

No. 393-1Water Division No. 1

(Blanks to be filled by the Engineer for the W. R. C.)

District De la Fourche

JUN 4 1959

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant Spearfish Trout Farm Inc.Postoffice address Spearfish, County Lawrence, State S. Dak.I. If a corporation Spearfish Trout Farm Inc.(a) Name of same Same(b) Date and place of incorporation Rapid City S. Dak. Mch. 12, 1955(c) Amount of capital stock \$25,000.00(d) Amount paid in All Paid(e) Names and addresses of directors Carl H. Leedy, Varne D. Leedy,William N. Cummins.All stock is owned by above.

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

11. 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)

(b) Cash on hand, \$ 778.19(c) Treasury stock, \$ None(d) Bonds to be issued, \$ None(e) Other resources, \$ 32,349.882. Name of diversion work None3. Amount of water claimed 180 cubic feet per second min. 30 cfs4. Source of water supply Spring5. Location of point of diversion Not divertedon bank County.6. Annual period or periods during which water is to be used Continuous ly

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?

(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.)

II Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use Fish Culture

Name any of the above uses claimed

(b) Amount of power to be generated None horse power.Amount claimed for engine cooling None(c) Location of plant (d) Method of developing power (e) Point where water will be returned to stream Water runs 3 miles into
Spearfish creek

8. Estimated cost of work:

(a) Head Gates, \$ 500.00 (b) Pumping plant, \$ _____
 (c) ^{Pipe} Fluming, \$ 300 (d) Canalearth, \$ 1,500 Rock, \$ _____
 (e) Other structures _____ \$ 12,000 Total, \$ _____

9. Description of diversion works:

1. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

2. Dimensions of works:

(a) Dam: Height _____ feet; length at bottom _____ feet; length at top _____ feet; thickness at bottom _____ feet; thickness at top _____ feet; slope at front water face _____; slope at back face _____ material used in construction _____
 (b) Reservoir: Capacity when filled _____ acre feet. Surface area at highwater mark _____ acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET—ACRES	FEET	ACRE-Feet CAPACITY

(c)* Head gate: Width _____ feet; height _____ feet; Material _____
 (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.)

10. Time required for completion of work _____ years.
 11. Time required for complete application of water to the proposed beneficial use _____ years.
 12. Choice of newspaper for publication of notice of intention to appropriate _____

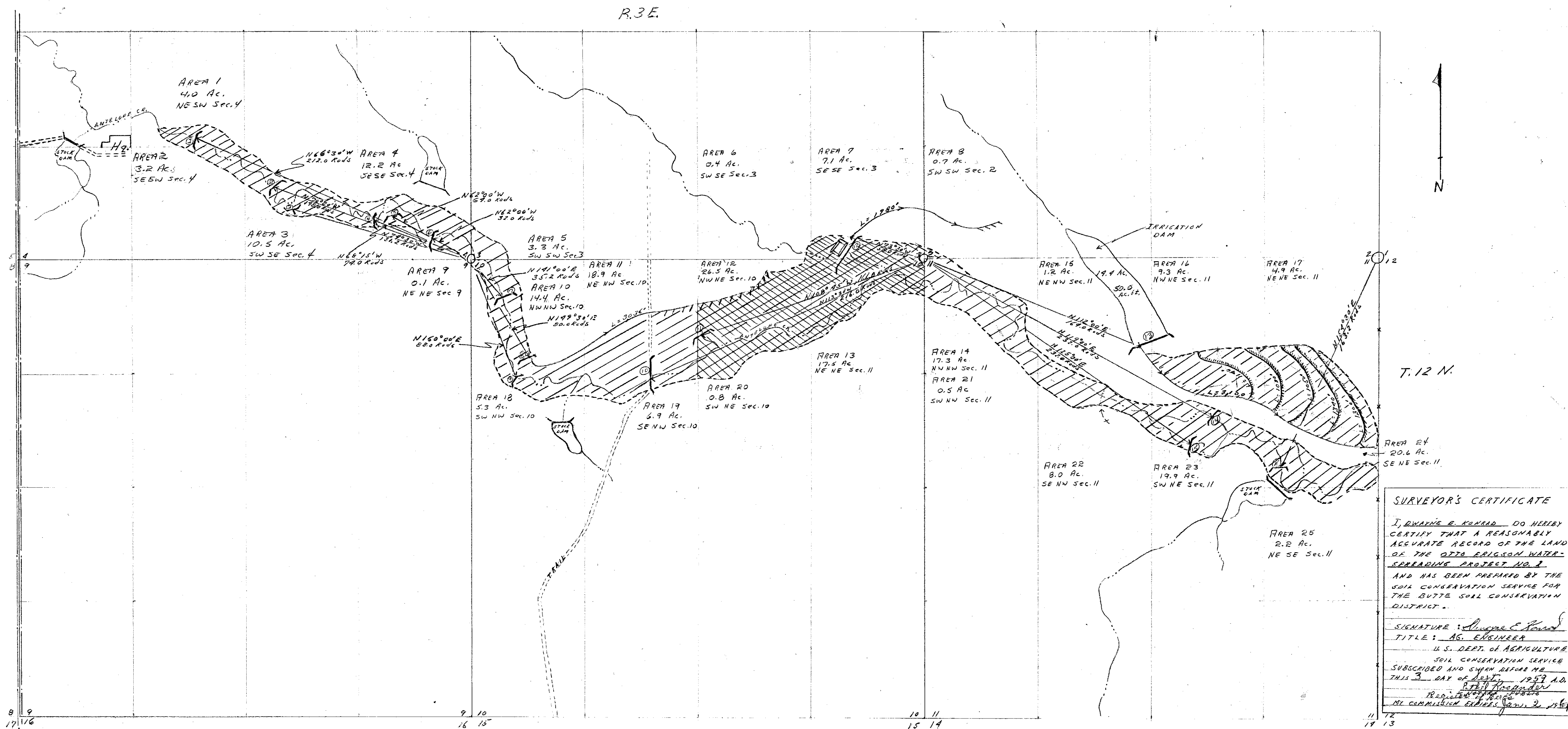
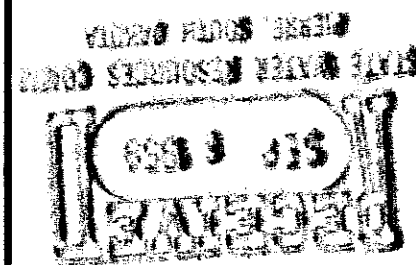
STATE OF SOUTH DAKOTA
 County of Pennington } ss.

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

Signed _____

Subscribed and sworn to before me this 22 day of May 1959

 Notary Public (or other qualified officer.)



SURVEYOR'S CERTIFICATE

I, DWYANE E. KONRAD, DO HEREBY CERTIFY THAT A REASONABLY ACCURATE RECORD OF THE LAND OF THE OTTO ERICSON WATER-SPREADING PROJECT NO. 1 AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE BUTTE SOIL CONSERVATION DISTRICT.

SIGNATURE: *Dwight E. Konrad*
TITLE: AG. ENGINEER
U.S. DEPT. OF AGRICULTURE
SOIL CONSERVATION SERVICE
SUBSCRIBED AND SWORN BEFORE ME THIS 3 DAY OF MAY, 1959 A.D.
By *Dwight E. Konrad*
REGISTERED PROFESSIONAL SURVEYOR
MY COMMISSION EXPIRES JAN. 2, 1964

LEGEND	
	IRRIGABLE LAND
	DIVERSION DAM OR "PLUG"
	SPREADER DITCH
	CANAL
	SPREADER DIKE

TAYLOR GRADING LAND

SCALE 8" = 1 mile or 1" = 660'

OTTO ERICSON
WATERSPREADING PROJECT NO. 1
BUTTE COUNTY, SOUTH DAKOTA

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed	Date	Approved by
Drawn		Title
Traced		Title
Checked		Sheet No. of
		Drawing No.

Remarks by State Water Resources Commission:

"Vested Right" claimed. This permit to use water includes non-consumptive use of the natural flow, ^{only} from the springs tributary to Spearfish Creek, only.

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

July 6

1959

This is to certify that the foregoing application was received by the Commission at 9:30 o'clock

9

m. upon the

4

day of

June

1959

State Water Resources Commission

By:

John Brimer

Chief Engineer, Executive Officer

Number of permit 393-1

Date of first receipt of application

June 4

1959

Date of return to applicant for correction, amendments or changes required as follows:

19

Date of receipt of corrected application

19

Date from which applicant may claim right

1954

19

Approved

July 6

1959

Recorded in Book

5

Page 201

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we 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

Completed, 19

2nd. The whole of said work is to be completed on or before

Completed

19

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

Completed

19

4th. The water appropriated shall be used for the purpose of

Fish culture

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 3.01 cubic feet per second; 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 1954; said water to be used during the following described annual period:

Continuously

Fish culture uses

Witness my hand this

2

day of

September

1959

State Water Resources Commission

By:

John Brimer

Chief Engineer, Executive Officer

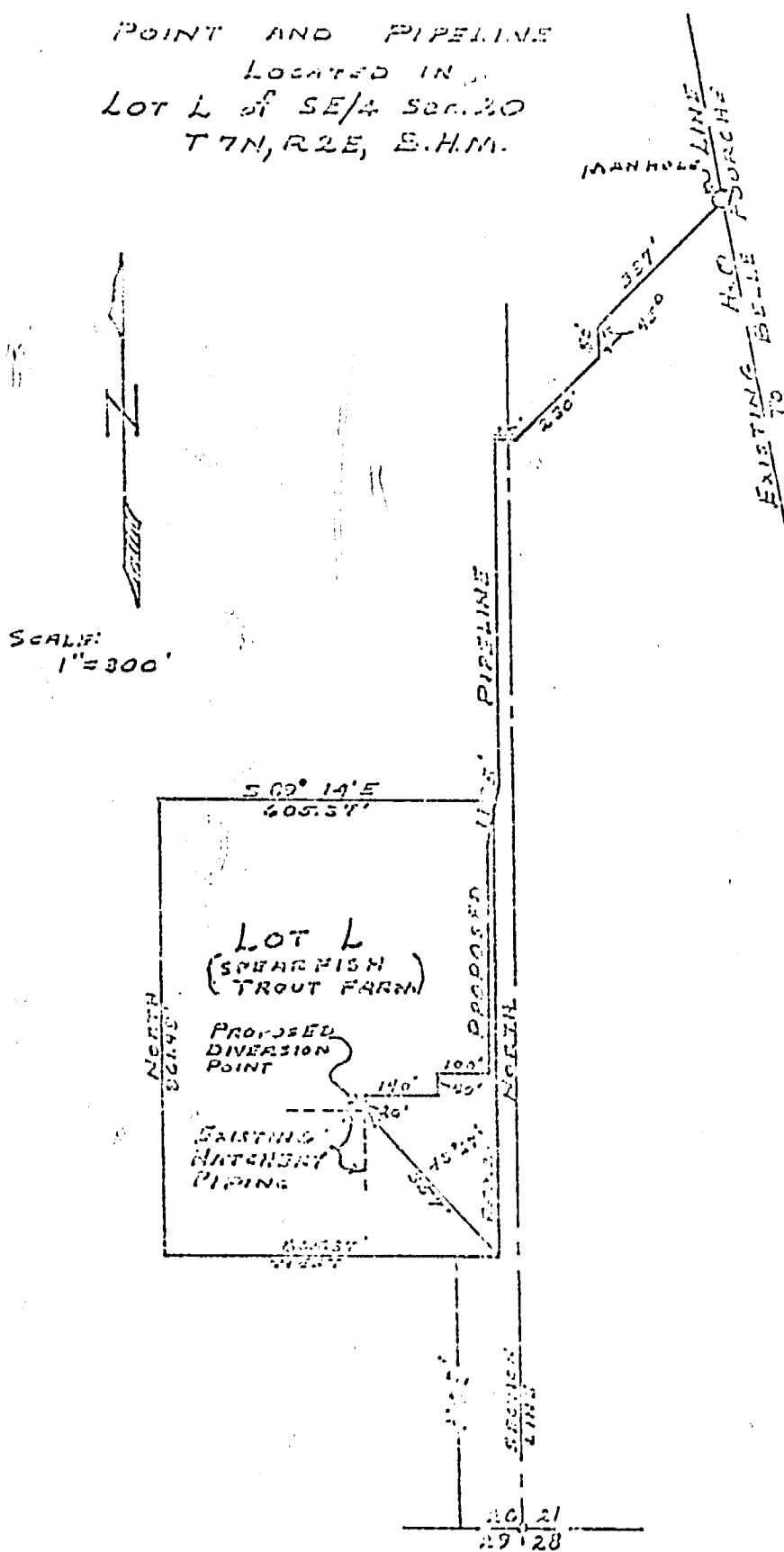
Certificate of Construction Issued

September 2, 1959

Water License Issued

September 2, 1959

PROPOSED
DOMESTIC USE DIVERSION
POINT AND PIPELINE
LOCATED IN
LOT L of SE/4 SEC. 20
T7N, R2E, E.H.M.



By Allen L. Blanton, Surveyor, State of South Dakota, County of Minnehaha, on this 1st day of May, A.D. 1977, in view of the fact that the above-described land is to be used for the purpose of a trout hatchery, and that the proposed diversion point and pipeline are necessary for the proper operation of said hatchery, I have caused this plat to be filed for record, and I hereby certify that the same is correct and true.

Witness my hand and the seal of my office at Pierre, South Dakota, this 1st day of May, A.D. 1977.

STATE OF SOUTH DAKOTA

WATER LICENSE No. 393-1

WHEREAS, On the 4th day of June A. D. 1959

the Spearfish Trout Farm

of Spearfish County of Lawrence and State of South Dakota duly made application (No. 393-1) to us for a Vested Right 3.0

cubic feet per second of the waters of a spring

County of Lawrence, State of South Dakota, for fish culture purposes; and

WHEREAS, On the 2nd day of September A. D. 1959
Vested Right
 Permit No. 393-1 was issued to said applicant... for the diversion of said water, and recognizing
 completion of the works of diversion therein described ~~XXX~~ before ~~XX~~ 1954
~~XXXXXX~~ and ~~XXXX~~ application to beneficial use of said
 water ~~XXX~~ before ~~XX~~ 1954 and,

WHEREAS, On the 4th day of June A. D. 1959
Vested Right
 the holder... of said permit duly made proof of the completion of adequate works for the diversion of 4.75
 cubic feet per second of said waters, as evidenced by our Certificate No. 393-1
 dated September 2, 1959 confirming the completion of works of sufficient capacity for
 diverting and conveying to place of intended use 4.75 cubic feet per second of water, with date of
 priority of 1954 and,

WHEREAS, On the 4th day of June A. D. 1959
 proof was duly made of the application to beneficial use of 3.0 cubic feet per second of said water;
for fish culture purposes in Lot "L" of the SE 1/4 Sec. 20,
T 7 N, R 2 E

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

We hereby grant and confirm to the Spearfish Trout Farm **Vested Right**
of Spearfish, South Dakota the holder and owner of said permit No. **393-1**
a water right, dating from 1954 to the use of 3.0
cubic feet per second of the waters of a spring
in the County of Lawrence and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted ~~xx~~ in Lot "L" of the SE 1/4,
Sac. 20, T 7 N, R 2 E
and conducted to and upon Lot "L" of the SE 1/4 of Sac. 20, T 7 N, R 2 E

for the purpose of non-consumptive fish culture use.

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 our office at Pierre, South Dakota,
this 2nd day of September A. D. Nineteen
Hundred and Fifty-nine

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. **393-1**Water Division No. **1** **Dalle Fourche**
River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That **The Spearfish Trout Farm**

of **Spearfish**, County of **Lawrence**, and State of
South Dakota, the holder of Permit No. **393-1**, issued upon Application
No. **393-1**, bearing date of priority of **1954**, authorizing the diversion of
3.0 cu. ft. per second of the waters of **a spring**
County of **Lawrence**, State of South Dakota, **in Lot "L" of the**
SE $\frac{1}{4}$ of Sec. 20, T 7 N, R 2 E
for **fish culture**

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 found in satisfactory
condition for diverting and conveying to the place of intended use **4.75** cu. ft.
per second of water; and that the ~~water is to be used for~~ use of said water **is** described as follows,
to-wit: **for fish culture purposes in Lot "L" of the SE $\frac{1}{4}$ of Sec. 20,**

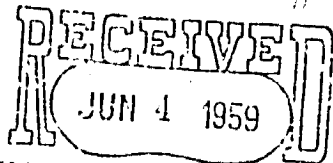
T 7 N, R 2 E. No consumptive use of water is involved in
this development.

Witness my hand this **2nd** day of **September** A. D. 19**59**

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

Location No. 393-1Water Division No. 1Belle Fourche River Water DistrictSTATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. Carl H. Leedy President.

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. Spearfish Trout Farm Spearfish S. Dak.
President.

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. Spring has been running 100 years. We started using water 1954

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

Ans. Spring. Located on Lot (1) Sec. 20 TWP 7 Range 2 E

Ques. 5. Describe your works of diversion giving length and height of each dam 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, and date of completion of same.

Ans. We have small earth dam just below spring.

Spring is on our property and flows on our property 800 feet.

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. Water is used for fish culture. All of which is turned back into creek.

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

Ans. Water is piped into raceway

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

Ans. We need all the water we have.

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. No diversion

(Sign) Carl H. Leedy

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 Rapid City, County of Black Hills

State of South Dakota, on this 29th

day of May

A. D. 1959

Witnesses. Edmund H. Kettner
NOTARY PUBLIC

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Alfred Bailey

Location No. _____

**PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE**

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

CARL LEEDY, Pres.
VERN B. LEEDY, Vice Pres.
WM. CUMMINS, Mgr.

SPEARFISH TROUT FARM

SPEARFISH, S. DAK.

Mailing Address
Box 328, Rapid City, S. D.



July 16, 1959/

State Water Resources Comm.
Pierre S. Dak.

Attention Mr. Wyborny.

Dear Mr Wyborny:-

In reply to your questions in your letter of July 6th I am answering them as listed.

1. The pipe we now use to the raceways is 12 inch and is under about 4 ft head from the center of the pipe to the top of the over flow in the dam. The water falls about 3 ft. from the discharge pipes of each raceway to the level of the water in the raceway. All of the water is not used in this pipe line. We are now working to put in an additional 8 inch pipe to some new raceways which are now under construction. Until this is completed part of the water is going over the overflow pipe.

2. The length of the 12 inch pipe now in use is about 50 feet. The maximum head will be 4 ft. *4.75' of*

3. The legal description of the Raceways and the spring is the same. viz. Lot "1" of the S.E. $\frac{1}{4}$ of Sec. 20. 7 No. Range 2. East of Black Hills Meridian.

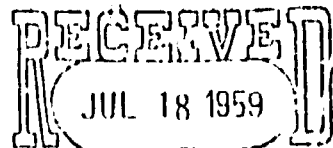
I will try and make a sketch of our outfit to give you a better Idea of our operation.

Yours truly,

Spearfish Trout Farm Inc.

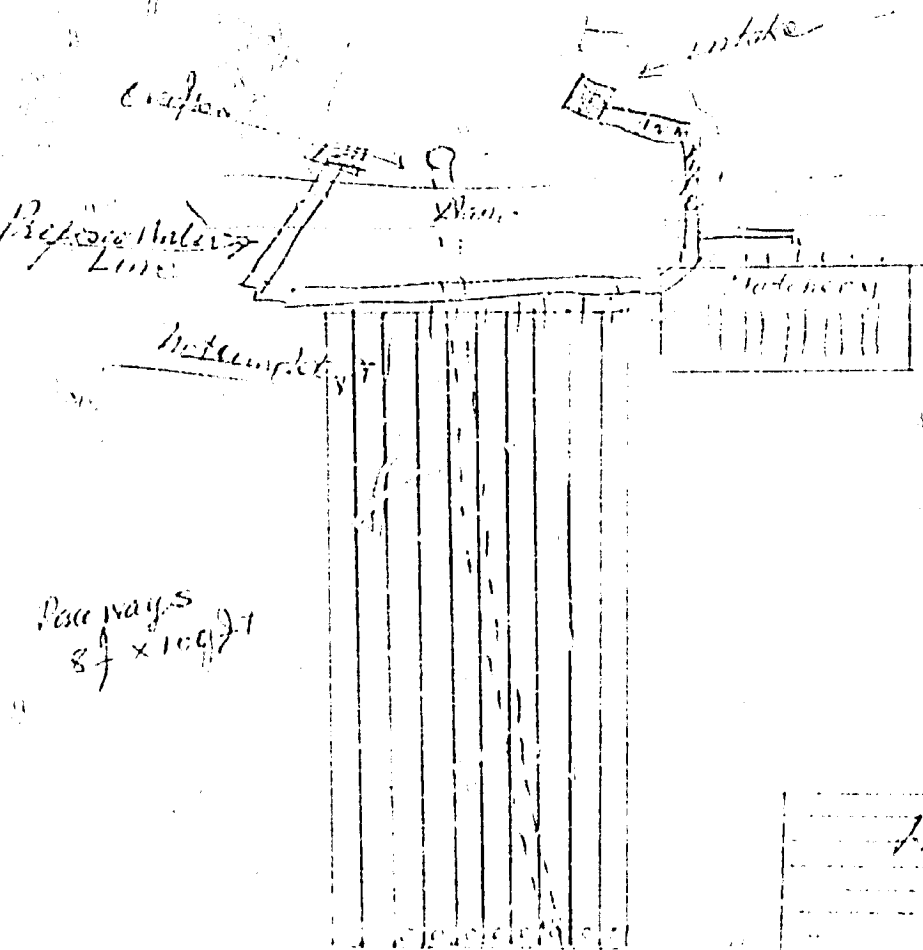
By *Carl Leedy*

President.



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

St. George's



8 1/2 + from top
of crest flow
To Bottom River Ways

Passways
8 1/2 x 100 ft

Passways

Refuge

Intake

Flow through
the system above described in detail

State of S.Dak.

CAT. No. 0165

May 22, 1959.

County of Pennington

I, Carl H. Leedy President of the Spearrish Trout Farm do hereby certify that the attached document is a true copy of the Articles of Incorporation of the Spearrish Trout Farm.

Carl H. Leedy
President.

Subscribed and sworn to, before me,
Edward W. Men, a Notary Public in
and for the above said County and state,
this 22 day of May 1959.

Edward W. Men
Notary Public.



DEPARTMENT OF STATE

United States of America, } Secretary's Office
 State of South Dakota, }

*This is to certify that the attached instrument of writing
 is a true, correct and examined copy of*

Articles of Incorporation of SPEARFISH TROUT FARM, as filed in this
office March 12, 1955.

*and the whole thereof, and has been carefully compared with
 the original now on file in this office and found correct.*

*The within document, book, instrument, paper or law
 shall not be received in evidence in any court of this state
 unless this certificate is countersigned by the state treasurer
 with a statement of the fees received.*

*In Testimony Whereof, I have hereunto
 set my hand and affixed the Great
 Seal of The State of South Dakota,
 at the City of Pierre, the Capital, on
 this 14th day of March, 1955*

FEES, \$ 6.00
 COUNTERSIGNED BY

[Signature]
 State Treasurer.

[Signature]
 Secretary of State.

ARTICLE OF INCORPORATION

OF

SPEARFISH TROUT FARM

ARTICLE I.

Name

The name of the Corporation is: "SPEARFISH TROUT FARM".

ARTICLE II.

Period of Duration

The period of duration of the Corporation is perpetual.

ARTICLE III.

Address of Initial Registered Office and
Name of Initial Registered Agent

Section 1. Registered Office. The address of the initial registered office of the Corporation where its principal business is to be transacted is 617 St. Joseph Street, Rapid City, Pennington County, South Dakota.

Section 2. Registered Agent. The name of the initial registered agent of the Corporation, at such address, is Carl H. Leedy.

ARTICLE IV.

Purposes and Powers

The nature of the business of the Corporation and the objects and purposes to be transacted, promoted and carried on by it are;

Section 1. To carry on in all of its branches the business of the operation of private fish hatcheries; to purchase, construct, maintain and operate fish hatcheries and to sell any fish propagated at such hatcheries as by law provided; to import, export, buy and sell at wholesale and retail trout (family salmoidae) and other fish and fish roe of every kind and description, not inconsistent with the laws of the State of South Dakota, and the laws of any other state within and with which the Corporation may do business.

Section 2. To buy, lease, contract for, invest in, and otherwise acquire, and to own, maintain, equip, manage, improve, develop, mortgage, and deal in and with, and to sell, lease, exchange, transfer, convey and otherwise dispose of, real property, concessions, grants, land patents, franchises, easements, and right of ways, without limit as to amount or value, in any part of the world, and any royalty or other interest or right therein.

Section 3. To buy, lease, hire, contract for, invest in, and otherwise acquire, any property, real or personal, which it may deem desirable for the purpose of its business for cash, or otherwise, and to issue its stocks, bonds, notes, debentures or other securities or evidences of indebtedness or obligations in payment therefor.

Section 4. To sell, lease, exchange, convey, mortgage, transfer, assign, and deliver, and otherwise dispose of, any part of the property, assets and effects of this Corporation, less than the whole thereof, and receive in payment therefor stocks, bonds, notes, debentures, or other securities or evidences of indebtedness or obligations of any individual firm, corporation, company, association, trust or organization, on such terms and conditions as the Board of Directors of this Corporation shall determine.

Section 5. To purchase or acquire in any manner the stocks, bonds, notes, debentures or other securities or evidences of indebtedness, or obligations of any individual, firm, corporation, company, association, trust, or organization, and to issue its stocks, bonds, notes, debentures, or other securities or evidences of indebtedness or obligations in payment therefor, on such terms and conditions as the Board of Directors of this Corporation shall determine.

Section 6. To purchase or otherwise acquire shares of its own capital stock, securities, bonds, notes, debentures, or other obligations, and to hold, sell, exchange, mortgage, pledge, hypothecate, or otherwise dispose of or retire the same, provided that this Corporation shall not use any of its funds or property for the purchase of its own shares of capital stock when such use would cause any impairment of the capital of this Corporation, and provided, further, that the shares of its own capital stock belonging to this Corporation shall not be voted directly or indirectly.

Section 7. To apply for, obtain, register, purchase, lease, or otherwise acquire, and hold, own, use, operate, introduce, sell, exchange, lease, assign, pledge, or otherwise dispose of, deal in, turn to account, or contract with reference to, any and all copyrights, trade-marks, trade names, labels, designs, brands, patents, and applications therefor, licenses, inventions, improvements, concessions, apparatus, appliances, formulae, and processes, used in connection with or secured under letters patent of the United States, or elsewhere, or otherwise; and to use, exercise, develop, grant licenses in respect of, or otherwise turn to account, any such copyrights, trade-marks, trade names, labels, designs, brands, patents, applications, licenses, inventions, improvements, concessions, apparatus, appliances, formulae, processes and the like, or any property, right, or information in connection therewith; and to grant and issue licenses or sublicenses, partial, exclusive, or territorial, under or in respect to any and all such copyrights, trade-marks, trade names, labels, designs, brands, patents, applications, licenses, inventions, improvements, concessions, apparatus, appliances, and formulae and processes.

Section 8. To borrow money for its corporate purposes, and to draw, make, accept, endorse, execute and issue bonds, notes, debentures, bills of exchange, warehouse receipts, warrants and other negotiable instruments and obligations, and in order to secure the same, or any of its contracts or obligations, to convey, transfer, assign, mortgage, pledge and deliver all or any part of the property of this Corporation upon such terms and conditions as the Board of Directors shall determine.

Section 9. To make, perform and carry out contracts of every kind made for any lawful purpose with, and to act as agent, representative or factor for, any individual, firm, corporation, company, association, trust, or organization, or any public, quasi-public, or municipal corporation, domestic or foreign, or any domestic or foreign state, government or governmental authority or agency.

Section 10. To purchase, or otherwise acquire the whole or any part of the property, assets, business, good will, rights and franchises of any individual, firm, corporation, company, association, trust, or organization; to assume the whole or any part of the bonds, mortgages, franchises, leases,

contracts, indebtedness, guarantees, liabilities and obligations of any individual, firm, corporation, company, association, trust, or organization, or give guarantees in respect thereof; and to hold or in any manner dispose of the whole or any part of the property, assets, business, good will, rights and franchises so purchased or acquired, and to conduct and manage, in any lawful manner, the whole or any part of any business so purchased or acquired, and to exercise all the powers, necessary or convenient in and about the conduct and management thereof.

Section 11. To engage in any lawful activity without limitation.

Section 12. To execute and deliver general or special powers of attorney to individuals, firms, corporations, companies, associations, trusts and organizations in the United States, or any other country, and to revoke the same as the Board of Directors shall determine.

Section 13. To have one or more of its offices, and to carry on any or all of its operations and business, within or without the State of South Dakota, in any part of the world, and to have and exercise all the rights and powers now or hereafter conferred by the laws of the State of South Dakota upon corporations organized under the same statutes as this Corporation.

Section 14. To do each and every thing necessary, suitable or proper for the accomplishment of any of the purposes and attainments of any one or more of the objects herein enumerated, or which shall at any time appear, conducive to and expedient for the protection or benefit of, and incidental to the purposes of this corporation, provided, the same be not inconsistent with the laws under which this Corporation is organized.

The foregoing clauses shall be construed both as objects and powers, and the foregoing enumeration of powers shall not be held to limit or restrict in any manner the powers of this Corporation; and the purposes, objects and powers specified in each of the paragraphs of Article IV hereof shall, except as otherwise expressly provided, in no wise be limited or restricted by reference to or inference under the terms of any other article, clause or paragraph hereof, but each of the purposes, objects and powers specified herein shall be regarded as independent purposes, objects and powers.

ARTICLE V.

Authorized Capital Stock

The amount of total authorized capital stock of the Corporation is Twenty-Five Thousand Dollars (\$25,000.00) consisting of Two Hundred and Fifty (250) shares of common stock of the par value of One Hundred Dollars (\$100.00) per share.

ARTICLE VI.

Directors

Section 1. The number of Directors which shall constitute the governing board of the Corporation shall be fixed at not less than three nor more than five and may be altered from time to time as may be provided in the By-Laws. No decrease shall have the effect of shortening the term of any incumbent Director.

Section 2. The names and residences of the initial Board of Directors who shall serve until their successors shall be elected and shall qualify are;

Name	Residence
Carl H. Leedy	Rapid City, South Dakota
Verne B. Leedy	Palos Heights, Illinois
William W. Gammie	Spearfish, South Dakota

Section 3. At the first meeting at which the By-Laws are adopted or at any such subsequent meeting as may be then designated, one or more Directors shall be elected to serve until the first annual meeting of the stockholders, and until his or their successor or successors shall be elected and shall qualify; one or more Directors shall be elected to serve until the second annual meeting of the stockholders, and until his or their successor or successors shall be elected and shall qualify; and one or more Directors shall be elected to serve until the third annual meeting of the stockholders, and until his or their successor or successors shall be elected and shall qualify. Directors elected at the first and all subsequent annual meetings of the stockholders shall hold their offices for a term of three years, and until their successors shall be elected and shall qualify.

Section 4. At all elections of Directors of this Corporation, each stockholder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer.

Section 5. At each meeting of the stockholders, every stockholder shall be entitled to one vote in person, or by proxy, for each share of stock registered in his name on the books of the Corporation, as by the By-Laws provided.

ARTICLE VII.

Directors - Powers

In furtherance and not in limitation of the powers conferred by statute, and in addition to the powers which may be conferred by the By-Laws, the Board of Directors of the Corporation shall have the following powers:

Section 1. From time to time to fix and determine and to vary the amount of the working capital of the Corporation, to direct and determine the use and disposition thereof, to set apart, out of any funds of the Corporation available for dividends, a reserve or reserves for any proper purpose, and to abolish any such reserve in the manner in which it was created.

Section 2. To designate by resolution or resolutions passed by a majority of the whole Board one or more committees, each committee to consist of two or more directors of the Corporation, which, to the extent provided in said resolution or resolutions or in the By-Laws of the Corporation, shall have and may exercise the powers of the Board of Directors in the management of the business and affairs of the Corporation, and shall have power to authorize the seal of the Corporation to be affixed to all papers which may require it.

Section 3. To determine from time to time whether and to what extent and at what times and places and under what conditions and regulations the account, books, papers and records of the Corporation, or any of them, shall be open to the inspection of stockholders; and no stockholder shall have any right to inspect any account, book, paper or record of the Corporation except as otherwise specifically provided by the laws of the State of South Dakota or authorized by resolution of the Board of Directors or of the stockholders.

Section 4. Pursuant to the affirmative vote of the holders of at least a majority of the stock issued and outstanding, having voting power, given at a stockholders' meeting duly called for that purpose, or when

authorized by the written consent of the holders of at least a majority of the voting stock issued and outstanding, the Board of Directors shall have power and authority at any meeting to sell, lease or exchange all, or any part thereof, of the property and assets of this Corporation, including its good will and its corporate franchises, upon such terms and conditions and for such consideration as its Board of Directors deems expedient and for the best interests of the Corporation.

Section 5. Interest of Directors in Contracts. Any contract or other transaction between the Corporation and one or more of its directors, or between the Corporation and any firm of which one or more of its directors are members or employees, or in which they are interested, or between the Corporation and any corporation or association of which one or more of its directors are shareholders, members, directors, officers, or employees, or in which they are interested, shall be valid for all purposes, notwithstanding the presence of such director or directors at the meeting of the Board of Directors of the Corporation, which acts upon, or in reference to, such contract or transaction, and notwithstanding his or their participation in such action; if the fact of such interest shall be disclosed or known to the Board of Directors and the Board of Directors shall, nevertheless, authorize, approve and ratify such contract or transaction by vote of a majority of the directors present, such interested director or directors to be counted in determining whether a quorum is present, but not to be counted in calculating the majority necessary to carry such vote. This section shall not be construed to invalidate any contract or other transaction which would otherwise be valid under the common and statutory law applicable thereto.

Section 6. The Corporation may by its By-Laws confer powers additional to the foregoing (not, however, inconsistent with law) upon the Board of Directors, in addition to the powers and authorities expressly conferred upon them by Statute. All corporate powers of the Corporation shall be exercised by the Board of Directors, except as otherwise by law or herein provided.

ARTICLE VIII.

Indemnification

The Corporation shall indemnify any director, officer, or employee, or former director, officer, or employee of the Corporation, or any person who may have served at its request as a director, officer, or employee of another corporation in which it owns shares of capital stock, or of which it is a creditor, against expenses actually and necessarily incurred by him in connection with the defense of any action, suit or proceeding in which he is made a party by reason of being or having been such director, officer, or employee, except in relation to matters as to which he shall be adjudged in such action, suit, or proceeding to be liable for negligence or misconduct in the performance of duty. The Corporation may also reimburse to any director, officer, or employee the reasonable costs of settlement of any such action, suit, or proceeding, if it shall be found by a majority of a committee composed of the directors not involved in the matter in controversy (whether or not a quorum) that it was in the interests of the Corporation that such settlement be made and that such director, officer, or employee was not guilty of negligence or misconduct. Such rights of indemnification and reimbursement shall not be deemed exclusive of any other rights to which such director, officer, or employee may be entitled under any by-law, agreement, vote of shareholders, or otherwise.

ARTICLE IX.

Additional Offices

The stockholders and the Board of Directors may if the By-Laws so provide, hold their meetings, have an office or offices and keep the books of the Corporation within or without the State of South Dakota, at such place or places as may from time to time be designated by the Board of Directors, as by statute provided.

ARTICLE X.

Name of Registered Stockholder

The Corporation shall be entitled to treat the person in whose name any share is registered as the owner thereof, for all purposes, and shall not be bound to recognize any equitable or other claims to, or interest in, such share on the part of any person, whether or not the Corporation shall have notice thereof, except as otherwise expressly provided by the statutes of the State of South Dakota.

ARTICLE XI.

The names and residences of the incorporators of the Corporation are:

Name	Residence
Carl M. Leedy	Rapid City, South Dakota
William H. Cowman	Spearsfish, South Dakota
George F. Hurst	Rapid City, South Dakota

ARTICLE XII.

The Corporation reserves the right to amend, alter, change or repeal any provision contained in its Articles of Incorporation, or any amendment thereof, in the manner now or hereafter prescribed by the laws of the State of South Dakota, and all rights conferred upon the stockholders of the Corporation are granted subject to this reservation.

WE, THE UNDERSIGNED, being each of the original incorporators hereinbefore named, for the purpose of forming a Corporation to do business both within and without the State of South Dakota, and in pursuance to the Corporation laws of the State of South Dakota, do make and file these Articles of Incorporation, hereby declaring and certifying that the facts herein stated are true.

Executed this 11th day of March, 1935.

CARL M. LEEDY

WILLIAM H. COWMAN

GEORGE F. HURST

STATE OF SOUTH DAKOTA)

SS

COUNTY OF PENNINGTON)

BE IT REMEMBERED, That on this 11th day of March, 1958,
before the undersigned personally appeared the above named Carl H. Leedy,
William H. Gummie, and George P. Hurst, well and personally known to me to
be the same persons described in and who executed the foregoing instrument
and severally acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal at said County the day and year last above written.

(SEAL)

HOWARD WALKER

Notary Public, South Dakota

My Commission Expires:

June 2, 1958

STATE OF SOUTH DAKOTA)

SS

COUNTY OF PENNINGTON)

Carl H. Leedy, William H. Gummie, and George P. Hurst, being duly
sworn, each for himself, depose and say: That he is one of the persons
described in and who signed the foregoing Articles of Incorporation as an
incorporator therein; that he has read said Articles and knows the contents
thereof; that the incorporators intend in good faith to form a corporation
for the purpose of the promotion of a lawful business as set forth in said
Articles and not for the purpose of enabling any corporation or corporations
to avoid the provisions of Chapter 18.18 of the South Dakota Code of 1939,
and Acts Amending thereto, relating to unlawful business practices.

CARL H. LEEDY

WILLIAM H. GUMMIE

GEORGE P. HURST

Subscribed and sworn to before me this 11th day of March, 1958.

(SEAL)

HOWARD WALKER

Notary Public, South Dakota

My Commission Expires:

June 2, 1958

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Office Building Number 2, Pierre, South Dakota 57501

Phone 605/224-3151

June 30, 1975

Stephens, Quinn and Carr, P.C.
P.O. Box 580
Belle Fourche, South Dakota 57717

Attn: Thomas E. Carr

Gentlemen:

Reference is made to your letters and our telephone conversations regarding existing water rights on certain described lands.

A Water Resources Commission study of the existing water rights on Spearfish Creek in 1962 indicated that a J. Ward irrigated one field in the SW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 28, T7N, R2E, consisting of 32.5 acres, and one field of 32.5 acres in the S $\frac{1}{2}$ SW $\frac{1}{4}$, Same section. Source of water for both fields is the Cock Ditch. The use of water can be changed from irrigation to municipal use by following the same procedure as the City of Belle Fourche went through in Water Permit No. 645-1.

Water Permit No. 393-1 is held by the Spearfish Trout Farm, authorizing the use of 3.0 c.f.s. of water from a spring in Lot L, Section 20, T7N, R2E, for fish culture purposes. The Permit restricts this to non-consumptive use of the water. In other words the flows of the spring can be diverted through the fish hatchery, but must be returned to the stream in essentially the same amount and condition as it was diverted, so that it does not interfere with use of water by downstream prior appropriations. It is doubtful if the Commission could consider an application requesting conversion to a consumptive use of this water. This could interfere with Court adjudicated rights downstream.

Should you have further questions, feel free to contact this office.

Sincerely,

BURTON F. JONES
Water Rights Specialist

BFJ/bw

Dept. of Water & Natural Resources
Joe Foss Building
523 East Capitol Avenue
Pierre, S.D. 57501



Paula M. Dittman
R.R. 1, Box 150
Spearfish, SD. 57733
March 9, 1988

Dear Sir:

This letter is to bring you up to date on my water rights permit to operate the fish hatchery. I have several concerns I need your assistance with.

My husband, Allen L. Dittman, passed away last year so I would like the water permit to be transferred to my name, Paula M. Dittman or Spearfish Trout Farm, as the hatchery will still be operated under that name. After some remodeling and repairs, I would like to begin operating the hatchery some time this spring. I would appreciate it if you would let me know what papers need to be signed to transfer the permit into my name.

I would like to take care of this as soon as possible to prevent any delay in operating the hatchery this spring.

Thanking you in advance,

Sincerely,

A handwritten signature in cursive script that reads "Paula M. Dittman".

Paula M. Dittman

Water Rights Division - DWNR

File No. 372-1

Conversation or File Documentation

NAME OF PERSON OR FILE: Spaulding Trout Farm Inc.ADDRESS: RR1 Spaulding SO 51743 COUNTY LaramieDATE: 3/14/82 TELEPHONE: - 642-4167RE: Permit Cancellation

COMMENTS:

On March 9, 1982, Mrs. P. L. Dillman wascontacted regarding permit 7222-1. Mrs. Dillman stated thatthe last time the fish hatchery was used was 1979.She stated that she did not know the hatchery.A letter was mailed to the D. W. D. she may have beenWater Right. It was advised to see D. W. D. stating herintention of reopening the hatchery.*The Fish Hatchery pool was all about filled with the dirtand tree branches and leaves. It made a lot of clumpsto be able to reopen the hatchery.

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: M/D/K

4/82

SOUTH DAKOTA Department of
Water & Natural Resources

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

March 22, 1988

NOTICE OF CANCELLATION

TO: Spearfish Trout Farm, Inc., & Paula M Dittman, RR #1,
Box 150, Spearfish, SD 57783

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

SUBJECT: Cancellation of Vested Water Right Claim No. 393-1

The Water Management Board will consider cancellation of Vested Water Right Claim No. 393-1 at 9:00 am, May 11, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre, South Dakota.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

The Chief Engineer of the Water Rights Division is recommending cancellation of Vested Water Right Claim No. 393-1 due to abandonment.

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Vested Water Right No. 393-1 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by Vested Water Right No. 393-1. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by April 29, 1988. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained. The Board may consider any abandoned or forfeited water to be available for appropriation subject to the provisions of SDCL 46-1, 46-2, 46-2A and 46-5.

These hearings are adversary proceedings. Any party 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.

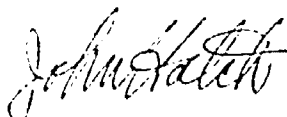
Further information on the proposed cancellation or to assure access to the hearing by the handicapped can be obtained by contacting the Water Rights Division, DWRNR, Joe Foss Building, Pierre, SD (605-773-3352) for assistance prior to the hearing. The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting held July 27 & 28, 1988. Any request for extension must be filed with the Chief Engineer by April 29, 1988.

Please note: Cancellation of this permit does not prohibit you from making a new application for this project in the future.

RECOMMENDATION OF CHIEF ENGINEER
FOR VESTED WATER RIGHT CLAIM NO. 393-1, SPEARFISH TROUT FARM, INC

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Vested Water Right Claim No. 393-1.

The Chief Engineer is recommending cancellation of the above Vested Water Right Claim because an inspection by Rassool Ahadi, March 8, 1988, found the hatchery has not been in operation since 1978. The vested water right claim has been abandoned.


JOHN HATCH, Chief Engineer
March 22, 1988

Water Rights Division - DWNR
Conversation or File Documentation

File No. _____

NAME OF PERSON OR FILE: _____

ADDRESS: _____ COUNTY _____

DATE: _____ TELEPHONE _____

RE: _____

COMMENTS:

March 17, 1988 - I called and talked to someone at Dittman residence concerning the transfer of No. 393-1 into Paula Dittman or Spearfish Trout Farm. I told them no transfer was necessary if they wanted W. Right kept under Spearfish Trout Farm. The W. Right is already listed under that name.

March 18, 1988 - I talked to Russell and found out water right was going to be scheduled for cancellation due to abandonment. I called Dittman's back to make sure they understood yesterday's conversation was only about the transfer. The name on the water right was Sine. However the validity is in question. I indicated we would be scheduling the water right for cancellation because of an inspection by Russell which found the hatchery had not been used or operated for 12 years.

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: Henry McMath

April 20, 1938

TO: John Hatch, Chief Engineer
Water Rights Division
Joe Foss Building
523 E. Capitol
Pierre, S.D. 57501-3181



Dear Sir;

I am the owner of property covered by Vested Water Right No. 393-1.
I am petitioning to oppose the cancellation of this Vested Water Right
Claim No. 393-1.

My reasons for protesting this is because Spearfish Trout Farm is
being reopened this year. Due to the damage to the raceways, we will
begin by raising fingerlings and gradually plan to get back to full oper-
ation. Construction has already begun to get it operational, therefore
I oppose having Vested Water Right No. 393-1 cancelled.

Please advise me before the hearing date if there are any further
requirements that need to be met to assure the cancellation of Vested
Water Right No. 393-1 is not approved.

Sincerely,

Paula M. Dittman
Paula M. Dittman
Spearfish Trout Farm
R.R. 1, Box 150
Spearfish, S.D. 57783

South Dakota
Department of
Water & Natural Resources

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

April 27, 1988

393-1

Paula M Dittman
Spearfish Trout Farm
RR 1, Box 150
Spearfish SD 57783

Dear Ms. Dittman:

I am writing in response to your letter of April 20, 1988. There are no other requirements for you to meet prior to the cancellation hearing for Vested Right Claim No. 393-1. As stated in the Notice of Cancellation the hearing will be at 9:00 am on May 11, 1988.

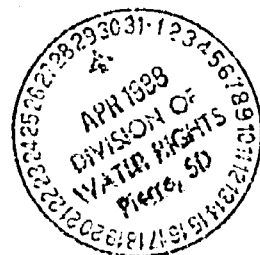
Since you are opposing the cancellation, it is advisable that you or legal counsel appear at the hearing and state your reasons for opposition.

South Dakota Codified Laws state that when any person fails to use water for the purpose for which it was appropriated for a period of three years, such unused water shall revert to the public. Since the hatchery has not been in operation since 1978, it is for this reason that Vested Water Right Claim No. 393-1 is being recommended for cancellation.

Very truly yours,


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

April 27, 1988



TO: John Hatch, Chief Engineer
Water Rights Division
523 East Capitol
Pierre, S.D. 57501-3181

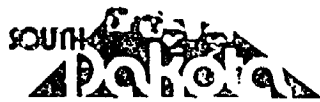
SUBJECT: Cancellation of Vested Water Right Claim No. 393-1

Dear Sir:

I sent a letter last week but after re-reading your letter, I found that you are considering cancelling Vested Water Right Claim No. 393-1 due to abandonment. I neglected to mention that even though Spearfish Trout Farm has not been operating by raising Trout, we are using the water right by raising minnows and have done this for the past three years. Therefore, I feel the Vested Water Right Claim No. 393-1 should not be cancelled due to abandonment as we have been using it.

Thank you,

Paula Dittman
Paula Dittman
Spearfish Trout Farm
R.R. 1, Box 150
Spearfish, S.D. 57785



Department of Water & Natural Resources

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

May 16, 1988

393-1

NOTICE

Paula M Dittman
RR 1, Box 150
Spearfish SD 57733

Dear Ms. Dittman:

The Water Management Board, at the May 11, 1988, hearing "Denied" cancellation of Vested Water Right Claim No. 393-1. This action entitles you to continue appropriating water as defined in Vested Water License No. 393-1.

Enclosed is a copy of the Water License. If you have any questions, please contact us.

Very truly yours,

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

enclosure



CERTIFICATION

I hereby certify that on May 16, 1988 I have personally deposited with the U.S. Mail, a postage prepaid envelope containing Notice addressed to:

Paula Dittman
RR 1, Box 150
Spearfish SD 57783

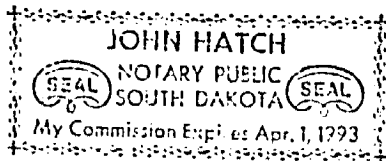
Allen Schack

KAR'N SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 24th day of May, 1988.

John H. Bates
Notary Public



SOUTH DAKOTA

VESTED WATER RIGHT CLAIM NO. 393-1

Date of Receipt of Claim June 4, 1959.

Date of Validation May 6, 1992.

The Water Management Board validated Vested Water Right Claim No. 393-1 for Spearfish Trout Farms, Inc. %Paula Dittman, RR 1, Box 150, Spearfish SD 57783 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 393-1 appropriates 3.0 cubic feet of water per second from a spring located in the SE 1/4 Section 20-T7N-R2E.
2. The appropriated water is used for non-consumptive use and may not exceed the amount of water needed for beneficial use for fish culture purposes.

The water is to be used during the following annual period:
January 1 - December 31

3. The priority date of the Vested Water Right is January 1, 1954.
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 must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____


Chief Engineer

JUN 29 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 29 1992

Spearfish Trout Farms
c/o Paula Dittman
RR 1, Box 150
Spearfish SD 57783

Dear Ms. Dittman:

The Water Management Board has validated the enclosed Vested Water Right No. 393-1. This validation gives legal status to the claim and is the final document for your vested right.

As long as you use the water beneficially, as stated in the validation, 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

enclosure



November 22, 2000

39.3-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Roger Tellinghuisen
Fuller, Tellinghuisen, Gordon & Percy
132 E. Illinois Street
Spearfish SD 57783

Dear Mr. Tellinghuisen:

As per your request, I am enclosing a copy of the vested water right held by Spearfish Trout Farms. I have included a large portion of our file showing the history of this vested water right. This is likely more information than you requested. However, it is interesting to note that back in the late 1980's the recognized vested water right claim was brought before the Water Management Board for cancellation. However, the Board denied cancellation and the claim was formally validated by the Board in 1992.

Also enclosed is a partially completed notice of transfer of ownership. Mr. Dittman will need to complete form and submit along with a transfer filing fee of \$2.50.

Please let me know if I may be of any further assistance.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures

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

A. P. Fuller • Roger A. Tellinghuisen • Brad P. Gordon • Michelle K. Percy • Jim D. Seward

LEAD OFFICE

203 W. MAIN STREET
LEAD, SOUTH DAKOTA 57754

TELEPHONE (605) 584-2440
FAX (605) 584-1979
email leadlaw@mato.com

SPEARFISH OFFICE

132 E. ILLINOIS STREET
SPEARFISH, SOUTH DAKOTA 57783

TELEPHONE (605) 642-8080
FAX (605) 642-1756
email spflaw@mato.com

PLEASE REPLY TO THE SPEARFISH OFFICE

November 21, 2000



Mr. Eric Gronlund
Water Rights Program
DEPT. OF ENVIRONMENT & NATURAL RESOURCES
523 E. Capitol
Pierre, SD 57501-3182

RE: Spearfish Trout Farm/Dittman Water Right

Dear Eric:

Could you have someone check for me and tell me whether or not Spearfish Trout Farm and/or Paula Dittman, Gregg Dittman, and/or Dan Dittman own a water right for their trout farm operating as Spearfish Trout Farm outside Spearfish? The reason for my inquiry is that Paula, Gregg, and Dan all owned the corporation which operated the trout farm together. Recently, all of the ownership has been consolidated to Gregg Dittman and I would like to take steps on behalf of Mr. Dittman and Spearfish Trout Farm, Inc. to change the name of the owner of the water right.

In the past I have checked with you about irrigation rights held in the Dittman name. However, this would be a different water right used for their trout farm purpose. I don't have a number or a date for you although the use has existed for many, many years.

If you need any additional information from me, please advise. Otherwise if you can locate the appropriate water right and forward that to me along with instructions on how to apply for a transfer into the proper name, I would appreciate it.

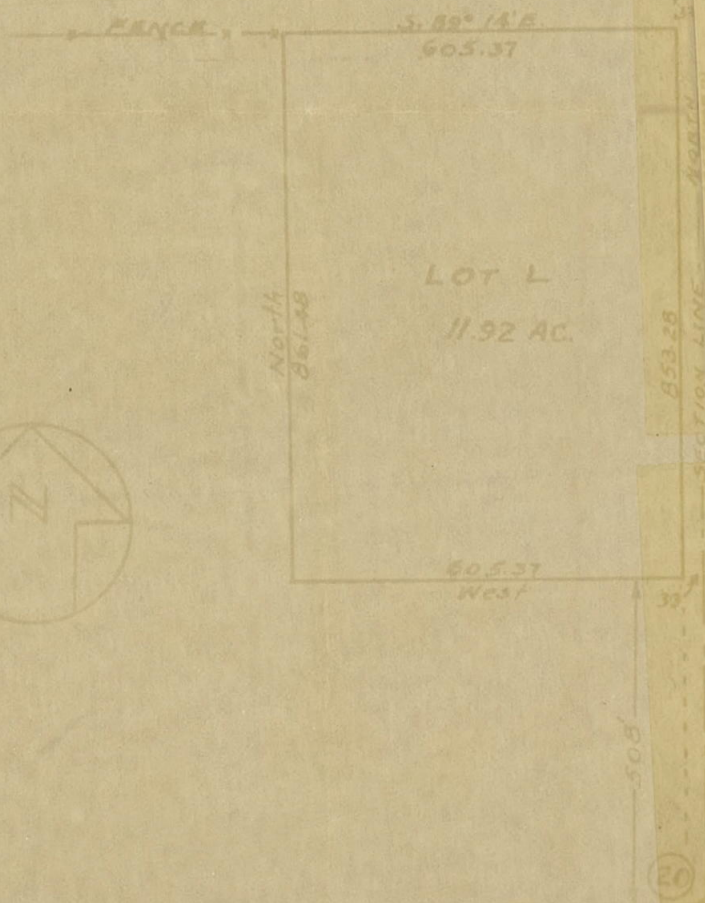
Sincerely,

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

Roger A. Tellinghuisen
Roger A. Tellinghuisen

RAT:dlm
cc: Gregg Dittman

Book 3 Page 105



DITTMAN'S

PLAT OF LOT "L"
IN THE
SE 1/4 SEC. 20, T. 7 N., R. 2 E., B.H.M.
LAWRENCE COUNTY, SOUTH DAKOTA

SCALE: 1" = 300 FT.

2/22/59
County of South Dakota
County of Lawrence
d for record this 17
March 1959 at 10:30 a.m.
H. M. and recorded in Book No. 3
Miller
Recorder of Deeds
Lawrence County, South Dakota
Feb 1 1959

Visited RIGHT
w/r 393-1

can't get