTS to CARL CHENOWETH, a married man whose spouse claims homestead elsewhere, GRANTEE, of HC 30, Box 188, Belle Fourche, SD 57717, the following described property in the County of Butte and County of Lawrence, State of South Dakota, to-wit:

Township 7 North, Range 2 East, BHM, Butte and Lawrence County, SD:

Section 3: Lot 1A SE $\frac{1}{4}$ NW $\frac{1}{4}$; Tract C NW $\frac{1}{4}$ SE $\frac{1}{4}$; (.28 acres)

S. Redwater PT SW $\frac{1}{4}$ SW $\frac{1}{4}$. (1.26 acres)

WRONG LEGAL

Section 4: S. Redwater PT SW $\frac{1}{4}$ SE $\frac{1}{4}$ except right-of-way.(33.25 acres)

Dated this 16th day of December, 1997.

James M. Chenoweth
JAMES M. CHENOWETH, a/k/a
J. M. CHENOWETH

EXEMPT PURSUANT TO SDCL §43-4-22(16).

STATE OF COLORADO)
) SS
COUNTY OF MORGAN)

On the 16th day of December, 1997, before me, the undersigned officer, personally appeared JAMES M. CHENOWETH, a/k/a J. M. CHENOWETH, known to me or satisfactorily proven to be the person whose name is subscribed to the within Warranty Deed and acknowledged that he executed the same for the purposes therein contained.



IN WITNESS WHEREOF, I hereunto set my hand and official seal.

George R. Hefke
Notary Public

My Comm. Expires:

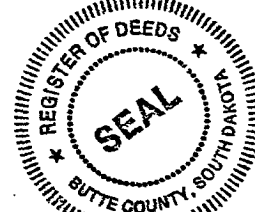


MY COMMISSION EXPIRES 9-23-2001

Prepared by: Michael W. Day
Address: P.O. Box 370
Belle Fourche, SD 57717
Telephone: (605) 892-2743

STATE OF SOUTH DAKOTA, COUNTY OF BUTTE } SS

Filed this 29th day of December 1997 at 9:15 o'clock, AM
Book 282 Page 609 By Carl J. Nelson
Register of Deeds



EXEMPT FROM TRANSFER FEE

DOC. NO. 97-5144
FEE \$10.00
1997, Dec. 30
2:16 P.M.
REGISTER OF DEEDS
LAWRENCE COUNTY
SOUTH DAKOTA
1 page

DOC. NO. 97-5144

FEE \$10.00

1997, Dec. 30

2:16 P.M.

REGISTER OF DEEDS
LAWRENCE COUNTY
SOUTH DAKOTA

PREPARED BY:

BENNETT, MAIN & GUBBRUD, P.C.
618 State Street
Belle Fourche, SD 57717
Phone No. 605.892.2011

2005-290

Register of Deeds

Butte County, South Dakota

Recorded February 1, 2005

at 3:40 P M

Doc# 2005-290

Book 339 Page(s) 778-780

Fee 14.00

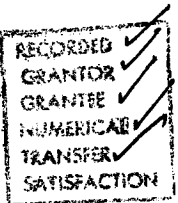
By Paul J. Walker
Register of Deeds

Exempt From Transfer Fee



PERSONAL REPRESENTATIVE'S DEED OF DISTRIBUTION

NANCY L. VEAL was appointed Personal Representative of the Estate of CARL C. CHENOWETH, a/k/a Carl Cecil Chenoweth, by the Clerk of the circuit court of Butte County, South Dakota, on September 18, 2002, and Letters of Personal Representative were issued September 18, 2002, which Letters are unrevoked and remain in full force and effect; a certified copy of said Letters is attached.



NANCY L. VEAL, as the duly appointed, qualified, and acting personal representative of the Estate of CARL C. CHENOWETH, a/k/a Carl Cecil Chenoweth, *conveys, transfers, assigns, and releases* to NANCY L. VEAL, of 10881 Rimrock Lane, Belle Fourche, South Dakota 57717, GRANTEE, all interest of the decedent and the estate of decedent in the following described real property located in BUTTE COUNTY, SOUTH DAKOTA:

Lot C NW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 3, T7N, R2E, BHM.

Subject to easements and restrictions of record.

THIS TRANSFER IS EXEMPT - SDCL 43-4-22(10)

Dated effective December 30, 2004.

**ESTATE OF CARL C. CHENOWETH,
a/k/a Carl Cecil Chenoweth**

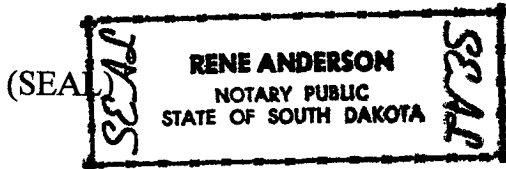
Nancy L. Veal

Nancy L. Veal, Personal Representative

STATE OF SOUTH DAKOTA)
County of Butte) ss.

On this the 27 day of January, 2005, before me, personally appeared NANCY L. VEAL, known to me or satisfactorily proven to be the person described in the PERSONAL REPRESENTATIVE'S DEED OF DISTRIBUTION, and acknowledged that she executed the foregoing as personal representative of the Estate of CARL C. CHENOWETH, a/k/a Carl Cecil Chenoweth, and for the purposes therein contained.

Dated January 27, 2005.



Pené Anderson
Notary Public
My commission expires: 8-11-08

STATE OF SOUTH DAKOTA)
COUNTY OF BUTTE)SS.

IN CIRCUIT COURT
FOURTH JUDICIAL CIRCUIT

In the Matter of the Estate of)
CARL C. CHENOWETH, a/k/a)
Carl Cecil Chenoweth, Deceased.)

Pro. No. 02-28

LETTERS OF PERSONAL REPRESENTATIVE

On Sept. 18, 2002, NANCY L. VEAL was appointed and qualified as personal representative of the estate of CARL C. CHENOWETH.

These Letters are issued as evidence of the appointment, qualification, and authority of NANCY L. VEAL to do and perform all acts authorized by law.

Issued Sept 18, 2002.

BY THE COURT:

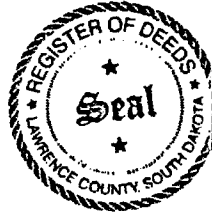
Danny L. Scott
CLERK OF COURTS

JUDICIAL CIRCUIT
State of South Dakota) Fourth Judicial
County of Butte) Circuit Court
I hereby Certify that the foregoing instrument
is a true and correct copy of the original as the
same appears on record in my office this 3rd
day of February, 2005
Sharon Sorenson Clerk of Court
By _____ Deputy

FILED
SEP 18 2002
SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM
4TH CIRCUIT CLERK OF COURT
By _____

PREPARED BY:

BENNETT, MAIN & GUBBRUD, P.C.
618 State Street
Belle Fourche, SD 57717
Phone No. 605.892.2011



Doc#:2005-00195
Recording Fee: \$ 14
Date:01/10/2005 Time:09:45
Lawrence County
Register of Deeds

Sharon L. Green
Deputy

EXEMPT FROM TRANSFER FEE

PERSONAL REPRESENTATIVE'S DEED OF DISTRIBUTION

NANCY L. VEAL was appointed Personal Representative of the Estate of CARL C. CHENOWETH, a/k/a Carl Cecil Chenoweth, by the Clerk of the circuit court of Butte County, South Dakota, on September 18, 2002, and Letters of Personal Representative were issued September 18, 2002, which Letters are unrevoked and remain in full force and effect; a certified copy of said Letters is attached.

NANCY L. VEAL, as the duly appointed, qualified, and acting personal representative of the Estate of CARL C. CHENOWETH, a/k/a Carl Cecil Chenoweth, *conveys, transfers, assigns, and releases* to NANCY L. VEAL, of 10881 Rimrock Lane, Belle Fourche, South Dakota 57717, GRANTEE, all interest of the decedent and the estate of decedent in the following described real property located in LAWRENCE COUNTY, SOUTH DAKOTA:

Lot 2-A and Tract B in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, T7N, R2E, BHM.

Tract B (SE $\frac{1}{4}$ SE $\frac{1}{4}$), Sec. 4, T7N, R2E, BHM.

S. Redwater Pt., SW $\frac{1}{4}$ SE $\frac{1}{4}$, excluding R/W, Sec. 4, T7N, R2E, BHM.

S. Redwater Pt., SW $\frac{1}{4}$ SW $\frac{1}{4}$, excluding R/W, Sec. 3, T7N, R2E, BHM.

S. Redwater Pt., NE $\frac{1}{4}$ NW $\frac{1}{4}$, , excluding R/W and Lots H1 & H2, Sec. 10, T7N, R2E, BHM.

Tracts B, D and E in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, except Lot H-1 of B and E; and Tracts A and B in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, T7N, R2E, BHM

Subject to easements and restrictions of record.

THIS TRANSFER IS EXEMPT - SDCL 43-4-22(10)

PREPARED BY:

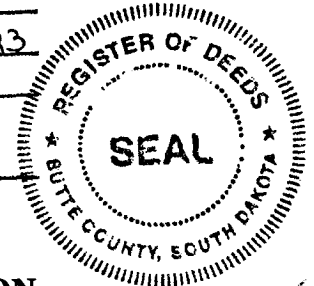
BENNETT, MAIN & GUBBRUD, P.C.
 618 State Street
 Belle Fourche, SD 57717
 Phone No. 605.892.2011

Register of Deeds

Butte County, South Dakota

Recorded January 7, 2005
 at 4:50 P MDoc# 2005-90Book 339 Page(s) 721-723Fee 14.00By Bonnie J. Walker
 Register of Deeds

Promoted from Clerk of Court

**PERSONAL REPRESENTATIVE'S DEED OF DISTRIBUTION**

NANCY L. VEAL was appointed Personal Representative of the Estate of CARL C. CHENOWETH, a/k/a Carl Cecil Chenoweth, by the Clerk of the circuit court of Butte County, South Dakota, on September 18, 2002, and Letters of Personal Representative were issued September 18, 2002, which Letters are unrevoked and remain in full force and effect; a certified copy of said Letters is attached.



NANCY L. VEAL, as the duly appointed, qualified, and acting personal representative of the Estate of CARL C. CHENOWETH, a/k/a Carl Cecil Chenoweth, conveys, transfers, assigns, and releases to NANCY L. VEAL, of 10881 Rimrock Lane, Belle Fourche, South Dakota 57717, GRANTEE, all interest of the decedent and the estate of decedent in the following described real property located in BUTTE COUNTY, SOUTH DAKOTA:

Tract B in the SW $\frac{1}{4}$ NW $\frac{1}{4}$; Lot 1-A in the SW $\frac{1}{4}$ NW $\frac{1}{4}$; Tract C of the NW $\frac{1}{4}$ SW $\frac{1}{4}$; Tract D of the NW $\frac{1}{4}$ SW $\frac{1}{4}$; Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$); Lot 1-A in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ except Lots H2, H4, and H5; Tract C in the NW $\frac{1}{4}$ SE $\frac{1}{4}$; Tract C in Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$); Tracts B, C and D in the SW $\frac{1}{4}$ SW $\frac{1}{4}$; and Tract B and Lot 1-A in the NW $\frac{1}{4}$ SW $\frac{1}{4}$; Tracts E and F in the NE $\frac{1}{4}$ SW $\frac{1}{4}$; Tract C in the NE $\frac{1}{4}$ SW $\frac{1}{4}$; Tracts B and D in the SE $\frac{1}{4}$ SW $\frac{1}{4}$; Tract B in the SW $\frac{1}{4}$ SE $\frac{1}{4}$; Tracts C and E in the SE $\frac{1}{4}$ SW $\frac{1}{4}$; Tract A in the SW $\frac{1}{4}$ SE $\frac{1}{4}$; Lot 1A SE $\frac{1}{4}$ NW $\frac{1}{4}$; Tract C NW $\frac{1}{4}$ SE $\frac{1}{4}$; S. Redwater PT SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3, T7N, R2E, BHM.

Lots 2, 3, and 4; SE $\frac{1}{4}$ NW $\frac{1}{4}$; Tract B in the NE $\frac{1}{4}$ SE $\frac{1}{4}$; Lot 1-A in the NE $\frac{1}{4}$ SE $\frac{1}{4}$; Tracts B and C in the SW $\frac{1}{4}$ NE $\frac{1}{4}$; Lots 1-A and 2-A in the SW $\frac{1}{4}$ NE $\frac{1}{4}$; Tract A in the SE $\frac{1}{4}$ NE $\frac{1}{4}$; and Lot 1-A in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, according to Plat Book 3, page 30 or Lot A in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ according to Plat Book 5, page 108; Tract C in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ according to Plat Book 5, page 115; Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$); Lot 2-A and Tract B in the NW $\frac{1}{4}$ SE $\frac{1}{4}$; Tract B (SE $\frac{1}{4}$ SE $\frac{1}{4}$); and S. Redwater PT SW $\frac{1}{4}$ SE $\frac{1}{4}$ except right-of-way, Sec. 4, T7N, R2E, BHM.

Tracts B, D and E in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, except Lot H-1 of B and E; and
Tracts A and B in the NW $\frac{1}{4}$ NE $\frac{1}{4}$., Sec. 10, T7N, R2E, BHM.

S $\frac{1}{2}$, Sec. 33, T8N, R2E, BHM.

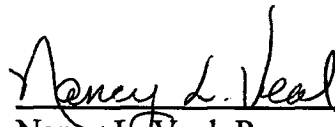
W $\frac{1}{2}$ ex. Lots H1, Lot B of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, and Lot D of the
NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 34, T8N, R2E, BHM.

Subject to easements and restrictions of record.

THIS TRANSFER IS EXEMPT - SDCL 43-4-22(10)

Dated December 30, 2004.

ESTATE OF CARL C. CHENOWETH,
a/k/a Carl Cecil Chenoweth



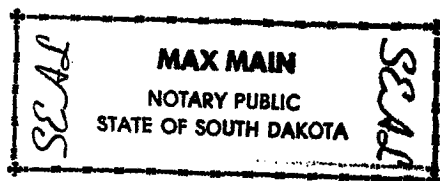
Nancy L. Veal, Personal Representative

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

On this the 30th day of December, 2004, before me, personally appeared
NANCY L. VEAL, known to me or satisfactorily proven to be the person described in
the PERSONAL REPRESENTATIVE'S DEED OF DISTRIBUTION, and
acknowledged that she executed the foregoing as personal representative of the Estate
of CARL C. CHENOWETH, a/k/a Carl Cecil Chenoweth, and for the purposes therein
contained.

Dated December 30, 2004.

(SEAL)





Notary Public

My commission expires: May 15, 2008

STATE OF SOUTH DAKOTA)

IN CIRCUIT COURT

)SS.

COUNTY OF BUTTE)

FOURTH JUDICIAL CIRCUIT

In the Matter of the Estate of)

Pro. No. 02-28

CARL C. CHENOWETH, a/k/a)

Carl Cecil Chenoweth, Deceased.)

LETTERS OF PERSONAL REPRESENTATIVE

On Sept. 18, 2002, NANCY L. VEAL was appointed and qualified as personal representative of the estate of CARL C. CHENOWETH.

These Letters are issued as evidence of the appointment, qualification, and authority of NANCY L. VEAL to do and perform all acts authorized by law.

Issued Sept 18, 2002.

BY THE COURT:

Emily L. Scott
CLERK OF COURTS

State of South Dakota } Fourth Judicial
County of Butte } Circuit Court
I hereby Certify that the foregoing instrument
is a true and correct copy of the original as the
same appears on record in my office this 5th
day of January, 2005
Shawn Lockman Clerk of Court
By Margaret Cellum Deputy

FILED

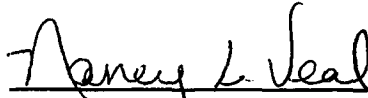
SEP 18 2002

SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM
4TH CIRCUIT CLERK OF COURT

By _____

Dated December 30, 2004.

**ESTATE OF CARL C. CHENOWETH,
a/k/a Carl Cecil Chenoweth**



Nancy L. Veal, Personal Representative

STATE OF SOUTH DAKOTA)

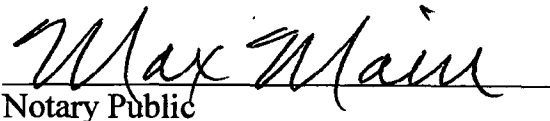
) ss.

County of Butte)

On this the 30th day of December, 2004, before me, personally appeared NANCY L. VEAL, known to me or satisfactorily proven to be the person described in the PERSONAL REPRESENTATIVE'S DEED OF DISTRIBUTION, and acknowledged that she executed the foregoing as personal representative of the Estate of CARL C. CHENOWETH, a/k/a Carl Cecil Chenoweth, and for the purposes therein contained.

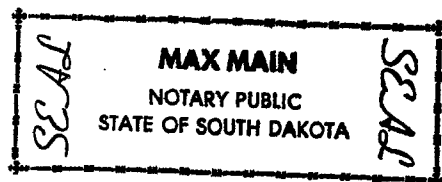
Dated December 30, 2004.

(SEAL)



Notary Public

My commission expires: May 15, 2008



STATE OF SOUTH DAKOTA

)

IN CIRCUIT COURT

)SS.

COUNTY OF BUTTE

)

FOURTH JUDICIAL CIRCUIT

In the Matter of the Estate of

)

Pro. No. 02-28

CARL C. CHENOWETH, a/k/a

)

Carl Cecil Chenoweth, Deceased.)

LETTERS OF PERSONAL REPRESENTATIVE

On Sept. 18, 2002, NANCY L. VEAL was appointed and qualified as personal representative of the estate of CARL C. CHENOWETH.

These Letters are issued as evidence of the appointment, qualification, and authority of NANCY L. VEAL to do and perform all acts authorized by law.

Issued Sept 18, 2002.

BY THE COURT:

Tommy L. Scott
CLERK OF COURTS

State of South Dakota } Fourth Judicial
County of Butte } Circuit Court

I hereby Certify that the foregoing instrument is a true and correct copy of the original as the same appears on record in my office this 5th

day of January, 2005

Shawn Lourenson Clerk of Court
By Margaret Collier Deputy

FILED

SEP 18 2002

SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM
4TH CIRCUIT CLERK OF COURT

By _____



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 27, 2008

1402-1

Max Main
Bennett, Main & Gubbrud
618 State St
Belle Fourche SD 57717

RE: Vested Water Right No. 1402-1 (your file # 2537.010008)

I am writing to acknowledge receipt of the ownership change filed for Vested Water Right No. 1402-1. The transfer has been completed.

The vested water right, formerly listed in the name of Lower Power Canal is now listed in the name of Nancy L Veal. Enclosed is your Receipt No. 03776 in the amount of \$2.50 which you paid for filing the ownership change.

In answer to your inquiry concerning Water Right Nos. 1467-1 and 1485-1, both are listed in the names of Harvey Keene and Catherine Nott. No. 1467-1 was transferred to them in October, 2004. No. 1485-1 was transferred to them in September, 2000. If you need copies of the documents, please let me know and I can email them to you.

Thank you again for assisting Ms. Veal in the transfer of Vested Water Right No. 1402-1. If you have any questions, please contact me.

Sincerely,

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

c: Nancy L Veal