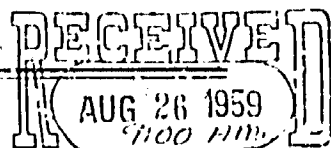


1. Considered _____, 19____
2. Name of Applicant _____
3. Post Office Address _____
4. Amount of water claimed _____
5. Source of water supply _____
6. Water to be used for _____
Acres to be irrigated _____
7. Water to be diverted and used in _____ County about
_____ miles _____ of _____.
8. Proof of Publication Received _____
Not Received _____
9. Application Approved ☒
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

No. 407-1Water Division No. 1

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

District Belle Fourche STATE WATER RESOURCES COM. I.

PIERRE, SOUTH DAKOTA

STOCK A

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

Jerry Lander
dba, Fish 'N Fly

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

1. Name of applicant

Jerry Lander & Patricia R. Lander

Postoffice address

Deerfield, Minn. Co. Lawrence, 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 addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany this 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)

Contract(b) Cash on hand, \$ adequate toaccomplish

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work

Fish 'N Fly Irr. Diversion #2

3. Amount of water claimed

40 gpm cubic feet per second

4. Source of water supply

ground water

5. Location of point of diversion

see attached map

on

bank

County.

6. Annual period or periods during which water is to be used

May to September inclusive

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 (Commercial pond)

(Name any of the above uses claimed)

(b) Amount of power to be generated

horse power.

Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

Map No. 334-1

Location of points of diversion:

Beginning at the section corner common to Sections 17, 18, 19 and 20, T 4 N, R 4 E, BHM, then 1016.8 feet, N $48^{\circ} 13'$ W and 13.5 feet, S $43^{\circ} 17'$ W to a point from which

Well #1 is 3 feet, N $28^{\circ} 58'$ W

Well #2 is 14 feet, N $23^{\circ} 58'$ W, then 2 feet, N $61^{\circ} 02'$ E

Well #3 is 30 feet, N $28^{\circ} 58'$ W then 6.5 feet, N $61^{\circ} 02'$ E

Well #4 is 56 feet, N $28^{\circ} 58'$ W then 4 feet, N $61^{\circ} 02'$ E

8. Estimated cost of work:

(a) Head Gates, \$ _____

(c) Fluming, \$ _____

(e) Other structures _____

(b) Pumping plant, \$ 70.00

(d) Canal earth, \$ _____

4 wells Rock, \$ 21.00Total, \$ 630.00

9. Description of diversion works:

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

each completed well 1210 ft

II. 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 0.12 years.11. Time required for complete application of water to the proposed beneficial use 0.225 years.12. Choice of newspaper for publication of notice of intention to appropriate Deadwood Pioneer Times, Deadwood, S.D.

STATE OF SOUTH DAKOTA

County of _____

I, _____, 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 21st day of Aug. 1927

Notary Public (or other qualified officer.)

Well #1

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 12"-18", Depth 20 ftType of casing Steel
(wood, concrete, steel, etc.)Size of casing 6", Thickness of casing _____Length of casing 20' If collection gallery, length, size and depth of gallery _____

(b) Screens

Type of perforated screen perforated casingSize of perforated screen 6" (diameter), 8' (length)Thickness of gravel pack 3"-6", length of gravel pack _____

(c) Water Bearing Materials

Distance to water 3 ft. Character of water bearing materials _____rock and sandThickness of water bearing material 7-10 ft.

(d) Pump and Motor

Type of pump Centrifugal
(centrifugal, propeller, mixed flow, etc.)Name of pump Montgomery Ward, size 50 gpm 1 1/2" outlet
inletKind of motor electric
(gasoline, electric, diesel, etc.)Horsepower 1/2, Name of Motor Marathon

(e) Complete well

Capacity 10 gpm at drawdown of 10 ft, Estimated cost 140.00(f) Owner of land upon which well is located Jerry Carter Name
Robert Welker
Box 63, near Wt, Deadwood SD. Address

(g) Distance to nearest existing wells

On same owner's property 20 rods. On property owned by others 50 rods

Well #2

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 12" to 18", Depth 20 ft.Type of casing Steel
(wood, concrete, steel, etc.)Size of casing 6", thickness of casing —Length of casing 20 ft. If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen Perforated casingSize of perforated screen 6" (diameter), 8' (length)Thickness of gravel pack 3" to 6", length of gravel pack

(c) Water Bearing Materials

Distance to water 3 ft. Character of water bearing materialsRock and sandThickness of water bearing material 7 to 10 ft.

(d) Pump and Motor

Type of pump Centrifugal
(centrifugal, propeller, mixed flow, etc.)Name of pump Montgomery Ward, size 50 gpm (1 1/4" inlet, 1" outlet)Kind of motor electric
(gasoline, electric, diesel, etc.)Horsepower 1/2, Name of Motor Marathon

(e) Complete well

Capacity 10 gpm at drawdown of 10 ft. Estimated cost 140.00(f) Owner of land upon which well is located Jerry Carter & Robert Norley
NameBox 63, Mammoth, Peabody, S.D.K.
Address

(g) Distance to nearest existing wells

On same owner's property 50 rods. On property owned by others 50 rods

Well #3

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 12" to 18", Depth 20 ftType of casing Steel
(wood, concrete, steel, etc.)Size of casing 6", Thickness of casing —Length of casing 20 ft If collection gallery, length, size and depth of gallery —

(b) Screens

Type of perforated screen Perforated — casingSize of perforated screen 6" (diameter), 8 ft (length)Thickness of gravel pack 3" to 6", length of gravel pack —

(c) Water Bearing Materials

Distance to water 3 ft, Character of water bearing materials Rock and sand——Thickness of water bearing material 7 to 16 ft.

(d) Pump and Motor

Type of pump Centrifugal
(centrifugal, propeller, mixed flow, etc.)Name of pump Montgomery Ward, size 50 gpm (1 1/4" outlet)Kind of motor electric
(gasoline, electric, diesel, etc.)Horsepower 1/2, Name of Motor Marathon

(e) Complete well

Capacity 10 gpm at drawdown of 10 ft., Estimated cost —(f) Owner of land upon which well is located Jerry Carter & Robert Miller
NameBox 63 De Mo Rt Deadwood SD
Address

(g) Distance to nearest existing wells

On same owner's property 20 rods. On property owned by others 80 rods

Well #11

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 12" to 18", Depth 20 ftType of casing Steel
(wood, concrete, steel, etc.)Size of casing 6", Thickness of casing —Length of casing 20 ft If collection gallery, length, size and depth of gallery —

(b) Screens

Type of perforated screen perforated casingSize of perforated screen 6" 8 ft
(diameter) (length)Thickness of gravel pack 3" to 6", length of gravel pack —

(c) Water Bearing Materials

Distance to water 3 ft Character of water bearing materials Rock and sandThickness of water bearing material 7 to 10 ft.

(d) Pump and Motor

Type of pump centrifugal
(centrifugal, propeller, mixed flow, etc.)Name of pump Montgomery Ward, size 30 gpm (1 1/2 inch outlet)Kind of motor electric
(gasoline, electric, diesel, etc.)Horsepower 1/2, Name of Motor Marathon

(e) Complete well

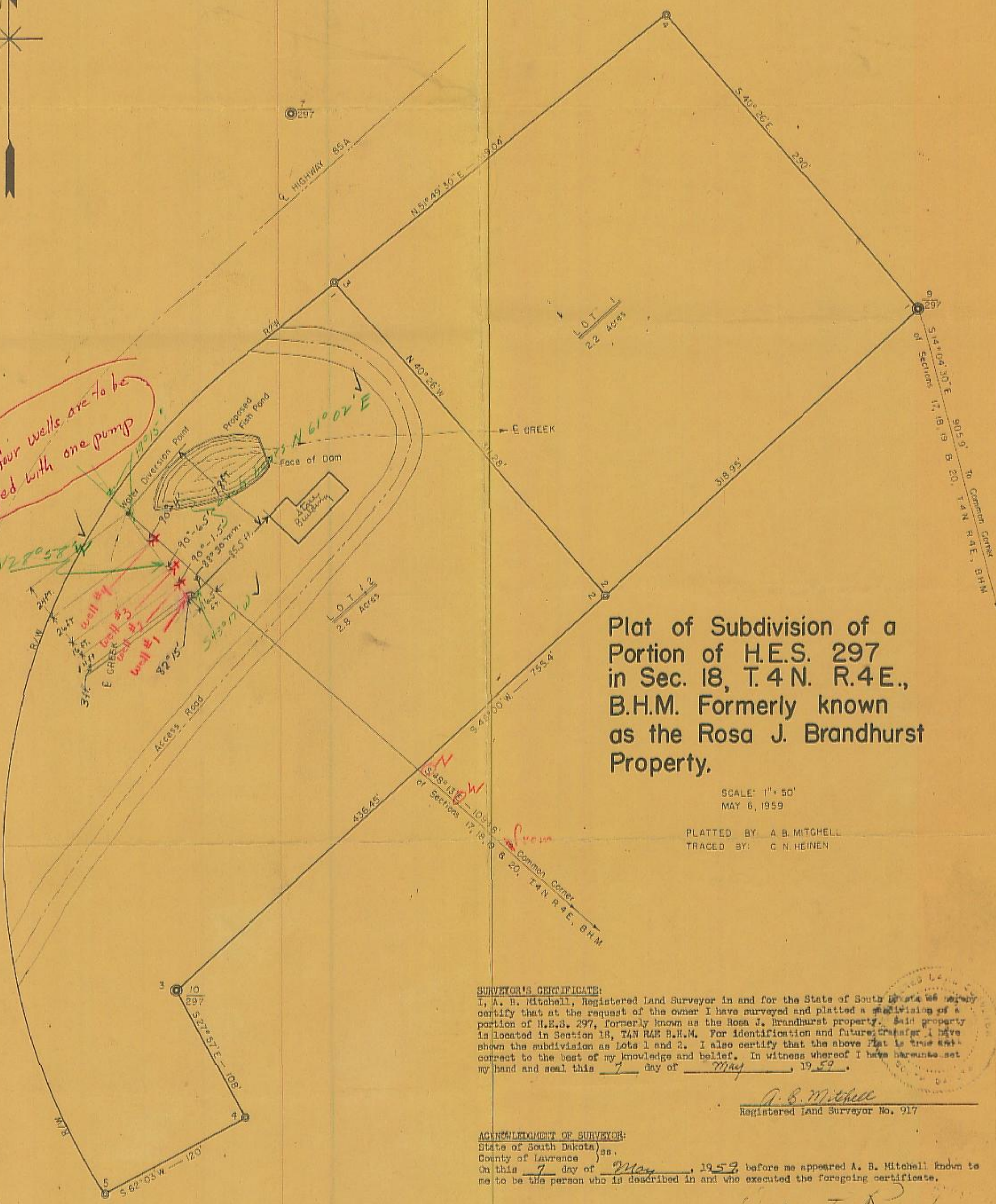
Capacity 10 gpm at drawdown of 10 ft Estimated cost 140.00(f) Owner of land upon which well is located Ferry Center Robert MuellerBox 63, Norma Plc, Leadwood S.P.
Address

(g) Distance to nearest existing wells

On same owner's property 20 rods. On property owned by others 50 rods



these four wells are to be pumped with one pump



Plat of Subdivision of a
Portion of H.E.S. 297
in Sec. 18, T.4 N. R.4 E.,
B.H.M. Formerly known
as the Rosa J. Brandhurst
Property.

SCALE: 1" = 50'
MAY 6, 1959

PLATTED BY: A. B. MITCHELL
TRACED BY: C. N. HEINEN

SURVEYOR'S CERTIFICATE:
I, A. B. Mitchell, Registered Land Surveyor in and for the State of South Dakota do hereby certify that at the request of the owner I have surveyed and platted a subdivision of a portion of H.E.S. 297, formerly known as the Rosa J. Brandhurst property. Said property is located in Section 18, T4N R4E B.H.M. For identification and future transfer I have shown the subdivision as lots 1 and 2. I also certify that the above Plat is true and correct to the best of my knowledge and belief. In witness whereof I have hereunto set my hand and seal this 7 day of May, 1959.

A. B. Mitchell
Registered Land Surveyor No. 917

ACKNOWLEDGMENT OF SURVEYOR:
State of South Dakota) ss.
County of Lawrence)
On this 7 day of May, 1959, before me appeared A. B. Mitchell known to me to be the person who is described in and who executed the foregoing certificate.

William F. Roush
Notary Public

CERTIFICATE OF OWNER
I, _____, owner of the herein platted property, do hereby approve the survey and plat as shown above. Witness my hand this _____ day of _____, 19____.

ACKNOWLEDGMENT OF OWNER
State of South Dakota) ss.
County of Lawrence)
On this _____ day of _____, 19____, before me appeared _____ known to me to be the person who is described in and who executed the foregoing certificate.

Notary Public

CERTIFICATE OF COUNTY TREASURER
I, _____, County Treasurer in and for Lawrence County, South Dakota, do hereby certify that all taxes which are liens upon the tract described and platted above have been fully paid.

Dated this _____ day of _____, 19____.

County Treasurer

Office of Register of Deeds) ss.
Lawrence County, South Dakota)
Filed for record this _____ day of _____, 19____, at _____ o'clock _____ M.
and recorded in Plat Book No. _____ Page _____.
Register of Deeds

MAP NO. 334-1
APPOL'S NO. 386-1
8409-1

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes ss.

Pierre, South Dakota, October 15, 1959

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock
A. m. upon the 26th day of August, 1959.

State Water Resources Commission

By:

J. C. Brunner
Chief Engineer, Executive Officer

Number of permit 407-1

Date of first receipt of application August 26, 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 August 26, 1959

Approved October 7, 1959, Recorded in Book 5 Page 232

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 October 7, 1960

2nd. The whole of said work is to be completed on or before October 7, 1960

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is October 7, 1961

4th. The water appropriated shall be used for the purpose of fish culture (commercial Ponds)

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 .088 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 ~~reduction of crops~~ in the exercise of the best husbandry, and further, said appropriation must be limited to not more than one ~~seventieth (1/70)~~ centieth (1/100) of one cubic foot of water per second of time for each acre of ~~land for which water is~~ actually and beneficially applied ~~for irrigation~~ on or before October 7, 1961; said water to be used during the following described annual period:

May to September inclusive

Witness my hand this 15th day of October, 1959

State Water Resources Commission

By:

J. C. Brunner
Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 13, 1962

Water License Issued SEPTEMBER 13, 1962

STATE OF SOUTH DAKOTA

WATER LICENSE No. 407-1

WHEREAS, On the 26th day of August A. D. 1959

Robert L. and Patricia Noeller

of Deadwood County of Lawrence and State of South Dakota

duly made application (No. 407-1) to us for a permit to use .083

cubic feet per second of the waters of ground water

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

WHEREAS, On the 7th day of October A. D. 1959

Permit No. 407-1 was issued to said applicants for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 7th day of

October A. D. 1960 and for the application to beneficial use of said

water on or before the 7th day of October A. D. 1961 and,

WHEREAS, On the 2nd day of August A. D. 1962

the holder of said permit duly made proof of the completion of adequate works for the diversion of .083

cubic feet per second of said waters, as evidenced by our Certificate No. 407-1

dated September 13, 1962 confirming the completion of works of sufficient capacity for

diverting and conveying to the place of intended use .083 cubic feet per second of water, with date of

priority of August 26, 1959 and,

WHEREAS, On the 2nd day of August A. D. 1962

proof was duly made of the application to beneficial use of .083 cubic feet per second of said water;

for operation of commercial fish ponds and snack shop

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

Robert L. and Patricia Koeller

We hereby grant and confirm to

of Deadwood the holder and owner of said permit No. 407-1

a water right, dating from August 26, 1959 to the use of .038

cubic feet per second of the waters of ground water

In the County of Lawrence and State of South Dakota, or so much thereof as may be

necessray for the purpose; hereinbelow mentioned, to be diverted ~~xxx~~ from four wells all located in

Lot 2, H.E.S. 297, Section 18, T4N, R4E

and conducted to ~~and upon~~ through the fish pond and snack shop distribution system

for the purpose s of fish culture and commercial fishery

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 13th day of September A. D. Nineteen
Sixty-Two
Hundred and

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. GRIMES

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. 407-1

Water Division No. 1 Bella Fourche River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Robert and Patricia Noeller

of Deadwood, County of Lawrence, and State of South Dakota, the holder of Permit No. 407-1, issued upon Application No. 407-1, bearing date of priority of August 26, 1959, authorizing the diversion of .038 cu. ft per second of the waters of ground water County of Lawrence, State of South Dakota, from four wells all located in Lot 2 of H.E.S. 297, Sec. 18, T4N, R4E

for Fish Culture purposes, have 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 .038 cu. ft. per second of water; and that the ~~works proposed to be constructed~~ use of said water are described as follows, to-wit: for operation of a commercial fishery and snack shop.

Witness my hand this 13th day of September A. D. 1962

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. GRIMES

Permit No. 407-1Water Division No. 1 Bele Fourche
River Water District**Certificate of Examination of Works****Report of Examining Engineer**

To the State Water Resource Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated _____

19____, I have this day made a thorough examination of the diversion works constructed by ~~Samuel Carter~~H. Bob Noeller, of Lawrence____ County, South Dakota, holder of Permit No. 407-1, issued
upon Application No. 407-1, bearing date of priority of 8-26, 1959, authorizing the
diversion of 0.088 cu. ft. per second of the waters of Ground Water for Fish Culture
purposes. I have to report on the condition of the same as follows: (Commercial pond)The diversion works comprise: Four wells. All four pumped by one
pump. Montgomery Ward, 50 G.P.M. 1/4" outlet & inlet, electric
1/2 H.P., 345 C.R.M. Ser. # 95F, Mod. # EBN 35214, more than electric motor
Well #1, 20' deep, 20' of 6" gal. casing, 8' of perforated. Well #2, 20' deep
20' of 6" steel casing, 8' of perforated. Well #3, 20' deep, 20' of 6" steel
casing, 8' of it perforated. Well #4, 20' deep, 20' of 6" steel casing, 8' of it perforated
and the system is in the following condition:Good

The point of diversion is located _____

The works are capable of diverting and conveying to the place of use 0.088 cu. ft. per second of water,
which is to be used for Fish Culture (Commercial pond)

The legal sub-divisions to be irrigated are: _____

_____ comprising a total of _____ acres of land.

The domestic use intended comprises _____

The utilization for power, mining, or other beneficial uses comprises: _____

Witness my hand, this 2 day of August, A. D. 1959

—SEAL—

William H. Miller
Examining Engineer.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA,) ss.
COUNTY OF LAWRENCE)

Milton B. Chilcott, of said county and state, being
duly sworn, on his oath says: That the Deadwood Pioneer Times

is a legal newspaper of general circulation, printed and published in Lead, in said county and state, by the Seaton Publishing Company, and has been such a newspaper during the times hereinafter mentioned; and that I,

.....Milton B. Chilcott....., the undersigned, am the
Business Manager of the said newspaper, in charge of the advertising
department thereof, and have personal knowledge of all the facts in this
affidavit, and that the advertisement headed.....

No. 4C7-1

a printed copy of which is hereto attached, was printed in said newspaper for 4 successive and consecutive issues, the respective publi-

cations thereof being made on.....September 10, 1959
and on.....September 17, 1959

..... September 24 1959

..... 19.....

19

115

.....

19

and the last publication thereof on....., 19.....

and that the full amount of fees charged for publishing the same, to wit:

the sum of \$ 232, inures solely to the benefit of aforesaid

and that no arrangement or understanding for a division thereof

with any person other than the publisher, and that no part

has been made with any person other than the publisher, or

thereof has been agreed to be paid to any other person whatsoever.

Milton D. Chilver

and arrived and sworn to before me this 1st

Subscribed and sworn to before me this _____ day of _____, 20____.

day of..... October....., 1959.

Cassidy, A. Marie.

Notary Public, Lawrence County, S. D.

My commission expires.....**April 25**....., 19

No. 401-1

Office of State Water
Resources Commission
Pierre, S. D., Sept. 2, 1959

Notice is hereby given that Jerry Carter and Robert Nodler with postoffice address in Nemo Rte. Edgewood, S. 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 0.088 cubic feet of water per second of time from ground water through the Fish & Game Division No. 12 then four points of diversion of which two are located in Lot 2 of a portion of H.E.S. 297 of Section 18, T4N, R4E, B.H.M., Range 4E. Said water to be used for non-consumptive use for fish culture (commercial fish pond) located in Lot 2 of a portion of H.E.S. 297 in Sec. 18, T4N, R4E, B.H.M., formerly known as the Rosa J. Brandhurst property.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 7th day of October, 1959, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken if the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

STATE WATER
RESOURCES COMMISSION
By Les Wyborn,
Water Rights Engineer
Sept. 10-17-22
Oct. 1

RECEIVED
OCT 7 - 1959
STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

(First Publication before September 11, 1959)**APPROPRIATION OF WATER**

Office of State Water Resources Commission,

Pierre, S. Dak., September 2, 1959

Notice is hereby given that Jerry Carter and Robert Noeller whose postoffice address is Nemo Rte., Deadwood S. 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 0.088

cubic feet of water per second of time from xx ground water through the Fish 'N Fry Inn for are Diversion #2 the point of diversion of which x to be located xx in Lot 2 of a portion of H.E.S. 297 of Section 18

Twp. 4N Range 4 E Said water to be used for non-consumptive use for fish cultura (commercial fish pond) located in pt 2, of a portion of H.E.S. 297 in Sec. 18, T 4 N, R 4 E, B.H.M., formerly known as the Rosa J. Brandhurst property.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 7th day of October, 1959, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

Les Wyborny, Water Rights Engineer

cc M. B. Chilcott, Manager
The Deadwood Pioneer Times
Deadwood, South Dakota

407-1

Form 20.

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Resources Commission
State Office Building Rm. 2
Pierre, South Dakota 57501

Date August 25, 1970

This is to notify you that title to the lands described as follows:
Lot 2 of H.E.S., 297, in Section 18, T4N, R4E

formerly owned by Robert and Patricia Noeller

has been transferred to R.E. Rau

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 407-1 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Resources Commission as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA)
County of Lawrence) ss.

I, Reinold E. Rau being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

R. E. Rau
(Signed)

Suscribed and sworn to before me this 10th day of September, 1970

RAIPH M. TYSDAL, Notary Public
My Commission expires February 6, 1978

Ralph M. Tysdal
(Notary Public)

RECEIVED
SEP 11 1970

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Water Rights Division (605) 773-3352

July 23, 1981

Fish 'N Fry
& Jerry Loader
Nemo Route
Deadwood, SD 57732

Dear Mr. Loader:

This letter is in regard to our telephone conversation of July 22, 1981. Enclosed please find two "Notice of Transfer" forms to transfer Water Right No. 386-1 in the name of Jerry P Carter & Robert L Noeller, dba Fish 'N Fry, and Water Right No. 407-1 in the name of R.E. Rau, dba Fish 'N Fry.

These transfer forms should be checked over, dated, signed and notarized before returning them to this office with the required filing fee of \$2.50 each (total of \$5.00). The Water Rights will then be transferred to you. From our telephone conversation, I assumed that you have sole interest in the campground and Mr. Carter and Mr. Noeller (Water Right No. 386-1) no longer own any of the campground. If this is not correct, please indicate this on the transfer form and do not complete that particular form.

Enclosed are copies of the water rights being transferred and a copy of our Rules and Regulations, for your information.

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

Sincerely,

Genny Young
Staff Assistant

gy

encl: two transfer forms
copies of water rights
general rules and regulations

Water Rights Division
(605) 773-3352

SECOND NOTICE

386-1 & 407-1

September 14, 1981

Fish 'N Fry
% Jerry Loader
Nemo Route
Deadwood, SD 57732

Dear Mr. Loader:

On July 23, 1981 notice was sent to you concerning the transfer of Water License No. 386-1 in the name of Jerry P Carter and Robert L Noeller, dba Fish 'N Fry, and Water License No. 407-1 in the name of R E Rau, dba, Fish 'N Fry. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed please find an additional set of forms. Please sign, have notarized, and return the forms to this office with the required filing fee of \$2.50 each (total of \$5.00). The Water Rights can then be transferred to your name. As stated in our previous letter to you, we assumed that Jerry Carter and Robert Noeller (Water Right No. 386-1) no longer own interest in the campground. If they still do own part of it, do not complete the transfer form for 386-1, but indicate on it that they do own part of the campground.

If you have any questions, please contact this office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH/GY/gg

encl

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

NO 4 8472

September 23, 1981

PIERRE,

RECEIVED OF Jerry Leader, Fish N Fry, Memo Rt., Deadwood, SD 57732

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)

Fee for inspecting Construction, and Issuing Cert. of Construction No.

Fee for inspecting Beneficial Use, and Issuing Water License No.

Fee for issuing Location Certificate-Dry Draw. No.

Fee for filing transfer of WR# 407-1

Fee for certified copy of

Fee for Print copy of map

Fee for Certifying

Fee for (any other work as provided by law)

2. 50

TOTAL

2. 50

WATER RIGHTS COMMISSION

By

(John Hatch)

Chief Engineer, Executive Officer
JOHN HATCH / (bt)

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 11/2/84

commercial operation known as Fish 'N Fry (see water right for description)

has been transferred to Jerry Loader, dba Fish 'N Fry, Nemo Route, Deadwood, SD 57732

Water Right Permit No. 407-1 as provided for in SDCL 46-5-32 and 46-5-33.

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

1, Jerry R. Leader being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

(Signed)

Subscribed and sworn to before me this 17th Day of September, 1991.

(Notary Public)

WNR-820-1/75
Notice of Transfer of Water Permit

Water Rights Division
(605) 773-3352

386-1
407-1

September 23, 1981

Jerry Loader
Fish 'N Fry Inn
Nemo Route
Deadwood, SD 57732

Mr. Loader:

Enclosed please find receipt nos. 4 8472 and 4 8473 in the amounts of \$2.50 each for which you paid for the transfer of Water Right Nos. 386-1 and 407-1. Our records now show you as the owner of these water rights.

If you have any questions, please contact this office. Thank you for your prompt attention to our letter of September 14.

Sincerely,

GEMMY YOUNG
Staff Assistant

GY

encl

Permit No. 407-1

Water District: Belle Fourche River

Report Of Examination Of Works And/Or Application of Water To Beneficial Use:

I have this day made a thorough examination of the water use system owned by Fish 'N' Fry
c/o Randy Havlik of HC 73, Box 80, Deadwood, SD 57732 previous holder of Permit No. 407-1,
bearing the priority of August 26, 1959 authorizing the diversion of 0.088 cu.ft. per
second of groundwater for use in a camp ground and in the store, in Lawrence County.
I have to report on the conditions of the same as follows:

A. Works used to divert the water:

Two identical submersible pumps, each 20 gallons per minute capacity.

Two identical submersible motors, 1 horse power.

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

Approximately 53 feet of 1 1/4 inch rubber pipe.

C. Works used to apply water to beneficial use:

Water is used for drinking and culinary purposes in a camp ground and in the store.

The system is in the following conditions: Very good. The point of diversion is
located: Well #1: Approximately 700 feet west, 720 feet north from the Southeast corner of
Section 18, T4N-R4E. Well #2: About 495 feet west, 1040 feet north from the Southeast
corner of Section 18, T4N-R4E.

The works are capable of diverting and conveying to the place of use 0.088 cu.ft. per
second of groundwater which is used for water use in a camp ground.

The license should be issued for 0.088 cfs. Application permit qualifications have been
complied with Yes Yes No

Exceptions to compliance are: None

Date: 6/30/93

M. RASSOOL AHADI

Natural Resources Engineer III

DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NUMBER 407-1

DATE 6/30/93

Other permit(s) associated with the project 386-1

DIVERSION POINT LEGAL LOCATION: SE1/4 SE1/4 Section 18, T4N-R4E

WELL INFORMATION: Well Drilling Firm Unknown

- a) **Pump** 1) make Submersible No. of Wells 2 Depth(s) 26 feet
2) model c) **Casing:** 1) diameter 8 inches
3) size inches 2) length 20 feet
4) capacity 20 GPM 3) type Polyvinyl Chloride
5) turbine pump - No. of stages d) **Screen:** 1) type PVC
6) operating pressure PSI 2) length 6 feet
- b) **Motor:** 1) make Submersible e) Static Water Level 8 feet
2) model No.
3) horsepower rating 1 HP

DISTRIBUTION LINES OR CANALS:

- a) type Rubber b) size 1 1/4 inches c) length 53^{**} feet

**** both wells are 26 feet deep with two identical pumps. Water from both well is pumped in an 80 gallon pressure tank.**

PERMIT QUALIFICATIONS AND REGULATIONS:

- a) Soil and water permit lands agree with lands being irrigated and lands listed on permit NA (Y/N)
b) Special qualifications to permit being abided by Y (Y/N)
c) All structures, wells and lands on map Y (Y/N)
d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA (Y/N)

REPORT ON INSPECTION OF PERMIT NUMBER 386-1

DATE 6/30/93

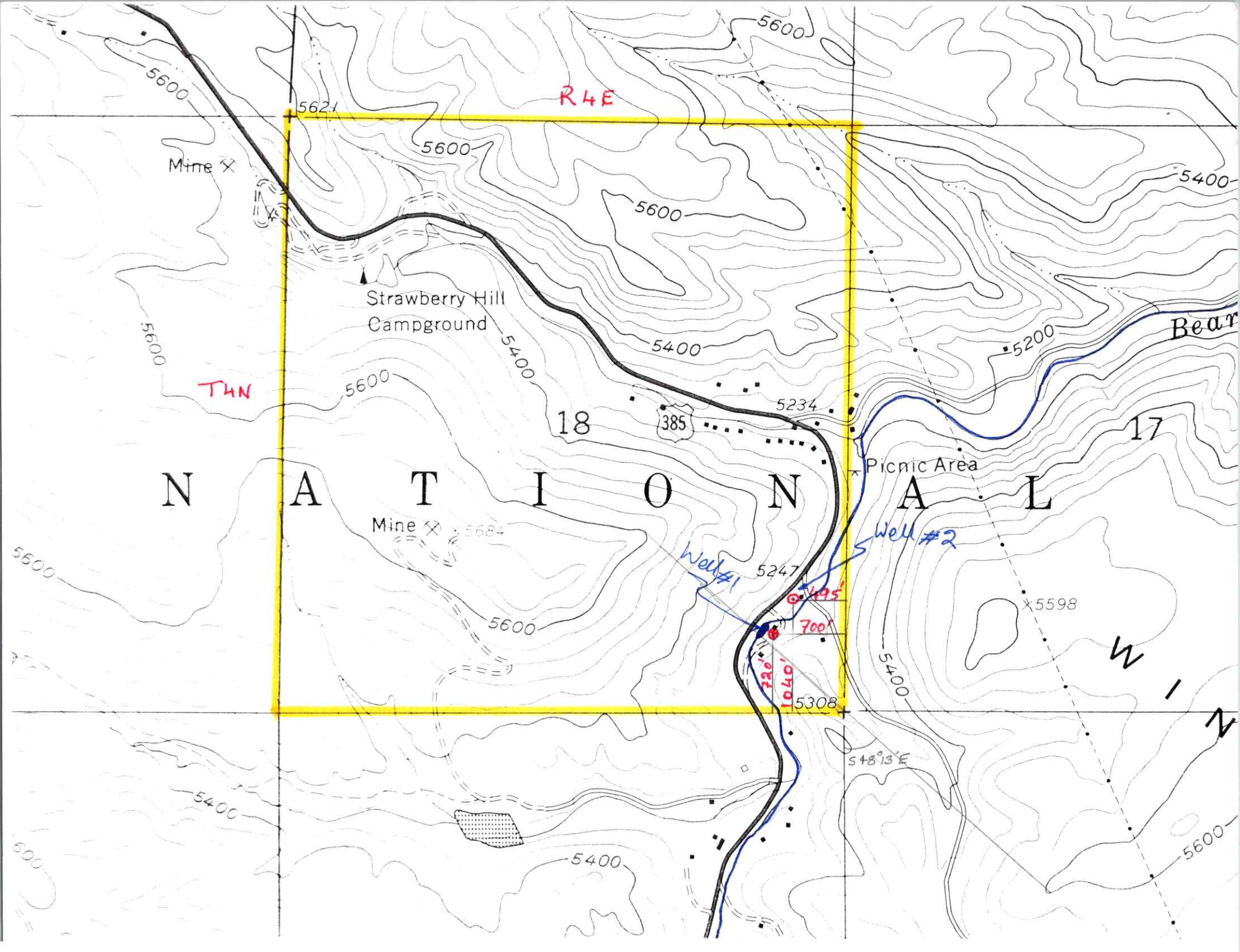
Other permit(s) associated with the project 407-1

DAM INFORMATION:

- | | |
|---|--|
| a) height to crest <u>7</u> feet | k) <u>outlet tubes:</u> |
| b) height to primary spillway <u>5</u> feet | 1) diameter inches |
| c) height to secondary spillway <u> </u> feet | 2) type |
| d) crest width <u>5</u> feet | 3) valved (Y/N) |
| e) crest length <u>25</u> feet | 4) valve type |
| f) spillway length <u>10</u> feet | 5) location on structure |
| g) spillway width <u>2</u> feet | |
| h) approximate storage <u>0.2</u> ac-ft | |
| i) approximate storage to crest <u>0.25</u> ac-ft | |
| j) date constructed <u>Unknown</u> | 1) category of dam <u>III</u> (I,II,III) |
| | m) inspection sheet completed <u>N</u> (Y/N) |
| | n) name of contractor: <u>Unknown</u> |

PERMIT QUALIFICATIONS AND REGULATIONS:

- a) Soil and water permit lands agree with lands being irrigated and lands listed on permit NA (Y/N)
- b) Special qualifications to permit being abided by Y (Y/N)
- c) All structures, wells and lands on map Y (Y/N)
- d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA (Y/N)



WATER USE FOR 1990

386-1

JERRY LOADER
FISH N' FRY INN
NEMO RT. BOX 63
DEADWOOD, SD 57732

THEY SOUP IT TO US IN
1986.



SOURCE OF WATER (PLEASE CHECK):

GROUND WATER _____, NUMBER AND DEPTH OF WELLS X

2 = 45'

SURFACE WATER _____, NAME OF STREAM OR LAKE _____

TYPE OF WATER USE (PLEASE CHECK):

INDUSTRIAL _____ COMMERCIAL X INSTITUTIONAL _____

GEOTHERMAL _____ POWER _____ MINING _____

ESTIMATED TOTAL 1990 WATER USE 90,000 GALLONS

NAME OF CONTACT PERSON Jim Phillips

TELEPHONE NO. 605-578-2150 (Disconnected as of 10-22-91)

ADDRESS CORRECTION _____

39 Washington Ave
Deadwood SD 57732

DRILLER'S LOG OF WELL

Location of Well: _____ 1/4, _____ 1/4, Section 18, Township 4N, Range 4E
Well to be drilled for: (Zink + Fry) R.C. Rau
(Name) (Address)
Owner of land (if other than above): _____
(Name) (Address)
Date well drilling started July 10, 1972 finished July 13, 1972
Purpose of well Domestic
(domestic, irrigation, municipal, industrial, other)

Diameter	
<u>6"</u>	
inches	
<u>28'</u>	Ground Surface Elevation: _____ (If Available)
Feet	Kind and thickness of casing to be installed: <u>6" steel 14' of 6"</u>
Feet	<u>steel rest is solid Rock.</u>
Feet	Describe kind of materials drilled through (add layers on back of form if necessary)
Feet	Size of casing to be installed:
Feet	_____ feet of _____ inches diameter
Feet	_____ feet of _____ inches diameter
Feet	_____ feet of _____ inches diameter
Feet	Type of Seal between casing sizes:
Feet	_____
Feet	_____
Feet	Kind of perforated screen to be installed:
Feet	Material _____ (steel, wood, concrete, etc.)
Feet	Size of Screen:
Feet	Diameter _____ inches
Feet	Length _____ feet
Feet	Size openings _____ inches
Feet	Water bearing material
Feet	Depth below ground surface to which water rises
Feet	in well <u>3</u> feet.



