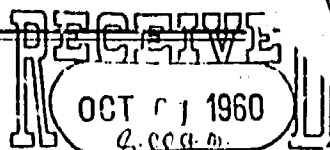


No. 518-1Water Division No. 1BELLE FOURCHE RIVER

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



VESTED RIGHT **APPLICATION FOR PERMIT VESTED RIGHT**

To Appropriate Water within the State of South Dakota

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

1. Name of applicant TRANS-6-1-76 W.C. ROW, JR
Box 160, MEAD, OKLA. 73449
 Postoffice address _____, County Adair, 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)

- (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Jones Diversion Works
 3. Amount of water claimed 1000 inches as per attached Water Right of predecessor
1000 inches as per public feet per second IN INTEREST - EXHIBIT "A"
 4. Source of water supply Dry Creek and dry draws - as per Dry draw Location
Notices filed September, 1957 - Exhibit "B"
 5. Location of point of diversion _____

- _____ See Exhibits on _____ bank _____ County.
 6. Annual period or periods during which water is to be used April through September
 7. To be used for:

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

- (a) Number of acres to be irrigated 140 acres.

- (b) Legal subdivisions to be irrigated See attached exhibits and map

(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.) House - except livestock

drink from dam water impounded

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation: None

- (a) Nature of use _____
 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 _____

8. Estimated cost of work:

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

(b) Pumping plant, \$.....

(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-FOOT 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. Work already done

11. Time required for complete application of water the proposed beneficial use years.

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

STATE OF SOUTH DAKOTA

County of } ss.

I, Joseph W. Jones, being first duly sworn or 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 Joseph W. JonesSubscribed and sworn to before me this 28th day of September 1960Herbert H. Clark
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

My Commission expires Oct. 21,
1966

Remarks by State Water Resources Commission:

"Vested Right Claimed" based partially on 0166-1
filed by J.L. Hibberd, Jr. June 28, 1952.

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.

This permit supersedes 0166-1 and requires LOCATED NOTICES 6642, 6643, 6644 and 6645

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, June 22, 1961

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
a.m. upon the 1st day of October, 1960.

State Water Resources Commission

By:

Anton J. Jones
Chief Engineer, Executive Officer

Number of permit 518-1

Date of first receipt of application October 1, 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 1.85 from June 28, 1902
1.60 from 1931 and .40 from 1944, 19____

Approved June 22, 1961, Recorded in Book 6 Page 271

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 _____, 19____

2nd. The whole of said work is ~~to be~~ completed on or before _____, 19____

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is _____, 19____

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 2.85 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 June 30, 1955; said water to be used during the following described annual period:

April Through September

Witness my hand this 22nd day of June, 1961

State Water Resources Commission

By:

John Brainer
Chief Engineer, Executive Officer

Certificate of Construction issued June 22, 1961

Water License issued June 22, 1961

STATE OF SOUTH DAKOTA

WATER LICENSE No. . . . 518-1 . . .

WHEREAS, On the 1st day of October A. D. 1960

Joseph W. Jones

of Belle Fourche County of Butte and State of South Dakota duly made application (No. 518-1) to us for a vested right permit to use 2.85 cubic feet per second of the waters of Bitter Creek and dry draws County of Butte, State of South Dakota, for irrigation purposes; and

vested right WHEREAS, On the 22nd day of June A. D. 1961 recognizing Permit No. 518-1 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~~ day of ~~the~~ 1st day of October and for the application to beneficial use of said water ~~on or before the~~ day of ~~the~~ 1st day of October and,

WHEREAS, On the 1st day of October A. D. 1960 the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.85 cubic feet per second of said waters, as evidenced by our Certificate No. 518-1 dated June 22, 1961 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 2.85 cubic feet per second of water, with date of priority of June 28, 1902 and, 1931 and 1944 and,

WHEREAS, On the 1st day of October A. D. 1960 proof was duly made of the application to beneficial use of 2.85 cubic feet per second of said water; to be used for irrigating 200 acres in Sections 1 and 12, T 10 N, R 2 E and Section 7, T 10 N, R 3 E,

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
 We hereby grant and confirm to Joseph W. Jones
 of Belle Fourche the holder and owner of said permit No. 518-1
1.85 from 6-28-1902
 a water right, dating from .60 from 1931 and .40 from 1944 to the use of 2.85
 cubic feet per second of the waters of Bitter Creek and 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 two points in the NE 1/4 NE 1/4,
Section 12, T 10 N, R 2 E; and a point in the NW 1/4 SE 1/4 and in the SE 1/4 SE 1/4,
Section 7, T 10 N, R 3 E
 and conducted to and upon portions of Sections 1 and 12, T 10 N, R 2 E, and a
portion of Section 7, T 10 N, R 3 E, more specifically described in the
Certificate of Completion of Works
 for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the
 State, and subject, also to the local or community customs, rules and regulations which have been or may be
 adopted from time to time by a majority of the users from a common source of supply, canal or lateral from
 which such water may be taken, when such rules and regulations have for their object the economical use of such
 water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
 this 22nd day of June A. D. Nineteen
 Hundred and sixty-one

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. L. GRIMES

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Permit No. 518-1Helle FourcheWater Division No. 1 River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Joseph W. Jonesof Helle Fourche, County of Butte, and State of South Dakota, the holder of Permit No. 518-1 issued upon ApplicationNo. 518-1, bearing date of priority of 1902, 1931 and 1944, authorizing the diversion of 2.85 cu. ft. per second of the waters of dry draws and Bitter CreekCounty of Butte, State of South Dakota, at two points in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12, T 10 N, R 2 E; one point in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and one in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, T 10 N, R 3 E for Irrigationpurposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are recognized as ~~XXXX~~ satisfactory~~XXXX~~ for diverting and conveying to the place of intended use 2.85 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 1 T 10 N R 2 E SW $\frac{1}{4}$ SE $\frac{1}{4}$ 10 acresSE $\frac{1}{4}$ SE $\frac{1}{4}$ 20 acresSection 12 T 10 N R 2 E NE $\frac{1}{4}$ NE $\frac{1}{4}$ 30 acresSE $\frac{1}{4}$ NE $\frac{1}{4}$ 10 acresSection 7 T 10 N R 3 E NW $\frac{1}{4}$ NW $\frac{1}{4}$ 15 acresSW $\frac{1}{4}$ NW $\frac{1}{4}$ 30 acresNW $\frac{1}{4}$ SW $\frac{1}{4}$ 25 acresNE $\frac{1}{4}$ SW $\frac{1}{4}$ 20 acresNW $\frac{1}{4}$ SE $\frac{1}{4}$ 20 acresNE $\frac{1}{4}$ SE $\frac{1}{4}$ 20 acresTotal 200 acresWitness my hand this 22nd day of June A. D. 1961

State Water Resources Commission

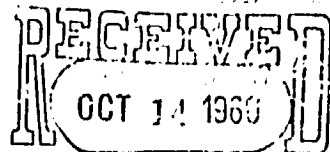
By:

Chief Engineer, Executive Officer
J. W. GRIMES

Location No.

Water Division No.

Water District

STATE WATER RESOURCES COMM
SIOUX FALLS, SOUTH DAKOTA

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. Joseph W. Jones, Rancher, Belle Fourche, S.D.

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

Ans. not applicable

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

Ans. 9-1-57 Dry Draw Location Notices. 6/28/02 Water Right Notice (J.L. Hibbard Jr.)

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

Ans. From Dry Creek aka Bitter Creek, Butte Count., S.D. 2 dams NE 1/4 NE 1/4 12, 10, 2
1 dam NW 1/4 SE 1/4 7, 10, 3
1 dam SE 1/4 SE 1/4 7, 10, 3
1 dam S 1/4 S 1/4 1, 10, 2; ~~XXXXXXXXXXXXXXXXXXXX~~ 2 dams W 1/4 NE 1/4 12, 10, 2.
There are many other small dams scattered over this area.

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. Natural flood system, no canals or ditches. Average length 30 ft; average height 4 ft; never measured amount of water but system of dams constructed have always handled all water coming down Dry Creek for last 20 or 30 years.

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. Irrigation of hay meadows. Of the 440 acres in the 11 forties under the system I would say about half or 220 acres gets irrigated.

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

Ans. none

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

Ans. 3 cubic ft of water per second

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. not applicable

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. Every year, by dams to spread water over hay meadows, have used whatever came down the creek; some years would be a lot, some years not very much. Since 1902, since 1931 and since 1944 as additional dams were constructed.

(Sign) Joseph W. Jones

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 Belle Fourche, County of Butte

State of South Dakota, on this 10th day of October A. D. 1960.

Otto Erickson
Rahit S. Beals

Witnesses.

Harling H. Clark

Notary Public

My Commission expires Oct. 21, 1966

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 _____

**OVERSIZE
DOCUMENT IS
SUPPLEMENTARY
TO MICROFILM FILE**

Township Plat

Showing Adjoining Sections of the Surrounding Townships

Sec 1-12
Twp 10-2

Section 7

Township 10

Range 3

THE PISON COURIER, Bison, South Dakota

36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	20	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6

1 = claim

TRANSFER NO. 1

WATER RIGHT.

J. L. Hibbard, Jr.

TO

The Public.

Date: June 28, 1902

Acknowledged: June 30, 1902

Witnesses: None

Seal: Yes

Filed: June 30, 1902 5 PM.

Recorded: Book 7 Misc. Page 548

ACKNOWLEDGED: Before Geo. B. Ross, Register of Deeds, Butte County, South Dakota, by J. L. Hibbard, Jr.

RECITES: That I claim and have a valid right to the occupation and possession for an exclusive right of way for the construction of a flume or water ditch from Dry Creek stream to the North $\frac{1}{2}$ of SE $\frac{1}{4}$, and Lot 3, and North $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 7, in Tp. 10 North of Range 3, East of the E.H.M., commencing at a point on said Dry Creek from which the government quarter section corner between sections 7 and 18, bears south 50° east 20 chains distant, running thence north and east to and upon the above described land. Claims 1000 inches of the water of said stream for irrigating purposes, to be conveyed through said ditch to said tract of land.

STATE OF SOUTH DAKOTA)

) SS.

COUNTY OF BUTTE)

Alma E. Voyles, being first duly sworn on her oath deposes and says:

That she is the owner and manager of Belle Fourche Realty and Abstract Company, Belle Fourche, South Dakota. That the above instrument, Transfer No. 1, is a true and exact copy of the document as shown in Abstract of Title No. 8306 as compiled by the Belle Fourche Realty and Abstract Company.

Alma E. Voyles

Subscribed and sworn to before me this 28th day of September, 1902

Frederick H. Clark
Notary Public

My commission expires
October 21, 1906

STATE OF SOUTH DAKOTA)
COUNTY OF BUTTE) SS.

A F F I D A V I T

George Kiplinger, Sr. being first duly sworn on his oath deposes and says:

That he is a long time resident of Butte County, South Dakota and for many years was a neighbor of George Jones who owned land in Sections 1 and 12, Township 10 North of Range 2, E.B.H.M., Butte County, South Dakota.

That in the year 1931 he was present at the Jones ranch when George Jones, assisted by his son Joseph W. Jones, constructed a series of dikes across said lands to divert waters from Dry Creek and adjacent dry draws and spread it across hay ground and pasture ground on said lands. That said dike construction work was done with horses and scrapers.

Dated at Belle Fourche, Butte County, South Dakota this 28th day of September, 1960.

George Kiplinger Sr.

Subscribed and sworn to before me this 28th day of September, 1960.

William H. Clark
Notary Public

My commission expires
October 21, 1966

STATE OF SOUTH DAKOTA)
COUNTY OF BUTTE)

A F F I D A V I T

Kenneth Hanify, Sr. being first duly sworn on his oath
deposes and says:

That he is a long time resident of Butte County, South
Dakota and for many years was a neighbor of George Jones who
owned land in Section 1 and 12, Township 10 North of Range 2,
E.B.H.M., Butte County, South Dakota.

That in the year 1931 he was present at the Jones ranch
when George Jones, assisted by his son Joseph W. Jones, con-
structed a series of dikes across said lands to divert waters
from Dry Creek and adjacent dry draws and spread it across
hay ground and pasture ground on said lands. That said dike
construction work was done with horses and scrapers.

Dated at Belle Fourche, Butte County, South Dakota this
28th day of September, 1960.

Kenneth Hanify

Subscribed and sworn to before me this 28th day of
September, 1960.

Henry W. Clark
Notary Public

My commission expires
October 21, 1966

STATE OF SOUTH DAKOTA)
COUNTY OF BUTTE)

A F F I D A V I T

Ole Thornby being first duly sworn on his oath deposes and says:

That he is a long time resident of Butte County, South Dakota and that he served as a County Commissioner of said county for many years and that he now resides at Belle Fourche, South Dakota.

That he is well acquainted with George Jones, a pioneer homesteader in the county, and his son, Joseph W. Jones.

That in the year 1931 affiant learned that some dikes were being constructed on the George Jones ranch northwest of Belle Fourche in Sections 1 and 12 of Township 10 North of Range 2, E.B.H.M. That he went out to inspect and view such work and that he saw said dikes on said lands and that they were being used to spread waters out of Dry Creek and adjacent dry draws on hay ground and pasture ground belonging to Mr. Jones. That said dikes were constructed with teams and scrapers.

Dated at Belle Fourche, Butte County, South Dakota this 28th day of September, 1960.

Ole Thornby

Subscribed and sworn to before me this 28th day of September, 1960.

Stirling H. Clark
Notary Public

My commission expires
October 21, 1966

STATE OF SOUTH DAKOTA)
COUNTY OF BUTTE) SS.

A F F I D A V I T

George Jones being first duly sworn on his oath deposes and says:

That he is the father of Joseph W. Jones, who is applying for a vested water right covering the $N\frac{1}{2}S\frac{1}{2}$, $SE\frac{1}{4}SE\frac{1}{4}$ and $W\frac{1}{2}NW\frac{1}{4}$ of Section 7, Township 10 North of Range 3, E.B.H.M., and $S\frac{1}{2}SE\frac{1}{4}$ of Section 1 and the East $\frac{1}{2}$ of the $NE\frac{1}{4}$ of Section 12, Township 10 North of Range 2, E.B.H.M., all in Butte County, South Dakota.

That affiant filed as a homesteader on the lands described in Section 1 and Section 12. Township 10 North, Range 2. E.B.H.M. in the year 1907 and moved on to said land in the year 1908. That in the year 1931 affiant constructed a system of small dikes in and upon said lands to spread run off water from Dry Creek and adjacent dry draws to irrigate hay and pasture grounds. That said dikes were constructed with scrapers, using horse power, and that his son, Joseph W. Jones, assisted in said work.

That said system of dikes was used to spread water for irrigation purposes each year thereafter and that such use has continued to the present time. That affiant has now retired but that his son, Joseph W. Jones, took over said lands and has maintained and continued to use said system of dikes to spread water from said sources.

Dated at Belle Fourche, Butte County, South Dakota this 28th day of September, 1960

Subscribed and sworn to before me this 28th day of September, 1960.

My commission expires
October 21, 1966

George Jones
Notary Public

STATE OF SOUTH DAKOTA)
) SS.
COUNTY OF BUTTE)

A F F I D A V I T

Joseph W. Jones being first duly sworn on his oath deposes and says:

That affiant is the applicant for a vested water right to appropriate run off waters from Dry Creek and adjacent dry draws covering $N\frac{1}{2}S\frac{1}{2}$, $SE\frac{1}{4}SE\frac{1}{4}$ and $W\frac{1}{2}NW\frac{1}{2}$ of Section 7, Township 10 North of Range 3, E.B.H.M. and $S\frac{1}{2}SE\frac{1}{4}$ of Section 1 and $E\frac{1}{2}NE\frac{1}{4}$ of Section 12, Township 10 North of Range 2, E.B.H.M., all in Butte County, South Dakota.

That in the year 1931 affiant helped his father, George Jones, construct a series of small dikes across the $S\frac{1}{2}SE\frac{1}{4}$ of Section 1, and $E\frac{1}{2}NE\frac{1}{4}$ of Section 12 all in Township 10 North of Range 2, E.B.H.M., Butte County, South Dakota. That the purpose of said dikes was to divert and spread waters from Dry Creek and dry draws upon lands then owned by his father and being hay land and pasture land. That said work was done with horses and scraper. That affiant, and his father before him, has continuously used and spread diverted waters from Dry Creek and from dry draws nearby to irrigate hay ground and pasture ground on said lands below said dikes.

That affiant is the owner of the $N\frac{1}{2}SE\frac{1}{4}$ and Lot 3 and $N\frac{1}{2}SW\frac{1}{4}$ of Section 7 in Township 10 North of Range 3, E.B.H.M., Butte County, South Dakota. That he attaches herewith as Exhibit "A" a transcript of water right filed June 30, 1902 by a previous owner of said lands. That affiant claims, by virtue of said document, a vested right in and to the waters of Dry Creek as specified in said document.

That in September 1957 affiant filed with the Water Resources Commission dry draw location notice and also filed the same with the Register of Deeds, Butte County, South Dakota. That said dry draw location notices covered/dams built for the purpose of diverting flood waters for irrigation use in Section 12, Township 10 North of Range 2 and Section 7, Township 10 North of Range 3. Such documents are hereby referred to, being Dry Draw No. 6642, 6643, 6644, and 6645, and being on file in your office, and by this reference made a part hereof.

Affiant further attaches hereto a plat showing the lands described and affected by this application.

Dated at Belle Fourche, Butte County, South Dakota this 28th day of September, 1960.

Joseph W. Jones

Subscribed and sworn to before me this 28th day of September, 1960.

Harley H. Clark
Notary Public

My commission expires
October 21, 1966

NOTICE OF TRANSFER OF WATER PERMIT

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

Date 5-18-1976

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

NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12, T10N, R2E more fully described in Permit
No. 518-1

formerly owned by Joseph W. Jones, Belle Fourche

has been transferred to W. C. Row, Jr., Box 160, Mead, OK 73449

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 518-1 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

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

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

OKLAHOMA
STATE OF ~~SOUTH DAKOTA~~)
County of BRYAN) ss.

I, W. C. ROW. JR. 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.

W. C. Row Jr.
(Signed)

Suscribed and sworn to before me this 18th day of MAY, 1976

Retha Jean Shurlson
(Notary Public) My Comm. Exp. 12-30-78



Location 518-1
Notice
Water Rights Division - DVNR File No. 178-1

Conversation or File Documentation

NAME OF PERSON OR FILE: Mrs. W. C. Rowe

ADDRESS: Box 150, Mead, Okla. 73449 COUNTY Butte

DATE: May 7, 1985 TELEPHONE

RE: Cancellation of Location Notice # 178-1

COMMENTS:

I talked to Larry Kymala, who leases the land, and he said there is a good irrigation system in this area. A Modern Permit # 518-1 that was licensed covers some of the area listed under this location notice # 178-1. Priority dates for Permit # 518-1 are as follows: 1.85 cfs from June 28, 1902; .60 cfs from 1931; .40 cfs from 1944.

No where in Permit # 518-1 is there any reference made to Location Notice # 178-1, or Zora M. Hoff who filed # 178-1 nor the date of October 30, 1909. Some of the land listed under # 178-1 has been licensed under # 518-1. Permit # 518-1 states that this permit supersedes 0166-1, and dry draw location notices 6642, 6643, 6644, 6645.

Location Notice # 178-1 dated October 30, 1909 was filed for portions of the same land as licensed in Permit # 518-1. However no priority dates as specified in W N # 178-1 are claimed in Permit # 518-1.

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

NAME: Leroy J. Menough

State of South Dakota

REISSUED

VESTED RIGHT Water License No. 518-1

(1) Joseph W. Jones
of Belle Fourche, South Dakota was issued Vested Water Right License No. 518-1
made application No. _____, June 22, 1961 for a ~~water permit~~ ^{right} to appropriate
2.85 cubic feet per second of water from Bitter Creek and dry draws
Butte County, South Dakota for irrigation purposes.
ed Water Right License
Permit No. 518-1, with a priority date of June 28, 1902, 1931 and 1944
was approved _____ and issued to applicant(s) for diversion of water with ^{recognizing} construction of the described
water supply system ~~to be completed on or before~~ _____ and for the application to beneficial use of said
water ~~on or before~~ _____.

On May 18, 1976, Vested Water Right No. 518-1 was transferred to W. C. Row, Jr.

Location Notice No. 178-1 filed October 30, 1909 describes the same lands as
recognized in Vested Water Right No. 518-1. Vested Water Right License No. 518-1
is being reissued to incorporate the applicable portions of Location Notice No.
178-1. The priority dates of June 28, 1902, 1931 and 1944 specified in Vested
Right Water License No. 518-1 issued June 22, 1961 will be retained.

On September 22, 1986, Location Notice No. 178-1 and Vested Water Right No. 518-1
were transferred to Barnice Row.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 2.85 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is are two points in the NE1/4NE1/4 Section 12,
T10N-R2E; and a point in the NW1/4SE1/4 and in the SE1/4SE1/4 Section 7, T10N-R3E

The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following lands:

T10N-R2E Section 1 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 10 Acres

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 20 Acres

Section 12 NE $\frac{1}{4}$ NE $\frac{1}{4}$ 30 Acres

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 10 Acres

T10N-R3E Section 7 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 15 Acres

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 30 Acres

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 25 Acres

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 20 Acres

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 20 Acres

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 20 Acres

TOTAL 200 ACRES

(4) Pursuant to §46-5-30.1 Bernice Row
of 595 Leisure World, Mesa, Arizona 85206

Vested Right
the holder(s) and/or owner(s) of Water Permit No. 518-1 is issued a license to appropriate water, the right to use
2.85 cubic feet per second of water from Bitter Creek & dry draws with a priority date
1.85 cfs from June 28, 1902, 0.60 cfs from 1931;
of and 0.40 cfs from 1944 from the location specified in (2) of this license. The water to be
conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in Vested Right Water Permit No. 518-1 and subject
to South Dakota State Law.

Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JOHN HATCH

DEC 1 1986

LOCATION NOTICE

34 178-1

KNOW ALL MEN BY THESE PRESENTS:

THAT Gora M. Goff whose post office is
Belle Fourche, South Dakota, a citizen of the United States, above the age of
21 years, being in possession of the following described land, to-wit: E 1/2 NE 1/4 Sec. 12 T. 10 N. R. 26 E. S. 12 section
Seven township Ten. North range Three East B. H. M.
in Butte County, South Dakota. Said lands comprising Desert Entry No. _____
Land District, availing my self of the right granted me under the provisions
of Section 31 of Chapter 180 of the Session Laws of South Dakota of 1907, has located and claims the right to
construct a certain dam across a dry draw situated in the NE 1/4 of the NE 1/4 section Twelve
township Ten. North range Three East and has located and claims the right to construct ditches and
flumes for the purpose of directing flood waters from said dam for irrigation of the land first above described, and
claims the right of way across any land for the purpose of conveying said waters for said purpose.

Said locator claims for the above purpose Two cubic feet of water per second during the following
described annual periods Summer and winter inclusive, each year.

Said location was made on the 30th day of October 1919.

Witness my hand and seal this 30th day of October 1919.

Gora M. Goff

Locator.

STATE OF SOUTH DAKOTA }
COUNTY OF Butte } ss

On the 30th day of October 1919, before me
Alfred T. Moore, a Notary Public in and for the County and State aforesaid, personally
appeared Gora M. Goff to me personally known to be the person who executed
the foregoing instrument and acknowledged that he executed the same for the uses and purposes therein set forth.

Witness my hand and official seal, the day and date above written.

Alfred T. Moore

Notary Public.

Flerie, South Dakota, November 15th 1919

This is to certify that the foregoing location notice was received at this office at 9 o'clock A. M.,
upon the 15th day of November 1919, and after examination it was filed for
record

WATER RIGHTS DIVISION
(605) 773-3352

September 9, 1986

Mrs. W. C. Row
Box 160
Mead, Oklahoma 73449

Dear Mrs. Row:

I am contacting you in regard to Water Right No. 518-1 in the name of W. C. Row and Location Notice No. 178-1 in the name of Zora M. Goff. The lands described in Location Notice No. 178-1 are also described in Water Right No. 518-1. Presently, our office is in the process of up-dating these water rights by transferring them to your name and then incorporating Location Notice No. 178-1 into Water Right No. 518-1.

In order for the Location Notice and the Water Right to be transferred to your name, a "Notice of Transfer" will need to be filed by you. Enclosed are partially completed transfer forms. Please check them over, date and sign in the presence of a notary public. Upon completion of these forms, please return them to our office with a \$2.50 filing fee for each (total of \$5.00).

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

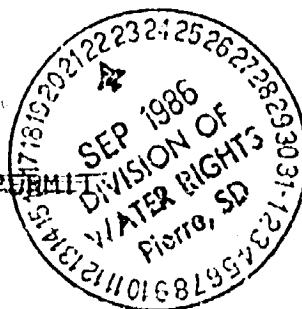
Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.

NO. LN 178-1

NOTICE OF TRANSFER OF ~~WATER PERMIT~~



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: September 17, 1986

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

E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 12, T10N-R2E and Lots 1 & 2 Section 7, T10N-R3E.

formerly owned by Zora M. Goff

has been transferred to Bernice Rowe, 595 Leisure World, Mesa, AZ 85206
Mrs. W. C. Row, Box 160, Head, Oklahoma 73449

(please include complete mailing address)

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

Water Right Permit No. LN 178-1 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.

ARIZONA
STATE OF SOUTH DAKOTA)
County of Maricopa) ss.

I, Mrs. W. C. Row 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.

Mrs. W. C. Row
(Signed)

Subscribed and sworn to before me this 17th Day of September, 1986.

Jane Carol Robbins
(Notary Public)

My Commission Expires Mar. 20, 1988

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410573

Pierre, September 22, 1956

RECEIVED OF Bernice Row, 595 Leisure World, Mesa, AZ 85206

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

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. <u>3</u> to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. <u>3</u> after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>LI 178-1</u>	2	50
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

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: September 17, 1986

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

S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 1; E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 12 all in T10N-R2E and W $\frac{1}{2}$ NW $\frac{1}{4}$,

N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 7, T10N-R3E.

formerly owned by W. C. Row

Bernice Rowe 595 Leisure World, Mesa, AZ 85206

has been transferred to Mrs. W. C. Row, Box 160, Mead, Oklahoma 73449

(please include complete mailing address)

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

Water Right Permit No. 518-1 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.

ARIZONA
STATE OF SOUTH DAKOTA)
County of Maricopa) ss.

I, Mrs. W. C. Row 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.

Mrs. W. C. Row
(Signed)

Subscribed and sworn to before me this 17th Day of September, 1986.

Lone Carol Robbins
(Notary Public)

My Commission Expires Mar. 20, 1988

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410572

Pierre, September 22, 1936

RECEIVED OF Bernice Row 595 Leisure World, Mesa, AZ 85206

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

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 <u>518-1</u>	2	50
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

DATE RECEIVED

CAMERA OPERATION

VRWL 518-1

SOUTH DAKOTA
Department of
Water & Natural Resources

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

Water Rights Division
605 773-3352

DEC 1 1986

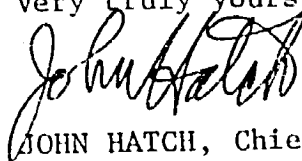
Bernice Row
595 Leisure World
Mesa, Arizona 85206

Dear Mrs. Row:

Enclosed is your Water Right License No. 518-1. The water license has been reissued to the extent of what is actually being used. The relicense is based on a May 7, 1985 inspection of your water use system.

If you have any questions concerning the enclosed Water License, please contact us.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

enclosure

Applicable portions of Location Notice No. 178-1 are incorporated into Vested Water Right No. 518-1.

**South Dakota Department of
Water & Natural Resources**

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

March 28, 1991

Bernice Row
595 Leisure World
Mesa AZ 85206

Dear Ms. Row:

The Water Management Board has validated the enclosed Vested Water Right No. 518-1. This validation gives legal status to the claim and is the final document for your vested right.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,



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

enclosure

SOUTH DAKOTA

VALIDATION OF VESTED WATER RIGHT CLAIM NO. 518-1 FOR IRRIGATION

Date Claim Accepted For Filing October 1, 1960.

Date of Validation September 27, 1989.

Pursuant to SDCL 45-2A-17 the Water Management Board validated Vested Water Right Claim Permit No. 518-1 for irrigation purposes for Bernice Row, 595 Leisure World, Mesa, Arizona 85206 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 518-1 appropriates 2.85 cubic feet of water per second (cfs) from Dry Draws and Bitter Creek to irrigate 200 acres. The diversion points are located in the NE 1/4 NE 1/4, Section 12, T10N, R2E and in the NW 1/4 SE 1/4 and SE 1/4 SE 1/4, Section 7, T10N, R3E. The irrigated acres are located in the S 1/2 SE 1/4, Section 1, E 1/2 NE 1/4, Section 12; all in T10N, R2E and in the W 1/2 NW 1/4, N 1/2 SW 1/4 and N 1/2 SE 1/4; all in Section 7, T10N, R3E.
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 - September 30.
3. The priority dates of the Vested Water Right are June 28, 1902 - 1.85 cfs, January 1, 1931 - 0.6 cfs and January 1, 1944 - 0.4 cfs.
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.

WATER MANAGEMENT BOARD

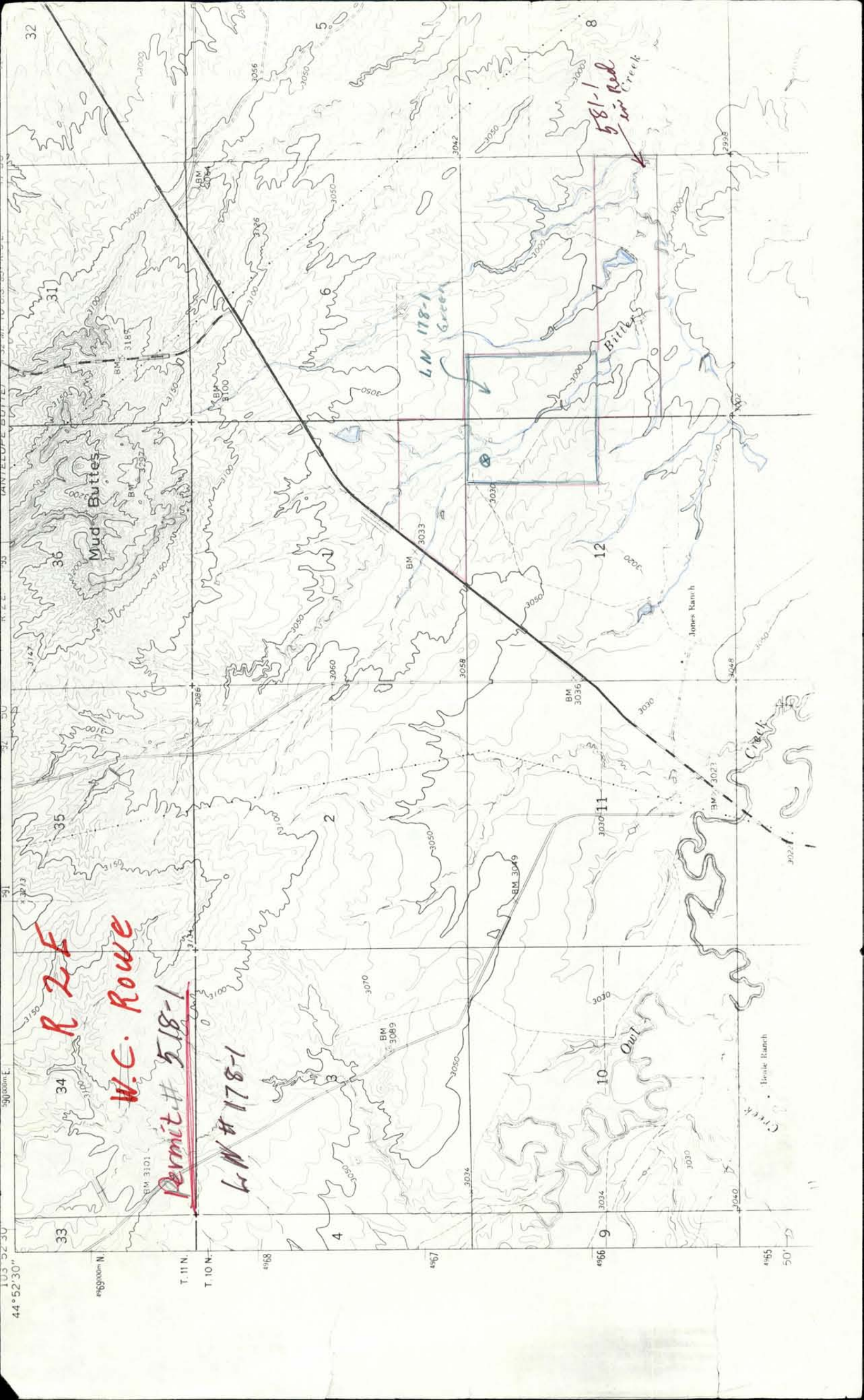
By: _____

John H. Hatt
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

MAR 28 1991

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 20, 2018

518-1

William Brindley
Mecaha Cattle Company
11108 Bitter Creek Trail
Belle Fourche SD 57717-6407

Dear Mr. Brindley:

I am contacting you in regard to ownership of land described in Vested Water Right No. 518-1, listed in the name of Bernice Row. Awhile back, our Program was notified the vested water right should be transferred because the owner of record had passed away years ago. A review of a Butte County plat book shows Mecaha Cattle Company as owner of the land described in No. 518-1.

The vested water right authorizes use of water from Bitter Creek and dry draws for irrigation of 200 acres in portions of Sections 1 and 12, T10N, R2E and Section 7, T10N, R3E. Enclosed is a copy of the water right for your review. If the ditches that carried water to the acreage still exist, the vested water right should be transferred to reflect current ownership.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If Mecaha Cattle Company is not the owner of the land and/or you do not wish to maintain the vested right, please contact me. Thank you in advance for helping to update the vested water right.

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

enclosure

RECEIVED

JUL 30 2018

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 518-1

Date: 7-23-18

I/We request that Vested Water Right No. 518-1

formerly owned by: Bernice Row

be transferred to: (name & address) Mecaha Cattle Company Inc. William M. Brindley
11108 Bitter Creek Trail (Pres.)
Belle Fourche SD 57717 Telephone No. (605) 892-6272

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

S ½ SE ¼ Section 1 & E ½ NE ¼ Section 12, T10N, R2E

W ½ NW ¼, N ½ SW ¼, N ½ SE ¼ Section 7, T10N, R3E

I/We understand that the validity of Vested Water Right No. 518-1 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 with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Mecaha Cattle Co. Inc, the new owner, certify that the above information is true and correct.

Mecaha Cattle Co. Inc. by William M. Brindley Pres.
(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 July 30

, 20 18

Mecaha Cattle Co., Inc 11108 Bitter Creek Trail Belle Fourche 57717

RECEIVED OF

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>518-1</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. **08733**

By

Joanne Goodman
Chief Engineer

2411



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 30, 2018

518-1

William M Brindley, President
Mecaha Cattle Company Inc
11108 Bitter Creek Trail
Belle Fourche SD 57717-6407

Dear Mr. Brindley:

Thank you for following up on the ownership change for Vested Water Right No. 518-1.

The ownership change has been completed. Vested Water Right No. 518-1, formerly held by Bernice Row is now listed in the name of Mecaha Cattle Company Inc.

Enclosed for your records is Receipt No. 08733 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

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

enclosure