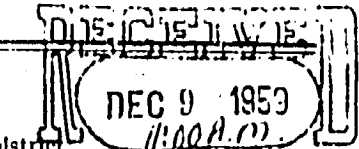


1. Considered 1-26, 1950 Appl. No. 444-1
2. Name of Applicant Everett J. Sherling
3. Post Office Address Nisland, S. Dak.
4. Amount of water claimed 233 - .06 cfs
5. Source of water supply dry draws
6. Water to be used for irrigation
Acres to be irrigated 23.6
7. Water to be diverted and used in Berta county about
_____ miles _____ of _____
8. Proof of Publication Received ✓
Not Received _____
9. Application Approved ✓
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

Clarkson

No. 444-1Water Division No. 1 Bella Fourch River
(Blanks to be Filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COM.
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 EVERETT J. SHEPHERD
Postoffice address NISLAND, County BUTTE, State S. DAK.

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

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

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

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

CONTRACTOR / SELF

(b) Cash on hand, \$ _____

(c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____

(e) Other resources, \$ ACR 1217-SHEPHERD2. Name of diversion work EVERETT SHEPHERD WATER SPREADING PROJECT NO. 13. Amount of water claimed 0.22 cubic feet per second4. Source of water supply DRY DRAIN
+ 174 COR. SEC. 10 OF T. 14 N. SEC. 13, T. 14 N. E.5. Location of point of diversion 172.1 N. 4th S. 91°30' W. of NE CORNER
SEC. 10, T. 14 N. E. 1st on left bank BUTTE County.6. Annual period or periods during which water is to be used APRIL - OCTOBER INCLUDING

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? GRAVITY(a) Number of acres to be irrigated 23.6 acres 11.2(b) Legal subdivisions to be irrigated NE 1/4 NE 1/4 - 11.2 AC.
SE 1/4 NE 1/4 - 11.2 AC. ALL IN SEC. 10, T. 14 N. E.

(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 Power
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 386-1

8. Estimated cost of work:

(a) Head Gates, \$ 125.00

(b) Pumping plant, \$ _____

(c) Fluming, \$ 170.00

(d) Canal-earth, \$ _____

Rock, \$ _____

(e) Other structures 2400 1.550 47.00 \$ 2400.00

Total, \$ _____

9. Description of diversion works:

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

2 DAMS

II. Dimensions of works:

- (a) Dam: Height 12 feet; length at bottom 290 feet; length at top 200 feet; thickness at bottom 22 feet; thickness at top 12 feet; slope at front water face 3:1; slope at back face 3:1 material used in construction EARTH CMP
- (b) Reservoir: Capacity when filled 1.2 acre feet. Surface area at highwater mark 0.3 acres.

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-FEET CAPACITY
<u>11.0</u>	<u>0.3</u>		<u>1.0</u>
<u>16.0</u>	<u>2.7</u>		<u>10.8</u>

- (c)* Head gate: Width 12" round feet; height _____ feet; Material Concrete iron
- (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 3 years.
11. Time required for complete application of water to the proposed beneficial use 23 years.
12. Choice of newspaper for publication of notice of intention to appropriate WILLIE FOUNCH POST

STATE OF SOUTH DAKOTA

County of Battle

ss.

I, Ernest C. Shewling, 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 Ernest C. ShewlingSubscribed and sworn to before me this 7day of December1959W. H. Gurney Co. Inc.
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

LEGEND	
	IRRIGATION LATERAL
	PROPOSED SPREADER DITCH
	DRY DRAW
	IRRIGATION DISTRICT LATERAL
	LAND UNDER REQUEST FOR APPROPRIATED WATER RIGHT
	LAND UNDER REQUEST FOR VESTED WATER RIGHT
	PROPOSED EARTH DAM
	CONSTRUCTED EARTH DAM
	PROPOSED SPREADER DIKE

SURVEYOR'S CERTIFICATE

I, DWAYNE E. KONTAD DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE EVERETT SHEVLING WATER SPREADING PROJECT AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE BUTTE SOIL CONSERVATION DISTRICT.

SIGNATURE: Dwayne E. Kontad
 TITLE: AG. ENGINEER
 U. S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 28 DAY OF Sept, 1958, A.D. E. E. Conway
 NOTARY PUBLIC Butte Co. S.D.

MY COMMISSION EXPIRES Jan, 1962

All lands described are owned by E. J. Shevling

LOCATION OF LAND TO BE IRRIGATED				
LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
NE 1/4 NE 1/4	10	8N	4E	1.3
SE 1/4 NE 1/4	10	8N	4E	4.9
SE 1/4 NE 1/4	10	8N	4E	6.4
SW 1/4 NE 1/4	10	8N	4E	7.0
NW 1/4 SE 1/4	10	8N	4E	4.0
TOTAL				23.6

Scale: 1"=200'

**EVERETT SHEVLING
WATER SPREADING PROJECT
NUMBER 1**

Butte County, South Dakota

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed	Date	Approved by
Drawn		Title
Traced		Title
Checked	5-4-59	Sheet No. 1 of 1

Map No 386-1 (Appi No 4244-1)

Remarks by State Water Resources Commission:

"Vested Right Claimed" for portion of Application

The diversion rate limitation of 1 cubic foot per second for each 70 acres irrigated shall not apply to this Dry Draw irrigation diversion during periods of flood flows, when such flows are in excess of the amount of water required to satisfy domestic use requirements and other water rights.

STATE OF SOUTH DAKOTA
County of Hughes ss.

Pierre, South Dakota, January 28, 1960

This is to certify that the foregoing application was received by the Commission at 11:00 o'clock
A. m. upon the 9th day of December, 1959.

State Water Resources Commission

By:

J. G. Brimmer

Chief Engineer, Executive Officer

Number of permit 444-1

Date of first receipt of application December 9, 1959

Date of return to applicant for correction, amendments or changes required as follows: December 14, 1959

Date of receipt of corrected application December 18, 1959

Date from which applicant may claim right 108 cfs 1946
25 cfs December 9, 1959, 1959

Approved January 26, 1960, Recorded in Book 5 Page 298

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

July 26, 1961

2nd. The whole of said work is to be completed on or before January 26, 1962

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

January 26, 1966

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

stockwater

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 .33 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 January 26, 1966; said water to be used during the following described annual period:

April to October, inclusive

Witness my hand this 28th day of January, 1960

State Water Resources Commission

By:

J. G. Brimmer

Chief Engineer, Executive Officer

Certificate of Construction Issued

OCTOBER 10, 1969

Water License Issued

OCTOBER 10, 1969

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 444-1

(1) WHEREAS, On the 9th day of December A. D. 19 59
Everett J. Shevling

made Water Right Application No. 444-1 for a permit to use .33 cubic feet per second of the waters
of dry draws

County of Butte, State of South Dakota, for irrigation
purposes; and

(2) WHEREAS, On the 28th day of January A. D. 19 60

Permit No. 444-1, with a date of priority of 1946 and December 9, 1959
was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 26th day of January A. D. 19 63 and for the
application to beneficial use of said water on or before the 26th day of January A. D. 19 66

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert .33 cubic feet
per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the application of water to beneficial use of the following extent,

for irrigating the following land in Section 10, T8N, R4E

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 1.3 acres

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 11.3 acres

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 7.0 acres

NR $\frac{1}{4}$ SE $\frac{1}{4}$ 4.0 acres

Total 23.6 acres

(5) 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 Everett J. Shevling

of Nisland, South Dakota

the holder _____ and owner _____ of said permit No. 444-1 a water right, dating from 1946 and December 2,
1959 to use of .33 cubic feet per second of the waters

of dry draws

in the County of Butte and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at points S 38° W, 89.4 rods and S 41° 30' W, 172.4 rods from the NE Corner, Section 10, T8N, R4E

and conduct to and upon portions of the NE¼ and NW¼ SE¼, Section 10, T8N, R4E, described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 444-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 10th day of October A. D.
Nineteen Hundred and Sixty-nine

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

Form 15.

Permit No. 444-1

Water Diversion No. 1 Belle Fourche River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Everett Shevling

_____ the holder _____ of
Permit No. 444-1, issued upon Application No. 444-1, bearing date of priority of 1946 and
December 9, 1959 authorizing the diversion of .33 cu. ft. per second of the waters of _____
dry draws _____ County of Butte, State of South Dakota at _____
points S 38° W, 89.4 rods and S 41° 30' W, 172.4 rods from the NE Corner,
Section 10, T8N, R4E
_____, for irrigation

_____ purposes, has _____ 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 5.0 cu. ft. per second of water.

Date October 10, 1969

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

Permit No. 444-1
 Water Division 1 BELLE FOURCHE RIVER Water District

REPORT OF EXAMINATION OF WORKS
 AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by EVERETT J. SHELLING of NISLAND holder of Permit No. 444-1, bearing date of priority of DECEMBER 7, 1959 & 1946 authorizing the diversion of .33 cu. ft. per second of the waters of DRY DRAWS for IRRIGATION purposes, in BUTTE County.

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

The Water Use System consists of,

A. Works used to divert the water:

SMALL DIVERSION DAM W/ HEADGATE DIVERTS WATER INTO DITCH AND ONTO DIKED FLATS ALONG CREEK

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

STORAGE DAM (APPROX 2.5 S.A.) W/ 10" C.M.P. WITH GATE

C. Works used to apply water to beneficial use.

APPROX 1/4 MILE DITCH W/ SMALL SPREADER DITCHES

The system is in the following condition: GOOD

The point of diversion is located AT POINTS S38°W 89.4 RODS AND S41°30'W, 172.4 RODS FROM THE NE CORNER, SECTION 10, T8N, R4E

The works are capable of diverting and conveying to the place of use 5.0

cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows: ALL IN SECTION 10, T8N, R4E

<u>NE⁴ NE⁴</u>	<u>1.3 AC.</u>
<u>SE⁴ NE⁴</u>	<u>11.3 AC.</u>
<u>SW⁴ NE⁴</u>	<u>7.0 AC.</u>
<u>NW⁴ SE⁴</u>	<u>4.0 AC.</u>

comprising a total of 23.6 acres of land.

Date OCTOBER 8, 1964

Burton Jones
 (Signature)
 WATER RIGHT SPECIALIST
 WATER RESOURCES COMMISSION

Location No.

Water Division No. Water District

Proof of Application of Water to Beneficial Use**PETITION OF HOLDER**

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

Ans. EVERETT T. NEWELL JR. 415 N. 10th St. Fargo, N.D.
Box 2000, Fargo, N.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. None. Sec. 2

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

Ans. DRY DRAW; 172.4 ACRES S. 91°30'W. of NE CORNER
of SEC. 10, T. 8N., R. 9E.

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. DAM IS APPROXIMATELY 225 FEET LONG AND 11 FEET HIGH
THIS DAM CAN BE FILLED BY USING THE IRRESTIBLE CANAL
(JENSEN LATERAL) WHEN THE DRAW FALLS TO PRODUCE WATER AS
IS NEEDED.

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. NE 1/4 NE 1/4 SEC. 10, T. 8N., R. 9E - 1.3 ACRES
SE 1/4 NE 1/4 SEC. 10, T. 8N., R. 9E - 7.9 ACRES

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

Ans. STOCK WATER

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

Ans. 18.6 ACRES FEET

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. THE DAM WAS COMPLETED IN 1926 AND HAS ANNUALLY BEEN USED AS A RESERVOIR FOR IRRIGATING THE SHOWN ACRES AS WELL AS STOCKWATERING

(Sign)

Edward Sheering

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 *Billings*, County of *Billings*

State of South Dakota, on this *17* day of *December* A. D. 19*29*

Witnesses

Ray H. Entway

Billings County Treasurer

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.

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 -----
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(First Publication on or before January 1, 60)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., December 21, 19 59

Notice is hereby given that Everett J. Shevling whose postoffice address is Nisland 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 .11 cubic feet of water per second of time from max dry draws through the Everett Shevling Waterspreading #1 are the point of diversion of which is to be located on the xxxx base in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 10 and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 10, Twp. 8N Range 4E. Said water to be used for the purpose of providing irrigation on the following described land:

NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$, all in Section 10 T 8N, R 4E

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 26th day of January, 1960, at 2 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:

~~Signature of Executive Officer~~
Burton F. Jones,
Water Right Specialist

cc: Lawrence Weyler-Publisher
Belle Fourche Daily Post
Belle Fourche, South Dakota

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Butte } ss.

Laurence Meyer being duly sworn, deposes and says the annexed printed copy of Notice

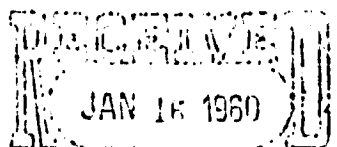
of Intention to Appropriate Water was taken from the _____
Daily Bell Church Press a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the _____
City of Bell Church County of Butte and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Dec 24, 1959
31, 1959
Jan 7, 1960
Jan 14, 1960

in each and every issue of the full number thereof, the first publication being made on the 24 day of Dec 1959 and the last publication on the 14 day of January 1960, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was _____ the printer and publisher of the said newspaper.

Laurence Meyer

Subscribed and sworn to before me this 14 day of January A. D. 1960



STATE WATER RESOURCES COM.
SOUTH DAKOTA

B. J. Kennedy
Notary Public Butte County, S. D.

Notary Public, Butte County, So. Dak.
My Commission Expires Sept. 27, 1966

APPROPRIATION OF WATER

No. 444-1
Office of State Water Resources Commission
Pierre, S. Dak.
December 21, 1959

Notice is hereby given that Everett J. Shevling whose postoffice address is Nisland S. Dak., has made an application in accordance with the provision of the water laws of South Dakota for a permit to appropriate for beneficial use .33 cubic feet of water per second of time from dry draws through the Everett Shevling Waterspreading No. 1, the points of diversion of which are to be located in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 10 and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 10, Twp. 6N Range 4E. Said water to be used for the purpose of providing irrigation on portions of the following described land: NE $\frac{1}{4}$ NE $\frac{1}{4}$ S $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$, all in Section 10 T 6N, R 4E 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 26th day of January, 1960, at 2 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: Burton F. Jones
Water Rights Specialist
dt 12/24-31 1/7-14

**OVERSIZE
DOCUMENT IS
SUPPLEMENTARY
TO MICROFILM FILE**

DEPARTMENT OF WATER & NATURAL RESOURCES

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-63181

GREAT FACES GREAT PLACES

April 9, 1991

Robert Shevling
PO Box 155
Nisland SD 57762

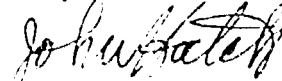
Dear Mr. Shevling:

The Water Management Board has validated the enclosed Vested Water Right No. 444-1. 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.

Enclosed is a partially-completed transfer of ownership form. The vested right is currently in the name of Everett Shevling. If you are the current owner, please complete the transfer form and return it to the Water Rights Division with the \$2.50 filing fee.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-1522

enclosure

REFR. DUCTIONS, REDUCTION

25.7

FOLL NO. 11-281

DATE MICROFILMED

CAMERA OPERATOR

VALIDATION OF (PARTIAL) VESTED WATER RIGHT CLAIM NO. 444-1
FOR IRRIGATION

Date of Validation September 27, 1989.

1. Vested Water Right No. 444-1 appropriates 0.03 cubic feet of water per second from dry draws to irrigate 6.2 acres. The diversion points are located in the NE 1/4 NE 1/4 and SW 1/4 NE 1/4 and the irrigated acres are located in the NE 1/4 and NW 1/4 SE 1/4; all in Section 10, T8N, R4E.

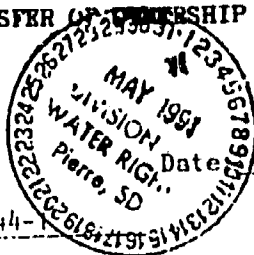
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per year for each acre of irrigated land. The water is to be used during the following annual period: April 1 - October 31.
3. The priority date of the Vested Water Right is January 1, 1946.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

By: *J. R. [Signature]*
Chief Engineer
Division of Water Rights
Dept. of Water and Natural Resources

NOTICE OF TRANSFER OF OWNERSHIP

No. 444-1

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181



I/We request that Water Permit/Right No. 444-

formerly owned by: Everett J Shevling

be transferred to: (name & address) Robert L. Shevling, PO Box 155
Nisland, SD 57762 (telephone No.) 257-2347

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

NE1/4 and NW1/4 SE1/4 section 10-T8N-R4E (6.2 acres)

I/We understand that the validity of Water Permit/Right No. 444-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

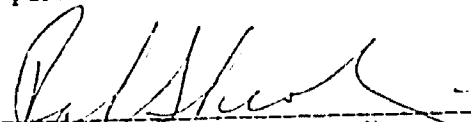
You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

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

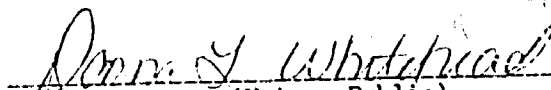
STATE OF SOUTH DAKOTA)

County of Butte)

I, we Robert L. Shevling 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 that I know of my own personal knowledge that the information herein stated is true.


(Signed)

Subscribed and sworn to before me this 26th day of April, 1991.


(Notary Public)

Comm Exp 11/9/95

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

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