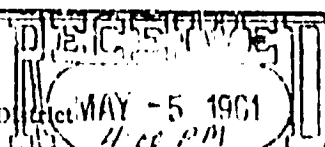


567-1

1. Considered 7-19-1961
2. Name of Applicant John N. Widdows
3. Post Office Address Bella Franches
4. Amount of water claimed 5.8
5. Source of water supply Porcupine Creek
6. Water to be used for irrigation
Acres to be irrigated 4.11
7. Water to be diverted and used in Britten County about
25 N miles of Bella Franches
8. Proof of Publication Received ☒
Not Received ☐
9. Application Approved ☒
Subject to
Not Approved ☐
Action deferred ☐

10. Remarks:

No. 567-1Water Division No. 1 BELLE FOURCHE RIVER
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant JOHN H. WIDDOSHPostoffice address BELLE FOURCHE, County BUTTE, State SO. 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 THE WIDDOSH IRRIGATION PROJECT3. Amount of water claimed Art 5.8 cubic feet per second4. Source of water supply PORCUPINE CREEK (A DRY DRAIN)BETWEEN A POINT WHICH LIES N. 90° W 560' from the N 1/4 Cor. Sec. 26, T.13 N. R. 3 E.5. Location of point of diversion and a point S 90° E 1056' from the SW Cor. Sec. 15, T.12 N., R. 3 E-BHM
Both banks Butte County.6. Annual period or periods during which water is to be used April 1st thru Nov. 30th

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity(a) Number of acres to be irrigated 411 acresNW-NW-12 Ac., NE-NW-28 Ac., SW-NW-35 Ac., NW-SW-38 Ac., SW-SW-17 Ac.,
Sec. 26, T.13 N., R. 2 E-BHM Total 130 Ac.

SE-NE-9 Ac., NE-SE-21 Ac., SE-SE-15 Ac., Sec. 27 T.13 N., R. 3 E Total 45 Ac

NE-NW-20 Ac., SE-NW-3 Ac., SW-NW-15 Ac., NW-NE-5 Ac., NW-SW-20 Ac.,

NE-SW-25 Ac., SE-SW-10 Ac., SW-SE-15 Ac. Sec. 10 T.13 N., R. 3 E- Total 113 Ac

NW-NE-18 Ac., SW-NE-24 Ac., NW-SW-13 Ac., NE-SW-23 Ac., SW-SW-37
NW-SE-18 Ac.

Sec. 15, T.13 N., R. 3 E-BHM

- Total 123 Ac.
Grand Total 411 Ac.Amount claimed for engine cooling NONE(c) Location of plant NONE(d) Method of developing power NONE(e) Point where water will be returned to stream XXXXXX

MAP NO 480-1

8. Estimated cost of work:

(a) Head Gates, \$ Flumes, headgates dikes etc. (b) Pumping plant, \$
 (c) Fluming, \$ With land leveling (d) Canal-earth, \$
 (e) Other structures \$
 Rock, \$
 Total, \$

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)
Flumes, headgates, dikes, spreader dams, land leveling (est.) \$8000.00

It is not the purpose of the operator to construct dams for the storage of flood water other than filling the present channel to a point where it overflows onto the creek bottoms. His object being to fill the badly washed channel with silt as well as to irrigate the bottoms.

(a) Dam: Height _____ feet; length at bottom _____ feet; thickness at bottom _____ 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	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 _____ 4 _____ years.
 11. Time required for complete application of water to the proposed beneficial use _____ 4 _____ years.
 12. Choice of newspaper for publication of notice of intention to appropriate _____

THE BELLE FOURCHE BEE? BELLE FOURCHE, S.D. DAK.

STATE OF SOUTH DAKOTA

County of Butte ss.

I, John H. Williams, 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 John H. Williams
 Subscribed and sworn to before me this 18 day of August 1901
Carl M. Brown
 Notary Public (or other qualified officer.)

10
11

THE WIDDOSS IRRIGATION PROJECT

Sections 26 & 27, T.13 N., R.2 E-BM

AND

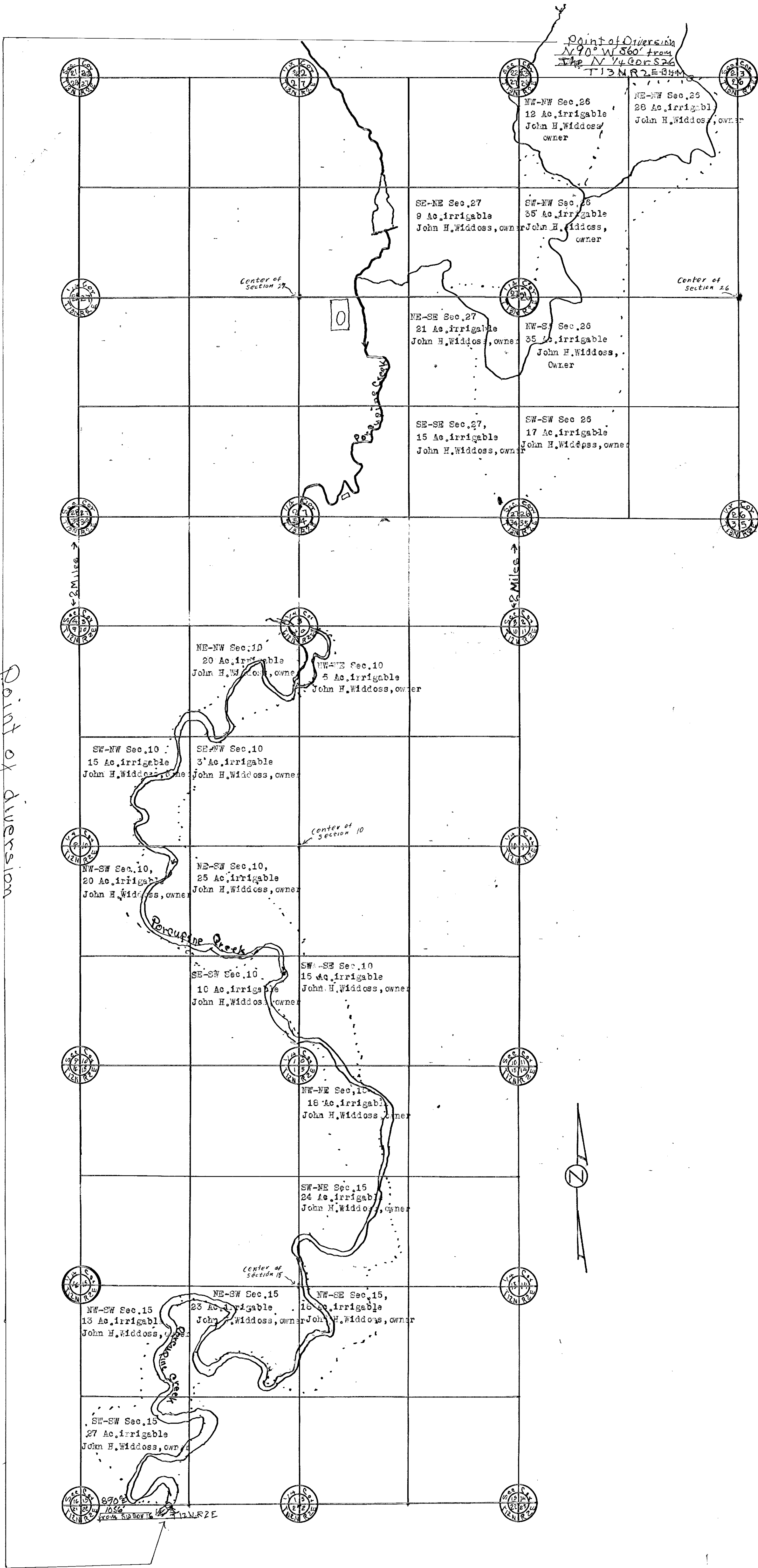
Sections 10 & 15, T₁₂S., R₂₃E.,
Butte County, South Dakota.

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

Subscribed and sworn to before me at Buffalo, South Dakota this 28th day of April, 1961

Notary Public (Seal)

Notary Public (Seal)



Map № 480-1
Appel № 567-1

Remarks by State Water Resources Commission:

New Diversion Structures built under this permit must incorporate an uncontrolled by-pass tube not smaller than 12 inches in diameter to allow passage of low stream flows for downstream domestic use and prior water rights. The top of these tubes must be located at least one foot below that elevation at which water would be diverted from the water course.

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, July 28, 1961.

This is to certify that the foregoing application was received by the Commission at 4:00 o'clock P.m. upon the 5th day of May, 1961.

State Water Resources Commission

By:

Burton J. Jones
Chief Engineer, Executive Officer

Number of permit 567-1

Date of first receipt of application MAY 5, 1961

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 MAY 5, 1961

Approved July 19, 1961, Recorded in Book 6 Page 282

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____

July 19, 1963

2nd. The whole of said work is to be completed on or before July 19, 1965

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

July 19, 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 5.8 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 July 19, 1969; said water to be used during the following described annual period:

April 1 thru November 30

Witness my hand this 28th day of July, 1961

State Water Resources Commission

By:

John H. Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

County Butte ss.Lawrence H. Taylor being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the

Belle Fourche R. a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in theCity of Belle Fourche County of Butte and State of South Dakota;

that the said notice was published in said newspaper on the following dates:

June 16, 1961June 23, 1961June 30, 1961July 7, 1961in each and every issue of the full number thereof, the first publication being made on the 16 day of June1961, and the last publication on the 7 day ofJuly 1961, upon which days or times of publication/aforesaid the newspaper was regularly published, and that during the whole time of said publication hewas Lawrence H. Taylor the printer and publisher of the said newspaper.No. 567-1
APPROPRIATION OF WATEROffice of State Water
Resources Commission,
Pierre, S. Dak.,

May 23, 1961

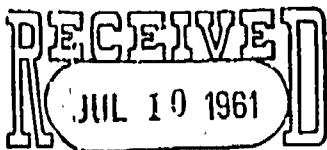
Notice is hereby given that John H. Widdoss whose post-office address is Belle Fourche, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 5.8 cubic feet of water per second of time from Percupine Creek through the Widdoss Irrigation Project, the point of diversion of which is to be located on both banks of said stream between a point in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, T 12N, R 2E, and a point in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 26 Twp. 13N Range 2E. Said water to be used for the purpose of providing irrigation portions on the following described land:

SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, Section 15; SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, all in T 12N, R 2E; E $\frac{1}{2}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 27; NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 26 all in T 13N; R 2E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 19th day of July, 1961, at 2 p.m. All interested persons may appear and be heard.

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

State Water
Resources Commission
By: Burton F. Jones,
Water Right Specialist
B41 6/16-23-30 7/7

Subscribed and sworn to before me this 7 day of July A. D. 1961STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTANotary Public Butte County, S. D.Notary Public, Butte County, So. Dak.
My Commission Expires Sept. 29, 1966

on or before
(First Publication) June 22, 1961

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., May 23, 1961

Notice is hereby given that John H. Widdoss whose postoffice address is Belle Fourche 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 5.0 cubic feet of water per second of time from the Porcupine Creek through the Widdoss Irrigation Project, the point of diversion of which is to be located on the bank of said stream in the NW 1/4 of Section 15, T 12N, R 2E, and a point between a point in the SW 1/4, Section 15, T 12N, R 2E, and a point NW 1/4 of Section 26, Twp. 13N, Range 2E. Said water to be used for the purpose of providing irrigation on the following described land:

SW 1/4, NW 1/4, SE 1/4, NE 1/4, Section 15, T 12N, R 2E, SW 1/4, NW 1/4, NE 1/4, Section 10, all in T 12N, R 2E, E 1/4 SW 1/4, SE 1/4, NE 1/4, Section 27, NW 1/4 and W 1/4 SW 1/4, Section 26 all in T 13N, R 2E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 19th day of July, 1961, at 2P. M. All interested persons may appear and be heard.

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

CC: Lawrence Weyler - Publisher
Belle Fourche Bee
Belle Fourche, South Dakota

State Water Resources Commission

By:

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

567-1 John H. Widdoss - B. Four
Ow. Cent James Ranch
14 W Spearfish,
Home Ph. 642-5837
Office 341-5050 R. City.
Mortgage Brokerage.

SOUTH DAKOTA Department of
Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

Phone (605) 775-3352

July 9, 1982

Curt & Brenda James
Rt 2, 34W Pine
Spearfish SD 57783

Dear Sir:

Please find enclosed a copy of our Form 20, Notice of Transfer of Water Permit. This must be signed by the owner before a notary public and returned to this office with a fee of Two Dollars and Fifty Cents (\$2.50).

Upon receipt of the Form 20 and the \$2.50 filing fee the permit will be transferred to the proper name.

Please advise this office if you have any questions.

Sincerely,

KAREN SCHLAAK
Administrative Secretary

enclosure

Water Rights Division
605 773-3352

July 15, 1982

Curt James
14 W Pine
Spearfish SD 57783

Dear Mr. James:

Recently I called you regarding the transfer of the John Widdoss permit No. 567-1 to you. It has come to my attention that this permit has never been given a final inspection and licensed.

I will be in your area the week of July 19th. I would like to inspect the area on Tuesday, July 20th with you or someone who is acquainted with the system. I will try to call you Monday morning before I leave town to confirm an appointment, however if I should fail to contact you Monday morning it will be late Monday afternoon or evening as I have stops along the way.

Sincerely,

LERoy J. MERNAUGH
Water Resources Engineer

LJM:ka

Permit No. 567-1Water Division 1 B-H- Fannie River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Carl J. Brenden
J. Jones of Box 214 1/2 Road Spearfish S.D. 57757 holder
 of Permit No. 567-1 bearing date of priority of May 7, 1961
 authorizing the diversion of 5.5 cu. ft. per second of the waters of Beaumont Creek
 for Irrigation purposes, in Butte County.

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

The Water Use System consists of,

A. Works used to divert the water:

Diversion Dam, 5 ft High - 200' long - 12' Top

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

channel

C. Works used to apply water to beneficial use.

Spreader Dikes for Flood IrrigationThe system is in the following condition: FairThe point of diversion is located 650 ft S and 720' W of N 1/2 Cor Sec 10
T 12N R 2EThe works are capable of diverting and conveying to the place of use 2.0 cfs
 cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows:
All in Section 10 T 12N R 2E - N 1/2 NW 1/4 - 10 Ac.
SE 1/4 NW 1/4 - 2 Ac.comprising a total of 12 acres of land. $12 \div 70 = .17 \text{ cfs}$

license for .17 cfs

 Date July 20 1982
L. Roy J. H. H. H. H. H.
 Signature

567-1

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

November 17, 1982

Curt & Brenda James
RR 2, 14W Pine
Spearfish SD 57783

Dear Mr. & Mrs. James:

The inspection of your water use system and inspection of the extent of your application of water to beneficial use, as developed under your Water Permit No. 567-1 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$12.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$12.00 fee from you, your Water License will be sent to you.

You will also receive the Certificate of Construction as required by statute.

Sincerely,

KAREN SCHLAACK
Administrative Secretary

NOTE: Please check over, sign and have notarized and return the enclosed transfer form along with the filing fee of \$2.50. (\$14.50 total for License & transfer) The permit will then be transferred to your names.

NOTE: On form of payment, please include number of water permit. This insures proper handling of the fee.

WNR-814-7/79 *Equal Opportunity Employer*
Notification of Water License Ready for Issuing (\$12.00)

Water Rights Division
605 773-3352

August 25, 1983

SECOND NOTICE
Permit No. 567-1

NOTICE OF WATER LICENSE, INSPECTION FEE
AND TRANSFER FEE REQUIREMENT

Curt and Brenda James
Rt 2, 14W Pine
Spearfish SD 57783

Dear Mr. & Mrs. James:

On July 9, 1982 and November 17, 1982 notice was sent to you concerning the transfer of Water Permit No. 567-1 in the name of John H. Widdoss which covers irrigation of 12 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10, T12N, R2E. To date we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed please find an additional form. Please sign, have notarized and return the form to this office with a \$2.50 filing fee. The permit can then be transferred to your name.

On November 17, 1982 you were notified the final inspection fee of \$12.00 is due before Water License No. 567-1 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$12.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-9-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Please remit the above stated transfer form and filing fee (total of \$14.50) to this office. If you have any questions, please contact this office.

Very truly yours,

JOHN HATCHER, Chief Engineer
Water Rights Division

JH:GM:ks

enclosure

PS Form 3811, Jan. 1979

② SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
- ☒ Show to whom and date delivered. c
 - ☐ Show to whom, date and address of delivery. c
 - ☐ RESTRICTED DELIVERY
Show to whom and date delivered c
 - ☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery. S

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Curt and Brenda James
Rt 2, 1461 Pine
Scranton, PA 17703

3. ARTICLE DESCRIPTION:
REGISTERED NO. *P 321* CERTIFIED NO. *937 451* INSURED NO. _____
(Always obtain signature of addressee or agent)

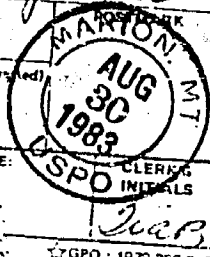
I have received the article described above.
SIGNATURE ☒ Addressee ☐ Authorized agent

Brenda James
DATE OF DELIVERY

8-30-83

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:



RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

Water Rights Division - DWNR

File No. 567-1

Conversation or File Documentation

NAME OF PERSON OR FILE: John H. Widdoss (was in process of transferring to Curt & Brenda Jones)ADDRESS: _____ COUNTY ButteDATE: January 24, 1985 TELEPHONE _____RE: Status of Township

COMMENTS:

(Register) of Deeds in Butte County indicated
Trustee and Bankruptcy claims filed on the
property (E12NW14 10-12N-2E) -- last recorded
deed was from Dennis W. Finch-trustee land
Curtis & Brenda Jones to David D. Widdoss,
2129 Hillside Drive, Bellevue, WA 98007

1-24-85: Spoke with David Widdoss-he stated he has always owned the land, it's
been in escrow for years. John Widdoss, the original permit holder, was his father.
Mr. Widdoss stated there has been several phony liens on the property, but he has
always owned it. I indicated to him that he should file a transfer form with our
office to have the permit changed to his name. He agreed to this, however, when I
mentioned the permit was ready for licensing for the 12 acres he irrigated, he
stated he has more land than 12 acres being irrigated. He stated all irrigation
is from a creek and done thru a series of check dams. I told him someone from
our office would reinspect the permit for him. He indicated this was fine.

He also mentioned he should have another permit dating from about 1941 or 1942.

All I found was this one- could he be talking about a location notice?

Transfer form sent 1-25-85.

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: David D. Widdoss

**SOUTH DAKOTA Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3552

No. 567-1

January 25, 1985

David D. Widdoss
2129 Hillsvlew Drive
Belle Fourche, South Dakota 57717

Dear Mr. Widdoss:

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.

Upon receipt of the enclosed form and the \$2.50 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,

Maxine Stirling
Staff Assistant

ms/
Enc.

David Widdoss

#567-1

Status of the permit

Feb 11, 1983

David Widdoss did not agree with my final inspection. He said there was more acreage.

I inspected the permit when James owned it. Widdoss got the land back.

I was to re inspect the area with Widdoss but never made arrangements. He was going to show me some of the irrigation systems on his land. I don't think that they are in the area under the Permit # 567-1.

also check the two Location Notices when you inspect the area. The license fee was never paid. Widdoss objected to the acreage to be licensed. By now there 7 acres or so may

(over)

By Larry J. Munn

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: Jan 29, 85

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

411 Acres - SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 15; SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10,
all in T12N, R2E; E $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 26, all in T13N, R2E
formerly owned by John Widdoss

has been transferred to David B. Widdoss, 2129 Hillsvlew Drive, Belle Fourche, SD 57717
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 567-1 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, David B. Widdoss 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.

David B. Widdoss
(Signed)

Subscribed and sworn to before me this 29th Day of January, 1985.

Martha Walk
(Notary Public)

Notary Public, BUTTE COUNTY, S. DAK.
My Commission Expires MAR. 1, 1986

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

No 4 9912

Pierre, January 30, 1985

RECEIVED OF David B. Widdoss, 2129 Hillview Drive, Belle Fourche, SD 57717

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 #567-1	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)

No. _____
z 567-1

SOUTH DAKOTA
Department of
Water & Natural Resources

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

January 31, 1985

David B. Widdoss
2129 Hillisview Drive
Belle Fourche, South Dakota 57717

Dear Mr. Widdoss:

Enclosed is receipt No. 567-1 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 567-1.

Our records now show you as the owner of this Water Right.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

Water Rights Division - DWR

File No. 567-1

Conversation or File Documentation

NAME OF PERSON OR FILE: John Widdess (David Widdess Assoc. Owner)

ADDRESS: 2129 Hillview Dr. Bell, Kentucky 40005 COUNTY Bell

DATE: 6/22/88 TELEPHONE _____

RE: Transfer of Butte of the River

COMMENTS:

Approximately 12 acres of land (NE 1/4 NW 1/4, NW 1/4 SE 1/4 NW 1/4, 2 AC)

which once belonged to Clark-Brenda Jones, now belongs to David

Widdess again! I think we should send the transfer form to

David Widdess

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: J. W. Widdess



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 567-1

November 3, 1988

Giddens (Phang)

David Widdoss
~~2129 Hillview Dr.~~
Belle Fourche SD 57717

1109 4th

Dear Mr. Widdoss:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 567-1 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Senior Secretary

NOTE: On check or money order, please indicate the number of the water permit.
This insures proper handling of the fee.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411487

Pierre, November 15, 1938, 19

RECEIVED OF David Widdess, 1109 4th St., Belle Fourche, SD 57701
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. <u>567-1</u>	50	00
Fee for Filing Transfer Form _____		
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	50 00

By [Signature]
Chief Engineer JOHN HATCH [Initials]

LICENSE FOR PERMIT NUMBER 567-1

1. Legal location of wells: NA

dams & structures: Sections 10 and 15, T12N-R2E

2. Well Information: Well Drilling Firm NA

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____

b) model _____ b) model no. _____

c) size _____ c) horsepower rating _____

d) capacity _____ GPM d) motor efficiency rating _____

e) turbine pump
no. of stages _____

3. Distribution lines:

a) size of lines _____

b) type _____

c) length _____

4. Dam information:

a) height to crest _____

b) height to spillway _____

c) crest width _____

d) crest length _____

e) spillway length _____

f) spillway width _____

g) approx. storage _____

h) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

i) Outlet tubes:

1) diameter _____

2) type _____

3) valued (Y/N) _____

4) valve type _____

5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers _____

4) spacing of sprinklers _____

5) nozzle size _____

b) towline:

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) nozzle size _____

5. System Type: c) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running _____
- 9) GPM _____

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES	NO	Check Items
_____	NA _____	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.
X _____	_____	2. Special Qualifications to permit being abided by.
X _____	_____	3. All Structures, wells and lands on map.

REMARKS: The water is diverted by using a series of check points. The height and the width of the check point depends on the depth and the width of the creek at that point. It varies from 4-6 feet in width and 3-4 feet in depth. The water is directed to the fields by using a series of dikes. The dikes vary in length from 30-70 feet and approximately 4 feet high.

Permit No. 567-1

Water District

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

TO: Chief Engineer, Division of Water Rights, DWR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by John Widdoss*
 _____ of Belle Fourche, S.D. 57717 holder of
 Permit No. 567-1, bearing the priority of May 5 19 61 authorizing
 the diversion of 5.8 cu. ft. per second of the waters of Porcupine Creek
 for irrigation purposes, in Butte County.

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

A. Works used to divert the water:

Small barriers (check points) on the creek

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

The land is irrigated whenever water in the creek is high enough to flood irrigate the land.

C. Works used to apply water to beneficial use:

The water is directed for irrigation through a series of dikes with different heights and lengths.

The system is in the following condition Poor

The point of diversion is located Points between a point 2550 feet east from Northwest corner, on the north line of Section 10, and 1150 feet east from Southwest corner, on the south section line, Section 15, T12N-R7E.

The works are capable of diverting and conveying to the place of use 5.8⁺
 cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows: _____

See attached sheet

comprising a total of 233 acres of land and the license should be issued for 3.33 cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are: _____ Date 6/29/88

* The water permit is now under
 David Widdoss name.

(signature)

M. A. Hadi

ACREAGE FOR WATER PERMIT NO. 567-1

Section 10, T12N-R2E

NW1/4 NE1/4	5.0 ac.
NE1/4 NW1/4	20.0 ac.
NW1/4 NW1/4	2.2 ac.
SE1/4 NW1/4	1.2 ac.
SW1/4 NW1/4	15.0 ac.
NW1/4 SW1/4	20.0 ac.
NE1/4 SW1/4	25.0 ac.
SE1/4 SW1/4	10.0 ac.
SW1/4 SE1/4	15.0 ac.

Section 15, T12N-R2E

NW1/4 NE1/4	15.0 ac.
SW1/4 NE1/4	23.8 ac.
NW1/4 SE1/4	18.0 ac.
NE1/4 SW1/4	23.0 ac.
NW1/4 SW1/4	12.8 ac.
SW1/4 SW1/4	27.0 ac.

TOTAL 233.0 acres.

State of South Dakota
Water License No. 567-1

(1) John H. Widdoss
of Belle Fourche, South Dakota 57717
made Application No. 567-1, May 5, 1961 for a water permit to appropriate
5.8 cubic feet per second of water from Porcupine Creek,
Butte County, South Dakota for irrigation purposes.
Permit No. 567-1, with a priority date of May 5, 1961
was approved July 19, 1961 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before July 19, 1965 and for the application to beneficial use of said
water on or before July 19, 1965.

On January 30, 1985, Water Permit No. 567-1 was transferred to David B. Widdoss.

and

(2) It is certified that the applicant 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 3.33 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is between points on Porcupine Creek:
2550 feet east of the NW Corner of Section 10 and 1150 feet east of the SW Corner
of Section 15, T12N, R2E.

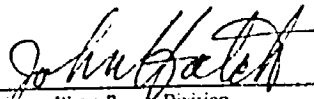
and

(3) 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, irrigate the following land in T12N, R2E

<u>Section 10</u>		<u>Section 15</u>	
<u>NW$\frac{1}{4}$NE$\frac{1}{4}$</u>	<u>5.0 Acres</u>	<u>NW$\frac{1}{4}$NE$\frac{1}{4}$</u>	<u>15.0 Acres</u>
<u>NE$\frac{1}{4}$NW$\frac{1}{4}$</u>	<u>20.0 Acres</u>	<u>SW$\frac{1}{4}$NE$\frac{1}{4}$</u>	<u>23.8 Acres</u>
<u>NW$\frac{1}{4}$NW$\frac{1}{4}$</u>	<u>2.2 Acres</u>	<u>NW$\frac{1}{4}$SE$\frac{1}{4}$</u>	<u>18.0 Acres</u>
<u>SE$\frac{1}{4}$NW$\frac{1}{4}$</u>	<u>1.2 Acres</u>	<u>NE$\frac{1}{4}$SW$\frac{1}{4}$</u>	<u>25.0 Acres</u>
<u>SW$\frac{1}{4}$NW$\frac{1}{4}$</u>	<u>15.0 Acres</u>	<u>NW$\frac{1}{4}$SW$\frac{1}{4}$</u>	<u>12.8 Acres</u>
<u>NW$\frac{1}{4}$SW$\frac{1}{4}$</u>	<u>20.0 Acres</u>	<u>SW$\frac{1}{4}$SW$\frac{1}{4}$</u>	<u>27.0 Acres</u>
<u>NE$\frac{1}{4}$SW$\frac{1}{4}$</u>	<u>25.0 Acres</u>	<u>TOTAL ACRES 233.0 ACRES</u>	
<u>SE$\frac{1}{4}$SW$\frac{1}{4}$</u>	<u>10.0 Acres</u>		
<u>SW$\frac{1}{4}$SE$\frac{1}{4}$</u>	<u>15.0 Acres</u>		

(4) Pursuant to §46-5-30.1 David Widdoss
of 1109 4th Street, Belle Fourche, South Dakota 57717
the holder(s) and/or owner(s) of Water Permit No. 567-1 is issued a license to appropriate water, the right to use
3.33 cubic feet per second of water from Porcupine Creek with a priority date
of May 5, 1961 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 Water Permit No. 567-1 and subject
to South Dakota State Law.


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

JOHN HATCH

MAR 10 1989

No. 567-1

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

MAR 10 1989

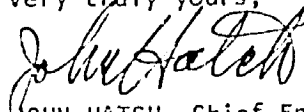
David Widdoss
1109 4th Street
Belle Fourche, South Dakota 57717

Dear Mr. Widdoss:

Enclosed herewith is, Water License No. 567-1. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

Enclosures

WNR-817 3/83
Transmittal of Water License



567-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

May 3 1993

Jim Hollenbeck
Farm Credit Services
PO Box 3130
Rapid City, SD 57709-3130

Dear Mr. Hollenbeck:

Enclosed, as you requested is a copy of Water Right No. 567-1. The water right is currently listed in the name of David B Widdoss.

I indicated to you during our telephone conversation that we have to start charging for photocopies we send out. The first ten copies are free and each copy thereafter is 20 cents. This will run on a fiscal year basis. Our secretary will keep track of copies mailed and bill you only after numerous copies have been mailed.

If you have any questions concerning the enclosed water right for Mr. Widdoss, or about the billing for photocopies, please contact me.

Sincerely,

Genny McMATH
Natural Resources Analyst
Water Rights Division
(605) 773-3352

enclosures



567-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

September 23, 1993

Craig & Debbie Kukuchka
HC 62 Box 8
Belle Fourche, SD 57717

Dear Mr. & Mrs. Kukuchka:

Enclosed, as requested, is a partially completed "Notice of Transfer of Ownership" for use in filing an ownership change on Water Right No. 567-1. The water right is currently listed in the name of David Widdoss.

I have enclosed a copy of Water Right No. 567-1. Please review the water right to insure that the acreage described (see page 2) is the same acreage that you purchased. If it is, copy the acreage descriptions onto the transfer form.

Once the transfer form is completed, please sign it in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50. The water right and all pertinent files will be changed to your names upon receipt of the form and filing fee.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division

enclosure

567-1

CARR & PLUIMER, P.C.

THOMAS E. CARR
RICHARD A. PLUIMER

LAWYERS
907 STATE STREET
P.O. BOX 580
BELLE FOURCHE, SOUTH DAKOTA 57717-0580
TELEPHONE (605) 892-6383
FAX (605) 892-6386

OFFICE MANAGER
DONNA BRADLEY

October 8, 1993



Ms. Genny McMath, Natural Resources Analyst
Water Rights Division
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: William C. and Deborah L.
Kukuchka

Dear Genny:

Please find enclosed original NOTICE OF TRANSFER OF OWNERSHIP for Water Right #567-1 together with our check in the amount of \$2.50 for the filing fee. You had previously forwarded this form to Mr. and Mrs. Kukuchka under date of September 23, 1993. We have closed the real estate transaction where Mr. and Mrs. Kukuchka have acquired title to all of Section 10 and all of Section 15 in Township 12 North, Range 2 East, BHM, Butte County, South Dakota affected by Water Right #567-1.

We have incorporated the legal description as set forth in the water license that you forwarded to Mr. and Mrs. Kukuchka. We would respectfully that you transfer the water right into the name of Mr. and Mrs. Kukuchka. If there are any questions, please feel free to contact me. Thank you very much for your assistance in this matter.

Sincerely yours,

A handwritten signature in dark ink that reads "Thomas E. Carr". The signature is fluid and cursive.

Thomas E. Carr

TEC/mmg

Enclosures



567-1

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 567-1
Date: October 7, 1993

I/We request that Water Right No. 567-1

formerly owned by: David B Widdoss

be transferred to: (name & address) William C. Kukuchka and Deborah L. Kukuchka, husband and wife,
joint tenants with right of survivorship (Telephone No) (605) 892-2875

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

See attached Exhibit "A", incorporated by reference
I/We understand that the validity of Water Right No. 567-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

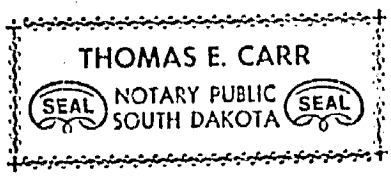
A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Butte)

I/We William C. Kukuchka and Deborah L. Kukuchka being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Deborah L. Kukuchka / William C. Kukuchka
(Signed)

Subscribed and sworn to before me this 7th day of OCTOBER, 1993.



Thomas E. Carr
(Notary Public)
My Commission Expires Sept 26, 1996

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

567-1

L 211, R2F

Section 10	Section 15
NW1NE1 5.0 Acres	NW1NE1 15.0 Acres
NE1NW1 20.0 Acres	SW1NE1 23.8 Acres
NW1NW1 2.2 Acres	NW1SE1 18.0 Acres
SE1NW1 1.2 Acres	NE1SW1 23.0 Acres
SW1NW1 15.0 Acres	NW1SW1 12.8 Acres
NW1SW1 20.0 Acres	SW1SW1 27.0 Acres
NE1SW1 25.0 Acres	TOTAL ACRES 233.0 ACRES
SE1SW1 10.0 Acres	
SW1SE1 15.0 Acres	



RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, October 12, 19 93

567-1
413912

RECEIVED OF Carr & Pluimer, P.C. (William & Deborah Kukuchla) PO Box 580, Belle Fourche, SD
the following amount in fees for services rendered as provided for by law: 57717

Fee for Application for Permit No. _____ to Appropriate Water, to construct 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>Water Right No. 567-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By [Signature]
Chief Engineer



567-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE TOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

October 14, 1993

No. 567-1

Thomas E. Carr
Carr & Pluimer, P.C.
P.O. Box 580
Belle Fourche, SD 57717-0580

Dear Mr. Carr:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 567-1.

Our records now show William C. and Deborah L. Kukuchka as the owner of Water Right No. 567-1.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure

c: William C. and Deborah L. Kukuchka

567-1

T 2 E

Curt James

T
12
N

Pt of DIV

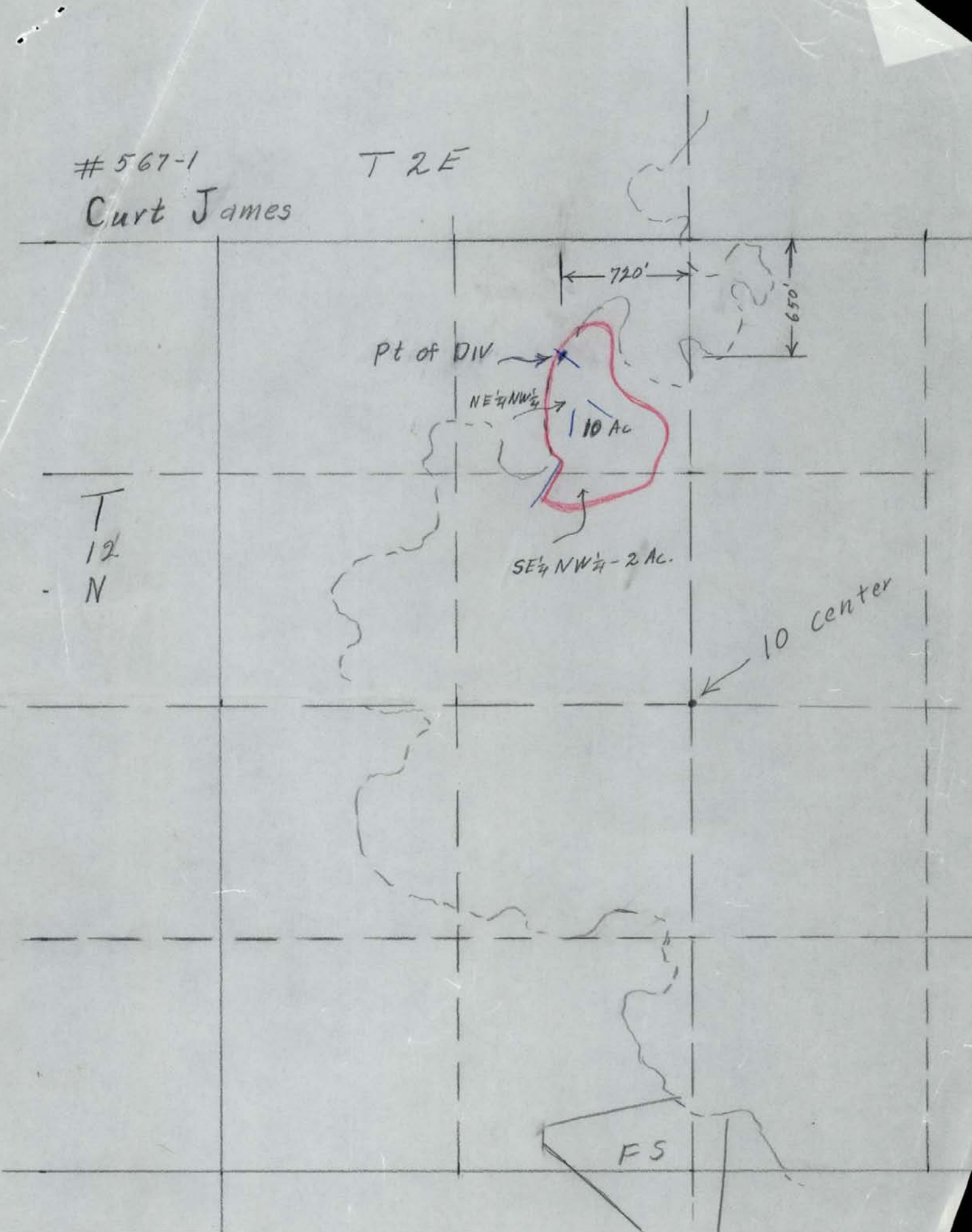
NE $\frac{1}{4}$ NW $\frac{1}{4}$

10 Ac

SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 2 Ac.

10 center

FS



#567-1

T 2 E

Curt James

T
#12
N

Map # 480-1
(App 1- # 567-1)

Pt of DIV

NE $\frac{1}{4}$ NW $\frac{1}{4}$

720'

650'

10 AC

SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 2 AC.

10 center

FS

T TO SCALE

