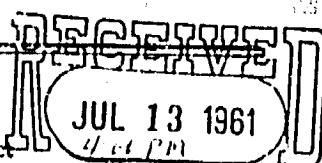


No. 591-1Water Division No. 1 LITTLE MISSOURI RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA**VESTED RIGHT
APPLICATION FOR PERMIT****To Appropriate Water within the State of South Dakota**

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

1. Name of applicant FLOYD A. COOPER
 Postoffice address HARDING County HARDING 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 FLOYD A. COOPER IRRIGATION PROJECT3. Amount of water claimed 7.7 cubic feet per second4. Source of water supply VALLEY CREEK AND TRIBUTARIES (BRUSH CREEK & HORTON Valley Cr. N 89°E 670' from SW Cor. S. 18, Brush Cr.; S 60°15'W (CREEK))5. Location of point of diversion 1702' from E 1/4 Cor. S. 17, Horton Cr.; N 0°E 30' from the S 1/4 Cor. S. 8, T. 17 N., R. 3 E-BHM
on both bank HARDING 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
- 543
- acres.

SW-NW-18 ac., SE-NW-8 ac., NW-SW-37 ac., NE-SW-27 ac., SW-SW-18 ac.,SE-SW-31 ac., SW-SE-19 ac., SE-SE-5 ac., Sec. 8, T. 17 N., R. 3 E-BHM Total 155 ac.NW-NW-22 ac., NE-NW-21 ac., SW-NW-2 ac., SE-NW-25 ac., NW-SE-35 ac.,NE-NE-26 ac., SW-NE-15 ac., SE-NE-8 ac., Sec. 17, T. 17 N., R. 3 E-BHM Total 139 ac.THE ABOVE TRACTS ARE THE PROPERTY OF THE STATE OF SOUTH DAKOTA
HELD UNDER LEASE BY FLOYD A. COOPER of HARDING, SO. DAK.NE-NW-18 ac., SW-NW-6 ac., SE-NW-27 ac., NW-NE-30 ac., NE-NE-34 ac.,SW-NE-37 ac., SE-NE-24, NW-SW-14 ac., NE-SW-4 ac., SW-SW-15 ac.,SE-SW-2 ac., NW-SE-33 ac., NE-SE-5 ac., Sec. 18, T. 17 N., R. 3 E-BHM TotalGrand Total 543 ac.THE ABOVE DESCRIBED TRACTS IN SEC. 18, T. 17 N., R. 3 E-BHM are the
PROPERTY OF FLOYD A. COOPER, HARDING, SO. DAK.

MAP No 503-1

8. Estimated cost of work:

(a) ~~Headgates~~ Spreader dikes \$ 1500.00 (b) Pumping plant, \$-----
 (c) Fluming, \$ 100.00 (d) Canal-earth, \$ 350.00 Rock, \$-----
 (e) Other structures Headgates \$ 75.00 Total, \$ 1925.00

9. Description of diversion works:

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

Dam #1; 12' high, length 1480', top width 12' Est. 13764 cu. yds @ 9¢ 1228.76
 Dam #2; Height 128, length 1700', top 13' Est. 15810 cu. yds. @ 9¢ 1482.60

II. Dimensions of works.

\$4576.66

(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 3:1; slope at back face 1:1
 material used in construction earth

(b) Reservoir: Capacity when filled #1 25 acre feet. Surface area at highwater

#2; Cap. 27 ac.ft., Surface area 12 acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	FEET	ACRE-Feet CAPACITY

(c)* Head gate: Width Diameter 12" feet; height-----feet;
 Material Iron

(d) Canal: Total length 2.1 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 Completed years.

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

12. Choice of newspaper for publication of notice of intention to appropriate Claimed under vested right. In operation over 25 years.

STATE OF SOUTH DAKOTA

County of HARDING ss.

I, FLOYD A. COOPER, 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

Subscribed and sworn to before me this

day of

1961

Notary Public (or other qualified officer.)

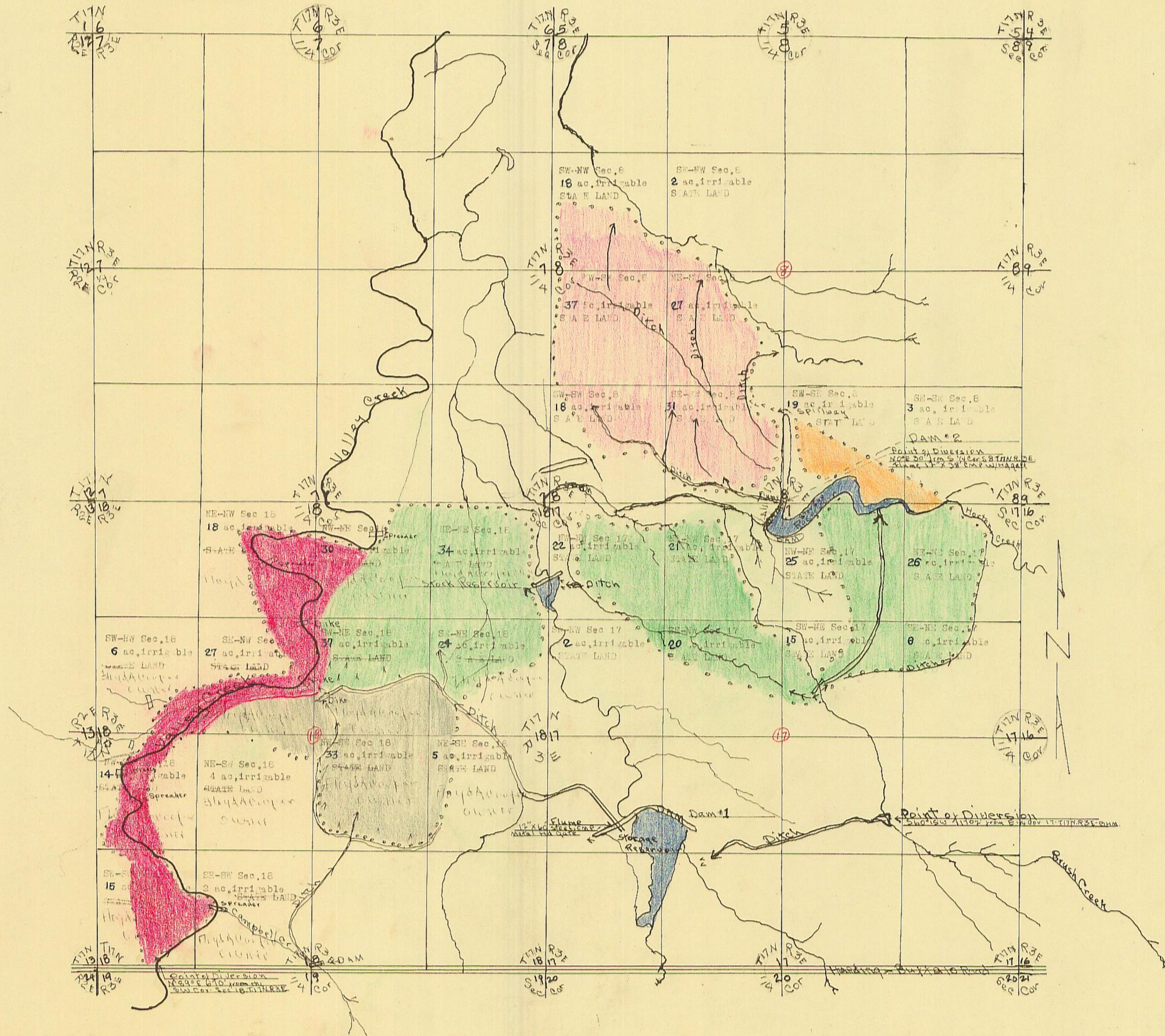
*Each diversion must have a headgate or measuring device

CARL H. CONNELL

Notary Public, State of South Dakota

PLAN
OF
THE FLOYD A. COOPER IRRIGATION PROJECT
SECTIONS 16, 17 & 18, T.17 N., R.3 E-21M
HARTIN COUNTY, SOUTH DAKOTA.

SCALE: 1 inch = 660 feet.
3 inches = 1 mile.



- SURVEYOR'S CERTIFICATE -

I, Carl M. Cornell, Licensed Surveyor, in and for the State of South Dakota, do hereby certify that, at the request of Floyd A. Cooper of Hartin, South Dakota, I have made a survey of the several tracts shown hereon, for the purpose of showing the location of certain dams, dikes and ditches which are used for the purpose of irrigation of the several legal subdivisions which are shown hereon and which comprise the FLOYD A. COOPER IRRIGATION PROJECT for which an application for a "Wasted Right" Application for a Permit to Appropriate Water for Irrigation Purposes is herewith submitted.

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

Subscribed and sworn to at Buffalo, South Dakota this 16th day of July 1931.

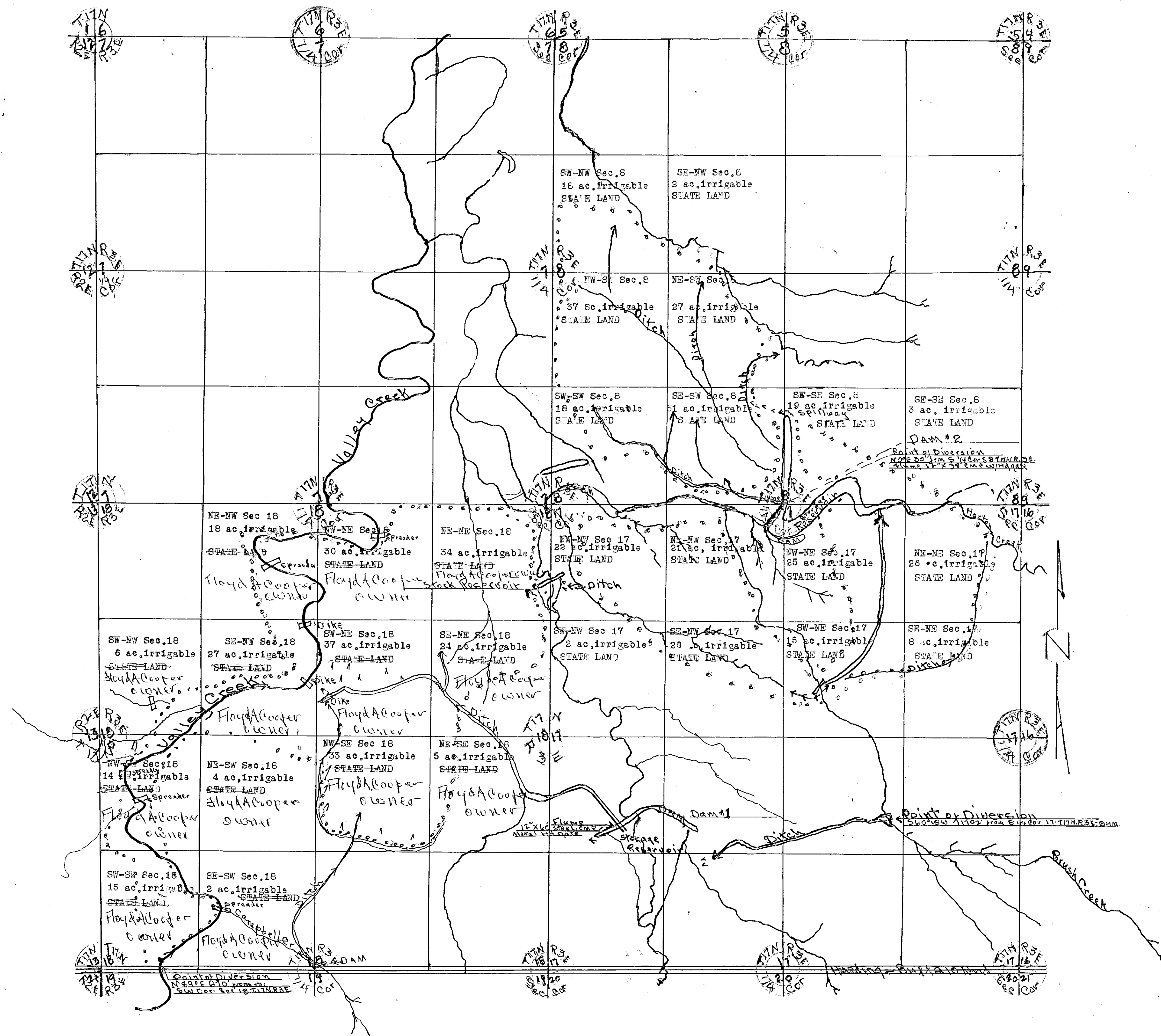
SIGNED: Carl M. Cornell
Carl M. Cornell, Licensed Surveyor
No. 112 (S.D.)

Subscribed and sworn to before me at Buffalo, South Dakota this 16th day of July 1931.

Notary Public (S.D.)

FLAT
OF
THE FLOYD A. COOPER IRRIGATION PROJECT
SECTIONS 8, 17 & 18, T. 17 N., R. 3 E-5E
HARDING COUNTY, SOUTH DAKOTA.

SCALE: 1 inch = 660 feet.
8 inches = 1 mile.



- SURVEYOR'S CERTIFICATE -

I, Carl M. Cornell, Licensed Surveyor, in and for the State of South Dakota, do hereby certify that, at the request of Floyd A. Cooper of Harding, South Dakota, I have made a survey of the several tracts shown hereon, for the purpose of showing the location of certain dams, dikes and ditches which are used for the purpose of irrigation of the several legal subdivisions which are shown hereon and which comprise 'THE FLOYD A. COOPER IRRIGATION PROJECT' for which an application for a 'Vested Right' Application for a Permit to Appropriately Water for Irrigation Purposes is herewith submitted.

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

Subscribed and sworn to at Buffalo, South Dakota this 8th day of July 1931.

SIGNED: *Carl M. Cornell*
Carl M. Cornell, Licensed Surveyor,
No. 144 (SEAL)

Subscribed and sworn to before me at Buffalo, South Dakota this 8th day of July 1931.

M. R. Kern
Notary Public (SEAL)

Remarks by State Water Resources Commission:

"Vested right Claimed"

STATE OF SOUTH DAKOTA
County of Hughes ss.

Pierre, South Dakota, August 28, 1961

This is to certify that the foregoing application was received by the Commission at 4:00 o'clock
P.m. upon the 13th day of July, 1961.

State Water Resources Commission

By:

Burton Jones
Chief Engineer, Executive Officer

Number of permit 591-1

Date of first receipt of application July 13, 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 1935, 19____

Approved August 28, 1961, Recorded in Book 6 Page 323

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~~ _____

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

Completed, 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 7.7 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 was

and beneficially applied for irrigation on or before June 30, 1955, said water to be used during the following described annual period:

April 1 THRU November 30

Witness my hand this 28th day of August, 1961

State Water Resources Commission

By:

John L. Linn
Chief Engineer, Executive Officer

Certificate of Construction Issued August 28, 1961

Water License Issued August 28, 1961

STATE OF SOUTH DAKOTA

WATER LICENSE No. 591-1

WHEREAS, On the 13th day of July A. D. 1961
Floyd Cooper

of Harding County of Harding and State of
South Dakota duly made application (No. 591-1) to us for a vested right permit to use 7.7
cubic feet per second of the waters of Valley, Brush and Horton Creeks
County of Harding, State of South Dakota, for irrigation
purposes; and

vested right WHEREAS, On the 28th day of August A. D. 1961
Permit No. 591-1 was issued to said applicant... for the diversion of said water, **recognizing the**
completion of the works of diversion therein described ~~on the basis of~~ **and**
~~XXXXXXX~~ and ~~XXXXX~~ application to beneficial use of said
water ~~XXXXXXX~~ **and,**

WHEREAS, On the 13th day of July A. D. 1961
the holder... of said permit duly made proof of the completion of adequate works for the diversion of 7.7
cubic feet per second of said waters, as evidenced by our Certificate No. 521-1
dated August 26, 1961 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 7.7 cubic feet per second of water, with date of
priority of 1935 ~~and~~ and,

WHEREAS, On the 13th day of July A. D. 1961
proof was duly made of the application to beneficial use of 7.7 cubic feet per second of said water;
to be used for irrigation on 543 acres in Sections 5, 17 and 18, T 17N,
R 3E

Permit No. 591-1Water Division No. 1 Little Missouri River
Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Floyd Cooper

of Harding County of Harding, and State of South Dakota, the holder of vested right of/Permit No. 591-1, issued upon Application No. 591-1, bearing date of priority of 1925, authorizing the diversion of 7.7 cu. ft. per second of the waters of Valley, Brush and Horton Creek County of Harding, State of South Dakota, at points in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 18; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8; NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, all in T. 17N., R. 3E for Irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of recognized as completion of the works of diversion set out and described in said Permit; that said works are ~~satisfactory~~ satisfactory ~~for~~ for diverting and conveying to the place of intended use 7.7 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: All in T. 17N., R. 3E

Section 8	SW$\frac{1}{4}$ NW$\frac{1}{4}$	18 acres	Section 18	NE$\frac{1}{4}$ NW$\frac{1}{4}$	18 acres
	SE$\frac{1}{4}$ NW$\frac{1}{4}$	2 acres		SW$\frac{1}{4}$ NW$\frac{1}{4}$	6 acres
	NW$\frac{1}{4}$ SW$\frac{1}{4}$	37 acres		SE$\frac{1}{4}$ NW$\frac{1}{4}$	27 acres
	NE$\frac{1}{4}$ SW$\frac{1}{4}$	27 acres		NW$\frac{1}{4}$ NE$\frac{1}{4}$	30 acres
	SW$\frac{1}{4}$ SW$\frac{1}{4}$	18 acres		NE$\frac{1}{4}$ NE$\frac{1}{4}$	34 acres
	SE$\frac{1}{4}$ SW$\frac{1}{4}$	31 acres		SW$\frac{1}{4}$ NE$\frac{1}{4}$	37 acres
	SW$\frac{1}{4}$ SE$\frac{1}{4}$	19 acres		SE$\frac{1}{4}$ NE$\frac{1}{4}$	24 acres
	SE$\frac{1}{4}$ SE$\frac{1}{4}$	3 acres		NW$\frac{1}{4}$ SW$\frac{1}{4}$	14 acres
Section 17	NW$\frac{1}{4}$ NW$\frac{1}{4}$	22 acres		NE$\frac{1}{4}$ SW$\frac{1}{4}$	4 acres
	NE$\frac{1}{4}$ NW$\frac{1}{4}$	21 acres		SW$\frac{1}{4}$ SW$\frac{1}{4}$	13 acres
	SW$\frac{1}{4}$ NW$\frac{1}{4}$	2 acres		SE$\frac{1}{4}$ SW$\frac{1}{4}$	2 acres
	SE$\frac{1}{4}$ NW$\frac{1}{4}$	20 acres		NW$\frac{1}{4}$ SE$\frac{1}{4}$	33 acres
	NW$\frac{1}{4}$ NE$\frac{1}{4}$	25 acres		NE$\frac{1}{4}$ SE$\frac{1}{4}$	5 acres
	NE$\frac{1}{4}$ NE$\frac{1}{4}$	26 acres			543 acres
	SW$\frac{1}{4}$ NE$\frac{1}{4}$	15 acres			
	SE$\frac{1}{4}$ NE$\frac{1}{4}$	8 acres			

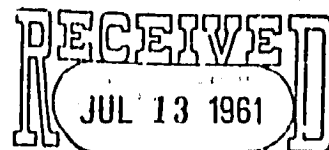
Witness my hand this 28th day of August A. D. 1961

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. GRIMES

Location No.



Water Division No.

Water District

STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. FLOYD A. COOPER, HARDING, S. D., RANCHMAN, HARDING, SOUTH DAKOTA

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. PRIVATE OPERATOR.

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

Ans. NO RECORD OF SUCH NOTICES.

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

Horton Creek; N. 0° E 30' from the S 1/4 Cor. Sec. 8, T. 17 N., R. 3 E-BHM. Rt bank.

Ans.

Brush Creek; S 60° 15' W 1702' from the E 1/4 Cor. Sec. 17, T. 17 N., R. 3 E. Lt Bank.
also both banks at a lower point.

Valley Creek; N 89° E 670' from the SW Cor. S. 18, T. 17 N., R. 3 E. & pints below

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.

Dam #1; L. 1480', H. 12', 1 mile of diversion dikes, ditches etc., main ditch w. 15', depth 3', 60' 12" CMP flume with metal headgate. Capacity 8 Sec. Ft.

Dam #2; L. 1700', H. 12', 38' 12" CMP flume with metal headgate. Numerous spreader ditches and dikes of undetermined length - probably 2 1/2 miles of total length. as needed for water spreading over hay land and pasture, also stockwater.

This project was under construction during the early 1930s and completed by about 1935.

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.

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

Ans. Irrigation and stockwater.

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

Ans. 7.7 Sec. Ft.

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. No permit of record. Sections 8 and 17 have been held under lease from the State of South Dakota as a part of this ranch for many years. I am the owner of Sec. 18, T. 17 N., R. 3 E-BHM which I purchased from the estate of my brother (Thurlo Cooper) who homesteaded part and bought the rest.

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

Ans. Flood-water has been used for the irrigation of the tracts indicated whenever such water was available since the early 1930s with annual additions, as was indicated their requirements, until the completion of the project in 1934 or 1935, with repairs as needed for upkeep since that time. The water supply was very good in the earlier years but in recent years the supply has been very limited and only a small portion of the regular hay land has been had available water for flooding this year.

(Sign) Floyd A. Cooper

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 Buffalo, County of Harding.

State of South Dakota, on this 8th day of July A. D. 1931

Eugene K. McLeod

Witnesses.

Carl M. Cornwell
Notary Public.

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.

Carl M. Cornwell
Notary Public, Harding County, S. Dak.
My Commission Expires April 19, 1931

SW-NW-13 ac., SE-NW-3 ac., NW-SW-37 ac., NE-SW-27 ac., SW-SW-18 ac.,
SE-SW-31 ac., SW-SE-19 ac., SE-SE-3 ac., Sec. 8, T.17 N., R.3 E-BHM Total 155 Ac.
NW-NW-22 ac., NE-NW-21 ac., SW-NW-2 ac., SE-NW-20 ac., NW-NE-25 ac.,
NE-NE-26 ac., SW-NE-15 ac., SE-NE-8 ac., Sec. 17, T.17 N., R.3 E-BHM Total 139 Ac.

The above tracts are the property of the State of South Dakota - Held under lease by Floyd A. Cooper.

NE-NW-15 ac., SW-NW-6 ac., NW-27 ac., NW-NE-30 ac., NE-NE-34 ac.,
SW-NE-37 ac., SE-NE-24 ac., NW-SW-14 ac., NE-SW-4 ac., SW-SW-15 ac.,
SE-SW-2 ac., NW-SE-33 ac., NE-SE-5 ac., Sec. 18, T.17 N., R.3 E-BHM
Total 249 Ac.
Grand Total 543 Ac.

The above described tracts in Sec. 18, T.17 N., R.3 E-BHM are the property of Floyd A. Cooper, Harding, No. Dak.

590-1
591-1

December 28, 1962

Mackey Brothers
Buffalo, South Dakota

Mr. Floyd A. Cooper
Buffalo, South Dakota

Dear Sirs:

This letter concerns further consideration of the conflicting claims associated with Application for Permit to Appropriate Water No. 590-1 by Mackey Brothers for irrigation use using waters from Brush Creek (also known as Mc Donald Creek or Washout Creek). Need for additional consideration of this matter was the decision of the Water Resources Commission following statements of the parties of interest, principally those made during hearings before the Commission on May 10, 1962, but not limited thereto.

Further studies and investigations by the staff of the Water Resources Commission results in the following findings:

- (1) The vested water right record No. 591-1 established by Mr. Cooper in compliance with the provisions of Sub-Section 61.0102 (7) (a) of the 1960 Supplement to the South Dakota Code of 1939, includes direct diversion of a maximum of 3.57 cubic feet per second of the waters in Brush Creek onto 250 acres of his land bordering Brush Creek plus sufficient additional water, not to exceed 52 acre feet per year, from Brush Creek to fill two storage reservoirs with priority dating 1935; provided, that such amounts of water are used beneficially for irrigation purposes upon said 250 acres of land and, provided further, that such amounts of water are available in Brush Creek after the preferential stockwatering uses by the Mackey Brothers;

- (2) The vested water right record established by Mr. Cooper includes irrigation use of waters from Horton Creek and Valley Creek in addition to the irrigation use of water from Brush Creek. Under provisions of Ch. 61.01, SDC 1960 Supp., the rights to use water from each of these streams are based upon the amount of water from each stream put to beneficial use, not upon nor proportional to the relative size of the respective areas contributing water to each of these streams;
- (3) Water rights acquired under filing in 1903 by Charles P. Johnson (No. 0194-1), the patented of land now owned by the Mackey Brothers, is not considered to be a valid water right under provisions of Ch. 61.01, SDC 1960 Supp., because water was not used upon the lands served by the Johnson irrigation system during the three year period immediately preceding the effective date of said Ch. 61.01, nor, in fact, was such irrigation system or water used during a long period of time preceding such three year period.
- (4) Diligence toward developing irrigation on lands other than those specified in Application No. 590-1 using water from creeks other than Brush Creek does not vest water rights in the Mackey Brothers under provisions of Ch. 61.01, SDC 1960 Supp., for use of water from Brush Creek to irrigate the lands specified in Application No. 590-1, no actual beneficial use of water upon the latter lands having occurred prior to the effective date of Ch. 61.01, SDC 1960 Supp.
- (5) During snowmelt periods, flows in Brush Creek will exceed the amounts of water covered by Mr. Cooper's water rights as specified in (1) above. Such excess waters constitute unappropriated waters use of which may be acquired for irrigation purposes by the Mackey Brothers, provided that their irrigation system includes facilities for passage of the amounts of water to which Mr. Cooper is entitled. Such facilities are not included in the irrigation system as proposed by Mackey Brothers in their Application No. 590-1. A plan for such additional facilities and method of operation, satisfactory to the Water Resources Commission, is necessary in order to satisfy the Cooper water rights in the flows of Brush Creek.

Page 3

My recommendations to the Water Resources Commission during rehearing of this matter on January 15, 1963, at 3:00 P.M., in Pierre, South Dakota, will be such as to reflect the above findings. Such comments as you may consider to be pertinent, either by correspondence before the date of the rehearing or during the meeting of the Commission, will be welcome.

My attention has been directed toward the possibility, or perhaps rumor is a better expression, that the interested parties were making arrangements to share the waters of Brush Creek. Such arrangements if not in violation of the provisions of Ch. 61.01. SDC 1960 Supp., may be approved by the Water Resources Commission.

Sincerely,

J.W. GRIMES

JWG/bw

cc: Overpack, Hamblin and Mueller, Belle Fourche, South Dakota
Donn Bannett, Buffalo, South Dakota
Clair Ledbetter, 1014 South Pierre Street, Pierre, South Dakota

591-1

WATER RIGHTS DIVISION (605) 773-3352

November 23, 1982

Louise McDermott
1120 Nellie
Sturgis, South Dakota 57785

Dear Ms. McDermott:

This letter is in regard to Water Right No. 591-1, listed in the name of Floyd Cooper. The Water Right covers portions of land in Section 8, 17 and 18, T17N, R3E as described on the enclosed Certificate of Completion of Works. The land is located northeast of Harding in Harding County.

LeRoy Mernaugh, of this office visited with one of your neighbors concerning the water right and the land covered under the water right. It was indicated at that time that you are now the owner of the land covered under Water Right No. 591-1.

Enclosed please find a "Notice of Transfer". Please check over, date, sign and have notarized before returning the form to this office with a \$2.50 filing fee. The Water Right can then be transferred to your name.

It is very important that our ownership records be kept current. If you do not own this land, please advise. If you have any questions, please contact this office.

Sincerely,

Genny Young
Water Rights Specialist

GY:ms
Etel.

**FIRST NORTHWESTERN TRUST CO.
OF SOUTH DAKOTA**

815 St. Joseph Street - Drawer 1040
Rapid City, South Dakota 57709



December 2, 1982

S. D. Department of Water & Natural
Resources
ATTN: Genny Young, Water Rights Specialist
Joe Foss Building
523 East Capitol
Pierre, SD 57501

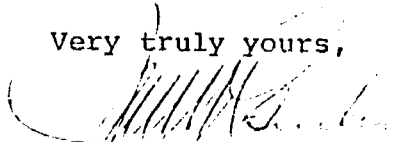
RE: Floyd Cooper Trust - Water Right Permit No. 591-1

Dear Ms. Young:

We have enclosed and return herewith a Notice of Transfer of Water Permit No. 591-1 with the correct designation of ownership, together with our check in the amount of \$2.50 in payment of the transfer fee.

Thank you.

Very truly yours,


Gerald M. Gerdes
Senior Vice President

JMG:tm
Enclosures (2)



NO. 591-1.

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: December 2, 1982

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

Portions of Sections 8, 17 and 18, T17N, R3E

formerly owned by Floyd Cooper

* Please refer to reverse side of page
has been transferred to Louise McDermott, 1120 N. Hwy. 1, Sturgis, South Dakota 57785
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 591-1 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 Office 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)
) ss.
County of Pennington

Jerald M. Gerdes, Sr. Vice President, First Northwestern Trust Co of S.D. & Louise McDermott, co-Trustees Being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that we have read the above foregoing statement, and we know of my own personal knowledge that the information herein stated is true.

First Northwestern Trust Co. of S. Dak., co-Trustee
By: Jerald M. Gerdes, Sr. V.P.
By: Louise McDermott co-Trustee
(Signed)

Subscribed and sworn to before me this 2nd Day of December, 1982.



(Notary Public)
My commission expires Aug. 17, 1988

. . . . has been transferred to: Floyd Cooper Trust, First Northwestern
Trust Company of S. Dak. and Louise McDermott, co-Trustees,
PO Drawer 1040, Rapid City, SD 57709

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9054

Floyd Cooper Trust, Louise McDermott PIERRE, December 3, 1922.
 RECEIVED OF First Northwestern Trust Co. of SD, 815 St. Joe St., Drawer 1040, Rapid City,
 the following amount in fees for services rendered as provided for by law: SD 57709

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing Transfer of MR/ 531-1	2	50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By [Signature]
 Chief Engineer, Executive Officer
 JOHN HATCHER

No. 591-1

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

December 6, 1982

Floyd Cooper Trust
Louise McDermott-Co Trustee
815 St. Joe Street
P.O. Drawer 1040
Rapid City, South Dakota 57709

Dear Sir:

ATTENTION: Jerald M. Gerdes

Enclosed is receipt No. 4 9054 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 591-1.

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

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

 **Department of
Water & Natural Resources**

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

September 21, 1988

NOTICE

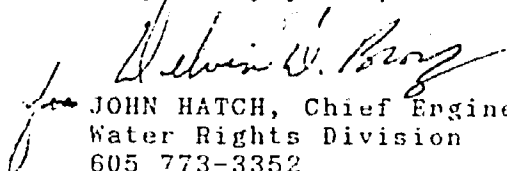
Floyd Cooper Trust
PO Drawer 1040
Rapid City SD 57709

Dear Sir:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 591-1 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,


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



Water Rights Division - DWR

File No. 591-1

Conversation or File Documentation

NAME OF PERSON OR FILE: Floyd Cooper - TrustADDRESS: P.O. Drawer 1040, Rapid City, SD 57709 COUNTY HardingDATE: 6-14-89 TELEPHONE (Albert Penn - (area) - 375-3691)RE: Vested Right inspection

COMMENTS:

On Tuesday June 6, 1989, The licensee authorized under VR 591-
was inspected. Accompanied by Mr. Albert Penn - the operator, the
dams & the dykes were inspected. They all were in good to fair
conditions. The location of the land, the spreaders and the dams matched
the ones plotted on map No 503-1 for Application No 591-1

* Recommend validation

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

4/82

NAME: Mr. A. Penn

SOUTH DAKOTA

VESTED WATER RIGHT NO. 591-1 FOR IRRIGATION

Date of Receipt of Claim July 13, 1961.

Date of Validation September 27, 1989.

The Water Management Board validated Vested Water Right Claim No. 591-1 for irrigation purposes for Floyd Cooper Trust, Norwest & Louise McDermott, Co-Trustees, PO Box Drawer 1040, Rapid City SD 57709 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 591-1 appropriates 7.7 cfs (cubic feet of water per second) from Valley Creek, Brush Creek, and Horton Creek to irrigate 543 acres. Water diversion works, including two dams (25 and 27 acre-feet storage capacities), are located in the SW1/4 SW1/4 section 18; SW1/4 SE1/4 section 8; NW1/4 SE1/4 section 17; all in T17N-R3E and water is applied to the irrigated acreage via ditches and spreader dikes. The irrigated acreage is located in the S1/2 NW1/4, SW1/4, S1/2 SE1/4 section 8; N1/2 section 17; NE1/4 NW1/4, S1/2 NW1/4, NE1/4, SW1/4, N1/2 SE1/4 section 18; all in T17N-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 irrigated acre per year. Water is to be used during the following annual period: April 1 - November 30.
3. The priority date of the Vested Water Right is January 1, 1935.
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.

QUALIFICATIONS

WATER MANAGEMENT BOARD

By: _____

Chief Engineer

MAY 21 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources



MAY 21 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Floyd Cooper Trust
Norwest & Louise McDermott, Co-trustees
PO Box Drawer 1040
Rapid City SD 57709

Dear Sir/Madam:

The Water Management Board has validated the enclosed Vested Water Right No. 591-1. 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

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

JUN - 6 2014

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 591-1

Date: _____

I/We request that Water Right/Permit No. 591-1 formerly owned by:Floyd Cooper Trust be transferred to:New Owner Name: Dennis W Price Revocable Living Trust & Claudia J Price Revocable Living TrustAddress: 11120 Mackey RoadCity, State, Zip Buffalo SD 57720 Telephone No. 605-375-

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

See Attached Deed - Harding County, SD

☒ I understand that the validity of Water Right/Permit No. 591-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

Dennis W Price Revocable Living Trust
I, Claudia J Price Revocable Living Trust, the new owner, certify that the above information is true and correct.

X Dennis Price Trustee

X Claudia Price Trustee
(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.

Prepared By:

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

WARRANTY DEED

LARRY JOHN GARDNER, JOHN B. COOPER, JACKIE A. COOPER, LeWAYNE COOPER, DANA SCOTT COOPER, DOREEN COOPER as Custodian for CARLY R. COOPER under the South Dakota Uniform Transfers to Minors Act, and CHRISTIAN DREW COOPER, Grantors, of Butte County, State of South Dakota, for and in consideration of One Million Seven Hundred Twenty-Seven Thousand Four Hundred Twenty-Four Dollars (\$1,727,424), grant, convey and warrant to DENNIS W. PRICE and CLAUDIA J. PRICE, Co-Trustees of the Dennis W. Price Revocable Living Trust and DENNIS W. PRICE and CLAUDIA J. PRICE, Co-Trustees of the Claudia J. Price Revocable Living Trust, as tenants in common, Grantees, of 11120 Mackey Road, Buffalo, South Dakota 57720, the following described real estate:

Township 17 North, Range 2 East of the Black Hills Meridian, Harding County, South Dakota:

Section 13: E $\frac{1}{2}$ SE $\frac{1}{4}$

Section 24: E $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$; W $\frac{1}{2}$ E $\frac{1}{2}$

Township 17 North, Range 3 East of the Black Hills Meridian, Harding County, South Dakota:

Section 8: All

Section 17: All

Section 18: Lots 1, 2, 3 and 4; E $\frac{1}{2}$ W $\frac{1}{2}$; E $\frac{1}{2}$

Section 19: Lots 1 and 2; E $\frac{1}{2}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$

Section 20: N $\frac{1}{2}$

Excepting, however, from this conveyance and reserving to the Grantor, Grantor's heirs, successors and assigns, the entire interest now held by the

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 6/6, 20 14

RECEIVED OF Dennis W Price 11120 Mackey Rd Buffalo SD 57720

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>591-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
	50	00

No. **06879**

By Jearme Hademan
Chief Engineer



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



June 9, 2014

591-1

Dennis & Claudia Price
11120 Mackey Rd
Buffalo SD 57720

Dear Mr. & Ms. Price:

I am writing to acknowledge receipt of the transfer of ownership form and filing fee submitted for changing ownership on Vested Water Right No. 591-1.

The ownership change has been completed. Vested Water Right No. 591-1, formerly held by the Floyd Cooper Trust is now listed as:

- Dennis W Price Revocable Living Trust and Claudia J Price Revocable Living Trust

Enclosed for your records is Receipt No. 06879 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