

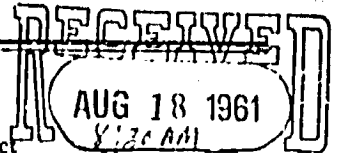
1. Considered 11-8, 1961
2. Name of Applicant Alvin Miller
3. Post Office Address Valw
4. Amount of water claimed 3.35
5. Source of water supply Whitewater Creek
6. Water to be used for irrigation
Acres to be irrigated 235
7. Water to be diverted and used in Butler County about
3W miles _____ of about
8. Proof of Publication Received ☒
Not Received ☐ ~~PS~~
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

~~REJECTED - 11-9-61~~

No. ~~611-1~~ 611-1

Water Division No. 1 Belle Fourche River District
(Blanks to be Filled by the Engineer for the W. R. C.)



STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant ALEX MILLER
Postoffice address VALE, 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 MILLER WHITEWOOD PROJECT

3. Amount of water claimed 3.35 cubic feet per second

4. Source of water supply Whitewood Creek
S 63°30'E 1475' from NW Cor. S.35, T.8 N., R.5 E-BHM to a point which lies

5. Location of point of diversion
S 78°45'E 1346' from W & Cor. S.25, T.8 N., R.5 E-BHM
on Both bank 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? Pumping and Gravity

(a) Number of acres to be irrigated 235 acres

NW-SW-23 ac., SW-SW-35 ac., Sec. 35, T.8 N., R.5 E-BHM Total 58 ac

NE-NE-30 ac., SE-SE-20 ac., Sec. 26, T.8 N., R.5 E-BHM Total 50 ac

NE-NW-38 ac., NE-NE-33 ac., SE-NE-34 ac., S-NE-23 ac., S.35, T.8 N., R.5 Total 137 ac

Grand Total - - - 235 ac.

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use None
Name any of the above uses claimed

(b) Amount of power to be generated None horse power.

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 X X X X

MAP No 514-1

A. Estimated cost of work:

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

Trailer mounted p

(b) Pumping plant, \$ 800.00

(c) Fluming, \$.....

(d) Canal-earth, \$.....

Rock, \$.....

(e) Other structures 620' 3" Aluminum pipe @ 1.80...

Total, \$1188.00

\$ 1988.00

B. Description of diversion works:

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

180' on yds in circular dike to settle Whitewood Creek's
po used water

\$ 300.00

\$ 2288.00

II. Dimensions of works:

(a) Dam: Height 5' feet; length at bottom 600' feet; length at top
feet; thickness at bottom 18' feet; thickness at top 1'

feet; slope at front water face 12:1; slope at back face 12:1

material used in construction earth

(b) Reservoir: Capacity when filled 2.16 acre feet. Surface area at highwater
mark 72 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 5 years.

11. Time required for complete application of water to the proposed beneficial use 5 years.

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

THE BELLE FOURCHE BEE, BELLE FOURCHE, SO. DAK.

STATE OF SOUTH DAKOTA

County of BUTTE ss.

I, ALEX MILLER, 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 25 day of June 19 61

Carl M. Corneil Notary Public

PLAT
OF
THE MILLER WHITEWOOD CREEK IRRIGATION PROJECT
Sections 25, 26 & 35, T.8 N., R.5 E-BHM
Butte County, South Dakota.

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

- SURVEYOR'S CERTIFICATE -

I, Carl M. Corneli, Licensed Surveyor, in and for the State of South Dakota, do hereby certify that at the request of Alex Miller of Vale, South Dakota, I have made a survey and prepared this plat of the areas shown hereon for the purpose of computing the irrigable area in this project and of furnishing the required plat as a part of his Application for a Permit to Appropriate Water for Irrigation Purposes.

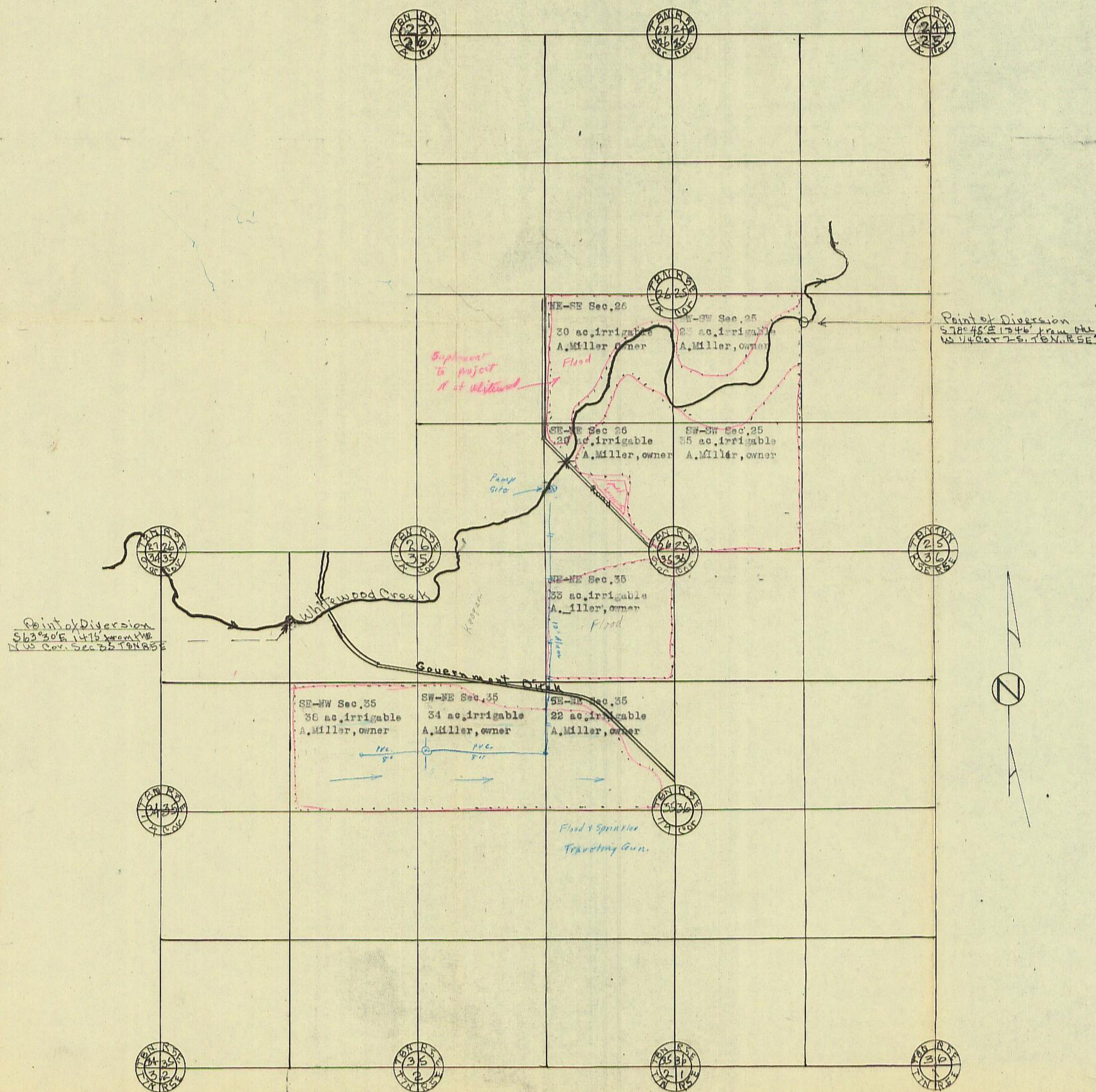
I further certify that the bearings and lengths of the several lines shown hereon, and their location with reference to the Government Land Corriers show, are correct to the best of my knowledge and belief.

Dated and signed at Buffalo, South Dakota this 29th day of June 1961.

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

Subscribed and sworn to before me at Buffalo, South Dakota this 29th day of June 1961.

M. R. Lann
Notary Public (SEAL)



MAP NO 514-1
(APPL NO 611-1)

NOT TO SCALE

NOT TO SCALE

T
8
N

R5E

Map# 514-1 Alex Miller
App# 611-1

Alex Miller

Appl. # 611-1

Map # 514-1 Alex Miller
611-1

Alex Miller

611-1

PLAT
OF
THE MILLER WHITEWOOD CREEK IRRIGATION PROJECT
Sections 25, 26 & 35, T.2 N., R.5 E-SHM
Butte County, South Dakota.

Scale: 1 inch = 660 feet.
2 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 Alex Miller of Vale, South Dakota, I have made a survey and prepared this plat of the areas shown hereon for the purpose of computing the irrigable area in this project and of furnishing the required plat as a part of his Application for a Permit to Appropriate Water for Irrigation Purposes.

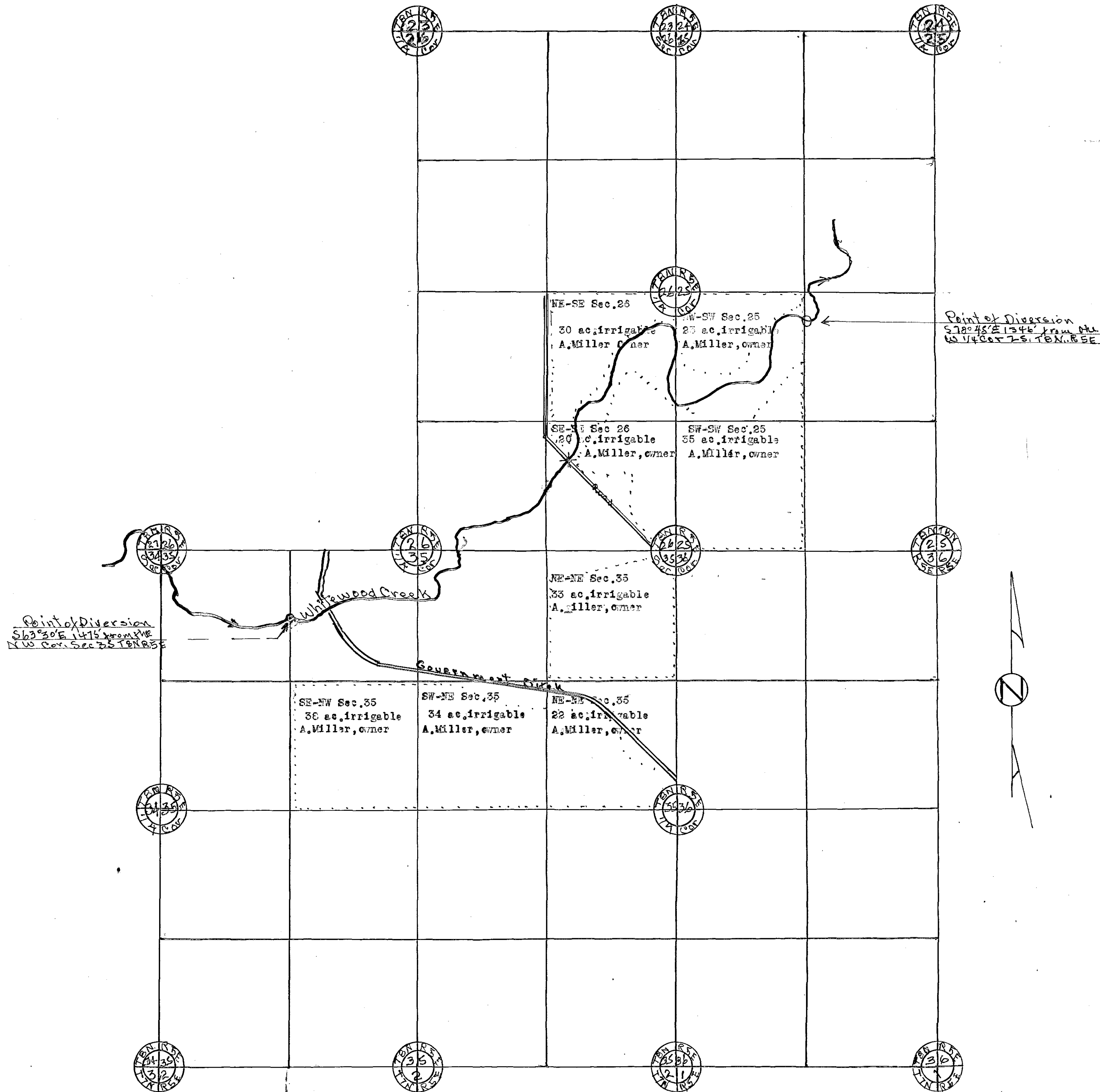
I further certify that the bearings and lengths of the several lines shown hereon, and their location with reference to the Government Land Corriers show, are correct to the best of my knowledge and belief.

Dated and signed at Buffalo, South Dakota this 28th day of June 1961.

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

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

M. R. Hann
Notary Public (SEAL)



MAP No 514-1
(APPL No 611-1)

IT IS LIKELY THAT WATER DIVERSION RESTRICTIONS UNDER THIS PERMIT TO APPROPRIATE WATER WILL BE NECESSARY AT TIMES TO INSURE DOMESTIC WATER SUPPLIES, AND WATER SUPPLIES FOR PRIOR WATER RIGHTS.

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, MAY 18, 1966

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock a.m. upon the 18TH day of AUGUST, 1961

State Water Resources Commission

By:

Austin Jones
for Chief Engineer, Executive Officer

Number of permit 611-1

Date of first receipt of application AUGUST 18, 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 AUGUST 18, 1961

Approved MAY 18, 1966, Recorded in Book 9 Page 112

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 NOVEMBER 18, 1963

2nd. The whole of said work is to be completed on or before MAY 18, 1971

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is MAY 18, 1975 (EXTENSION APPROVED 11-8-72)

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 3.35 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 MAY 18, 1971; said water to be used during the following described annual period:

APRIL 1 THRU NOVEMBER 30

Witness my hand this 19TH day of MAY, 1966

State Water Resources Commission

By:

Goodman
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }

County Butte } ss.Laurence Meyer being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the -----

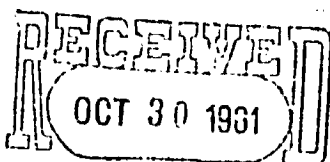
Belle Fourche Bee a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in thecity of Belle Fourche County ofButte and State of South Dakota;

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

Oct 6, 1961October 13, 1961October 20, 1961October 27, 1961in each and every issue of the full number thereof, the first publication being made on the 6th day of October1961 and the last publication on the 27th day ofOctober 1961, upon which days or times

of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was ----- the printer and publisher of the said newspaper.

Laurence MeyerSubscribed and sworn to before me this 27 day of October A. D. 1961

STATE WATER RESOURCES COM. PIERRE SOUTH DAKOTA

Notary Public Butte County, S. D.Notary Public, Butte County, So. Dak.
My Commission Expires Sept 29, 1966No. 611-1
APPROPRIATION OF WATEROffice of State Water
Resources Commission
Pierre, S. Dak.

September 27, 1961

Notice is hereby given that Alex Miller whose postoffice address is Vale, 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 3.35 cubic feet of water per second of time from Whitewood Creek through the Miller Whitewood Project, the point of diversion of which is to be located on both banks of said stream between a point in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 35; and a point in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 25, Twp. 8N, Range 5E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 25; E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 26; E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 35, T 8N, R 5E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 8th day of November, 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
CommissionBy: Burton F. Jones
Water Right Specialist
B41 10/6-13-20-27

On or before October 12, 1961
(First Publication _____)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

September 27, 1961
Pierre, S. Dak., _____

Notice is hereby given that Alex Miller whose postoffice address is Vale 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 3.35 cubic feet of water per second of time from the xx Whitewood Creek through the Miller Whitewood Project the point of diversion of which is to be located on the xxx both between a point in the NE 1/4 NW 1/4, Sec. 35; and a point 25 bank of said stream in the NW 1/4 of the SW 1/4 of Section 25 portions of Twp. 8N Range 5E. Said water to be used for the purpose of providing irrigation on the following described land:

W 1/2 SW 1/4, Sec. 25; E 1/2 SE 1/4, Sec. 26; E 1/2 NE 1/4, SW 1/4 NE 1/4 and SE 1/4 NE 1/4, Sec. 35,

T 8N, R 5E

~~and~~ XXXXXX

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

CC: Laurence Woyler, Publisher
Belle Fourche Bee
Belle Fourche, S. Dak.

State Water Resources Commission

By:

~~XXXXXXXXXXXXXXXXXXXX~~
BURTON F. JONES
Water Right Specialist

APPLICATION FOR EXTENSION OF TIME

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

Date October 2, 1972

Dear Sirs:

In Water Right Permit No. 611-1 it is specified that the water diversion system is to be completed by
May 18, 1971 and that the water is to be put to the limit of beneficial use by
May 18, 1971.

I hereby request that the date for completing the diversion system be extended to _____,
19____ and that the date for putting the water to the limit of beneficial use be extended to
May 18, 1975.

The extension of time for the completion of these works is requested for the following reasons: _____
Have the system in, but would like the extension to see results
_____ of sewage treatment on Whitewood Creek.

Enclosed herewith is a fee of \$1.00 to pay the cost of filing this request for extension of time.

Alex Triller

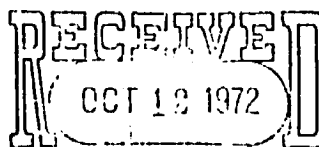
(Signed)

Holder of Permit No. 611-1

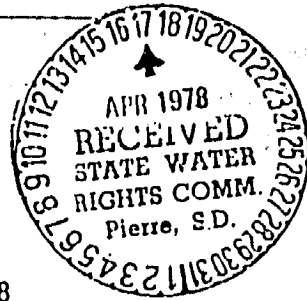
APPROVED:

WATER RESOURCES COMMISSION

By:



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA



APPLICATION FOR EXTENSION OF TIME

TO: Water Rights Commission
Foss Building
Pierre, South Dakota 57501

Date April 7, 1978

Dear Sirs:

In Water Right Permit No. 611-1 it is specified that the water diversion system is to be completed by May 18, 1971 and that the water is to be put to the limit of beneficial use by May 18, 1975.

I hereby request that the date for completing the diversion system be extended to ----- and that the date for putting the water to the limit of beneficial use be extended to May 18, 1980.

The extension of time for the completion of these works is requested for the following reasons: Circumstances beyond my control, Whitewood Creek
water was poor and is now clearing up to where water will be suitable for
irrigation.

Enclosed herewith is a fee of Two Dollars and Fifty Cents (\$2.50) to pay the cost of filing this request for extension of time.

Alvin Miller
(Signed)

611-1
Permit Number

APPROVED:

WATER RIGHTS COMMISSION

BY:

611-1 Aug. Muller -

Wants to pump from Whitewood Creek.
The water is good and at first would
setling pond to settle out silt. This

is quite expensive so far as about
1970. It was extended to May 15, 1975.

Now that Whitewood Creek is
cleared to a point to where the
water is suitable to use Muller
would like to pump in 1978.



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division (605) 773-3352

June 10, 1981

Alex Miller
Vale, SD 57788

Mr. Miller:

The rules adopted by the Water Management Board for establishing a water use control area on the Belle Fourche River, Whitewood Creek and Owl Creek requires that the water right holder be assessed a fee of ten dollars for each cubic foot per second or portion thereof of the diversion capability of the diversion works plus twenty-five cents for each acre irrigated as shown by the water rights of record in the Division of Water Rights. These fees are required to be paid to the Division of Water Rights by July 1, 1981.

Permits for which fees have not been paid by July 1, 1981 shall be refused the right to divert water for the remainder of the year. The fees paid will be used to defray the costs of providing water master services within the water use control area. The following is a tabulation of your assessment.

<u>Permit No.</u>	<u>Diversion Rate</u>	<u>Acres</u>	<u>Fee</u>
611-1	3.35 cfs	235.0	\$98.75
TOTAL			\$93.75

Please make check or money order payable to the Dept. of Water and Natural Resources and send to the Division of Water Rights, Joe Foss Building, Pierre, SD 57501.

If you have any questions, do not hesitate to contact this office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH/JW/gy

Equal Opportunity Employer

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8343

PIERRE, June 29, 1981

RECEIVED OF Alex Miller, Vale SD 57788

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

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 Licence No. _____		
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filing _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for water master services on WR # 611-1 _____	98	75
(any other work as provided by law) _____		
TOTAL	98	75

WATER RIGHTS COMMISSION

By *John H. Hatch*
Chief Engineer, Executive Officer

Belle Fourche River and Tributaries
Water Use Control Area
Financial Report
1981

Summary of Receipts and Expenditures
June, 1981 - July, 1981

	<u>Receipts</u>	<u>Disbursements</u>	<u>Balance</u>
Collections (Water User's fees)	\$7,379.37	\$ 2,028.62	\$ 5,350.75
Watermaster (Salary and Mileage)	<u>\$7,379.37</u>	<u>\$2,028.62</u>	<u>\$5,350.75</u>

Detailed Report of Receipts

No.	Name	Diversion Rate	Acreage	Receipts (total fee)	Amount Returned
789-1	Louis Budmayr	0.90	95.50	\$ 34.00	\$ 30.10
429-1	Ed Brunner & Son	1.43	106.00	46.50	41.16
429-1A	Hal Pittman	1.07	79.00	40.00	35.41
506-1	Bob Bartels	.23	17.00	14.25	12.61
892-1	Bob Bartels	1.00	70.00	27.50	24.34
417-1A	Quinten & Karen Watson	.53	78.00	29.50	26.11
417-1B	Clarence Anderson	1.43	206.00	64.00	56.65
417-1	Mrs. Eddie (Vivian) Anderson	1.15	69.00	69.50	61.52
531-1	Ruby Dillinger	1.27	89.29	42.50	37.62
1162-1	Charles & Dorothy Snaykett	4.61	324.70	131.00	115.96
1210-1	Charles & Dorothy Shaykett	1.80	128.30	52.00	46.03
1132-1	Ezra Pauley	4.00	285.00	111.25	98.48
1204-1	Art Heitz, Jr.	2.19	153.00	68.25	60.41
1205-1	Harlan K Schnell	1.88	132.00	53.00	46.91
1215-1	H L & Mildred Brunner	3.00	264.50	96.12	85.08
418-1	Alex Miller	1.67	117.00	49.25	43.59
1213-1	Robert W Grant	1.43	100.00	45.00	39.83
419-1	Herman Stark	2.50	179.00	74.75	66.17
421-1	Lee Dutton	2.50	175.00	73.75	65.28
1049-1	Thorval Jensen	1.47	103.00	45.75	40.50
1122-1	Thorval Jensen	4.88	324.14	135.71	120.16
1160-1	Thorval Jensen	1.90	133.49	53.51	47.36
1023-1	Homestake Mining	1.39	97.00	44.25	39.17
910-1	Donald Halbmaier	2.50	175.00	73.75	65.28
1165-1	Tom Bowen	2.85	200.00	80.00	70.81
722-1	Edith Anderson & Tom Bowen	2.30	196.00	79.00	69.93
1148-1	Homestake Mining	13.50	948.00	377.00	333.71
430-1	Gerald Wetz	1.65	116.00	49.00	43.37
432-1	Roy Casteel	4.30	307.00	126.75	112.20
414-1	Mary Ann Schummer	3.40	239.00	99.75	88.30
411-1	Edward Poss	5.10	452.00	173.00	155.13
440-1	Davie A Richarde	5.00	416.00	154.00	136.32
1149-1	Homestake Mining	3.20	226.00	96.50	85.42
1150-1	Homestake Mining	7.60	534.00	213.50	188.98
437-1	McNenny Ranch Inc.	5.90	418.00	164.50	145.61
1151-1	Homestake Mining	5.50	390.00	157.50	139.41
821-1	George Levin & Sons	7.00	490.00	192.50	170.40
1136-1	George Levin & Sons	3.07	215.00	93.75	82.98

Detailed Report of Receipts Cont.

No.	Name	Diversion Rate	Acres	Receipts (total fee)	Amount Returned
1152-1	Homestake Mining	6.60	462.00	\$ 185.50	\$ 164.20
449-1	Georgia Wurnig	5.00	365.00	171.25	151.59
1153-1	Homestake Mining	6.10	428.00	177.00	156.68
311-1	Lester Clark	16.61	1,163.60	461.00	408.06
310-1	Lester Clark	6.76	473.20	188.50	166.85
248-1	Lawrence Burke	0.90	64.00	26.00	23.01
1077-1	Charles M Arneson	1.44	131.00	52.75	46.69
165-1	Trigg Ranches Inc.	4.30	301.00	275.00	243.42
122-1	Trigg Ranches Inc.	3.75	263.00		
1146-1	Trigg Ranches Inc.	1.89	336.00		
928-1	Charles Wennberg	2.20	155.00	68.75	60.86
912-1	Gilbert Alan	1.46	101.80	45.50	40.28
926-1	Donald Berger	2.04	143.00	65.75	58.20
1176-1	Arthur J Odekoven	2.30	163.00	70.75	62.63
1190-1	Neil Shuck	3.53	247.00	101.75	90.07
611-1	Alex Miller	3.35	235.00	98.75	87.41
569-1	Ramona McFarland	0.97	68.00	27.00	23.90
870-1	Eugene C Bishop	0.70	49.00	22.25	19.70
401-1	Kenneth & Dorothy Aker	1.88	132.00	53.00	46.91
135-1	Walter Hoffman	3.11	220.00	95.00	84.09
408-1	James A Mickelson	3.10	218.00	94.50	83.65
469-1	Raymond Garness	1.30	91.00	42.75	37.84
1218-1	William Dillinger	.40	42.70	20.75	18.37
1222-1	John Ismay (Norman)	1.11	79.00	39.75	35.19
1154-1	Homestake Mining	4.50	319.00	129.75	114.85
285-1	Edgar Colin Smart	1.42	150.00	67.50	---
331-1	Anna Stetta (Louis Sudmayr)	1.87	131.00	52.75	---
472-1	Timothy Reich	2.00	167.84	62.00	---
275-1	John Durr	1.90	133.00	53.25	---
271-1	Herbert Clarkson	.06	43.00	20.75	---
296-1	Robert Halmer	2.50	179.00	74.75	---
308-1	Lewis Bertolotto	.64	45.00	21.25	---
282-1	James Jeffrey	1.05	73.70	38.50	---
1182-1	George Leach	1.60	108.00	47.00	---
228-1	Thornton Vallery	.72	54.17	23.75	---
290-1	Thornton Vallery	5.50	386.00	156.50	---
264-1	Thornton Vallery	.22	15.30	14.00	---
321-1	Clarence & Lawrence Foos	1.64	115.00	48.75	---
962-1	Ione A Shevling	3.00	251.00	32.75	---
960-1	Thornton & Gwenivere Vallery	.50	35.00	18.75	---
289-1	Thornton & Gwenivere Vallery	1.02	75.00	38.75	---
273-1	Ruben & Esther Kling	.46	32.60	18.25	---
273-1A	Ruben & Esther Kling	1.54	108.40	47.25	---
1177-1	Ruben & Esther Kling	3.30	231.00	97.75	---
416-1	Grata & Leslie Mine	2.66	198.00	79.50	---
865-1	Solomon Stark	2.14	150.00	67.50	---
287-1	David G Rathbun	2.20	154.00	68.50	---
1126-1	John Lewis	3.11	339.00	124.75	---

STATE OF SOUTH DAKOTA

DIRECT VOUCHER

Do not use this space.

AGENCY VOUCHER No.	DATE

PAYEE . Alex Miller
Vale SD 57788

DEPT. . DWR, Water Rights Division
Joe Foss Eldr.
Pierre SD 57501

STAPLE
HERE

AGENCY .

ADDRESS .

Agency	Fund	Sub Fund	Prog. Act.	Obj. Sub. Obj.	Agency Coding	Amount	Contract No.
200301	699	01	0000	0801		87 41	1
							2
							3
							4
							5
							6
							7
							8
							9
							10
TOTAL 22						87 41	

Warrant # 82079266
AC # 077367
date 11/10/81

NOTE: Vendors invoice must be attached.

Invoice No.(s)	Date Delivered	QUAN.	DESCRIPTION OF SERVICE OR COMMODITY	UNIT PRICE	AMOUNT	MEMO
			Refund of unexpended funds collected from the Belle Fourche River and tributaries Water Use Control Area Permit Owners			
			611-1 Alex Miller		87 41	
TOTAL					87.41	

AGENCY VERIFICATION

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1954 and regulations issued thereunder relating to nondiscrimination in federally assisted programs.

I hereby certify that this claim has been examined by me, and to the best of my knowledge and belief is in all things true and correct and the same is hereby approved.

John Miller
Claimant Signature

Date 11-5-81

John Miller
DIVISION APPROVAL

11-5-81
DATE

APPROVAL SIGNATURE

DATE

611-1 A. H. Miller

72781 - 3/4 pump - 222, 220

W. 7/200 175 GFS. 11/10/22

Box 2, 2nd floor, 1st floor

900 H. 2nd floor, 1st floor

1st floor, 10th 10' long & 10' wide

1st floor, 10th

1st floor, 10th 10' long & 10' wide

1st floor, 10th 10'

1st floor, 10th 1750 RPM

Model 80604 / GF 343

1st floor, 10th 10' long & 10' wide

Model 80604, 8th floor, (13' 6" long)

Model 80604, 8th floor, 10th 10' long & 10' wide

1st floor, 10th 10'

1st floor, 10th 10' long & 10' wide

Water Rights Division
605 773-3352

December 10, 1981

Alex Miller
Vale,
South Dakota 57788

Dear Mr. Miller:

I started to write up my construction inspection report for your Permit No. 611-1 and realized that I have the aerial maps for only Sections 25 & 35. Whereas you also irrigate in Section 26.

Sometime when you get to Belle Fourche would you drop into the ASCS office there and pick up a copy of the aerial map for Section 26, T8N, R5E and sent it to me. You might outline the area you are irrigating to be sure it is correct. There is no hurry. I may not get to Belle Fourche until next spring.

Sincerely,

LEROY J MERRAUGH
Water Resources Engineer

LJM:ks

Permit No. 611-1Water Division 1 Beffe Fawcett River Water District

REPORT 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 Alex Millerof Vale S. Dak. holderof Permit No. 611-1, bearing date of priority of August 18, 1961authorizing the diversion of 3.35 cu. ft. per second of the waters of Whitewood Creekfor 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:

Motor = Toshiba 60 H.P., 1760 RPM
 Pump = Berkeley Model 86JR BM CW 13 1/2" Impeller, 90-97pm
 Engine = Chrysler - Propane, Model HT4B-62,
 Pump = Model 14EYRM3 - CW pumps 850 ypm

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

900' 4" Flexible Hose
2 miles of gated pipe & Mains - 10" dia.
2100' 5" PVC Pipe

C. Works used to apply water to beneficial use.

Gated Pipe
Boss Greenfield Traveling Gun with Nelson Gun 2.0" Rwy.

The system is in the following condition, Good.

The point of diversion is located between A Point "A" = S63°30'E from NW cor Sec. 35
and a Point "B" S75°45'E from NW cor Sec. 25 All in T8N R5E

The works are capable of diverting and conveying to the place of use 3.89cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: In Sec. 25, T8N R5ENW 1/4 SW 1/4 - 11 Ac., SW 1/4 SE 1/4 - 35 Ac., In Sec. 26 - T8N R5E.NE 1/4 SE 1/4 - 14 Ac., SE 1/4 SE 1/4 - 11 Ac., In Sec. 35, T8N R5ESE 1/4 NW 1/4 - 35 Ac., NE 1/4 NE 1/4 - 17 Ac., SE 1/4 NE 1/4 - 34 Ac.SE 1/4 NE 1/4 - 7-2 Ac.comprising a total of 182 acres of land.

$$182 \div 70 = 2.6 \text{ cfs}$$

$$182 \div 70 = 2.6 \text{ cfs}$$

Date September 9, 1981
LeRoy J. Jernigan
 (Signature)

WATER LICENSE NO. 611-1

(1) WHEREAS, On the 18th day of August A. D. 19 61

Alex Miller

made Water Right Application No. 611-1 for a permit to use 3.35 cubic feet per second of the waters of Whitewood Creek

County of Butte, State of South Dakota, for Irrigation

purposes; and

(2) WHEREAS, On the 18th day of May A. D. 19 66

Permit No. 611-1 with a date of priority of August 18, 1961

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 18th day of May A. D. 19 71 and for the

application to beneficial use of said water on or before the 18th day of May A. D. 19 75

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 2.60 cubic feet per second of water for beneficial use and,

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

to irrigate the following land all in T8N, R5E

Section 25	NW $\frac{1}{4}$ SW $\frac{1}{4}$	11 acres
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	35 acres
Section 26	NE $\frac{1}{4}$ SE $\frac{1}{4}$	14 acres
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	11 acres
Section 35	SE $\frac{1}{4}$ NW $\frac{1}{4}$	38 acres
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	17 acres
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	22 acres
	TOTAL	182 acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Alex Miller

_____ of Vale, South Dakota

the holder _____ and owner _____ of said permit No. 611-1 a water right, dating from August 8, 1961

_____ to use of 2.60 cubic feet per second of the waters

of Whitewood Creek

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 * between a point "A" - S63°30'E from NW Corner

Section 35, and a point "B" - S 78°45'E from NW Corner Section 25, all in T8N

R5E

and conducted to and upon portions of Sections 25, 26 and 35, T8N, R5E more fully
described on the face of this License.

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 611-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 15th day of July A. D.

Nineteen Hundred and Eighty-Two

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 611-1

Water Diversion No. 1 Belle Fourche River Water District

10120202

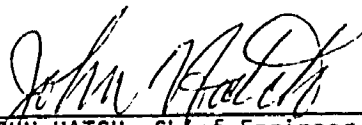
CERTIFICATE OF CONSTRUCTION

This is to Certify, That Alex Miller

_____ the holder _____ of
Permit No. 611-1, issued upon Application No. 611-1, bearing date of priority of August 18, 1961
_____ authorizing the diversion of 3.35 cu. ft. per second of the waters of _____
Whitewood Creek County of Butte, State of South Dakota at _____
between a point "A" - S63° 30' E from NW Corner Section 35, and a point
"B" - S70° 45' E from NW Corner Section 25, all in T8N, R5E
_____ for Irrigation

_____ has complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 3.89 cu. ft. per second of water.

Date June 15, 1982


JOHN HATCH, Chief Engineer
Water Rights Division

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8860

June 15, 1982

PIERRE, _____, 19____

RECEIVED OF Alex Miller, Box 127, Vale, SD 57788

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

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____	611-1	12	00
Fee for inspecting Construction, and Issuing Cert. of Construction No. _____	611-1		
Fee for inspecting Beneficial Use, and issuing Water License No. _____			
Fee for issuing Location Certificate-Dry Draw, No. _____			
Fee for filing _____			
Fee for certified copy of _____			
Fee for Print copy of map _____			
Fee for Certifying _____			
Fee for _____			
(any other work as provided by law)			
TOTAL		12	00

WATER RIGHTS COMMISSION

By *William H. Heston*
Chief Engineer, Executive Officer

418-1
611-1

July 5, 1984

Alex Miller
Box 127
Vale, South Dakota 57788

Dear Mr. Miller:

Enclosed please find the 1983 Irrigation Questionnaires pertaining to your Water Right Nos. 418-1 and 611-1. I spoke with Mrs. Miller on July 3, 1984, and she indicated you did receive the questionnaires.

Please complete the data sheets as accurately as possible and return them to this office. If accurate records were not kept, estimations will be satisfactory.

If you have any questions, or need assistance in completing the forms, please contact us. Your prompt attention in this matter will be appreciated.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:mis

Equal Opportunity Employer



Department of Water & Natural Resources

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

March 31, 1986

Alex Miller
Box 127
Vale, SD 57788

Notice

Re: Violation of Requirement to Submit 1985 Irrigation Questionnaire

Our records indicate that the 1985 Irrigation Questionnaire has not been submitted for Water Permit No(s). 418-1 and 611-1. The request for the Questionnaire was dated November 13, 1985. The Water Management Board has directed that owners of water permits who have not submitted 1985 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 p.m., May 14, 1986 in Room 216, Joe Foss Building, Pierre, South Dakota.

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

1. Amend Permit No(s). 418-1 and 611-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

Sincerely,

John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

Note: If the questionnaire(s) is received in this office before the May 14 hearing date, your name will be deleted from the agenda for the hearings.



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

May 20, 1986

NOTICE OF AMENDMENT TO WATER PERMIT(s)

To: Alex Miller
Box 127
Vale SD 57788

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Amendment to Water Permit No(s). 418-1 & 611-1

Pursuant to the provisions of the notice dated March 31, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No(s). 418-1 & 611-1 to add the following qualification:

"This permit is subject to the Irrigation Water Use Questionnaire being submitted each year."

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

Equal Opportunity Employer



Department of Water & Natural Resources

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

Attachment to Water Permit No. 611-1

Pursuant to the provisions of the notice dated May 20, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No. 611-1 to add the following qualification:

"This Permit is subject to the Irrigation Water Use Questionnaire being submitted each year."

Equal Opportunity Employer

Dick KAHLER, Inc., REALTORS®

2020 West Omaha, Mt. View at Omaha, Rapid City, SD 57701 • (605) 343-7500
March 2, 1987



Water Rights Division
SD Dep't of Water and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Sirs:

Enclosed is a Notice of Transfer of Water Permit. This is for water rights pursuant to Water Right Permit # 611-1.

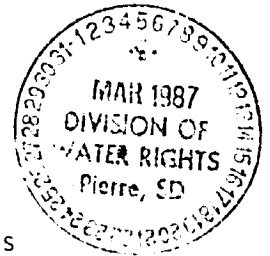
The property, formerly owned by Alex Miller, was transferred to the Federal Land Bank Association and has now been conveyed to Gene F. Rock of Kadoka.

Our check in the sum of \$2.50 is enclosed for the filing fee.

Sincerely,

A handwritten signature in cursive script, which appears to read 'Don A. Haggan', is written over the typed name.

Don A. Haggan



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: February 26, 1987

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

W₂SW₄ of Section 25 and E₂SE₄ of Section 26, All in Township 8 North,
Range 5 E.B.H.M., Butte County, S.Dak.

formerly owned by Alex Miller have been transferred to the Federal Land Bank Association and has been transferred to Gene F. Rock, Box 65, Kadoka, S.Dak. 57543
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 611-1 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.

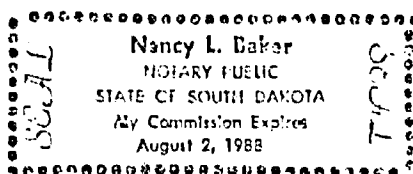
A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Pennington) ss.

I, Zack R. Word 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.

Zack R. Word
Zack R. Word, (Registered) Land Bank Agent

Subscribed and sworn to before me this 2nd Day of March, 1987



Nancy L. Baker
(Notary Public)

WATER RIGHTS DIVISION
(605) 773-3352

March 9, 1987

Don A. Haggan
Dick Kahler Inc., Realtors
2020 West Omaha
Rapid City, South Dakota 57701

Dear Mr. Haggan:

Enclosed is the 1986 irrigation questionnaire pertaining to Water Right No. 611-1. You indicated in our telephone conversation of March 5, you may be able to obtain the data from last year's operator.

The irrigation data is needed within the next couple of weeks. I have enclosed a postage paid envelope for use in returning the questionnaire. Any help you could offer would be greatly appreciated.

Sincerely,

Genny McMath
Natural Resources Analyst

GJM:ms
Enc.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, March 5, 1917

ATT: Don Haggard

RECEIVED OF Dick Kahler, Inc., 2020 West Omaha, Rapid City, SD 57701

the following amount in fees for services rendered as provided for by law: for Gene F. Rock, Box 65 Kadoka SD 57543

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>611-1</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)

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

March 18, 1987

Don Haggar
220 West Omaha
Rapid City, South Dakota 57701

Dear Mr. Hagger:

Enclosed is receipt No. 410761 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 611-1.

Our records now show ^{Gene F. Rock}~~you~~ as the owner of this Water Right.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

WNR-321-7/79
Receipt & Notice of filing of Transfer of Water Right



Department of Water & Natural Resources

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

April 13, 1987

611-1

Don Haggar
Kahler Realtors
2020 W Omaha
Rapid City SD 57701

Dear Mr. Haggar:

The irrigation questionnaire for 1985 for Water Right No. 611-1 was not returned. With regard to your request of April 13, 1987, enclosed is a blank 1985 irrigation questionnaire.

The water right was listed in the name of Alex Miller in 1985. If you have any questions, please contact me.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosures

PLEASE FILL OUT AND RETURN AT ONCE

This is the Water Management Board data sheet for recording, 1985 irrigation estimates.

November, 1985

611-1
Alex Miller (for 1985)

SURFACE WATER ☒ (check one)
GROUNDWATER ☐

Number of acres actually irrigated

50+

For Dept. use only

Filed by Don Haggan, Kehler Realty for Alex Miller

If you did not irrigate during 1985-check this box ☐
If your system has not been constructed-check this box ☐

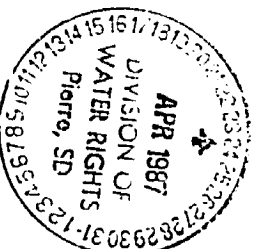
Type of Power	No. acres irrigated
1. Electric	50+
2. Gravity	
3. Gasoline	
4. Nat. Gas pipeline	
5. Diesel	
6. Propane	
7. Other	

Type of System
1. Hand Moved Sprinklers
2. Portable booms
3. Center pivots (# of)
4. Gate! pipes
5. Sidewheel
6. Towlines
7. Big Run
8. Siphons
9. Flood
10. Other

Month	# days pumped	Average # hours per day	Average pump rate (gpm)	Acres of Crop Irrigated and Estimate Water Use					
				Crop	Acres	Water Used	Crop	Acres	Water Used
April									
May									
June	15	10	900	OTH	50	24.4			
July	12	10	900	OTH	50	19.4			
August									
Sept.									
Oct.									
Other Months									

Season Static Water Level: Beginning _____ ft. and _____ ft. (groundwater only)
COMMENTS:

Complete and return to: WATER MANAGEMENT BOARD
Water Rights Division
Joe Foss Building
Pierre SD 57501-3161



Owner or address change, if any:

SOUTH DAKOTA Department of
Water & Natural Resources

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

March 2, 1990

611-1

Jim Wainwright
Homestake Land Management
PO Box 777
Lead, SD 57754

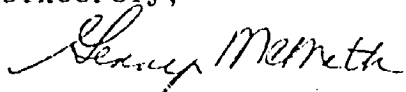
Dear Mr. Wainwright:

Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Right No. 611-1. The water right is currently listed in the name of Gene F Rock. Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50.

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.

Also enclosed is a copy of the water license and the map. You may keep them for your records. If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

No. 611-1

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

Date: 3-8-90



I/We request that Water Permit/Right No. 611-1

formerly owned by: Gene Rock

be transferred to: (name & address) Whitewood Development Corp.
local mailing address
attn. Dolaine Wagner - PO 875 Lead, SD 57754 (telephone No.) 584-4633

Title to the following described land(s)/property has been transferred as described above:
W $\frac{1}{2}$ SW $\frac{1}{2}$ Sec 25; E $\frac{1}{2}$ SE $\frac{1}{2}$ Sec 26; SE $\frac{1}{2}$ NW $\frac{1}{2}$, NE $\frac{1}{2}$ NE $\frac{1}{2}$, S $\frac{1}{2}$ NE $\frac{1}{2}$ Sec 35, T8N, R5E

I/We understand that the validity of Water Permit/Right No. 611-1 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 Lawrence)

I/We James B. Ulsainwright 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.

James B. Ulsainwright
(Signed)

Subscribed and sworn to before me this 8th day of March, 1990.

(SEAL)

Robert J. Slipes
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water right. A water right may be lost for three reasons:
1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

412135

Pierre, March 12, 1990

RECEIVED OF Whitehead Development Corp., Box 875, Lead, SD 57754-0875
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 _____ Water Right No. 611-1	
Fee for Filing Extension Request _____	
Fee for Certified Copy of _____	
Fee for Print Copy of Map _____	
Fee for Certifying _____	
Fee for _____	
(Any Other Work Provided by Law)	
Total	2 50

By [Signature]
Chief Engineer

 **Department of
Water & Natural Resources**

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

March 28, 1990

No. 611-1

Whitewood Development Corp
ATTN: Dulaine Wagner
PO Box 875
Lead SD 57754

Dear Ms. Wagner

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 611-1.

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

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Senior Secretary
Water Rights Division
605 773-3352

enclosure

South Dakota Department of
Water & Natural Resources

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

APR 6 1990

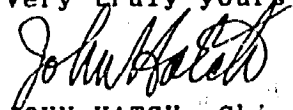
611-1

Whitewood Development Corporation
PO Box 875
Lead SD 57754

Dear Sir:

Enclosed is Water License No. 611-1. The water license has been reissued to correctly describe the diversion point location. If you have any questions concerning the enclosed water license, please contact us.

Very truly yours,



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

enclosure

L

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 611-1

(1) Alex Miller of Vale SD 57788 was issued Water License No. 611-1, July 15, 1982 for a water right to appropriate 2.60 cubic feet of water per second from Whitewood Creek, Butte County, South Dakota for irrigation purposes. Water License No. 611-1 with a priority date of August 18, 1961 was issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Transfers filed with Water Right No. 611-1 include the following:

1. March 5, 1987: from Alex Miller to Gene Rock, Kadoka SD.
2. March 12, 1990: from Gene Rock to Whitewood Development Corporation, Lead SD.

A review of Water License No. 611-1 found the diversion points were not described accurately. The original description did not include "distance" measurements from the corners. The water license is being reissued to correctly describe the diversion point locations.

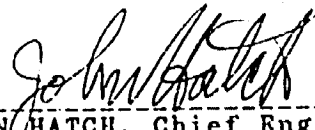
(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.60 cubic feet of water per second for beneficial use. The location of the diversion points are: between a point "A" - S 63°30'E 1475 feet from the NW corner of Section 35 and a point "B" - S78°45'E 1346 feet from the NW corner Section 25 all in T8N, R5E.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T8N, R5E	Section 25	NW 1/4	SW 1/4	11	acres
		SW 1/4	SW 1/4	35	"
	Section 26	NE 1/4	SE 1/4	14	"
		SE 1/4	SE 1/4	11	"
	Section 35	SE 1/4	NW 1/4	38	"
		NE 1/4	NE 1/4	17	"
		SW 1/4	NE 1/4	34	"
		SE 1/4	NE 1/4	22	"

TOTAL 182 acres

(4) Pursuant to Section 46-5-30.1 Whitewood Development Corporation of PO Box 875, Lead SD 57754 the holder(s) and/or owner(s) of Water Right No. 611-1 is issued a license to appropriate water, the right to use 2.60 cubic feet of water per second from Whitewood Creek with a priority date of August 18, 1961 from the location specified in (2) of this license. The water is 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 Right No. 611-1 and subject to South Dakota State Law.



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

APR 6 1990



DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES

March 26, 1991

611-1

Jim Wainwright
Homestake Land Management
PO Box 777
Lead, SD 57754

Dear Mr. Wainwright:

Enclosed is a copy of the 1990 irrigation questionnaire pertaining to Water Right No. 611-1. The questionnaire completed by the former owner (Gene Rock, Philip, SD) states the land was in the 0-92 program in 1990.

Enclosed is a blank 1990 irrigation questionnaire. You indicated in your telephone conversation with Eric Gronlund that you wish to file an amended 1990 questionnaire since a portion of the land was irrigated. I have included a postage paid envelope for your convenience in returning the form.

A "Notice of Transfer" had been filed for a change of ownership on Water Right No. 611-1. The 1991 irrigation questionnaire will go to Whitewood Development Corporation, PO Box 875, Lead, SD, unless we hear otherwise from you.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

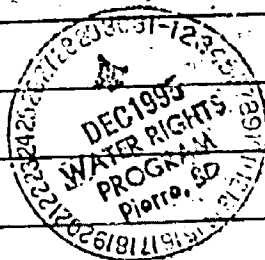
611-1

Aug 18, 1995

Dear Mr. Wainwright,

I see no need to irrigate the south end of the Rock property out of whitewood creek, because there was adequate moisture this year 1995

Sincerely
Melvin Eaton



611-1



HOMESTAKE MINING COMPANY
630 E. Summit Street
LEAD, SOUTH DAKOTA 57754-1700
(505) 584-GOLD (4653)



Memo

6/5/00

Eric:

Thanks for forwarding the application to change the diversion point of Water Right 611-1. Attached find that application filed out with an aerial photo map. Per your request, Goldstake Explorations address is:

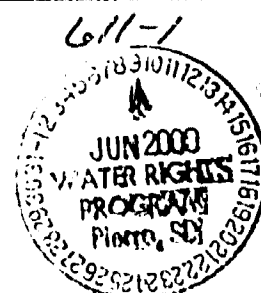
Goldstake Explorations Inc.
727 Main Street
Spearfish, SD 57783

If you have any questions, please do not hesitate to contact me at 605-584-4797.

Thanks, Jim Wainwright

Jim Wainwright

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. _____	Hydrologic Unit _____
	Basin _____	
	Newspaper _____	



Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right Amendment/Correction to Permit No. 611-1
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) Change of diversion request to Water Right No. 611-1 pursuant to SDCL 46-5-13.1

- Name of Applicant Whitewood Development Corporation both for itself and for its cotenant Goldstake Explorations Inc. Phone 605-564-4797
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address attn. Jim Wainwright, Whitewood Development Corp., State SD 57754
(Street, RR, or Box and City) (Zip Code)
630 E. Summit St., Lead
- Amount of water claimed no add'l CFS or **GPM ***AF Total Acreage no add'l
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam dugout or annual use if applicable
- Source of water supply Whitewood Creek
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Point of diversion will be approximately 650 feet south and 1,450 feet east of the NW/4 corner of Section 35 in Township 8 North, Range 5 East. County Butte
- County or counties where water will be used Butte
- Annual period during which water is to be used April 1 - November 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW/4SW/4 Section 25, all in T8N, R5E	11	SE/4NW/4 Section 35, all in T8N, R5E	38
SW/4SW/4 " "	35	NE/4NE/4 " "	17
NE/4SE/4 Section 26	14	SW/4NE/4	34
SE/4SE/4 " "	11	SE/4NE/4	22

8. Give a description of the project. (Attach sheet if more space is needed)

STATE OF SOUTH DAKOTA) SS
County of LAWRENCE

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, DAVID G. McDOWELL, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature David G. McDowell

Subscribed and sworn to before me this 5th day of June 19 2000

[Signature]
Notary Public signature



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 27, 2000

Jim Wainwright
Whitewood Development Corporation
630 E. Summit Street
Lead, SD 57754

Dear Mr. Wainwright:

I am writing in regard to Whitewood Development Corporation request to change the Whitewood Creek diversion point authorized by Water Right No. 611-1. This request is made on behalf of Whitewood Development Corporation and its cotenant, Goldstake Explorations.

Water Right No. 611-1 appropriates 2.60 cubic feet of water per second from Whitewood Creek to irrigate 182 acres with a priority date of August 18, 1961. The water right defines the diversion point as being along Whitewood Creek between points in the N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 35 and the N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 25; all in T8N, R5E. Two maps on file show the pump site is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, T8N, R5E.

Whitewood Development Corporation requests to change the location of the pump site approximately one-half mile to the southwest of the existing pump site. The new diversion point will be along the 1/16 line that bisects the N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 35, T8N, R5E. This new location is on the westerly edge of the creek reach defined on Water Right No. 611-1.

The Whitewood Development Corporation is authorized the change of diversion point without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. This is based on the fact the diversion point will be within the reach defined for diversions by Water Right No. 611-1. Additionally, a review of water rights records was conducted and a determination made that the change of diversion point does not increase the potential for interference with existing diversions.

I am also enclosing a reissued copy of Water Right No. 611-1. In our review of your request, we found an error in the legal description of the diversion point. If you have any questions, please feel free to contact Eric Gronlund at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosure

cc: Goldstake Explorations, Inc., 727 Main Street, Spearfish, SD 57783

(1) Whitewood Development Corporation was issued Water License No. 611-1, April 6, 1990 for a water right to divert 2.60 cubic feet of water per second from Whitewood Creek, Butte County, South Dakota for irrigation purposes. Water License No. 611-1, with a priority date of August 18, 1961 was issued to the corporation for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

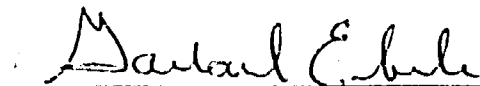
On April 6, 1990, the original water license was reissued to correct an error in the legal description of the diversion point. A further review of the reissued license found one of the diversion point locations was incorrectly referenced from the NW corner of Section 25, T8N, R5E. The point should have been referenced from the W ¼ corner Section 25. The license is being reissued to correct the error.

(2) It is certified that the corporation 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 2.60 cubic feet of water per second for beneficial use. The location of the diversion points are: between a point "A" – S63°30'E 1475 feet from the NW corner of Section 35 and a point "B" – S78°45'E 1346 feet from the W ¼ corner Section 25, all in T8N, R5E.

(3) The corporation has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 25, T8N, R5E		Section 26, T8N, R5E		Section 35, T8N, R5E	
NW ¼ SW ¼	11 acres	NE ¼ SE ¼	14 acres	SE ¼ NW ¼	38 acres
SW ¼ SW ¼	35 acres	SE ¼ SE ¼	11 acres	NE ¼ NE ¼	17 acres
				SW ¼ NE ¼	34 acres
				SE ¼ NE ¼	22 acres
Total acres irrigated: 182					

(4) Pursuant to South Dakota Water Law 46-5-30.1 the Whitewood Development Corporation, 630 E Summit, Lead, SD 57754-1700 the holder and/or owner of Water Right No. 611-1 is issued a license to appropriate water, the right to use 2.60 cubic feet of water per second from Whitewood Creek with a priority date of August 18, 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 Right No. 611-1 and subject to South Dakota State Law.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 27 2000

date





611-1
Homestake Mining Company
% Barrick Management Corp
136 East South Temple, Suite 1050
Salt Lake City, Utah 84111-2253
Telephone: (801) 297-4721
Fax: (801) 366-9242

December 17, 2002

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

RECEIVED

DEC 20 2002

WATER RIGHTS
PROGRAM

Re: Water Permit/Right No. 611-1

Dear Sir,

Enclosed please find a Notice of Transfer of Ownership and copy of the recorded Quitclaim and Transfer of Interest in respect of the transfer of the above referenced Water Permit/Right by Goldstake Exploration (SD) Inc. and Whitewood Development Corporation to Homestake Mining Company of California.

The transfer was made pursuant to the termination of a Joint Venture Agreement between the parties. Whitewood Development Corporation was a wholly owned subsidiary of Homestake. The Company determined that upon the termination of the Venture that the assets held by Whitewood would be transferred to Homestake.

Homestake's corporate offices in California have been closed. We ask that you provide notices and responses to Jim Wainwright at the Company's place of business in Lead, South Dakota all as provided in the Notice of Transfer.

If you have any questions in this regard, please feel free to contact me at the address and phone numbers provided above. Thank you.

Sincerely

Margaret Winsel Boorda
Manager, Land Services

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 20, 2002

RECEIVED OF Honestake Mining Company, 630 East Summit Street, Lead SD 57754-1700

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		
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>611-1</u>		2 50
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	2.50

No.

000453

By

Darlan O. Erlich

Chief Engineer

gm

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 611-1

Date: 12/17/02

I/We request that Water Permit/Right No. 611-1

formerly owned by: Whitehead Development Corporation and

be transferred to: (name & address) Goldstrike Exploration (S.D. Inc)

Honestake Mining Company

Telephone No. 605-722-4797

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

See deed attached

I/We understand that the validity of Water Permit/Right No. _____ 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 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 _____)

I/We Honestake Mining Company of California 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.

Honestake Mining Company of California

Manager, Goldstrike

(Signature of new owner)

Subscribed and sworn to before me this 18th day of December, 2002.

RECEIVED

DEC 20 2002

WATER RIGHTS

PROGRAM

Julie Stone
(Notary Public)
MY COMMISSION EXPIRES 5-1-2008

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.

200/- 302

Prepared by and Recorded at the Request of:
Homestake Mining Company of California
Attn: Margie Winsel Boorda
1600 Riviera Avenue, Suite 200
Walnut Creek, California 94596
925-817-1392

BOOK 299 PAGE 413

QUITCLAIM and TRANSFER OF INTEREST

For no monetary consideration whatsoever, WHITEWOOD DEVELOPMENT CORPORATION, a California corporation having its principal place of business at 1600 Riviera Avenue, Suite 200, Walnut Creek, California 94596 ("Whitewood") and GOLDSTAKE EXPLORATIONS (SD), INC., a South Dakota corporation having a mailing address of P.O. Box 38, 727 Main Street, Spearfish, South Dakota 57783 ("Goldstake") both for themselves and as participants in the now terminated Whitewood Creek Venture between the parties (collectively "Grantor") do hereby quitclaim and transfer to HOMESTAKE MINING COMPANY OF CALIFORNIA, a California corporation having its principal place of business at 1600 Riviera Avenue, Suite 200, Walnut Creek, California 94596 all of Grantor's right, title and interest in and to that certain State of South Dakota Water Right No. 611-1, which Water Right was conveyed by Gene Rock to Whitewood Development Corporation and the Notice of such transfer filed with the South Dakota Department of Water and Natural Resources on March 12, 1990 and which Water Right relates to the irrigation of 182 acres within portions of Sections 25, 26 and 35, Township 8 North, Range 5 East, Butte County, State of South Dakota.

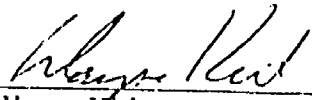
This Quitclaim and Transfer of Interest is made effective as of December 31, 2000.

Exempt from transfer fee SDCL 43-4-22(18)

For:

WHITEWOOD DEVELOPMENT
CORPORATION

By


Wayne Kirk
Vice President

For:

GOLDSTAKE EXPLORATIONS
(SD), INC.

By


Kathy Whitelock
Vice President

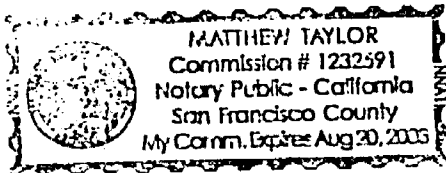
State of California

County of Contra Costa

)
) ss.

BOOK 299 PAGE 414

On February 16, 2001, before me, MATTHEW TAYLOR, NOTARY PUBLIC, personally appeared Wayne Kirk, Vice President of Whitewood Development Corporation and Homestake Mining Company of California, each being a California corporation



☒ personally known to me
☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Matthew Taylor
Signature of Notary Public

Place Notary Seal Above

STATE OF SOUTH DAKOTA)

) ss.

COUNTY OF LAWRENCE)

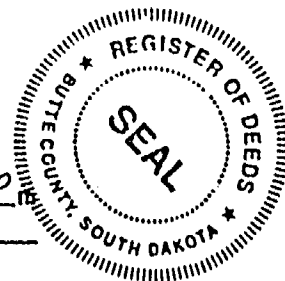
On February 20, 2001 before me, the undersigned officer, personally appeared Kathy Whitelock, personally known to me to be the Vice President of Goldstake Explorations (SD), Inc., a South Dakota corporation, and personally known to me to be the person who executed the within instrument and on said oath stated that he/she was authorized to do so on behalf of said corporation.

IN WITNESS WHEREOF, I have signed my name and affixed my official seal.



JoAnn Hanson
Notary Public

My Commission Expires: May 20, 2001



STATE OF SOUTH DAKOTA, COUNTY OF BUTTE) ss

Recorded this 20th day of February, 2001 at 4:30 o'clock, P

Book 299 Page 413 By Paul J. Walker
Register of Deeds
Lic # 2001-302 Fee 12.00



HOMESTAKE MINING COMPANY
630 E. Summit Street
Lead, South Dakota 57754-1700
605-584-GOLD (4653)

RECEIVED
JAN 08 2003
WATER RIGHTS
PROGRAM

Attn. Eric Gronlund
Dept. of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

Jan. 6, 2003

Re.: moving diversion point of water right 611-1

Mr. Gronlund:

Per our telephone conversation of this morning, I am writing this letter requesting that the now point of diversion for water right 611-1 be moved. The point of diversion being proposed would be located approximately 720 feet south and 1240 feet east of the northwest corner of section 35, Township 8 North, Range 5 East, Butte County, South Dakota. The proposed new point of diversion would be approximately 200 feet upstream of the present location. There would be no change in quantity of water claimed or beneficial use.

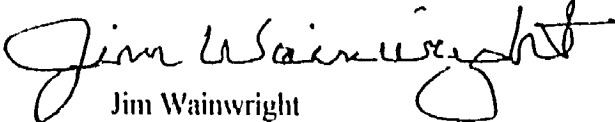
Background - On June 27, 2000, the Department of Environment and Natural Resources approved the change in point of diversion for water right 611-1 to a point approximately ½ mile upstream of the then location. The request was made by Whitewood Development Corporation and its cotenant, Goldstake Explorations.

The cotenancy described has since dissolved. Goldstake Explorations came to own the property on which the point of diversion was relocated to in 2000. The property on which the water is applied for beneficial use is now owned by Homestake Mining Company of California as successor in interest to Whitewood Development Corporation. Homestake Mining Company of California also owns the property on which the proposed point of diversion would be located as described above. The present holder and/or owner of Water Right 611-1 is Homestake Mining Company of California.

The proposed change of point of diversion would place the water right and property ownership of the diversion point to the area of beneficial use under one landowner, Homestake Mining Company of California.

Please find the attached map depicting the point of diversion being proposed. If you have any questions, please do not hesitate to contact me at 605-722-4797.

Respectfully,


Jim Wainwright
Land Resource Manager

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Right No. 611-1, Homestake Mining Company

ADDRESS: COUNTY: Butte County

DATE: January 21, 2003 TELEPHONE: 722-4797

RE: Discussion with Jim Wainwright

COMMENTS:

Mr. Wainwright returned my call from last week. In reviewing the request for a change of diversion point for Water Right No. 611-1, Homestake's request was based on the fact that the authorized diversion point is located on the property held by Goldstake Explorations. The cotenancy between Homestake and Goldstake has since dissolved.

I had call Mr. Wainwright to find out if any of the irrigated acres authorized by Water Right No. 611-1 are owned by Goldstake. He stated that all the acres are owned by Homestake (ie. Barrick).

NAME:

Eric Lundberg



611-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2003

Jim Wainwright
Homestake Mining Company
630 E. Summit Street
Lead SD 57754-1700

Dear Mr. Wainwright:

I am writing in regard to Homestake Mining Company's request to change the Whitewood Creek diversion point authorized by Water Right No. 611-1.

Water Right No. 611-1 appropriates 2.6 cubic feet of water per second from Whitewood Creek to irrigate 182 acres with a priority date of August 18, 1961. The present location of the pump site is along the 1/16 line that bisects in the N ½ NW ¼ Section 35, T8N, R5E. This location was authorized in June, 2000, based on a similar request to define the diversion point when the water right was held in the name of Whitewood Development Corporation.

Homestake Mining Company requests to change the location of the pump site approximately 200 feet upstream of the present site. The diversion point will be in the NW ¼ NW ¼ of Section 35, T8N, R5E. This request is to locate the diversion point on property owned by Homestake Mining Company.

Homestake Mining Company is authorized to change the diversion point without application or publication of a notice of hearing. This is based on the fact the diversion point will be within the reach originally defined for diversion by Water Right No. 611-1. Additionally, a review of water rights records has determined that the change does not increase the potential for interference with existing diversions. There are no other existing water rights within the reach between the present location and the proposed new location.

If you have any questions, please feel free to Eric Gronlund at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program, DENR



February 7, 2003

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

611-1

Jim Wainwright
Homestake Mining Company
630 E Summit St
Lead SD 57754-1700

Dear Mr. Wainwright:

I am writing concerning the transfer of Water Right No. 611-1. On December 20, 2002, we received the transfer of ownership form and filing fee changing the water right from Whitewood Development Corporation to Homestake Mining Company of California. The transfer was completed however I did not realize until today that I had not mailed verification of the ownership change to you.

Our records show Homestake Mining Company of California as the owner of Water Right No. 611-1. Enclosed is your Receipt No. 000453 in the amount of \$2.50 which was paid for filing the ownership change.

I apologize for the delay in sending this information to you. If you have any questions, please give me a call.

Sincerely,

A handwritten signature in cursive script that reads 'Genny McMath'.

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

enclosure

- Q3
(8-5)

NW Corner of
Section 35-T8-R5

POD-
Approximately 720 feet
South and 1240 feet
East of NW corner
of section 35-T8-R5.

35

11/13/2001 Darrell Vig, D.C.
NRCS
Sturgis, SD

Revision of location for POD
for Permit #611-1

- Q3
(8-5)

611-1

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

AUG - 5 2003

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 611-1Date: 8-1-03I/We request that Water Right/Permit No. 611-1 formerly owned by:Homestake Mining Co of CA be transferred to:New Owner Name: Neil and Faith ShuckAddress: RR#1, Box 98City, State, Zip Vale, SD 57788Telephone No. 605-456-2540

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

Water Right No 611-1 relates to the irrigation of 182 acres within portions of Sections 25, 26 + 35, Township 8 North, Range 5 East, Butte County, SD. The point of diversion is located in the NW/4 NW/4 of Sec. 35, T8N, R5E.

☐ I understand that the validity of Water Right/Permit No. _____ 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 Two Dollars and Fifty Cents (\$2.50) is included to cover the filing fee as required by SDCL 46-2-13.

I, Neil & Faith Shuck, the new owner, certify that the above information is true and correct.

Neil Shuck Faith Shuck
(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:

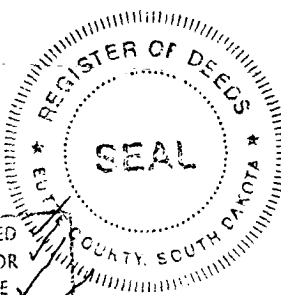
1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

2003-1730

BOOK 323 PAGE 293

Register of Deeds

Butte County, South Dakota

Recorded July 24, 2003at 1:30 P MDoc# 2003-1730Book 323 Page(s) 293Fee 10.00pl 10.00plBy Paula G. Walker
Register of DeedsRECORDED
GRANTOR
GRANTEE
NUMERICAL
TRANSFER
SATISFACTION

Prepared by and Recorded at the Request of:
Homestake Mining Company of California
Attn: Julie Stone
630 East Summit
Lead, SD 57754
722-4817

QUITCLAIM and TRANSFER OF INTEREST

For no monetary consideration whatsoever, Homestake Mining Company of California, a California corporation having an address at 630 East Summit, Lead, South Dakota 57754 ("Homestake") does hereby quitclaim and transfer to Neil and Faith Shuck, husband and wife whose mailing address is RR #1, Box 98, Vale, South Dakota 57788 as joint tenants with rights of survivorship and not as tenants in common, all of Homestake's right, title and interest in and to that certain State of South Dakota Water Right No. 611-1, which Water Right relates to the irrigation of 182 acres within portions of Sections 25, 26 and 35, Township 8 North, Range 5 East, Butte County, State of South Dakota.

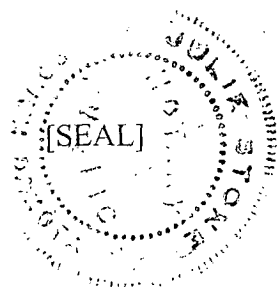
This Quitclaim and Transfer of Interest is made effective as of July 10th, 2003.

HOMESTAKE MINING COMPANY
OF CALIFORNIA

By Margaret Winsel Boorda
Margaret Winsel Boorda
Manager, Land Services

STATE OF South Dakota)
) ss
COUNTY OF Lawrence)

On this the 10th day of July, 2003, before me, the undersigned officer, personally appeared Margaret Winsel Boorda, known to me to be the Manager, Land Services of Homestake Mining Company of California and on oath stated that she was authorized to sign the foregoing instrument on behalf of the corporation for the purposes therein contained. In witness whereof I hereunto set my hand and official seal.



Julie Stone
Notary Public
My Commission Expires: 5-1-2008

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 5, 2003

RECEIVED OF Julie Stone, 506 Sunnyhill, Lead SD 57754

The following amount in fees for services rendered as provided for by law: (Neil & Faith Shuck)

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>611-1</u>	2	50
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	2.50

No. 000854

By Darland Eilbeck
Chief Engineer gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 5, 2003

611-1

Neil & Faith Shuck
RR 1 Box 98
Vale SD 57788

Dear Mr. & Mrs. Shuck:

I am writing to acknowledge receipt of the transfer of ownership form and filing fee sent in for Water Right No. 611-1. The transfer has been completed. The water right formerly listed in the name of Homestake Mining Company of California is now listed in your names.

Enclosed is Receipt No. 000854 in the amount of \$2.50 which was paid for filing the ownership change. In the event you do not have a copy, I am enclosing a copy of Water Right No. 611-1. You may keep this for your records.

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

Sincerely,

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

enclosures

- Q3
(8-5)

34 3

NW Corner of
Section 35-T8-R5

POD-

Approximately 720 feet
South and 1240 feet
East of NW corner
of section 35-T8-R5.

35

11/13/2001 Darrell Vig, D.C.
NRCS
Sturgis, SD

Revision of location for POD
for Permit # 611-1

- Q3
(8-5)

611-1

- Q3
(8-5)

NW Corner of
Section 35-T8-R5

POD

35

↑
N
Whitewood Development Corp. both for
itself and for its cotenant
Goldstake EXPLORATIONS Inc.
Revision of Permit # 611-1 (POD Relocate)
Prepared by Darrell Vig, District Conservator
NRCS 6/2/2000
Sturgis

Darrell Vig

- Q3
(8-5)

611-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE OF SHUTOFF ORDER

July 20, 2012

TO: NEIL & FAITH SHUCK
19269 SHUCK RD
VALE SD 57788

FROM: GARLAND ERBELE, Chief Engineer
SD DENR Water Rights Program *Garland Erbele*

SUBJECT: Shutoff Order for Whitewood Creek Water Rights

Shutoff Order for Water Right Nos. 611-1 1190-1

Flow in Whitewood Creek has dropped to the point where domestic use of water, which includes livestock watering from the river, has become a concern. Therefore to protect domestic use, the department is issuing shutoff orders for Whitewood Creek. Effective immediately, no diversions of water from Whitewood are authorized under your water rights.

This order will be rescinded as soon as conditions improve. If conditions do not improve, this order will remain in effect until **December 31, 2012**.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

<http://waterdata.usgs.gov/sd/nwis/rt>

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the creek.

If you have any questions, please contact Mark Rath (605- 773-3352) or Aaron Tieman (605-394-2229) with the Water Rights Program. Thank you.

CERTIFICATION

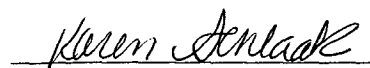
I hereby certify that on July 20, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated July 20, 2012 regarding shutoff orders on Whitewood Creek addressed as stated below:

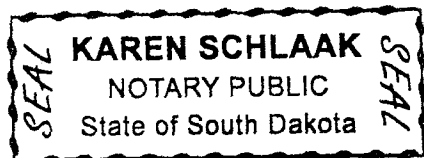
PERMIT_NO	PNO_2	LAST_NAME	FIRST_NAME	ADDRESS2	CITY	STATE	ZIP
1176-1	1176A-1	ELLSBURY	LARRY & DEBBIE	327 FARRALL RD	SUNDANCE	WY	82729
611-1	1190-1	SHUCK	NEIL & FAITH	19269 SHUCK RD	VALE	SD	57788
912-1		ALAN	COREY	20044 WHITEWOOD VALLEY RO	WHITEWOOD	SD	57793
926-1		BERGER	ROLAND/MARY ANN	19688 ASPEN PLACE	WHITEWOOD	SD	57793
928-1		WENNBERG	CHARLES	20164 WHITEWOOD VALLEY RD	WHITEWOOD	SD	57793


Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 20th day of July, 20 12.


Karen Schlaak
Notary Public
My Commission expires April 1, 2013





611-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

JUL 01 2016

611-1
611A-1

Neil & Faith Shuck
19296 Shuck Rd
Vale SD 57788

Dear Mr. & Mrs. Shuck:

Enclosed is Water License No. 611A-1. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: The applicable portions of Water Right No. 611-1 were incorporated into Water License No. 611A-1.