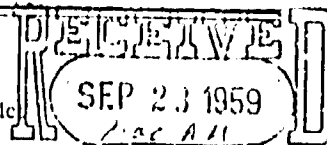


No. 4-21-1Water Division No. 1 Belle Fourche River District
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant DUTTON & VOLLETTE (Lee Dutton & Robert S. Vollette)
Postoffice address VALE, County BUTTE, State S.D.

I. If a corporation X X X X
(a) Name of same X X X X
(b) Date and place of incorporation X X X X
(c) Amount of capital stock X X X X
(d) Amount paid in X X X X
(e) Names and addresses of directors X X X X

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

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

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

X X(b) Cash on hand, \$ X X (c) Treasury stock, \$ X X(d) Bonds to be issued, \$ X X (e) Other resources, \$ X X2. Name of diversion work THE DUTTON-VOLLETTE IRRIGATION PROJECT.3. Amount of water claimed 2.8 cubic feet per second 2970 GPM.4. Source of water supply Belle Fourche RiverFrom 800 feet from the N. E. Cor. Sec. 20, T.8, R.7 E-BHM to a point

500 feet from the NE Cor. Sec. 20, T.8 N., R.7 E-BHM

on Both bank Butte County.6. Annual period or periods during which water is to be used April 1st to Nov. 30th.

7. To be used for

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity(a) Number of acres to be irrigated 463 acres.

(b) Land to be irrigated

NW-NE-31, NE-NW-37 Ac., SE-NW-12 Ac. Sec. 20, T.8 N., R.7 E-BHM 80 Ac.SE-NE-12 Ac., NW-SE-34 Ac., SE-SE-39 Ac., NW-SE-39 Ac. NE-SE-39 Ac.SW-SE-46 Ac., SE-SE-35 Ac., Sec. 21, T.8 N., R.7 E-BHM 240 Ac.NW-NW-33 Ac., NE-NW-38 Ac., NW-NE-37 Ac., NE-NE-35 Ac., Sec. 28 143 Ac.
Total 463 Ac.(b) Amount of power to be generated None horse power.Amount claimed for engine cooling None(c) Location of plant None(d) Method of developing power None(e) Point where water will be returned to stream X X

8. Estimated cost of work: **1- 8-dp Rainmaster Pump Trailer Mtd. Est.**
(a) Head Gates, \$..... **With equipment** (b) Pumping plant, \$..... **1000.00**
(c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
(e) Other structures \$..... Total, \$.....

9. Description of diversion works:

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

~~Pumping from river into ditches~~

II. Dimensions of works:

- (a) Dam: Height.....feet; length at bottomfeet; length at topfeet; thickness at bottomfeet; thickness at topfeet; slope at front water face; slope at back face
material used in construction
- (b) Reservoir: Capacity when filledacre 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 lengthmiles.

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 **4** years.

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

Helle Fourche Daily Post, Helle Fourche, So. Dak.

STATE OF SOUTH DAKOTA

County of **Butte**

ss.

I, **Buttton A. Follette by Robt. S. Follette**, 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 **Attest: Robert S. Follette**

Subscribed and sworn to before me this **12th** day of **September** 19.. **59**

Carl E. Cornell

Notary Public (or **Notary Public**)

*Each diversion must have a headgate or measuring device.

My Commission expires 4/18/67

THE DUTTON-FOLLETT IRRIGATION PROJECT, Sec.s 20, 21 & 22,
T. 8 N. R. 7 E-BHM, Butte County, South Dakota.

Scale 1 inch = 660 feet.
8 inches = 1 mile.

- SURVEYOR'S CERTIFICATE -

I, Earl W. Cornell, Licensed Surveyor, in and for the State of South Dakota, do hereby certify that at the request of Dutton & Follisette (Lesa Dutton & Roberts S. Follisette) I have made a survey and prepared this plat for the purpose of showing the irrigable area which is embraced in their "Application for a Permit to Appropriate Water for Irrigation purposes," from the Fells Fourche River, of which application, this plat is a part.

I further certify that the lengths and bearings of the several lines shown and their location, with reference to the Government Land Cebbers shown, are correct, to the best of my knowledge and belief.

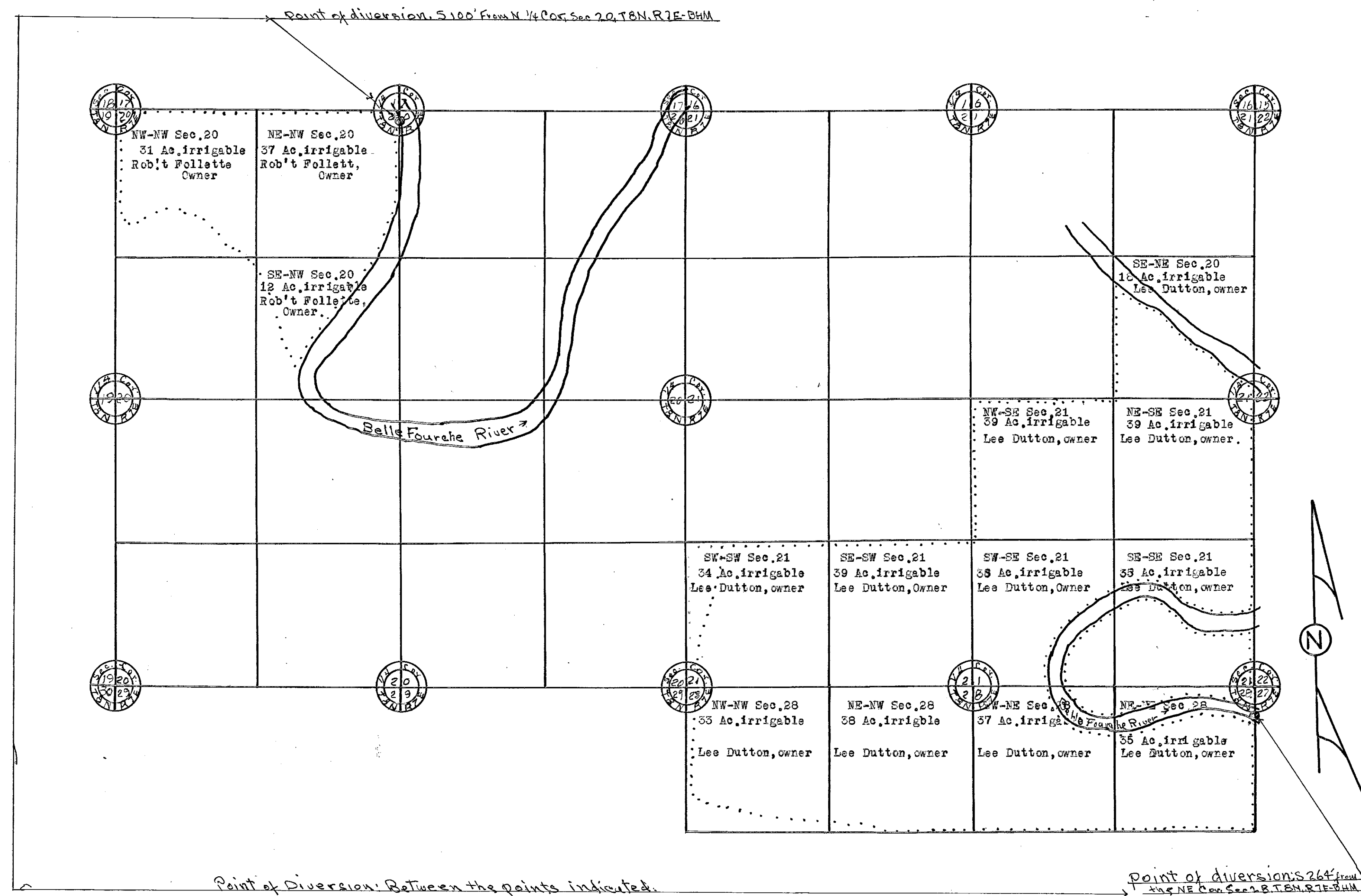
Subscribed and sworn to at Buffalo, South Dakota this 15th day of September 1959.

Carl M. Cornell, Licensed Surveyor
No. 144. SEAL

Subscribed and sworn to before me at Buffalo, South Dakota this 15th day of September 1959.

My Commission expires 4 - 4 1966.

Florence Gunderson
Notary Public (SEAL)
FLORENCE GUNDERSON



Map No 367-1
(App/ No 421-1)

Remarks by State Water Resources Commission:

Year use of the waters under this permit is
contingent upon supplies being available to prior
water rights.

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, December 9, 1959

This is to certify that the foregoing application was received by the Commission at 4:00 o'clock
A. m. upon the 23rd day of September, 1959

State Water Resources Commission

By: Geo. B. Smith
Chief Engineer, Executive Officer

Number of permit 421-1

Date of first receipt of application September 23, 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 September 23, 1959

Approved December 2, 1959, Recorded in Book 5 Page 275

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 _____

June 2, 1962

2nd. The whole of said work is to be completed on or before December 2, 1964

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

December 2, 1968

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

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 6.6 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 December 2, 1968; said water to be used during the following described annual period:

April to November, inclusive

Witness my hand this 9th day of December, 1959

State Water Resources Commission

By: Geo. B. Smith
Chief Engineer, Executive Officer

Certificate of Construction Issued

JUNE 2, 1967

Water License Issued

JUNE 2, 1967

STATE OF SOUTH DAKOTA

WATER LICENSE No. 421-1

WHEREAS, On the 23rd day of September A. D. 1959
Dutton and Follette

of Vale County of Butte and State of
South Dakota duly made application (No. 421-1) to us for a permit to use 6.6
cubic feet per second of the waters of the Belle Fourche River
County of Butte, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 9th day of December A. D. 1959
Permit No. 421-1 was issued to said applicant for the diversion of said water, and providing for the
completion of the works of diversion therein described on or before the 2nd day of
December A. D. 1964 and for the application to beneficial use of said
water on or before the 2nd day of December A. D. 1968
and,

WHEREAS, the permit was transferred to Lee Dutton; and

WHEREAS, On the 24th day of April A. D. 1967
the holder of said permit duly made proof of the completion of adequate works for the diversion of 6.5
cubic feet per second of said waters, as evidenced by our Certificate No. 421-1
dated June 2, 1967 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 6.5 cubic feet per second of water, with date of
priority of September 23, 1959 and,

WHEREAS, On the 24th day of April A. D. 1967
proof was duly made of the application to beneficial use of 2.5 cubic feet per second of said water;
for irrigating 175 acres in portions of Section 21 and Section 28, T8N, R7E

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 Lee Eutton

of Vale the holder and owner of said permit No. 421-1

a water right, dating from September 23, 1959 to the use of 2.5

cubic feet per second of the waters of the Belle Fourche River

in the County of Butte and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted ~~at~~ between a point in the NE 1/4

Section 20, and a point in the NE 1/4 Section 28, T8N, R7E

and conducted to and upon portions of Sections 21 and 28, T8N, R7E more specifically de-
scribed in the Certificate of Completion of Works

for the purpose of irrigation

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 June A. D. Nineteen
Hundred and Sixty-Seven

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 _____

Reverted _____

in Book _____ of _____ Page _____

Permit No. 421-1

Water Division No. 1 Belle Fourche River
Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify That Lee Dutton

of Vale, County of Butte, and State of South Dakota, the holder of Permit No. 421-1, issued upon Application No. 421-1, bearing date of priority of September 23, 1959, authorizing the diversion of 6.5 cu. ft. per second of the waters of the Belle Fourche River County of Butte, State of South Dakota, ~~xx~~ between a point in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20 and a point in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28, T8N, R7E for irrigation

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 6.5 cu. ft. per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: All in T8N, R7E

Section 21	SE$\frac{1}{4}$ SW$\frac{1}{4}$	39 acres
	NW$\frac{1}{4}$ SE$\frac{1}{4}$	18 "
	NE$\frac{1}{4}$ SE$\frac{1}{4}$	26 "
	SW$\frac{1}{4}$ SE$\frac{1}{4}$	36 "
	SE$\frac{1}{4}$ SE$\frac{1}{4}$	35 "
Section 28	NE$\frac{1}{4}$ NW$\frac{1}{4}$	3 "
	NW$\frac{1}{4}$ NE$\frac{1}{4}$	18 "
	Total -	175 "

Witness my hand this 2nd day of June A. D. 19 67

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE

Permit No. 421-1Water Division No. 1Belle Fourche River

Water District

Certificate of Examination of Works

Report of Examining Engineer

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

Dear Sirs: I hereby certify that ~~in accordance with your letter of authorization dated~~ 1957, I have ~~thoroughly~~ made a thorough examination of the diversion works constructed by Lee Dutton of Volle Bottle County, South Dakota, holder of Permit No. 421-1, issued upon Application No. 421-1, bearing date of priority of September 23, 1957, authorizing the diversion of 6.6 cu. ft. per second of the waters of Belle Fourche River for irrigation purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Two pumps - Bonmaster Model SDR, 8" x 10" 1300 gpm, Cornell Rainflow, mod. W-25-6, 8" x 10" 1600 gpm, Model SDR powered by P-2 cts, mod. W-25-6 powered by 25 HP, 6.5 electric motor, mod. P4 1094 510' of 10" pipe and two miles of ditch, approx. size 2' x 2' and the system is in the following condition: Good

The point of diversion is located as shown by water right map 367-1

The works are capable of diverting and conveying to the place of use 6 1/2 cu. ft. per second of water, which is to be used for irrigation

The legal sub-divisions to be irrigated are: Section 21, T8N, R7E

<u>Sec 20 T8N, R7E</u>	<u>SE 1/4 SW 1/4 39 Ac</u>	<u>SW 1/4 SE 1/4 36 Ac</u>
<u>NE 1/4 NW 1/4 3 Ac</u>	<u>NW 1/4 SE 1/4 18 Ac</u>	<u>SE 1/4 SE 1/4 35 Ac</u>
<u>NW 1/4 NE 1/4 18 Ac</u>	<u>NE 1/4 SE 1/4 26 Ac</u>	

comprising a total of 175 acres of land.

The domestic use intended comprises

Incidental livestock watering

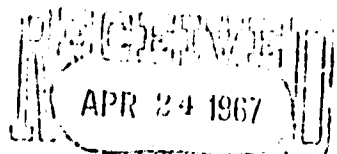
The utilization for power, mining, or other beneficial uses comprises:

Witness my hand, this 21th day of April, A. D. 1961.

—SEAL—

Donald D. Russell
Examining Engineer.

Deputy Chief Engineer
Water Resources Commission

Location No. 421-1Water Division No. 1 Belle Fourche River Water DistrictSTATE WATER RESOURCES COMMISSION
PLUM BLISS, S.D.

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. LEE DUTTON, RANCHER
VALE S.D.

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

Ans. _____

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

Ans. SEPT 23, 1959

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

Ans. Belle Fourche River - As shown on
water right map NO 367-1

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. Two pumps, 570 feet of 10" pipe
capable of pumping 3000 gpm - Compl. 7.6
in 1961

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. Used for irrigation. About 130
acres in SE 1/4 & SE 1/4 section 26,
T6N R7E

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

Ans. _____

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

Ans. 2 c.f.s

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. Every year since 1961

(Sign) Lee Dutton

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 Wali, County of Battle, State of South Dakota, on this 14 day of April, A. D. 1967.

Witnesses.

Bernie E. Hawk

Wali Township Clerk
Term expires March 1968

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.

Charley Grant

Henry Miller

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 _____

(First Publication before October 28, 1959.)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., October 13, 1959

Notice is hereby given that Dutton & Follette whose postoffice address is Vale 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 6.6 cubic feet of water per second of time from the Belle Fourche River through the Dutton-Follette Irrigation System the point of diversion of which is to be located on both between a point in the NE 1/4 NW 1/4, Sec. 20 and a point in the NE 1/4 of the NE 1/4 of Section 28 of said stream in the NE 1/4 of the NE 1/4 of Section 28

Twp. 8 N Range 7 E Said water to be used for the purpose of providing irrigation on the following described land:

and
NW 1/4 Sec. 20, S 1/2 SW 1/4 SE 1/4 of the SE 1/4 NE 1/4, Sec. 21 N 1/2 NE 1/4 and N 1/2 NE 1/4, Sec. 28, T 8 N, R 7 E

and for stockwater purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 2nd day of December, 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:

~~XXXXXXXXXXXXXXXXXXXX~~
 Burton F. Jones, Water Rights Specialist

cc Lawrence Weyler, Publisher
 Belle Fourche Post
 Belle Fourche, S.D.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Butte }

Laurence Weyler being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the The Daily Belle Fourche Post a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the city of Belle Fourche County of Butte and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Oct. 22, 1959

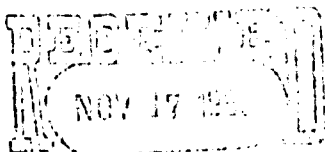
Oct. 30, 1959

Nov. 6, 1959

Nov. 13, 1959

in each and every issue of the full number thereof, the first publication being made on the 23 day of Oct. 1959 and the last publication on the 13 day of Nov. 1959 upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was owner, printer and publisher of the said newspaper.

Subscribed and sworn to before me this 13 day of Nov. A. D. 1959



STATE WATER RESOURCES COMMISSION
PIERRE, S.D.

APPROPRIATION OF WATER

Office of State Water Resources Commission
Pierre, S. Dak.
October 13, 1959

Notice is hereby given that Dutton & Pollette whose post-office address is Vaie, 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 6.6 cubic feet of water per second of time from the Belle Fourche River through the Dutton-Pollette Irrigation System, at the point of diversion of which is to be located on both banks of said stream between a point in the NW 1/4 Sec. 20 and a point in the NE 1/4 of the NW 1/4 of Section 20 Twp. 6N Range 1E. Said water to be used for the purpose of providing irrigation on the following described land: NW 1/4 Sec. 20, S 1/2 Sec. 21, S 1/2 Sec. 22, S 1/2 Sec. 23, S 1/2 Sec. 24, S 1/2 Sec. 25, S 1/2 Sec. 26, S 1/2 Sec. 27, S 1/2 Sec. 28, T 8 N, R 7 E and for stockwater purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 2nd day of December, 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: Lorton F. Jones,
Water Rights Specialist
At 10/25-29 11/6-13

Notary Public, Butte County, S.D.
My Commission Expires Sept. 29, 1964

September 23, 1961

Dutton and Follette
Vale, South Dakota

Dear Sirs:

Reference is made to Mr. Trenk's order, as watermaster, to you dated August 26, 1961, restricting your irrigation pumping from the Belle Fourche River.

Inspection now indicates that there is more than ample flow in the Belle Fourche River, between the Irrigation Diversion Dam near Belle Fourche city and the mouth of the Belle Fourche River, to supply domestic, including stockwater, requirements.

Therefore the restrictions as to irrigation pumping contained in the August 31, 1961 letter is hereby rescinded.

Please bear in mind that this does not permit you in anyway to divert all of the flow of the river and any irrigation withdrawals you might make, must allow sufficient water to by-pass your diversion point to supply downstream domestic, including stockwater, and prior water right use.

Sincerely,

J.W. GRIMES
Executive Officer and
Chief Engineer

JWG:DD:bw

SOUTH DAKOTA
State Water Resources Commission

STATE OFFICE BUILDING
PIERRE, SOUTH DAKOTA
March 28, 1962

Follette Brothers
Barton and Follette
vale, South Dakota

Dear Sirs:

This is to inform you that a public hearing pertaining to Water Use Control Area No. 1, will be held in the Nisland City Hall starting at 10:00 A.M. on Friday, April 13, 1962.

One purpose of the hearing is to consider if the services of a Watermaster should be continued or discontinued during the 1962 irrigation season.

Other matters pertaining to Water Use Control Area No. 1 will also be discussed.

You as holder of Water Right No. h21-3 are within the boundaries of Water Use Control Area No. 1. In 1961, you were assessed a fee of Ten Dollars for each cubic feet per second of your irrigation diversion rate plus twenty-five cents for each acre irrigated under your Water Right. This fee was used in paying for the services of a Watermaster during the 1961 irrigation season.

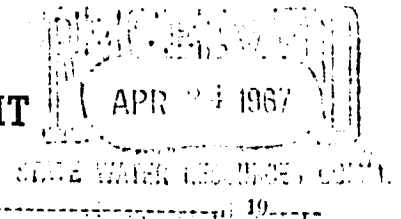
For your information, the area within Water Use Control Area No. 1 is as follows:

"Those areas irrigated with water obtained from (1) the reach of the Belle Fourche River between a point in the NW $\frac{1}{4}$, Section 2, T 8N, R2E, immediately downstream from the Belle Fourche Project Diversion Dam and the point where said Belle Fourche River crosses the Southern boundary of Butte County, South Dakota, in the SW $\frac{1}{4}$, Section 35, T 8N, R 7E, (2) the reach of Cottonwood Creek between the point said Creek enters Butte County, South Dakota, in the SW $\frac{1}{4}$, Section 31, T 8N, R 5E, and the confluence of said Cottonwood Creek with the Belle Fourche River in the NW $\frac{1}{4}$, Section 28, T 8N, R 6E, (3) the reach of Owl Creek between a point in the NE $\frac{1}{4}$, Section 19, T 9N, R 1E, immediately downstream from the Belle Fourche (Orman) Dam and the confluence of said Owl Creek with the Belle Fourche River in N $\frac{1}{2}$, Section 11, T 8N, R 5E, and (4) the reach of Horse Creek between the point of confluence of Indian Creek and Horse Creek in the NW $\frac{1}{4}$, Section 27, T 9N, R 5E, and the confluence of said Horse Creek with the Belle Fourche River in the SW $\frac{1}{4}$, Section 18, T 8N, R 7E".

Sincerely,

J. W. Grimes
J. W. GRIMES
Chief Engineer and
Executive Officer

NOTICE OF TRANSFER OF WATER PERMIT



TO: Office of State Water Resources Commission
Pierre, South Dakota

This is to notify you that

Robert S Follette

a partnership in

who previously owned the land described below has sold his interests to

LCC Dutton

together with any rights to the beneficial use of water thereon as evidenced by State Water Permit No. 421-1
and as provided for in section 61.0141 of the SDC of 1939 and elsewhere

Water right 421-1 should be in name of
LCC Dutton only

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 55.1806 of the SDC of 1939.

STATE OF SOUTH DAKOTA

County of

Butte

ss.

I, LCC Dutton

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

LCC Dutton

Subscribed and sworn to before me this

14

day of

April

1967

Notary Public

Bessie E. Hawk

Notary Public

Term expires March 1968

SEE MR. STARK.

INSPECTION SHOULD BE
MADE OF FOLLETTE
ACREAGE UNDER
PERMIT NO 421-1 AND
SEPARATE W/L ISSUED FOR
THIS PORTION -

June 26, 1931 By J. J. McManis
H. H. H. The permit was issued for 20
acres under 21 and 28.

At 11:20 AM the 20 acres
stake was set and the permit
but was not licensed June 26, 1931

It appeared that the 20 acres was
by the 20 acres was not in the permit.
The 20 acres of the 20 acres of
in 1931 when it was licensed.

Stark, J. J. McManis

They are irrigating the lands around
H 19-1. which I didn't have with me yet
I talked to Andy that night 20-19-1.

H 19-1 is for St. 344-11 and
the St. 4 of 20. (Not the 11th of 20)

Form 20.

No. 4-21-1

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Resources Commission
State Office Building No. 2
Pierre, South Dakota 57501

Date SEPTEMBER 29, 1971

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

PORTIONS OF SECTIONS 20, 21, 22, T8N, R7E,
DESCRIBED IN WATER RIGHT NO 421-1 AS THE
ROBERT FOLLETTE LAND
formerly owned by LEE DUTTON, VALE

has been transferred to HERMAN STARK, VALE

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 421-1 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)
) ss.
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, and I know of my own personal knowledge that the information herein stated is true.

Herman Stark
(Signed)

Subscribed and sworn to before me this _____ day of _____, 19____.

(Notary Public)



Department of Water & Natural Resources

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

June 10, 1981

Lee Dutton
Vale, SD 57788

Mr. Dutton:

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

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

<u>Permit No.</u>	<u>Diversion Rate</u>	<u>Acreage</u>	<u>Fee</u>
421-1	2.50	175.0	\$73.75
TOTAL			\$73.75

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

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH/JW/gy

Equal Opportunity Employer

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8297

June 19 80

PIERRE,

19

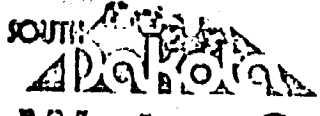
RECEIVED OF Lee or Margaret Button, Box 126, Vale, SD 57788

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

Fee for Application for Permit to appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying water master services on MR 421-1	73.	75
Fee for (any other work as provided by law)		
TOTAL	73.	75

WATER RIGHTS COMMISSION

By (J. HATCH)
 Chief Engineer, Executive Officer
 JON HATCH / CH



**Department of
Water & Natural Resources**
Joe Foss Building Water Rights Division (605) 773-3352
Pierre, South Dakota 57501

July 6, 1981

NOTICE

Lee Dutton
Vale, SD 57788

Subject: Shut Off Order

Under the rules established by the Water Management Board for the Belle Fourche River Water Use Control Area, Chapter 174:02:08, each water right holder was assessed a fee of ten dollars for each cubic foot per second or portion thereof of the diversion capability of the diversion works plus twenty-five cents for each acre irrigated as shown by the water rights of record in the office of Water Rights. Also it was required that all fees shall be paid to the Division of Water Rights by July 1, 1981.

Any fees not paid by July 1, 1981 are a violation of SDCL 46-10-25 and the water master (or Chief Engineer) shall refuse the water right holder the right to divert water.

According to our records, you have not paid the assessed fee, therefore, it is hereby ordered that you are not to divert water pursuant to your Permit No. 421-1 until the 1982 irrigation season. Any intakes that you may have in the river or creek must be removed by July 9, 1981 and remain out of the river or creek until the 1982 irrigation season.

Any violation of this order shall be considered to be in violation of State Statutes and subject to penalties provided in SDCL 46-1-11 and SDCL 46-1-12.

Please advise this office if you have any questions.

Very truly yours,

James E. Johnston
JOHN HATCH, Chief Engineer
Water Rights Division

JW/gy
cc: Martin Lee, Water Master

Equal Opportunity Employer

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

421-1

July 9, 1981

Lee Dutton
Vale,
South Dakota 57788

Dear Mr. Dutton:

This letter is in regard to our telephone conversation on this date concerning payment and verification that payment of the Water Master fee had been paid.

The shutoff order issued to you July 6, 1981, is hereby rescinded.

Thank you for contacting us in this matter.

Very truly yours,

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

JH:kw

cc: Marlin Lee, Water Master

Equal Opportunity Employer

Belle Fourche River and Tributaries
Water Use Control Area
Financial Report

1981

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

	<u>Receipts</u>	<u>Disbursements</u>	<u>Balance</u>
Collections (Water User's fees)	\$7,375.37	\$ 2,028.62	\$ 5,350.75
Watermaster (Salary and Mileage)	\$7,375.37	\$2,028.62	\$5,350.75

Detailed Report of Receipts

No.	Name	<u>Diversion Rate</u>	<u>Acreage</u>	<u>Receipts (total fee)</u>	<u>Amount Returned</u>
789-1	Louis Budmayr	0.90	95.50	\$ 34.00	\$ 30.10
429-1	Ed Brunner & Son	1.43	106.00	46.50	41.16
429-1A	Mel Pittman	1.07	79.00	40.00	35.41
506-1	Bob Bartels	.23	17.00	14.25	12.61
892-1	Bob Bartels	1.00	70.00	27.50	24.34
417-1A	Quinten & Karen Watson	.53	78.00	29.50	26.11
417-1B	Clarence Anderson	1.43	206.00	64.00	56.65
417-1	Mrs. Eddie(Vivian)Anderson	1.15	69.00	69.50	61.52
531-1	Ruby Dillinger	1.27	89.29	42.50	37.62
1162-1	Charles & Dorothy Shaykett	4.61	324.70	131.00	115.96
1210-1	Charles & Dorothy Shaykett	1.80	128.30	52.00	46.03
1132-1	Ezra Pauley	4.00	285.00	111.25	98.48
1204-1	Art Heitz Jr.	2.19	153.00	68.25	60.41
1205-1	Harlan K Schnell	1.88	132.00	53.00	46.91
1215-1	H L & Mildred Brunner	3.00	264.50	96.12	85.08
418-1	Alex Miller	1.67	117.00	49.25	43.59
1213-1	Robert W Grant	1.43	100.00	45.00	39.63
419-1	Herman Stark	2.50	179.00	74.75	66.17
421-1	Lee Dutton	2.50	175.00	73.75	65.28
1049-1	Thorval Jensen	1.47	103.00	45.75	40.50
1122-1	Thorval Jensen	4.88	324.14	135.75	120.16
1160-1	Thorval Jensen	1.90	133.49	53.50	47.36
1029-1	Homestake Mining	1.39	97.00	44.25	39.17
910-1	Donald Halbmaier	2.50	175.00	73.75	65.28
1165-1	Tom Bowen	2.85	200.00	30.00	70.31
722-1	Edith Anderson & Tom Bowen	2.80	196.00	79.00	69.93
1148-1	Homestake Mining	13.50	948.00	377.00	333.71
430-1	Gerald Wetz	1.65	116.00	49.00	43.37
432-1	Roy Casteel	4.30	307.00	126.75	112.20
414-1	Mary Ann Schummer	3.40	239.00	99.75	88.30
411-1	Edward Poss	5.10	452.00	173.00	153.13
440-1	David A Richards	5.00	416.00	154.00	136.32
1149-1	Homestake Mining	3.20	226.00	96.50	85.42
1150-1	Homestake Mining	7.60	534.00	213.50	188.98
437-1	McNenny Ranch Inc.	5.90	418.00	164.50	145.61
1151-1	Homestake Mining	5.50	390.00	157.50	139.41
821-1	George Levin & Sons	7.00	490.00	192.50	170.40
1136-1	George Levin & Sons	3.07	215.00	93.75	82.96

Detailed Report of Receipts Cont.

No.	Name	Diversion Rate	Acreage	Receipts (total fee)	Amount Returned
1152-1	Homestake Mining	6.60	462.00	\$ 185.50	\$ 164.20
449-1	George Wurnig	5.00	365.00	171.25	151.59
1153-1	Homestake Mining	6.10	428.00	177.00	156.68
311-1	Lester Clark	16.61	1,163.60	461.00	408.06
310-1	Lester Clark	6.76	473.20	188.50	166.85
248-1	Lawrence Burke	0.90	64.00	26.00	23.01
1077-1	Charles M Arneson	1.44	131.00	52.75	46.69
165-1	Trigg Ranches Inc.	4.30	301.00	275.00	243.42
122-1	Trigg Ranches Inc.	3.75	263.00		
1146-1	Trigg Ranches Inc.	1.89	336.00		
928-1	Charles Wennberg	2.20	155.00	68.75	60.86
912-1	Gilbert Alan	1.46	101.80	45.50	40.28
926-1	Donald Berger	2.04	143.00	65.75	58.20
1176-1	Arthur J Odekoven	2.30	163.00	70.75	62.63
1190-1	Neil Shuck	3.53	247.00	101.75	90.07
611-1	Alex Miller	3.35	235.00	98.75	87.41
569-1	Ramona McFarland	0.97	68.00	27.00	23.90
870-1	Eugene C Bishop	0.70	49.00	22.25	19.70
401-1	Kenneth & Dorothy Aker	1.88	132.00	53.00	46.91
135-1	Walter Hoffman	3.11	220.00	95.00	84.09
403-1	James A Mickelson	3.10	218.00	94.50	83.65
469-1	Raymond Garness	1.30	91.00	42.75	37.84
1218-1	William Dillinger	.40	42.70	20.75	18.37
1222-1	John Ismay (Norman)	1.11	79.00	39.75	35.19
1154-1	Homestake Mining	4.50	319.00	129.75	114.85
285-1	Edgar Colin Smart	1.42	150.00	67.50	---
331-1	Anna Stetta (Louis Budmayr)	1.87	131.00	52.75	---
472-1	Timothy Reich	2.00	167.84	62.00	---
275-1	John Durr	1.90	133.00	53.25	---
271-1	Herbert Clarkson	.06	43.00	20.75	---
296-1	Robert Helmer	2.50	179.00	74.75	---
308-1	Lewis Bertolotto	.64	45.00	21.25	---
282-1	James Jeffrey	1.05	73.70	38.50	---
1182-1	George Leach	1.60	108.00	47.00	---
228-1	Thornton Vallery	.72	54.17	23.75	---
290-1	Thornton Vallery	5.50	386.00	156.50	---
264-1	Thornton Vallery	.22	15.30	14.00	---
321-1	Clarence & Lawrence Foos	1.64	115.00	48.75	---
962-1	Ione A Shevling	3.00	251.00	92.75	---
960-1	Thornton & Gwenivere Vallery	.50	35.00	18.75	---
289-1	Thornton & Gwenivere Vallery	1.02	75.00	38.75	---
273-1	Ruben & Esther Kling	.46	32.60	18.25	---
273-1A	Ruben & Esther Kling	1.54	108.40	47.25	---
1177-1	Ruben & Esther Kling	3.30	231.00	97.75	---
416-1	Creta & Leslie Miner	2.66	198.00	79.50	---
965-1	Solomn Stark	2.14	150.00	67.50	---
287-1	David G Rathbun	2.20	154.00	68.50	---
1126-1	John Lewis	3.11	339.00	124.75	---

Do not use this space.

STATE OF SOUTH DAKOTA

DIRECT VOUCHER

AGENCY VOUCHER No.	DATE
177	11/1/81

PAYEE

Lee Dutton
Vale, SD 57788

DEST.

DWHR, Water Rights Division
Foss Bldg.
Pierre, SD 57501

STAPLE
HERE

AGENCY

ADDRESS

Agency	Fund	Sub Fund	Prog. Act.	Obj. Sub. Obj.	Agency Coding	Amount	Contract No.
200301	699	01	0000	0801		65 28	1
							2
							3
							4
							5
							6
							7
							8
							9
							10
TOTAL						22 65 28	

Warrant # 82079285
AC # 077386
date 11/10/81

NOTE: Vendors invoice must be attached.

Invoice No.(s)	Date Delivered	QUAN.	DESCRIPTION OF SERVICE OR COMMODITY	UNIT PRICE	AMOUNT	MEMO
			Refund of unexpended funds collected from the Belle Fourche River and tributaries Water Use Control Area Permit Owners 421-1 Lee Dutton		65.28	
TOTAL					65.28	

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

Claimant Signature

Date

11-5-71

AGENCY VERIFICATION

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

DIVISION APPROVAL

APPROVAL SIGNATURE

DATE

DATE

11-5-71

11-1-81