

No. 243 - 1

Division No. 1

Belle Fourche River District

PERMIT

to appropriate water from

Ground Water Supply

Butte County, South Dakota.

Name of applicant

Mrs. Hazel M. McKay

Name of diversion works

McKay Well No. 1

Date of first receipt at office of State

Engineer April 25, 19 52

Returned to applicant for Correction

May 1, 19 52

Corrected application received

June 18, 19 52

Date of water right

April 25, 19 52

Recorded in Book 3 ^{Section 2} Page 9 - Wells

One-fifth of work to be completed

March 4, 19 53

Whole work to be completed

September 4, 19 53

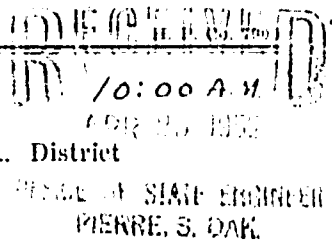
Final proof of use of water

September 4, 19 53

Approved September 4, 19 52

DEAN W. LOUCKS, State Engineer.

NO. 243 - 1

CORRECTED
6-10-52
MCKWater Division No. 1 Belle Fourche River
(Blanks to be filled by the State Engineer.)

District

DISTRICT ENGINEER
PIERRE S. OAK

APPLICATION FOR PERMIT

To Appropriately Water within the State of South Dakota

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

1. Name of applicant Mrs. Hazel E. McKay
Postoffice address Belle Fourche, County Butte, State S. Dak.

I. If a corporation

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

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

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

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor) No labor necessary
(b) Cash on hand, \$ (c) Treasury stock, \$
(d) Bonds to be issued, \$ (e) Other resources, \$

2. Name of well McKay Well No. 1
3. Quantity of water claimed 140 gal. per min.
4. Source of water supply (estimated depth) 150.0 ft.
5. Location of well (subdivision) Sec. Section 22, T8N, R1E, B.M.
6. Annual periods during which water is to be used all year round
7. To be used for:

I. Irrigation or domestic use:

- (a) Number of acres to be irrigated acres.
(b) Legal subdivisions to be irrigated

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

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

Hazel E. McKay is located in the NE 1/4 of Section 22, T8N, R1E, B.M.

II. Mining, power, manufacturing, transportation, or other purposes:

- (a) Nature of use
(b) Amount of power to be generated horse power.
(c) Location of plant
(d) Method of developing power
(e) Point where return water will be diverted to stream

8. Estimated cost of works: None

(a) Head gates, \$..... (b) Pumping plant, \$.....
(c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
(e) Other structures \$..... Total, \$.....

9. Description of works: Existing Artesian Well, 2 1/2" copper casing, 1500' deep.

(a) Head gate: Width feet; height feet;
Material

(b) Log of well:

FEET TO	FROM	LOG OF WELL
		Log not available
		Well completed in 1930 and recased
		in 1941.

(c) Measuring device Weir

(d) Canal: Total length miles.

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

(Give dimensions where reductions in size are made.)

(e) Was water tested for irrigation purpose?

Result:

10. Time required for completion of work 1 years.

11. Time required for complete application of water to the proposed beneficial use 1 years.

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

..... Belle Fourche Bee

STATE OF SOUTH DAKOTA

County of Butte Lawrence } ss.

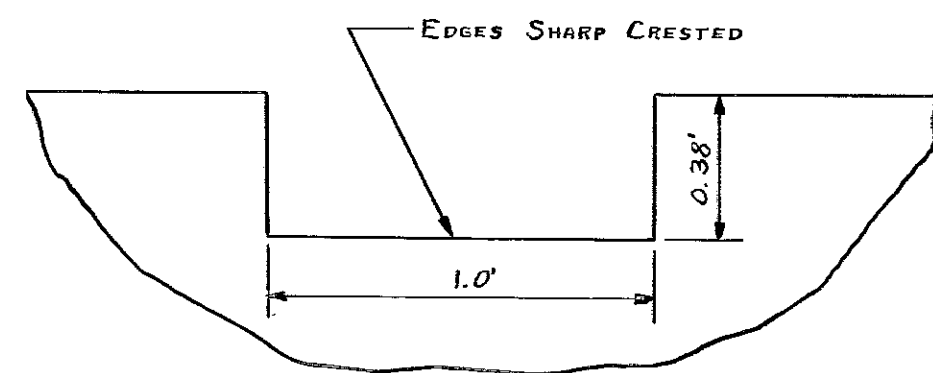
I, H. S. Hazel M. McKay, being first duly sworn
on my oath depose and say: That my relation to the above described, undertaking is that of owner,
that I have read the above and foregoing statement, and examined the map accompanying the same,
and that I know of my own personal knowledge that the matters herein stated and shown are true.

Signed M. S. Hazel M. McKay

Subscribed and sworn to before me this 14 day of April, 1954

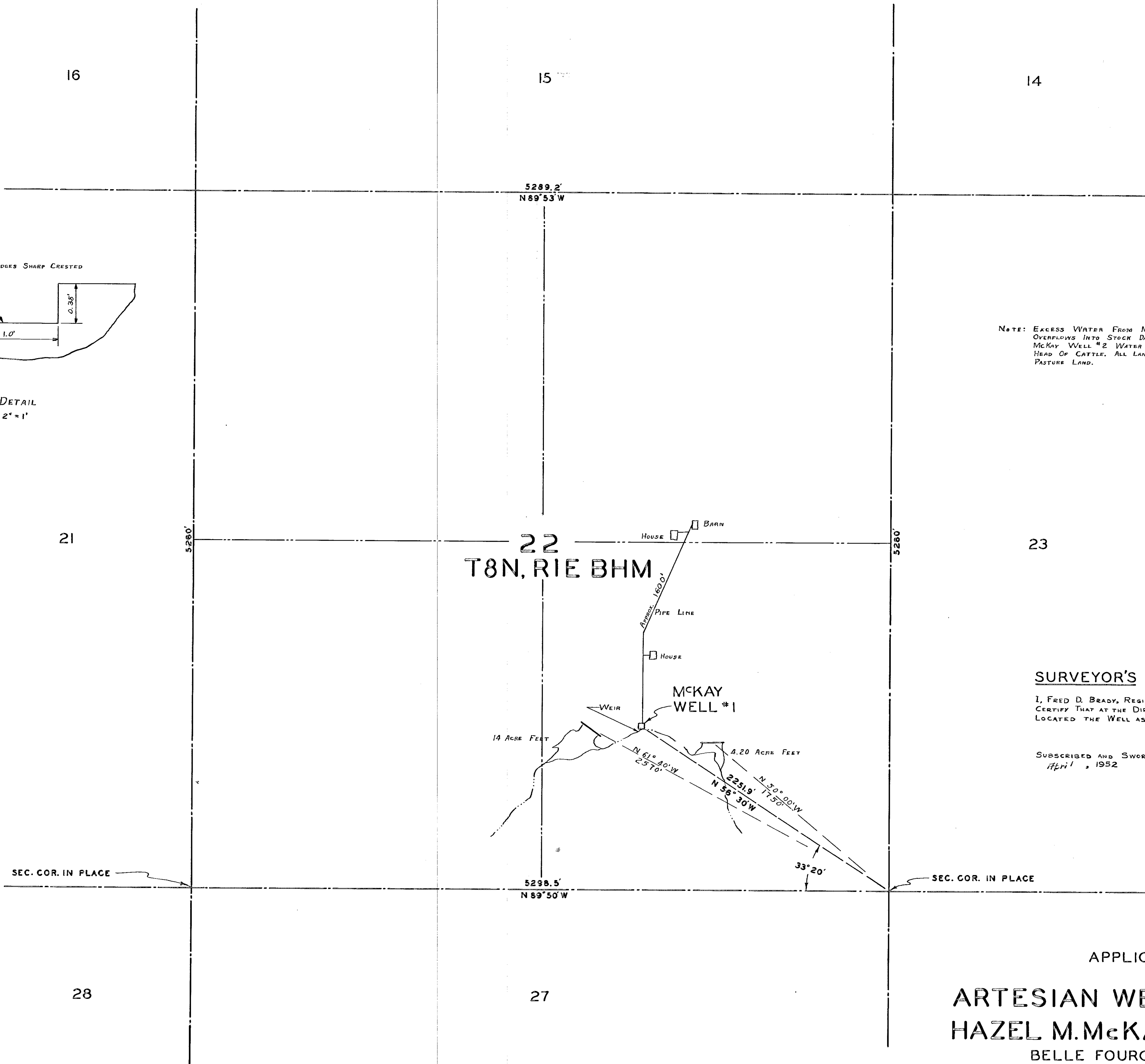
H. G. Sullivan
Notary Public (or other qualified officer)

My commission expires Aug. 19, 1954



WEIR DETAIL
SCALE: 2"=1'

NOTE: EXCESS WATER FROM MCKAY WELL #1
OVERFLOWS INTO STOCK DAMS TO HELP
MCKAY WELL #2 WATER APPROX 500
HEAD OF CATTLE. ALL LAND ON MAP IS
PASTURE LAND.



SURVEYOR'S CERTIFICATE

I, FRED D. BRADY, REGISTERED LAND SURVEYOR, DO HEREBY
CERTIFY THAT AT THE DIRECTION OF R. D. MCKAY, I HAVE
LOCATED THE WELL AS SHOWN ON THIS PLAT.

Fred D. Brady
REGISTERED LAND SURVEYOR

SUBSCRIBED AND SWORN TO BEFORE ME THIS 17 DAY OF
JULY, 1952

H. A. Sullivan
NOTARY PUBLIC
My commission expires Aug. 18, 1954

APPLICATION SURVEY
FOR

ARTESIAN WELL WATER RIGHTS

HAZEL M. MCKAY - OWNER

BELLE FOURCHE, SOUTH DAKOTA

SCALE: 1"=400'

Water Right No. - 243-1

Map No. - 223-1

BRADY ENGINEERING
CONS. ENGR'S.
SPEARFISH, S. DAK.

Remarks by State Engineer:

STATE OF SOUTH DAKOTA }
County of Wagon } ss.
Pierre, South Dakota, September 4, 1952

This is to certify that the foregoing application was received at this office at 10:00 o'clock
A. m. upon the 25 day of April, 1952 and that after examination it
was ~~found in error and returned for correction along with the map. The corrected~~
~~application was received June 18, 1952 and was found to comply with the South Dakota~~
~~Water Laws and was published in accordance with the provisions thereof and consideration~~
~~given to any and all information presented.~~

No protests were received.

Number of permit 243-1

Dean W. Loucks
DEAN W. LOUCKS,

State Engineer.

Date of first receipt of application April 25, 1952

Date of return to applicant for correction May 1, 1952

Date of receipt of corrected application June 18, 1952

Date from which applicant may claim right April 25, 1952

Approved September 4, 1952, Recorded in Book 3 Section 2 Page 9-4-1115

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

1st. The equivalent of at least one-fifth, of the work above specified is to be completed on or before March 4, 1953

2nd. The whole of said work is to be completed on or before September 4, 1953

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is September 4, 1953

4th. The water appropriated shall be used for the purpose of ~~providing Stock Water and~~
~~Domestic Purposes.~~

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 110
gallons per minute; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before September 4, 1953; said water to be used during the following described annual period:

annually

Witness my hand this 4 day of September 1952

Dean W. Loucks
DEAN W. LOUCKS,

State Engineer.

STATE OF SOUTH DAKOTA

WATER LICENSE No. 243-1

WHEREAS, On the 25 day of April A. D. 1952

Mrs. Hazel M. McKay

of Pella Fourche County of Butte and State of South Dakota

duly made application (No. 243-1) to me for a permit to use 140 gal/min.

of the waters of the ground water supply

County of Butte, State of South Dakota, for domestic and stockwatering purposes; and

WHEREAS, On the 4 day of September A. D. 1952

Permit No. 243-1 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 4 day of

September

A. D. 1953 and for the application to beneficial use of said

water on or before the 4 day of September A. D. 1953

and,

WHEREAS, On the 4 day of April A. D. 1953

the holder of said permit duly made proof of the completion of adequate works for the diversion of 140

gal/min. of said waters, as evidenced by my Certificate No. 243-1

dated April 27, 1953 confirming the completion of works of sufficient capacity for

diverting and conveying to the place of intended use 140 gal/min. of water, with date of

priority of April 25, 1952 and,

WHEREAS, On the 2 day of May A. D. 1953

proof was duly made of the application to beneficial use of 140 gal/min. of said water;

This permit does not presume to take jurisdiction over any existing vested rights but is intended to provide a basis of allotment as required under Section 61.0407 and elsewhere in the SDC for 1939.

NOW, THEREFORE, By the virtue of the authority vested in me by the laws of the State of South Dakota,

I hereby grant and confirm to Mrs. Hazel M. McKay
of Belle Fourche the holder and owner of said permit No. 243-1
a water right, dating from April 25, 1952 to the use of 140
gal/ min.
~~2000 gpm~~ of the waters of the ground water supply
in the County of Butte and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted ~~at~~ in the SE 1/4 Sec. 22, T. 8N., R. 1 E.

and conducted to and upon _____

for the purpose of providing water for domestic uses and stockwatering

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

WITNESS, My hand and seal of my office at Pierre, South Dakota,
this 6 day of May A. D. Nineteen
Hundred and 53

DEAN W. LOUCKS, State Engineer.

State of South Dakota

Water License No. 243-1

To Mrs. Hazel M. McKay
Belle Fourche, South Dakota

Source of Supply

Ground Water

Butte

County

Am't 140 gal/min. ~~1400~~

Point of Diversion

SE 1/4 Sec. 22, T. 8N, R. 1E

Place of Use

Purpose domestic and

stockwatering

Date of Priority April 25, 1952

Recorded September 4, 1952

In Book 3 of 3 Page 9

Water Division No. _____ Water District _____

**CERTIFICATE OF APPLICATION
OF WATER TO BENEFICIAL USE****DEPOSITION OF HOLDER**

RECEIVED

MAY 1952

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

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

Ans. Mrs. Hazel E. McKay, Belle Fourche, South Dakota
Rancher in Butte County

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

Ans. _____

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit No. 243-1 Date of Permit and Priority - April 25, 1952

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

Ans. Ground water supply at a point 2251.9 ft. on a line bearing
N56 30'W from the southeast section corner of Section 22, T8N, R1E
BHLE

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

Ans. Artesian well flowing at the approximate rate of 140 gallons
per minute supplying domestic and stockwatering purposes. Well approx.
1500 ft. deep, concrete capped with gate valve. Two ditches to stock
dams as shown on plat.

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

Ans. Domestic and stockwatering purposes. Two houses, 3 stock
tanks, 2 chicken houses, 3 outside plants. Water for approximately
500 head of livestock.

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

Ans. _____

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

Ans. 140 gallons per minute

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

Ans. _____

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

Ans. Well drilled in ¹⁹²⁹~~1930~~ and water used continually at 140 gallons per minute for domestic and stockwatering purposes.

(Sign.) Mrs. Hazel M. Mc Kay

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to

before me, at my office in Beckwith County of Butte

State of South Dakota, on this 2 day of May A.D. 1923

James H. Himmer
Notary Public

Permit No. _____

Proof of Application of Water to
Beneficial Use.

DEPOSITION OF HOLDER.

Amount of water _____ second feet

Source _____

County _____

Purpose _____

Place of Use _____

Date of priority _____

Received and filed _____

Water Division No. _____ Water District _____

**CERTIFICATE OF APPLICATION
OF WATER TO BENEFICIAL USE**

DEPOSITION OF HOLDER

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

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

Ans. Mrs Hazel M. McVay, Belle Fourche, South Dakota
Rancher in Butte County

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

Ans. _____

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit No. 243-1 Date of Permit and Priority - April 25, 1952

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

Ans. Ground water supply at a point 2251.9 ft. on a line bearing
N56 30'W from the southeast section corner of Section 22, T8N, R1E
BHM

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

Ans. Artesian well flowing at the approximate rate of 140 gallons
per minute supplying domestic and stockwatering purposes. Well approx.
1500 ft. deep, concrete capped with gate valve. Two ditches to stock
dams as shown on plat.

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

Ans. Domestic and stockwatering purposes. Two houses, 3 stock
tanks, 2 chicken houses, 3 outside hydrants. Water for approximately
500 head of livestock.

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

Ans. _____

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

Ans. 140 gallons per minute

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

Ans. _____

Ans. Well drilled in ¹⁹²⁹~~1930~~ and water used continually at 140 gallons per minute for domestic and stockwatering purposes.

James O. Harrison
Notary Public

Received and filed

Permit No. 243-1

Water Division No. 1 Belle Fourche R. Water District

Certificate of Construction of Works.

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Mrs. Hazel M. McKay

of Belle Fourche, County of Butte, and State of South Dakota, the holder of Permit No. 243-1, issued upon Application No. 243-1, bearing date of priority of April 25, 1952, authorizing the diversion of 140 gal/min. second-feet of the waters of the ground water supply

County of Butte, State of South Dakota, at a point 2251.9 feet N. 56° 30' W. of the E. E. corner Section 22 T. 8N., R. 1E

for domestic and stockwatering purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 140 gal/min.

~~second-feet of water; and that the lands proposed to be irrigated by the use of said water require no additional work.~~

This permit is for 140 gal/min of the ground water supply for watering approximately 500 head of livestock and for domestic use in two houses, 2 chicken houses and 3 outside hydrants.

This permit does not presume to take jurisdiction over existing vested rights but is intended to provide a basis of allotment as required under Section 61.0407 of the SDC of 1939.

Witness my hand this 4th day of May A. D. 1953

DEAN E. TAYLOR, State Engineer of South Dakota.

DEL:HC2:jah
cc: Brady

Permit No. 243-1
Belle Fourche
 Water Division No. 1 River Water District

CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

To the State Engineer, Pierre, South Dakota:

Dear Sir: I hereby certify that in accordance with your letter of authorization dated April 9,
1953, I have this day made a thorough examination of the diversion works constructed by

Mrs. Hazel McKoy, of Belle Fourche in
Butte County, South Dakota, holder of Permit No. 243-1, issued

upon Application No. 243-1 bearing date of priority of April 25, 1952, authorizing the
140 Gallons/Minute diversion of second feet of the waters of Ground Water Supply for Domestic and
stockwatering

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

The diversion works comprise: Artesian well - approximately 1500' deep with
new 2 1/2" copper casing with the following surface improvements:
Concrete cap, 2 1/2" Galv. pipe to 2 1/2" gate valve and diversion box.
Ditches to two dams as shown on the plat. Two inch galvanized pipe
to farm buildings. Weir

and the system is in the following condition: Excellent

The point of diversion is located 2251.9 feet on a bearing N56 30'W of the
southeast corner of Section 22, T8N, R1E, B1M

The works are capable of diverting and conveying to the place of use 140 Gallons/Minute
second-foot of water,
 which is to be used for domestic and stockwatering.

The legal sub-divisions to be irrigated are: none

comprising a total of _____ acres of land.

The domestic use intended comprises 2 houses, 4 stockwater tanks, 2 chicken
houses, 3 outside hydrants. Water for approximately 500 head livestock.

The utilization for power, mining, or other beneficial uses comprises: none

Witness my hand, this 22nd day of April, A. D. 1953

L. H. Brady
 Examining Engineer.

W. L. Sullivan Water, Public

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County of Butte } ss.

K. F. Olsen being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the

Belle Fourche Bee 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 dates:

July 3, 1952

July 10, 1952

July 17, 1952

July 24, 1952

in each and every issue of the full number thereof, the first publication being made on the 3 day of July 1952 and the last publication on the 24 day of July, 1952 upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was editor the printer and publisher of the said newspaper.

K. F. Olsen

Subscribed and sworn to before me this 22 day of July A. D. 1952

R. H. Brandenburg
 Notary Public Butte County, S. D.

MY COMMISSION EXPIRES OCT. 27, 1954

RECEIVED
 JUL 30 1952

OFFICE OF STATE ENGINEER
 PIERRE, S. DAK

No. 243-1 & 244-1
 First Publication, July 3, 1952
 APPROPRIATION OF WATER
 Office of State Engineer,
 Pierre, So. Dak. June 25, 1952
 Notice is hereby given that Mrs. Hazel M. McKay whose postoffice address is Belle Fourche, So. Dak. has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 140 & 75 gallons of water per minute time from the ground water supply through Wells No. 1 & 2, the point of diversion of Well No. 1 is to be located in the SE1 of Sec. 22 Twp. 6N Range 1E; and Well No. 2 is to be located in the NE1 Sec. 33, Twp. 8N, Range 1E. Said water to be used for the purpose of providing stock watering and domestic uses. This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 6 day of August, 1952, at 2:00 p. m. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented. Appropriate action will be taken by the State Engineer after suitable time has elapsed for the consideration of any or all information presented.
 Dean W. Loucks
 State Engineer 73-724

BENNETT & MAIN
ATTORNEYS AT LAW

DONN BENNETT
MAX MAIN
NEIL CARSRUD

618 STATE STREET
BELLE FOURCHE, SOUTH DAKOTA 57717
TELEPHONE (605) 692 2011

February 4, 1985

Geological Survey Water
Resources Division
Federal Bldg.
Pierre, SD 57501



Re: R.D. McKay Estate
Our File #1345.001

Dear Sir:

In the past few years Hazel McKay died. Her maiden name was Hazel Fieldsend. R.D. McKay, her husband, died and his estate is presently being probated. I am enclosing copies of description of land owned by the late Mr. McKay and Hazel McKay and I am requesting that you furnish me with any information as to water rights now owned by R.D. McKay, also known as Robert D. McKay, Hazel McKay, and/or Hazel Fieldsend. We are going to enter into contracts for the sale of this land on the 27th of February, and we will want to take proper steps to see that these water rights are acquired by the Buyers.

I notice among the old papers Water Rights No. 24-1 located on the Northeast Quarter of Section 33, Township 8 North, Range 1 East, B.H.M. This involves a water well and the original permit appears to have been in the name of Hazel M. McKay. Hazel M. McKay appears to have had a permit for No. 243-1, a well located on the Southeast Quarter of Section 22, Township 8 North, Range 1 East, B.H.M. Back in the early 1900's there appears to be permits No. 3 and No. 4 issued to William W. Fieldsend and Agnes A. Fieldsend. These involved diversions on Hazel and Fieldsend Creeks. These diversions were used to irrigate Sections 22, 26, 27 and 28 in Township 8 North, Range 1 East, B.H.M.

I see an agreement between R. D. Williams and Christ Joost entered into in 1895 in which they were to build a dam and take water out of Hay Creek by means of ditches and flumes. There is a considerable amount of paper work involving a water claim, which was obtained by appropriation from a dam in Wyoming under a claim dated November 15, 1881 and was used for irrigation in Crook County, Wyoming and Butte County, South Dakota. The ditch was referred to as the Murray Ditch. The waters to be transferred by said ditch were obtained from Red Water Creek.

Geological Survey Water
Resources Division
RE: R.D. McKay Estate
Our File #1345.001
February 4, 1985
-2-

One William Bell had an interest in said Murray Ditch and his interests were eventually acquired by William Fieldsend and later by R.D. McKay. It appears at the time of the creation of the ditch one Angelina Degrote and a Daniel Murray had an interest in irrigating property located in Section 7, Township 7 North, Range 1 East, B.H.M. which were subsequently acquired by R.D. McKay. I do not know whether there remains any water interest in the name of McKay except through the irrigation company operating in that area.

Any help that you can give me so that all water rights are verified will be greatly appreciated.

Very truly yours,

BENNETT & MAIN

Donn Bennett

DB/rs
Encs.
cc: Chester J. Worth

C O N T R A C T

I

PARTIES:

The Parties to this agreement are CHESTER J. WORTH, R.R. 1, Box 143, Belle Fourche, South Dakota 57717, Executor of the Estate of R.D. McKAY, a/k/a ROBERT D. McKAY, DECEASED, hereinafter called the Seller, and TWILA KLING, KIM W. KLING and CHRIS KLING, d/b/a KLING RANCH, R.R. 1, Belle Fourche, South Dakota 57717, hereinafter called the Buyers.

II

PURPOSE:

The purpose of this agreement is to fix the terms and conditions under which the Seller agrees to sell and the Buyers agree to buy the property described in Part III hereof.

III

PROPERTY:

The property to be covered by this agreement is known as the eastern portion of the McKay Ranch, consisting of fee title and a leasehold interest, if held, in State land, which is more particularly described as follows:

(A) Real Estate in Fee Simple in the State of South Dakota:

TOWNSHIP 8 NORTH, RANGE 1 EAST, B.H.M.,
BUTTE CO., SD:

- Sec. 15: South Half, Southeast Quarter of the Northeast Quarter.
- Sec. 21: East Half, East Half of the West Half.
- Sec. 22: All.
- Sec. 23: West Half of the Southwest Quarter, Southeast Quarter of the Southwest Quarter.
- Sec. 26: Northwest Quarter, West Half of the Southwest Quarter, Northeast

Quarter of the Southwest Quarter,
North Half of the Southeast Quarter
of the Southwest Quarter.

Sec. 27: All.

Sec. 28: East Half, East Half of the West
Half, Tract B, a subdivision
of the Southwest Quarter of the
Southwest Quarter as shown more
fully on a plat on file in the
office of the Register of Deeds
of Butte County, South Dakota
(15.59 Acres).

Sec. 33: North Half.

Sec. 34: North Half of the North Half.

Sec. 35: Northwest Quarter of the Northwest
Quarter

consisting of 3519.36 acres.

Excepting, however, from this conveyance and reserving
to the Seller, his heirs, successors and assigns,
an undivided one-half (1/2) interest, in fee, including
future interest, if presently discernible, now held
by the Seller, in all minerals in whatsoever nature,
(including, but not limited to: oil, gas, natural
gas, hydrocarbons, coal, uranium, plutonium, or any
valuable deposit whether now or hereafter known)
in, on, under or that may be produced from said real
property, together with the right to prospect for,
mine and/or drill for said minerals therefrom, and
the right for the aforesaid purposes to enter upon
said property, and erect, construct, maintain and
operate thereon buildings, structures, machinery,
installations, equipment, lines, roads and other
facilities being necessary by Seller, and to use
the surface and such surface of all real property
in any manner necessary by Seller, to aid in all

C O N T R A C T

I

PARTIES:

The Parties to this agreement are CHESTER J. WORTH, R.R. 1, Box 143, Belle Fourche, South Dakota 57717, Executor of the Estate of R.D. MCKAY, a/k/a ROBERT D. MCKAY, DECEASED, hereinafter called the Seller, and GLENN E. RILEY and ARDIS RILEY, husband and wife, of R.R. 1, Belle Fourche, South Dakota 57717, hereinafter called the Buyers.

II

PURPOSE:

The purpose of this agreement is to fix the terms and conditions under which the Seller agrees to sell and the Buyers agree to buy the property described in Part III hereof.

III

PROPERTY:

The property to be covered by this agreement is known as the western portion of the McKay Ranch, consisting of fee title which is more particularly described as follows:

- (A) Real Estate in Fee Simple in the State of South Dakota ~~and the State of Wyoming:~~

TOWNSHIP 8 NORTH, RANGE 1 EAST, B.H.M.,
BUTTE CO., SD:

- Sec. 28: Northwest Quarter of the Southwest Quarter, Tract "A", a subdivision of the Southwest Quarter of the Southwest Quarter as shown more fully on a Plat on file in the office of the Register of Deeds of Butte County, South Dakota (24.47 Acres).
- Sec. 29: East Half of the Southeast Quarter.

- Sec. 31: Lots 1, 2, 3, and 4, East Half of the West Half, East Half.
 Sec. 32: Northwest Quarter, North Half of the Northeast Quarter.

TOWNSHIP 7 NORTH, RANGE 1 EAST, B.H.M.,
BUTTE CO., SD:

- Sec. 6: Lots 1, 2, 3, 4, 5, 6, and 7, South Half of the Northeast Quarter, Southeast Quarter of the Northwest Quarter, East Half of the Southwest Quarter, Southeast Quarter.
 Sec. 7: Northeast Quarter, Lots 1 and 2, East Half of the Northwest Quarter, Northeast Quarter of the Southeast Quarter pt., Northwest Quarter of the Southeast Quarter pt., Southwest Quarter of the Southeast Quarter pt.

TOWNSHIP 7 NORTH, RANGE 1 EAST, B.H.M.,
LAWRENCE CO., SD:

- Sec. 7: Southwest Quarter of the Southeast Quarter pt., Southeast Quarter of the Southeast Quarter pt., Northeast Quarter of the Southeast Quarter pt., Northwest Quarter of the Southeast Quarter pt.

TOWNSHIP 53 NORTH, RANGE 60 WEST, 6TH P.M.,
CROOK CO., WYO.:

- Sec. 4: Lots 1, 2, 3, 4, and 5, Southwest Quarter, South Half of the Northwest Quarter.
 Sec. 5: Lots 1, 2, 3, and 4, South Half of the North Half, South Half.
 Sec. 6: Lots 1 and 2, Southwest Quarter of the Northeast Quarter.
 Sec. 9: Lots 1 and 2, West Half,

consisting of a total acreage of 5964.45 acres.

Excepting, however, from this conveyance and reserving to the Seller, his heirs, successors and assigns, an undivided one-half (1/2) interest, in fee, including future interest, if presently discernible, now held

243-1

WATER RIGHTS DIVISION
(605) 773-3352

February 12, 1985

Bennett & Main
618 State Street
Belle Fourche, South Dakota 57717

Attention: Donn Bennett

Dear Mr. Bennett:

I am in receipt of your letter dated February 4, 1985 concerning the estate of R. D. McKay. We have on file the following:

<u>Permit No.</u>	<u>Owner</u>
3A-1	William Fieldsend
4-1	Agnes Fieldsend
243-1	Mrs. Hazel M. McKay
244-1	Mrs. Hazel M. McKay

There is nothing noted in any of these files that indicates they are no longer valid. However, if the systems were not constructed or have not been in continuous use since they were filed they may be subject to cancellation pursuant to SDCL 46-5-36 & 37. I am enclosing several transfer forms for your use. If you have any further questions, please contact this office.

Thank you,

Kevin C. Larson
Natural Resources Engineer

KCL:ms
Enc.

243-1

RECEIVED

MAR 12 2018

WATER RIGHTS
PROGRAM

LAW OFFICES OF
BENNETT MAIN GUBBRUD & WILLERT
A PROFESSIONAL CORPORATION
618 STATE STREET
BELLE FOURCHE, SOUTH DAKOTA 57717-1419
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

KELLEN B. WILLERT**
**LICENSED in SOUTH DAKOTA, WYOMING and COLORADO

March 9, 2018

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

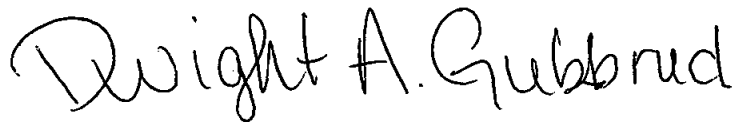
Dear Water Rights Program:

Enclosed is a Notice of Transfer of Ownership that is being filed by McKay Water Well LLC. Also enclosed is our firm's check in the amount of \$50 to pay the filing fee.

Please contact me if you have any concerns.

Sincerely,

BENNETT MAIN GUBBRUD & WILLERT, P.C.



Dwight A. Gubbrud

DG/hp

Enc.

cc: Client

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

Water Right/Permit No. 243-1

Date: _____

I/We request that Water Right/Permit No. 243-1 formerly owned by:Mrs. Hazel M. McKay be transferred to:New Owner Name: McKay Water Well LLCAddress: 19038 Kling RoadCity, State, Zip Belle Fourche SD 57717 Telephone No. 605-892-2246

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

water well located in the W1/2SE1/4 south of US Highway 34 in Section 22, Township 8 North, Range 1 East, B.H.M., Butte County, South Dakota has been transferred to McKay Water Well LLC

☒ I understand that the validity of Water Right/Permit No. 243-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Chris Kling, manager of McKay Water Well LLC, the new owner, certify that the above information is true and correct.

McKay Water Well LLC

Chris Kling, manager
(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 March 12, 20 18

RECEIVED OF Bennett, Main & Gubbrud, P.C. 618 State St Belle Fourche, SD 57717-1489

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____ 243-1		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **08620**

By

Jeannie Goodman
Chief Engineer

2977



South Dakota Secretary of State

SHANTEL KREBS

Filing Information

Name: **McKay Water Well LLC**

General Information

SOS Business ID **DL142701**
 Filing Type: **Limited Liability Company - Domestic**
 01/17/2018
 Status: **Good Standing**
 Duration Term: **Perpetual**
 Managed By: **Manager-Managed**

Registered Agent Address

Chris Kling
 19038 KLING ROAD
 BELLE FOURCHE, SD 57717

Principal Address

19038 KLING ROAD
 BELLE FOURCHE, SD 57717

The following document(s) was/were filed in this office on the date(s) indicated below:

Date Filed	Filing Description	Image #
01/17/2018	Initial Filing	B0050-1211



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 13, 2018

243-1

Dwight Gubbrud
BENNETT, MAIN GUBBRUD & WILLERT, PC
618 State St
Belle Fourche SD 57717

Dear Mr. Gubbrud:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted on behalf of McKay Water Well LLC for changing ownership on Water Right No. 243-1.

The ownership change has been completed. Water Right No. 243-1, formerly held by Mrs. Hazel M McKay is now listed in the name of McKay Water Well LLC.

Enclosed for your records is Receipt No. 08620 in the amount of \$50 which your firm paid for filing the ownership change. If you have any questions, please contact me.

Sincerely,

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

encl

c: Chris Kling, Mgr., McKay Water Well LLC