

1. Considered 4-6, 1960
2. Name of Applicant Royal McKnight
3. Post Office Address Albion, Montana
4. Amount of water claimed 2.1 - ~~2.1 -~~
5. Source of water supply Indian Creek
6. Water to be used for irrigation
- Acres to be irrigated 146.3
7. Water to be diverted and used in Butte County abo
8N 8E miles 1.5 of Ballu Fowche.
8. Proof of Publication Received ☒
 Not Received ☐
9. Application Approved ☒ PWA
 Subject to _____
 Not Approved ☐
 Action deferred ☐

10. Remarks:

No. 457-1Water Division No. 1 Bella Fourche River District 1
(Dist. to be filled by the Engineer for the W. R. C.)MAR 7 - 1960
10:30 a.m.

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant LEONARD J. BAKER, INCORPORATED
Postoffice address Hickory, 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)
Contract with B. C. C. Co.
- (b) Cash on hand, \$ 50,000.00
- (c) Treasury stock, \$ 0.00
- (d) Bonds to be issued, \$ 0.00
- (e) Other resources, \$ 0.00

2. Name of diversion work Diversion of water from Bella Fourche River to irrigation
3. Amount of water claimed 2.5 cubic feet per second
4. Source of water supply Diversion from Bella Fourche River
5. Location of point of diversion 10.5 miles N. 1/4 Sec. 10, T. 14 N., R. 10 E., S. 10 E., Butte Co., S. D.
1/4 Sec. 10, T. 14 N., R. 10 E., S. 10 E., Butte Co., S. D. on Butte bank Butte County.
6. Annual period or periods during which water is to be used From May 1 to October 1
7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity(a) Number of acres to be irrigated 1,200 acres.(b) Legal subdivisions to be irrigated 1/4 Sec. 10, T. 14 N., R. 10 E., S. 10 E., Butte Co., S. D.

(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, milking, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use Stockwatering
Name any of the above uses claimed(b) Amount of power to be generated 0 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. 398-1

8. Estimated cost of work:

(a) Head Gates, \$ 9500.00 (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.)

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 years.
 11. Time required for complete application of water to the proposed beneficial use 54 years.
 12. Choice of newspaper for publication of notice of intention to appropriate NEWELL TRIBUNE

STATE OF SOUTH DAKOTA

County of ss.

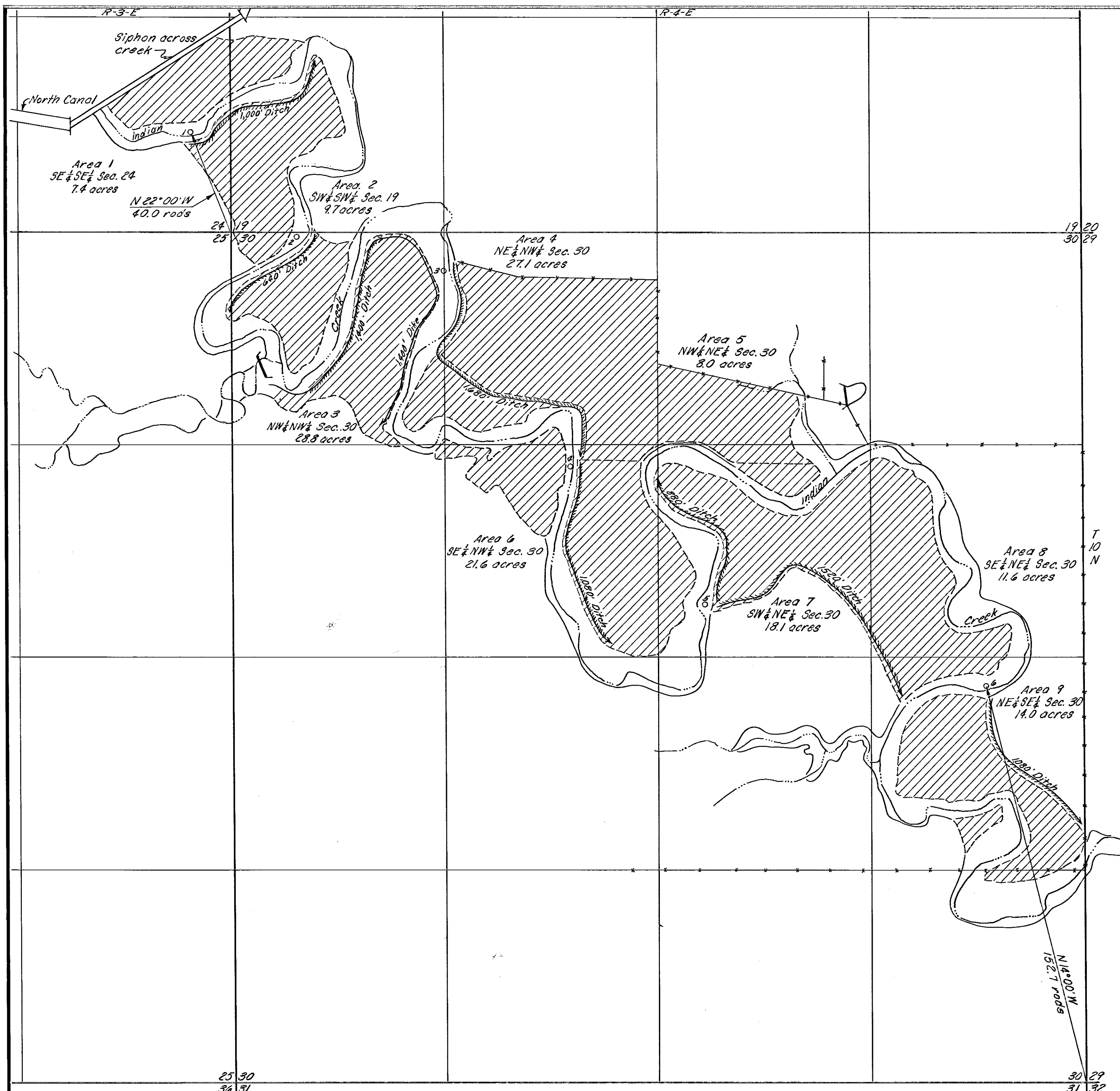
I, Larnal F. Royal McKnight, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein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

Signed Royal F. McKnight

Subscribed and sworn to before me this 8 day of Feb 1906

Roy H. Casway, County Treasurer
 Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



All lands described are owned by applicant

Location of land to be irrigated					
Area	Location	Section	Township	Range	Acres
1	SE 1/4 SE 1/4	24	10-N	3-E	7.4
2	SW 1/4 SW 1/4	19	10-N	4-E	9.7
3	NW 1/4 NW 1/4	30	10-N	4-E	28.8
4	NE 1/4 NW 1/4	30	10-N	4-E	27.1
5	NW 1/4 NE 1/4	30	10-N	4-E	8.0
6	SE 1/4 NW 1/4	30	10-N	4-E	21.6
7	SW 1/4 NE 1/4	30	10-N	4-E	18.1
8	SE 1/4 NE 1/4	30	10-N	4-E	11.6
9	NE 1/4 SE 1/4	30	10-N	4-E	14.0
TOTAL					146.3

LEGEND

- Land to be irrigated
- Spreader ditch
- Pumping station
- Diversion dam (proposed)
- Fence
- "Trail" dike

SURVEYOR'S CERTIFICATE

I, DWAYNE E. LEONARD DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE LEONARD & ROYAL A. MCKNIGHT WATER SPREADING SYSTEM AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE BUTTE SOIL CONSERVATION DISTRICT.

SIGNATURE: Dwayne E. Leonard
 TITLE: As Engineer, S.C.S.
 U. S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 23 DAY OF November, 1957, A.D.

Roy H. Conway
 NOTARY PUBLIC

MY COMMISSION EXPIRES Jan 2, 1961.

LEONARD A. & ROYAL A. MCKNIGHT
WATER SPREADING SYSTEM
NUMBER ONE
 Scale: 1" = 400'
 Butte County, South Dakota

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed _____	Date _____	Approved by _____
Drawn <u>James F. Kjosstad</u>	<u>10/27/57</u>	Title _____
Traced _____	Sheet _____	Drawing No. _____
Checked _____	No. <u>1</u>	of <u>1</u>

Map No 398-1 (Appl No 457-1)

Remarks by State Water Resources Commission:

Your 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, April 8, 1960

This is to certify that the foregoing application was received by the Commission at 10:30 o'clock
A. m. upon the 7th day of March, 1960.

State Water Resources Commission

By:

Barton Jones
for Chief Engineer, Executive Officer

Number of permit 457-1

Date of first receipt of application March 7, 1960

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 March 7, 1960

Approved April 6, 1960, Recorded in Book 6 Page 3

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 6, 1962

2nd. The whole of said work is to be completed on or before April 6, 1965

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

April 6, 1969

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 2.1 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 April 6, 1969; said water to be used during the following described annual period:

April to October, inclusive

Witness my hand this 8th day of April, 1960

State Water Resources Commission

By:

Barton Jones
Chief Engineer, Executive Officer

Certificate of Construction issued MARCH 1, 1968

Water License Issued MARCH 1, 1968

SUPPLEMENT 1. FORM 2 — MCKNIGHT

QUESTION 7E (b)

SE ¹ SE ¹	SEC. 29	TION	R 3 E	9.4	ACRES
SW ¹ SW ¹	SEC. 19	TION	R 4 E	9.9	"
NW ¹ NW ¹	SEC. 30	TION	R 4 E	28.8	"
NE ¹ NW ¹	"	"	"	22.1	"
NW ¹ NE ¹	"	"	"	80	"
SE ¹ NW ¹	"	"	"	21.6	"
SW ¹ NE ¹	"	"	"	18.1	"
SE ¹ NE ¹	"	"	"	11.6	"
NE ¹ SE ¹	"	"	"	14.0	"

TOTAL 146.3 ACRES

STATE OF SOUTH DAKOTA

WATER LICENSE No. 457-1

WHEREAS, On the 7th day of March A. D. 1960

Leonard & Royal McKnight

of Nisland County of Butte and State of South Dakota

duly made application (No. 457-1) to us for a permit to use 2.1 cubic feet per second of the waters of Indian Creek

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

WHEREAS, On the 8th day of April A. D. 1960 Permit No. 457-1 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 6th day of

April A. D. 1965 and for the application to beneficial use of said water on or before the 6th day of April A. D. 1969 and,

WHEREAS, On the 7th day of December A. D. 1967

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

4.5 cubic feet per second of said waters, as evidenced by our Certificate No. 457-1

dated March 1, 1968 confirming the completion of works of sufficient capacity for

diverting and conveying to the place of intended use 4.5 cubic feet per second of water, with date of

priority of March 7, 1960 and,

WHEREAS, On the 7th day of December A. D. 1967

proof was duly made of the application to beneficial use of 2.1 cubic feet per second of said water;

for irrigating 146.3 acres in portions of Section 24, T10N, R3E, and

Section 19 and 30, T10N, R4E.

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 Leonard and Royal McKnight
 of Nisland the holder^s and owner^s of said permit No. 457-1
 a water right, dating from March 7, 1960 to the use of 2.1
 cubic feet per second of the waters of Indian Creek
 in the County of Butte and State of South Dakota, or so much thereof as may be
 necessary for the purposes hereinafter mentioned, to be diverted at between points N22°W, 40 rods
from the SE Corner, Section 24, T10N, R3E, and N14°W, 152.7 rods from the SE
corner, Section 30, T10N, R4E.
 and conducted to and upon portions of Section 24, T10N, R3E, and Sections 19 and 30,
T10N, R4E, more specifically described in the Certificate of Completion
of Works.

for the purpose of irrigation, subject to any limitations listed in the
Permit to Appropriate water, and

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 1st day of March A. D. Nineteen
 Hundred and Sixty-eight

State Water Resources Commission

By:

J.W. GRIMES
 Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Permit No. 457-1

BELLE FOURCHE
Water Division No. 1 RIVER Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Leonard and Royal McKnightof Nisland, County of Butte, and State ofSouth Dakota, the holder of Permit No. 457-1, issued upon Application No. 457-1, bearing date of priority of March 7, 1960, authorizing the diversion of2.1 cu. ft. per second of the waters of Indian CreekCounty of Butte, State of South Dakota, at between points N 22° W, 40 rods from the SE Corner, Sec. 24, T10N, R3E, and N 14° W. 152.7 rods from the SE corner, Sec. 30, T10N, R4E, for irrigation

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 4.5 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:

Section 24, T10N, R3E	SE $\frac{1}{4}$ SE $\frac{1}{4}$	7.4 acres
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Section 19, T10N, R4E	SW $\frac{1}{4}$ SW $\frac{1}{4}$	9.7 acres
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Section 30, T10N, R4E	NW $\frac{1}{4}$ NW $\frac{1}{4}$	28.8 acres
-----------------------	-----------------------------------	------------

	NE $\frac{1}{4}$ NW $\frac{1}{4}$	27.1 acres
--	-----------------------------------	------------

	NW $\frac{1}{4}$ NE $\frac{1}{4}$	8.0 acres
--	-----------------------------------	-----------

	SE $\frac{1}{4}$ NW $\frac{1}{4}$	21.6 acres
--	-----------------------------------	------------

	SW $\frac{1}{4}$ NE $\frac{1}{4}$	18.1 acres
--	-----------------------------------	------------

	SE $\frac{1}{4}$ NE $\frac{1}{4}$	11.6 acres
--	-----------------------------------	------------

	NE $\frac{1}{4}$ SE $\frac{1}{4}$	14.0 acres
--	-----------------------------------	------------

Total		146.3 acres
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Witness my hand this 1st day of March A. D. 1968

State Water Resources Commission

By:

J.W. GIMES bw
Chief Engineer, Executive Officer

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE

Permit No. 457-1Water Division No. 1Butte Fourth 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 _____
 19____, I have this day made a thorough examination of the diversion works constructed by _____
Leonard and Royal McQuay, of Nisland
Butte County, South Dakota, holders of Permit No. 457-1, issued
 upon Application No. 457-1, bearing date of priority of March 7, 1949, authorizing the
 diversion of 2.1 cu. ft. per second of the waters of Indian Creek for irrigation
 purposes. I have to report on the condition of the same as follows:

The diversion works comprise:

Reinforced pump - size 6" x 8" - capacity 2000 gpm, Ford
Diesel Tractor, 900 foot 8" aluminum pipe and several
miles of ditches and ditches.

and the system is in the following condition:

Very good

The point of diversion is located:

As shown on water right map 395-1

The works are capable of diverting and conveying to the place of use 9 1/2 cu. ft. per second of water,
 which is to be used for irrigation

The legal sub-divisions to be irrigated are:

The 196 acres as listed in
water right application 457-1 and as shown on water
right map 457-1

comprising a total of

196

acres of land.

The domestic use intended comprises

incidental livestock watering

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

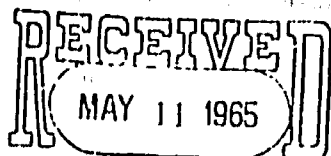
Witness my hand, this 7 day ofDecemberA. D. 1947.

—SEAL—

Ronald W. Isaac

Examining Engineer.

Deputy Chief Engineer

Permit No. 457-1Water Division No. _____ Water District _____ STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA**Notice of Application of Water to Beneficial Use**

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.)

Midland South Dakota

(Date)

MAY 10 1965

TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the 10 day of MAY 1965, at _____ County of BUTTE State of South Dakota, before _____ (Examining Engineer or Officer) proof will be submitted of the application to beneficial use of 2.1 cubic feet per second of the waters of Indian Creek in accordance with the terms and conditions of Permit No. 457-1 heretofore issued by the Water Resources Commission of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are _____

ROYAL MCKNIGHT Midland South Dakota

2. The use to which said water has been applied is _____

Irrigation

3. The amount applied to beneficial use is _____

2.1

4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) _____

area 1 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 34 10-N 3-E 7.4 ac. area 2 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 19 10-N 4-E 4.4 ac.
area 3 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 30 10-N 4-E 28.8 ac. area 4 NE $\frac{1}{4}$ NE $\frac{1}{4}$ 30 10-N 4-E 27.1 ac.
area 5 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 30 10-N 4-E 8.0 ac. area 6 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 30 10-N 4-E 21.6 ac. area 7 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 30 10-N 4-E 18.1 ac.
area 8 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 30 10-N 4-E 18.6 ac.
area 9 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 30 10-N 4-E 14.0 ac.

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is _____

McKnight Water Spreading Project #1

6. The right to take the water from such works is based upon permit No. _____

457-1

7. The source of supply from which such water is diverted is _____

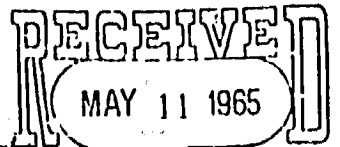
Indian Creek

8. The date of priority which said user is prepared to establish is _____

March 7 1960

(Sign)

Royal C. McKnight

Permit No. 457-1

Water Division No. _____

Water District _____

STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit
to, _____to the Executive Officer at least 60 days before the time set
of works _____(P. O.) Mineral South Dakota(Date) May 10 1965TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of _____

2.1 cu. ft. per second of the waters of the state from _____
through the McKnight Water spreading Project #1
for irrigation purposes

_____ In accordance with the terms and con-
ditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is Royal A. McKnight

2. The postoffice address of such person or the place of business of such corporation is _____
County of BUTTE State of SOUTH DAKOTA

3. The number of such permit is 457-1 and the date set for the completion of such work is
April 8, 1965

4. Said water to be used for irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of
water which said works are capable of conducting to the place of intended use, in accordance with the plans ac-
companying the application for such permit, is 2.1 cubic feet per second.

6. The amount of land to which said water is available is 146 acres,

particularly described as follows: #7 SE 1/4 SE 1/4 24 10N 3-E 7.4 acs
SW 1/4 SW 1/4 19 10N 4-E 9.7 acs NW 1/4 NW 1/4 30 10N 4E 28.8 acs NE 1/4 NW 1/4 30 10N 4E 28.8 acs
NW 1/4 NE 1/4 30 10N 4-E 8.0 acs SE 1/4 NW 1/4 30 10N 4E 21.6 acs SW 1/4 NE 1/4 30 10N 4E 18.1 acs
SE 1/4 NE 1/4 30 10N 4E 12.6 acs NE 1/4 SE 1/4 30 10N 4E 14.0 acs

I hereby certify that the facts set forth in the above notice are true.

(Signature of Owners)

Royal A. McKnight

RECEIVED PROOF OF PUBLICATION APR 1 1960

STATE OF SOUTH DAKOTA }
County Butte }

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

E. Lyn Gladstone being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the

The Valley Irrigator 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 Newell County of

Butte and State of South Dakota; that the said notice was published in said newspaper on the following dates:

March 10, 1960

March 17, 1960

March 24, 1960

March 31, 1960

in each and every issue of the full number thereof, the first publication being made on the 10th day of March

1960 and the last publication on the 31st day of

March 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 editor the printer and publisher of the said newspaper.

APPROPRIATION OF WATER
Office of State Water Resources
Commission, Pierre, S. Dak.,
March 7, 1960.

Notice is hereby given that Royal McKnight, whose postoffice address is Albion, Montana, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.1 cubic feet of water per second of time from Indian Creek through the McKnight Waterspreading Project No. 1, the point of diversion of which is to be located on both banks of said stream between a point in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 21, T. 10N., R. 3E. and a point in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 30, Twp. 10N., Range 4E. Said water to be used for the purpose of providing irrigation on portions of the following described land: SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, T. 10N., R. 3E.; SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 19, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30, T. 10N., R. 4E., and for stockwatering purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 8th day of April, 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

Burton F. Jones, Water
Rights Specialist (S&C)

Subscribed and sworn to before me this 31 day of March A. D. 1960

Notary Public Butte County, S. D.

(First Publication on or before March 10, 1960.)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., March 7, 1960

Notice is hereby given that Royal McKnight whose postoffice address is Albion, Montana ~~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 2.1 cubic feet of water per second of time from the ~~xxx~~ Indian Creek through the ~~McKnight Water spreading Project #1~~ the point of diversion of which is to be located on the ~~xxx~~ both banks of said stream between a point in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 24 T 10N R 3E and a point in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 30 T 10N R 3E in the NE $\frac{1}{4}$ $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 30 Twp. 10N Range 4E Said water to be used for the purpose of providing irrigation on ~~portions of~~ the following described land:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 24 T 10N R 3E; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 19, NE $\frac{1}{4}$, NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 30, T 10N R 4E

and for stockwatering purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 6th day of April, 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:

cc: F. Lyn Old Stone—Publisher
Valley Irrigator
Newell, South Dakota

~~Chief Engineer, Executive Officer~~
~~xxxxxx~~
Burton F. Jones
Water Right Specialist



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

457-1
No. 630-1

December 8, 1983

Louis W. Kassel
H.C.R., Box 60
Misland, South Dakota 57762

Dear Mr. Kassel:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50. **for each permit, total of \$5.00.**

Upon receipt of the enclosed forms and the **\$5.00** filing fee the permit will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Gonny McMath
Water Rights Specialist

GM:ms
Enc.

DWNR-820A-8/83

NO. 457-1

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 1-4-1984

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

146.3 acres - SE1/4SE1/4, Section 24, T10N, R3E; SW1/4SW1/4, Section 19;

N1/4NW1/4, SE1/4NW1/4, W1/4NE1/4, SE1/4NE1/4, NE1/4SE1/4 Section 30, T10N, R4E

formerly owned by Leonard and Royal McKnight

has been transferred to Charles Kessel, Sr's Farm - H.C.R. Box 60

to Louis W. Kessel MILWAUKEE S. DAK.
(please include complete mailing address) 57762

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 457-1 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of Butte) ss.

I, Louis W. Kessel 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.

Louis W. Kessel
(Signed)

Subscribed and sworn to before me this 4th Day of January, 19 84

Marvin Wall
(Notary Public)

Notary Public, BUTTE COUNTY, S. DAK.
My Commission Expires MAR. 1 1985

RECEIPT

Division of Water Rights

No 4 9473

South Dakota Department of Water and Natural Resources

Pierre, January 5, 1984

RECEIVED OF Gabriel Kessel Sons Farm's, c/o Louis W. Kessel, HCR Box 00, Nisland, SD
the following amount in fees for services rendered as provided for by law: 57762

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____

Fee for Filing Transfer Form 457-1 _____

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By John Hatch
Chief Engineer JOHN HATCH/ms

No. _____

457-1
630-1

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

January 11, 1984

Gabriel Kessel Sons Farm's
c/o Louis W. Kessel
HCR Box 60
Niisland, South Dakota 57762

Dear Sir:

Enclosed is receipt No. 4 9473 &
4 9474 in the amount of \$ 2.50 each, which you
paid for transfer of Water Right No. 457-1 &
630-1.

Our records now show you as the owner of ~~the~~ ^{these} Water Rights.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.



Department of Water & Natural Resources

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

March 23, 1987

LOUIS W KESSEL
HCR, BOX 60
NISLAND, SD 57762

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s) 457-1 630-1. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm. May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 457-1, 630-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

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

NOTE: If the questionnaire(s) is received in this office before the hearing date, your name will be deleted from the agenda for the hearing.



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

April 24, 1987

457-1
630-1

Louis W Kessel
HCK Box 60
Nisland, SD 57762

Dear Mr. Kessel:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Right Nos. 457-1 and 630-1 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

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

Water Rights Division - DWR

File No. 457-1
630-1

Conversation or File Documentation

NAME OF PERSON OR FILE: Louis Kessel

ADDRESS: HCR Box 60, Hisland, SD COUNTY

DATE: January 31, 1990 TELEPHONE 257-2126

RE: submission of irrigation questionnaires for above permits

COMMENTS:

I called Mr. Kessel regarding information needed to complete his irrigation questionnaires. He indicated he no longer had a pumping station(s), the system was strickly a water spreading type system.

I told him that he would not be receiving irrigation questionnaires in the future because those types of systems were unable to measure the amount of water they used, and were not required to submit the forms.

NOTE: Since pumping equipment was used at the time of the last inspection, the irrigation systems should be reinspected to determine if he still irrigates the same acreage.

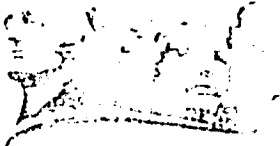
File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

4/82

NAME: Glenn McMath

457-1

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 1, 1991

LOUIS W KESSEL
HCR, BOX 60
NISLAND SD 57762

NOTICE

RE: Violation of Requirement to Submit 1990 Irrigation Questionnaire

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 457-1, 630-1. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s) 457-1, 630-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is received in this office before the February 27th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
505 77J-3352

● SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested. 1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)	
3. Article Addressed to: LOUIS W KESSEL HCR, BOX 60 NISLAND SD 57762	4. Article Number P694 057 389 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature - Addressee X <i>Louis W Kessel</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent X	
7. Date of Delivery FEB - 4 1991	



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 19, 1991

457-1
630-1

Louis W Kessel
HCR Box 60
Nisland, SD 57732

Dear Mr. Kessel:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for Water Right Nos. 457-1 and 630-1. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division



457-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 6, 2004

Ron Ensز
2020 Xavier St
Belle Fourche SD 57717

RE: Water Right Nos. 457-1, 630-1, 744-1 and 745-1

Dear Mr. Ensز:

Enclosed as we discussed are copies of water rights held by Gabriel Kessel & Sons Farms.

Water Rights are transferable as long as they have not been lost due to abandonment and/or forfeiture. Enclosed are excerpts of SD Water Laws and Water Management Board rules which address these issues.

I have also included blank "Notice of Transfer of Ownership" forms to be used by the new owner(s) if the land is sold. A \$2.50 filing fee is required for filing each transfer of ownership. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

For assistance call (605) 773-3352

FEB 22 2011

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

Water Right/Permit No. 457-1 WATER RIGHTS PROGRAMDate: December 30, 2010

I/We request that Water Right/Permit No. 457-1 formerly owned by:
Gabriel Kessel & Sons Farms be transferred to:

New Owner Name: Travis R. and Johnnie R. BusenitzAddress: 823 Little Missouri RoadCity, State, Zip Hulett WY 82720 Telephone No. 307-756-2426307-467-5496

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

Note: The land was subsequently transferred from Gabriel Kessel and Sons to Louis W. and Vinette M. Living Trust.

Legal Description: See attached copy of the signed Warranty Deed.

☒ I understand that the validity of Water Right/Permit No. 457-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

I, Travis R. Busenitz, the new owner, certify that the above information is true and correct.

Travis Busenitz

(signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/22, 20 11

RECEIVED OF Travis R Busenitz 823 Little Missouri Rd Hulett WY 82720

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>457-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **04931**

By *Harlan E. Schuler*
Chief Engineer

RECEIVED

FEB 22 2011

WATER RIGHTS
PROGRAM

Prepared By:

BENNETT, MAIN & GUBBRUD, P.C.
618 State Street
Belle Fourche, SD 57717
Phone No. 605-892-2011

2010-2661

BOOK 410 PAGE 461

Register of Deeds

Butte County, South Dakota

Recorded December 30, 2010

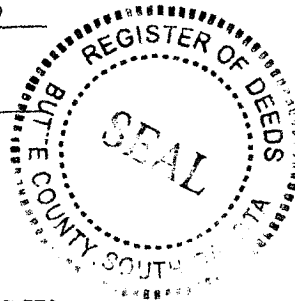
at 3:00 PM

Doc# 2010-2661

Book 410 Page(s) 461-465

Fee 18.00 10.00

By Paula J. Walker
Register of Deeds



WARRANTY DEED

BRYAN KESSEL and MICHAEL KESSEL, Trustees of the LOUIS W. and VINETTE M. KESSEL LIVING TRUST, dated July 20, 2010, Grantors, of Butte County, State of South Dakota, for and in consideration of One Million Four Hundred Thousand Dollars (\$1,400,000), grant, convey and warrant to TRAVIS BUSENITZ and JOHNNIE BUSENITZ, husband and wife, as joint tenants with right of survivorship and not as tenants in common, grantees, of 823 Little Missouri Road, Hulett, Wyoming 82720, the following described real estate:



SEE ATTACHED EXHIBIT A

Excepting, however, from this conveyance and reserving to the grantors, grantors' heirs, successors and assigns, the entire mineral interest including future interests, if presently discernible, now held by the grantors, in all minerals of whatsoever nature, (including, but not limited to: oil, gas, natural gas, hydrocarbons, coal, uranium, plutonium, fossils, or any valuable deposit whether now or thereafter known) in, on, under or that may be produced from said real property, together with the right to prospect for, mine and/or drill for said minerals therefrom, and the right for the aforesaid purposes to enter upon said property and erect, construct, maintain and operate thereon, buildings, structures, machinery, installations, equipment, lines, roads and other facilities being necessary by the grantors, and to use the surface and such surface of all real property in any manner necessary by the grantors, to aid in all or any of the aforesaid operations, and restoring, processing, removing, and transporting of any of said minerals, together with the right to drill on said property for water, and to the free use of water so obtained in any of the aforesaid operations. It is specifically understood that all sand, gravel and water go to the surface owner and are not to be considered minerals.

It is further understood by the parties hereto that were it not for this reservation of all of the minerals from the lands herein granted, this conveyance would not have been made.

Subject to all reservations, easements and rights-of-way expressly conveyed or reserved in prior grants and/or deeds, or created by operation of Federal or State law.

DATED this 29 day of December, 2010.

Louis W. and Vinette M. Kessel Living
Trust, dated July 20, 2010

BRYAN KESSEL, Trustee

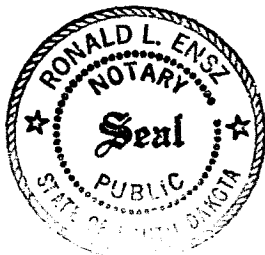
MICHAEL KESSEL, Trustee

STATE OF SOUTH DAKOTA)

County of Butte) ss.

On this the 29 day of December, 2010, before me, the undersigned officer, personally appeared **BRYAN KESSEL, Trustee of the Louis W. and Vinette Living Trust, dated July 20, 2010**, known to me or satisfactorily proven to be the person described in the foregoing instrument, and acknowledged that he executed the same in the capacity therein stated and for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Ronald L. Ensz
Notary Public

My Comm. Exps. 12-13-2016

It is further understood by the parties hereto that were it not for this reservation of all of the minerals from the lands herein granted, this conveyance would not have been made.

Subject to all reservations, easements and rights-of-way expressly conveyed or reserved in prior grants and/or deeds, or created by operation of Federal or State law.

DATED this 28 day of December, 2010.

**Louis W. and Vinette M. Kessel Living
Trust, dated July 20, 2010**

BRYAN KESSEL, Trustee

Michael Kessel
MICHAEL KESSEL, Trustee

STATE OF SOUTH DAKOTA)

) ss.

County of _____)

On this the _____ day of _____, 2010, before me, the undersigned officer, personally appeared **BRYAN KESSEL, Trustee of the Louis W. and Vinette Living Trust, dated July 20, 2010**, known to me or satisfactorily proven to be the person described in the foregoing instrument, and acknowledged that he executed the same in the capacity therein stated and for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Comm. Exps. _____

STATE OF SOUTH DAKOTA)

County of Edmunds) ss.
)

On this the 28th day of December, 2010, before me, the undersigned officer, personally appeared **MICHAEL KESSEL, Trustee of the Louis W. and Vinette Living Trust, dated July 20, 2010**, known to me or satisfactorily proven to be the person described in the foregoing instrument, and acknowledged that he executed the same in the capacity therein stated and for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Glenn A. Blumhardt
Notary Public
My Comm. Exps. _____

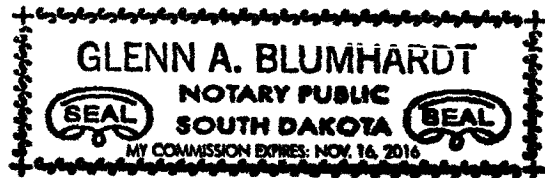


EXHIBIT ALEGAL DESCRIPTION**Parcel A:**Township 10 North, Range 3 East of the Black Hills Meridian, Butte County, South Dakota:Section 14: $W\frac{1}{2}SW\frac{1}{4}$; $SE\frac{1}{4}SW\frac{1}{4}$ Section 15: $S\frac{1}{2}$ Section 16: $W\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}$; $W\frac{1}{2}NE\frac{1}{4}$; $NW\frac{1}{4}$; $S\frac{1}{2}$

Section 21: All

Section 22: All

Section 23: $W\frac{1}{2}$; $W\frac{1}{2}E\frac{1}{2}$;Section 24: $S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$ Section 25: $E\frac{1}{2}NE\frac{1}{4}$ Section 27: $NE\frac{1}{4}NE\frac{1}{4}$; $W\frac{1}{2}NE\frac{1}{4}$; $NW\frac{1}{4}$ Section 28: $NE\frac{1}{4}$; $N\frac{1}{2}NW\frac{1}{4}$ Section 29: $N\frac{1}{2}NE\frac{1}{4}$ Section 33: $W\frac{1}{2}NE\frac{1}{4}$; $SE\frac{1}{4}NE\frac{1}{4}$ Township 10 North, Range 4 East of the Black Hills Meridian, Butte County, South Dakota:Section 19: Government Lots 3, 4; $E\frac{1}{2}SW\frac{1}{4}$ Section 30: Government Lots 1, 2, 3; $N\frac{1}{2}SE\frac{1}{4}$; $E\frac{1}{2}NW\frac{1}{4}$; $NE\frac{1}{4}SW\frac{1}{4}$;**Parcel B:**Township 10 North, Range 4 East of the Black Hills Meridian, Butte County, South Dakota:

Section 30: $W\frac{1}{2}NE\frac{1}{4}$; $SE\frac{1}{4}NE\frac{1}{4}$; and that part of the $NE\frac{1}{4}NE\frac{1}{4}$ containing 2 acres bounded and described as follows: Beginning at a point on the west of the said $NE\frac{1}{4}NE\frac{1}{4}$, which said point of beginning is 60 rods south of the northwest corner of said $NE\frac{1}{4}NE\frac{1}{4}$; thence south 20 rods to the southwest corner of the $NE\frac{1}{4}NE\frac{1}{4}$; thence east along the south line of said $NE\frac{1}{4}NE\frac{1}{4}$ of Section 30, a distance of 32 rods; thence on a straight line in a northwest direction to the point of beginning.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 23, 2011

Travis R & Johnie R Busenitz
823 Little Missouri Rd
Hulett WY 82720

RE: Water Right Nos. 457-1, 630-1, 744-1 and 745-1

Dear Mr. & Mrs. Busenitz:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" forms and filing fees you submitted for transferring Water Right Nos. 457-1, 630-1, 744-1 and 745-1. The ownership changes have been completed.

The water rights formerly held by Gabriel Kessel & Sons Farms are now listed in your names. Enclosed for your records are Receipt Nos. 04931, 04932, 04933 and 04934 in the amounts of \$50.00 each.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

c: Bennett, Main & Gubbrud, PC, 618 State St, Belle Fourche SD 57717

457-1

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Right No. 457-1, Busenitz

ADDRESS: COUNTY: Butte

DATE: July 1, 2013 TELEPHONE:

RE:

Water Right No. 457-1 dates back to 1960 appropriating 2.1 cfs from Indian Creek to irrigate 146.3 acres. The right holder indicated the water right is located above where the BFID project return flows occur. However, looking at the Sportsman Atlas it appears a District channel is present nearby.

Mr. Busenitz called about the water right. It was transferred to his name in 2011. The water right is in place. I further looked on the irrigation questionnaire database and see that questionnaires stopped being sent after 1990. This is because then owner Louis Kessel stated in 1990 that he no longer had a pumping station, the system was strictly a water spreading type system. Therefore, Water Rights stopped sending the questionnaire. The inspection report prior to licensing did document pump information.

Mr. Busenitz indicated he again plans to use a pump system. After conferring with Ron Duvall and Genny McMath, I called him and explained forfeiture and abandonment, however, based on the information in place DENR has no basis to pursue cancellation. I asked if the water spreading system was in place and got a response that irrigation does take place on some of the parcels. I indicated that any portion of the water right that has not been used could be subject to cancellation. I told him that although DENR is not in a position to pursue cancellation at this time, it does not preclude a neighbor from requesting an investigation claiming nonuse once he sets up a pump system.

NAME: Eric Brundland



457-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

September 26, 2013

Shane Finn
Finn Farm Inc
25065 Capa Rd
Midland SD 57552-3200

RE: Water Right Nos. 457-1, 630-1, 744-1 and 745-1

Dear Mr. Finn:

Thank you for taking the time to visit with me regarding the ownership changes for the above listed water rights.

Enclosed as we discussed is your check in the amount of \$250. Our secretary stamped the back of the check prior to realizing it was for the wrong amount. It was not run through the bank. Once we receive the correct fee of \$200 from you, the ownership changes will be processed.

If you would, remember to let me know whether or not pump systems are utilized for the irrigation systems. Annual irrigation questionnaires are only sent to irrigators that have a pump or type of system that can measure how much water is diverted.

I look forward to hearing from you. I have included a postage paid envelope for your use. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

SEP 26 2013

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 457-1Date: 09-11-2013I/We request that Water Right/Permit No. 457-1 formerly owned by:Travis R & Johnie R Busenitz be transferred to:New Owner Name: Finn Farm, IncAddress: 11849 Kessel RoadCity, State, Zip Belle Fourche SD 57717 Telephone No. 605-441-9168

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

See Attached Warranty Deed.

☒ I understand that the validity of Water Right/Permit No. 457-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

I, Finn Farm, Inc, the new owner, certify that the above information is true and correct.

Finn Farm Inc by *Johnie R Busenitz*
(signed by new owner)

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

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

457-1

RECEIVED

SEP 26 2013

WATER RIGHTS
PROGRAM

BOOK 441 PAGE 19

2013-1781

Prepared By:

BENNETT, MAIN & GUBBRUD, P.C.
618 State Street
Belle Fourche, SD 57717
Phone No. 605-892-2011

Register of Deeds
Butte County, South Dakota
Recorded September 11, 2013
At 1:45 P M
Doc# 2013-1781
Book 441 Page 19-21
Fee 30.00
By Paula J. Walker
Register of Deeds

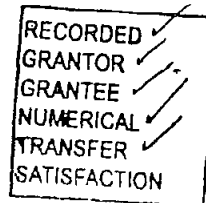
Transfer Fee Paid \$ 2,370.00



#13703

WARRANTY DEED

TRAVIS BUSENITZ and JOHNIE BUSENITZ, husband and wife,
Grantors, of Butte County, State of South Dakota, for and in consideration of
Two Million Three Hundred Seventy Thousand Dollars (\$2,370,000), **grant,**
convey and warrant to FINN FARM, INC., Grantee, of 25065 Capa Road,
Midland, South Dakota 57552, the following described real estate:



See Attached Exhibit A

Subject to all reservations, easements and rights-of-way expressly
conveyed or reserved in prior grants and/or deeds, or created by operation of
Federal or State law:

DATED this 10 day of September, 2013.

Travis Busenitz
TRAVIS BUSENITZ

Johnie Busenitz
JOHNIE BUSENITZ

STATE OF SOUTH DAKOTA)

County of Butte) ss.

On this the 10 day of September, 2013, before me, the undersigned officer, personally appeared **TRAVIS BUSENITZ and JOHNIE BUSENITZ**, known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

James M. Marts
Notary Public

(SEAL)

My Commission Expires: Jun 18, 2017

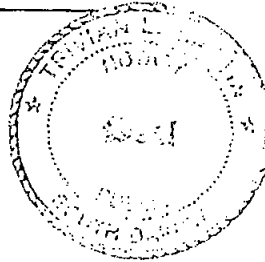


EXHIBIT A

LEGAL DESCRIPTION

Township 10 North, Range 3 East of the Black Hills Meridian, Butte County, South Dakota:

- Section 14: $W\frac{1}{2}SW\frac{1}{4}$; $SE\frac{1}{4}SW\frac{1}{4}$
- Section 15: $S\frac{1}{2}$
- Section 16: $W\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}$; $W\frac{1}{2}NE\frac{1}{4}$; $NW\frac{1}{4}$; $S\frac{1}{2}$
- Section 21: All
- Section 22: All
- Section 23: $W\frac{1}{4}$; $W\frac{1}{4}E\frac{1}{4}$;
- Section 24: $S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$
- Section 25: $E\frac{1}{2}NE\frac{1}{4}$
- Section 27: $NE\frac{1}{4}NE\frac{1}{4}$; $W\frac{1}{2}NE\frac{1}{4}$; $NW\frac{1}{4}$
- Section 28: $NE\frac{1}{4}$; $N\frac{1}{2}NW\frac{1}{4}$
- Section 29: $N\frac{1}{2}NE\frac{1}{4}$
- Section 33: $W\frac{1}{2}NE\frac{1}{4}$; $SE\frac{1}{4}NE\frac{1}{4}$

Township 10 North, Range 4 East of the Black Hills Meridian, Butte County, South Dakota:

- Section 19: Government Lots 3, 4; $E\frac{1}{2}SW\frac{1}{4}$
- Section 30: Government Lots 1, 2, 3; $N\frac{1}{2}SE\frac{1}{4}$; $E\frac{1}{2}NW\frac{1}{4}$; $NE\frac{1}{4}SW\frac{1}{4}$; $W\frac{1}{2}NE\frac{1}{4}$; $SE\frac{1}{4}NE\frac{1}{4}$;
and that part of the $NE\frac{1}{4}NE\frac{1}{4}$ containing 2 acres bounded and described as follows:
Beginning at a point on the west of the said $NE\frac{1}{4}NE\frac{1}{4}$, which said point of
beginning is 60 rods south of the northwest corner of said $NE\frac{1}{4}NE\frac{1}{4}$; thence south
20 rods to the southwest corner of the $NE\frac{1}{4}NE\frac{1}{4}$; thence east along the south line of
said $NE\frac{1}{4}NE\frac{1}{4}$ of Section 30, a distance of 32 rods; thence on a straight line in a
northwest direction to the point of beginning.

Search Results for South Dakota Water Rights

[Search Again](#)

Permit No:	457-1	Status:	LICENSE	Link:	PDF image of permit/right file
Name/Business:	TRAVIS R & JOHNIE R BUSENITZ		County:	BUTTE	
Type of use:	IRRIGATION	Priority Date:	3/7/1960		
Pump Rate:	2.1	cubic feet per second	If Irrigation (acres):	146.3	
Legal Description:	SE1/4SE1/4	Sec	24	Twn	10 N Rng: 3 E
Basin:	BELLE FOURCHE RIVER BASIN				
Source:	INDIAN CREEK				
Aquifer:					
Comments:	TRANSFERRED 2-22-2011 FROM GABRIEL KESSEL & SONS FARMS TO TRAVIS R & JOHNIE R BUSENITZ				

[Back](#)Record 1 of 4 [▶](#) [⏏](#)

Has to be pumped

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/30, 20 13

RECEIVED OF Finn Farms Inc 25065 Capa Rd Midland Sd 57552

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>457-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **06447**

By Jeannine Goodman
Chief Engineer

457-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

October 1, 2013

Shane Finn
Finn Farm Inc
25065 Capa Rd
Midland SD 57552-3200

RE: Water Right Nos. 457-1, 630-1, 744-1 and 745-1

Dear Mr. Finn:

I am writing to acknowledge receipt of the \$200 filing fee for the ownership changes for Water Right Nos. 457-1, 630-1, 744-1 and 745-1. Enclosed for your records are Receipt Nos. 6447, 6448, 6449 and 6450 in the amounts of \$50 each.

The ownership changes have been completed. The water rights formerly held by Travis R and Johnie R Busenitz are now listed in the name of Finn Farm Inc.

Thank you for sending along documentation on which water rights have systems that utilize a pump. Irrigation questionnaires will be sent to you for Water Right Nos. 457-1, 630-1 & 994-2. No. 994-2 was already listed in your name and is for land in Haakon County irrigated from the Bad River.

Future correspondence will be directed to you at your new address of 11849 Kessel Road, Belle Fourche SD (as indicated on the transfer forms). If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

APR 14 2014

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 457-1Date: April 7, 2014

I/We request that Water Right/Permit No. 457-1 formerly owned by:
Finn Farm, Inc. a/k/a Finn Farms, Inc. be transferred to:

New Owner Name: Finn Livestock Company
Address: 11849 Kessel Road
City, State, Zip Nisland SD 57762 Telephone No. _____

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

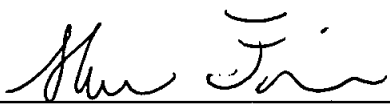
See Exhibit A

- ☒ I understand that the validity of Water Right/Permit No. 457-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

I, Finn Livestock Company, the new owner, certify that the above information is true and correct.


(signed by new owner)

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

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

EXHIBIT A

Township 10 North, Range 3 East of the Black Hills Meridian, Butte County, South Dakota:

- Section 14: $W\frac{1}{2}SW\frac{1}{4}$; $SE\frac{1}{4}SW\frac{1}{4}$
- Section 15: $S\frac{1}{2}$
- Section 16: $W\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}$; $W\frac{1}{2}NE\frac{1}{4}$; $NW\frac{1}{4}$; $S\frac{1}{2}$
- Section 21: All
- Section 22: All
- Section 23: $W\frac{1}{2}$; $W\frac{1}{2}E\frac{1}{2}$
- Section 24: $S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$
- Section 25: $E\frac{1}{2}NE\frac{1}{4}$
- Section 27: $NE\frac{1}{4}NE\frac{1}{4}$; $W\frac{1}{2}NE\frac{1}{4}$; $NW\frac{1}{4}$
- Section 28: $NE\frac{1}{4}$; $N\frac{1}{2}NW\frac{1}{4}$
- Section 29: $N\frac{1}{2}NE\frac{1}{4}$
- Section 33: $W\frac{1}{2}NE\frac{1}{4}$; $SE\frac{1}{4}NE\frac{1}{4}$

Township 10 North, Range 4 East of the Black Hills Meridian, Butte County, South Dakota:

- Section 19: Government Lots 3, 4; $E\frac{1}{2}SW\frac{1}{4}$
- Section 30: Government Lots 1, 2, 3; $N\frac{1}{2}SE\frac{1}{4}$; $E\frac{1}{2}NW\frac{1}{4}$; $NE\frac{1}{4}SW\frac{1}{4}$; $W\frac{1}{2}NE\frac{1}{4}$; $SE\frac{1}{4}NE\frac{1}{4}$; and that part of the $NE\frac{1}{4}NE\frac{1}{4}$ containing 2 acres bounded and described as follows: Beginning at a point on the west of said $NE\frac{1}{4}NE\frac{1}{4}$, which said point of beginning is 60 rods south of the northwest corner of said $NE\frac{1}{4}NE\frac{1}{4}$; thence south 20 rods to the southwest corner of the $NE\frac{1}{4}NE\frac{1}{4}$; thence east along the south line of the $NE\frac{1}{4}NE\frac{1}{4}$ of Section 30, a distance of 32 rods; thence on a straight line in a northwest direction to the point of beginning.
- Section 29: Tract 3 of Indian Creek Addition located in the $SW\frac{1}{4}$ and the $S\frac{1}{2}SE\frac{1}{4}$ as shown by the plat recorded as Document #2004-2122; $SE\frac{1}{4}SW\frac{1}{4}$

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/14, 20 14

RECEIVED OF Mortenson Law Offices PO Box 190 Port Pierre SD 57582

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>457-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **06823**

By *James L. Loman*
Chief Engineer

457-1



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



April 15, 2014

457-1
630-1
744-1
745-1

Shane Finn
Finn Livestock Company
11849 Kessel Rd
Nisland SD 57762

Dear Mr. Finn:

I am writing to acknowledge receipt of transfer forms and filing fees submitted by Mortenson Law Office concerning Water Right Nos. 457-1, 630-1, 744-1 and 745-1.

The ownership changes have been completed. The water rights formerly listed in the name of Finn Farm Inc., are now listed under Finn Livestock Company. It is my understanding the water right you have in Haakon County will remain under the name of Finn Farm Inc.

The receipts for the filing fees paid for filing the ownership changes are being forwarded by copy of this letter to Mortenson Law Offices. If you have any questions, please contact me.

Sincerely,

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

c: Kimberley Mortenson, Mortenson Law Offices

Mortenson Law Offices

P.O. Box 190 • 32 East Main
Fort Pierre, South Dakota 57532
605-223-9040
Fax No. 605-223-9230

Kimberley A. Mortenson
Curtis D. Mortenson

RECEIVED
APR 14 2014
WATER RIGHTS
PROGRAM

April 7, 2014

DENR – Water Rights Program
523 E. Capitol Avenue
Pierre, SD 57501-3182

RE: Finn Farm, Inc.

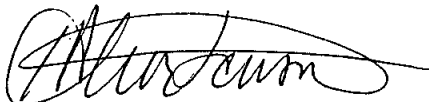
To Whom It May Concern,

Enclosed please find the Notices of Transfer of Ownership from Finn Farm, Inc.
to Finn Livestock Company on the following:

1. Water Right/Permit No. 745-1
2. Water Right/Permit No. 744-1
3. Water Right/Permit No. 630-1
4. Water Right/Permit No. 457-1

Please call with any questions.

Sincerely,



Kimberley A. Mortenson
Attorney

Enclosures