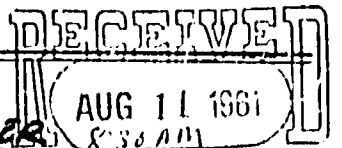


- 630-
1. Considered 3.7, 1964
 2. Name of Applicant McKNIGHT Bros.
 3. Post Office Address ARRAN
 4. Amount of water claimed 5.40
 5. Source of water supply HARRIET DRAIN
 6. Water to be used for IRRIGATION
Acres to be irrigated 377
 7. Water to be diverted and used in BUTTE County about
10.62 miles of DISTANCE
 8. Proof of Publication Received ☒
Not Received ☐
 9. Application Approved ☐
Subject to ☐
Not approved ☐
Action deferred ☐
 10. Remarks:

No. 630-1Water Division No. 1 BELLE FOURCHE RIVER
(Blanks to be Filled by the Engineer for the W. R. C.)District 838 AM
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 McKNIGHT BROS. & BY ROYAL A. MCKNIGHT
Postoffice address ARPAH, 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
3. Amount of water claimed THE MCKNIGHT BROS. & HARRIET DRAU IRRIGATION PROJECT
5.4 Sec. Ft.
4. Source of water supply HARRIET DRAU
5. Location of point of diversion S. 00E 9241 from the NW Cor. Sec. 30, T. 10 N., R. 4 E
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? Pump & Gravity

NW-SW-19 ac., NE-SW-4 ac., SW-SW-34 ac., SE-SW-35 ac., Sec. 19, T. 10, R. 4.
Total 98 ac

NW-NW-28 ac., NE-NW-32 ac., SW-NW-34 ac., SE-NW-33 ac., NW-NE-37 ac.

SW-NE-28 ac., SE-NE-32 ac., NE-SW-10 ac., NW-SE-33 ac., NE-SE-38 ac.,
Sec. 30, T. 10 N., R. 4 E-blm
Total 285 ac

Grand Total 377 ac

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

- (a) Nature of use Stockwatering and irrigation
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 530-1

This is a Great Plains project and still undefined

8. Estimated cost of work:

(a) Head Gates, \$-----
(c) Fluming, \$-----
(e) Other structures -----

Trailer mtd pump
Pipe etc.

(b) Pumping plant, \$-----
Rock, \$-----
Total, \$-----

2500.00

1200.00

3700.00

9. Description of diversion works:

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

Storage reservoir with flume

II. Dimensions of works.

- (a) Dam: Height ----- feet; length at bottom ----- feet; length at top ----- feet; thickness at bottom ----- feet; thickness at top ----- feet; slope at front water face -----; slope at back face -----
material used in construction -----
(b) Reservoir: Capacity when filled ----- acre feet. Surface area at highwater mark ----- acres.

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

(c)* Head gate: Width ----- feet; height ----- feet;
Material -----

(d) Canal: Total length ----- miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work ----- years.

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

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

The Bella Fourche Bee, Bella Fourche, So. Dak.

STATE OF SOUTH DAKOTA

County of Butte

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

Signed

Subscribed and sworn to before me this 26th day of June 1961

Carl W. Cornell,

Notary Public (or Clerk of Court)

*Each diversion must have a headgate or measuring device.

PLAT
OF
THE KNIGHT BROS. HARRIET DRAIN IRRIGATION PROJECT
SECTIONS 19 & 30, T.10 N., R.4 E-BHM
BUTTE COUNTY, SOUTH DAKOTA.

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

- SURVEYOR'S CERTIFICATE -

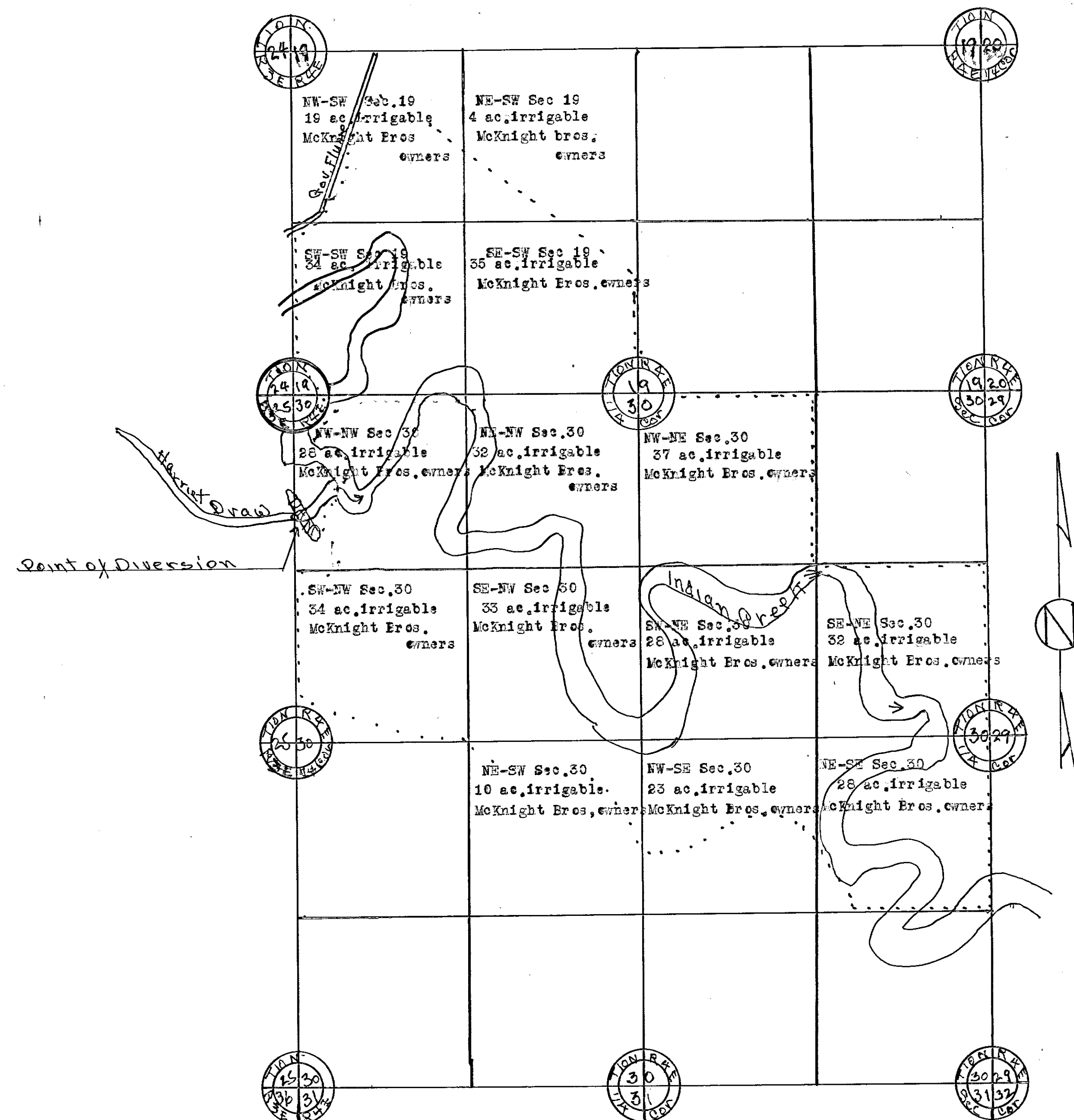
I, Carl M. Cornell, Licensed Surveyor, in and for the State of South Dakota, do hereby certify that at the request of McKnight Bros. of Arpan, South Dakota, I have made a survey and prepared this plat of the areas indicated hereon for the purpose of computing the irrigable area contained in this project and to furnish the required map of the project for filing with their Application for a Permit to Appropri-ate Water for Irrigation Purposes.
I further certify that the lengths and bearings of the several lines shown hereon, and their location with reference to the Government Land Corners, shown hereon, 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. Henn
Notary public (SEAL)



Remarks by State Water Resources Commission:

A. PORTION OF THE LANDS COVERED UNDER THIS PERMIT ARE ALSO COVERED UNDER PERMIT 457-1 FROM INDIAN CREEK. COMBINED WITHDRAWALS FROM THE TWO DIVERSIONS SHALL NOT EXCEED THE 5.4 CUBIC FEET PER SECOND WHICH CONFORMS TO THE STATUTORY LIMIT OF 1 CFS FOR EACH 70 ACRES.

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, JANUARY 31, 1963

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock a.m. upon the 11TH day of AUGUST, 1961

State Water Resources Commission

By:

Justin Jones
Chief Engineer, Executive Officer

Number of permit 630-1

Date of first receipt of application AUGUST 11, 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 11, 1961

Approved MARCH 7, 1962, Recorded in Book 8 Page 13

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

MARCH 7, 1964

2nd. The whole of said work is to be completed on or before MARCH 7, 1966

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

MARCH 7, 1970

4th. The water appropriated shall be used for the purpose of IRRIGATION

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 5.4 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 MARCH 7, 1970; said water to be used during the following described annual period:

APRIL 1 THRU NOVEMBER 30

Witness my hand this 31ST day of JANUARY, 1963

State Water Resources Commission

By:

Justin Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued MARCH 1, 1968

Water License Issued MARCH 1, 1968

Permit No. 630-1Water Division No. 1 BRILLE FOURCHE
RIVER Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That McKnight Brothersof Nisland, County of Butte, and State of South Dakotathe holder of Permit No. 630-1, issued upon Application No. 630-1, bearing date of priority of August 11, 1961, authorizing the diversion of5.4 cu. ft. per second of the waters of Harriet DrawCounty of Butte, State of South Dakota, at a point in the NW 1/4 NW 1/4Section 30, T10N, R4E, and from Indian Creek in Section 19 and 30, T10N, R4E.for irrigationpurposes, have fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 5.4 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 T10N, R4E

<u>Section 19</u>	<u>NW 1/4 SW 1/4</u>	<u>19 acres</u>
	<u>NE 1/4 SW 1/4</u>	<u>4 acres</u>

<u>SW 1/4 SW 1/4</u>	<u>34 acres</u>
<u>SE 1/4 SW 1/4</u>	<u>35 acres</u>

<u>Section 30</u>	<u>NW 1/4 NW 1/4</u>	<u>28 acres</u>
	<u>NE 1/4 NW 1/4</u>	<u>32 acres</u>
	<u>SW 1/4 NW 1/4</u>	<u>34 acres</u>

<u>SE 1/4 NW 1/4</u>	<u>33 acres</u>
----------------------	-----------------

<u>NW 1/4 NE 1/4</u>	<u>37 acres</u>
----------------------	-----------------

<u>SW 1/4 NE 1/4</u>	<u>28 acres</u>
----------------------	-----------------

<u>SE 1/4 NE 1/4</u>	<u>32 acres</u>
----------------------	-----------------

<u>NE 1/4 SW 1/4</u>	<u>10 acres</u>
----------------------	-----------------

<u>NW 1/4 SE 1/4</u>	<u>23 acres</u>
----------------------	-----------------

<u>NE 1/4 SE 1/4</u>	<u>28 acres</u>
----------------------	-----------------

<u>Total</u>	<u>377 acres</u>
--------------	------------------

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

State Water Resources Commission

By:

J.W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 630-1

WHEREAS, On the 11th day of August A. D. 1961
the McKnight Brothers

of Nisland County of Butte and State of
South Dakota duly made application (No. 630-1) to us for a permit to use 5.4
cubic feet per second of the waters of Harriet Draw
County of Butte, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 31st day of January A. D. 1963
Permit No. 630-1 was issued to said applicant... for the diversion of 5.4 water, and providing for the
completion of the works of diversion therein described on or before the 7th day of
March A. D. 1966 and for the application to beneficial use of said
water on or before the 7th day of March A. D. 1970
and,

WHEREAS, On the 7th day of December A. D. 1967
the holder... of said permit duly made proof of the completion of adequate works for the diversion of
5.4 cubic feet per second of said waters, as evidenced by our Certificate No. 630-1
dated March 1, 1968 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 5.4 cubic feet per second of water, with date of
priority of August 11, 1961 ~~XXXX~~ and,

WHEREAS, On the 7th day of December A. D. 1967
proof was duly made of the application to beneficial use of 5.4 cubic feet per second of said water;
for irrigating 377 acres in portions of Sections 19 and 30,
T10N, R4E,

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to the McKnight Brothers
of Nisland the holder B and owner B of said permit No. 630-1
a water right, dating from August 11, 1961 to the use of 5.4
cubic feet per second of the waters of Harriet Draw
In the County of Butte and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted at a point in the NW 1/4, Section
30, T10N, R4E, and from Indian Creek in Section 19 and 30, T10N, R4E,
and conducted to and upon portions of Sections 19 and 30, T10N, R4E, more
specifically described in the Certificate of Completion of Works
for the purpose of irrigation, subject to any limitations listed in the
per lt to Appropriate Water, and

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

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 1st day of March A. D. Nineteen
Hundred and Sixty-eight

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County BUTTE } ss.

Burton F. Jones being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the BUTTE JOURNAL a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the city of Butte County of Butte and State of South Dakota; that the said notice was published in said newspaper on the following dates:

January 26, 1962
February 2, 1962
February 9, 1962
February 16, 1962

in each and every issue of the full number thereof, the first publication being made on the 26th day of January 1962 and the last publication on the 16th day of January 1962, upon h 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.

Burton F. Jones

Subscribed and sworn to before me this 16 day of February A. D. 1962

Raymond Kennedy

Notary Public BUTTE County, S. D.

Notary Public, Butte County, So. Dak.
 My Comm. Expires 2-22-1965

No. 630-1
 APPROPRIATION OF WATER

Office of State Water Resources Commission,
 Pierre, S. Dak.,
 January 22, 1962

Notice is hereby given that the McKnight Bros whose post-office address is Arpan, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 5.4 cubic feet of water per second of time from Harriet Draw through the McKnight Bros. Harriet Draw Irrigation Project the point of diversion which is to be located on both banks of said stream in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 30 Twp. 10 N Range 4E. Said water to be used for the purpose of providing irrigation on portions of the following described land: N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ and NW $\frac{1}{4}$ Sec. 30, SW $\frac{1}{4}$ Sec. 10 T 10N R 4E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 7th day of March, 1962 at 2 P. M. All interested persons may appear and be heard.

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

State Water Resources Commission
 By: Burton F. Jones
 Water Right Specialist
 B4t-1/26-2/16

on or before February 8, 1962.
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., January 2, 1962.

Notice is hereby given that the McKnight Bros. whose postoffice address is Arpan S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 5.4 cubic feet of water per second of time from the Harriet Draw through the McKnight Bros. Harriet Draw Irrigation Project the point of diversion of which is to be located on xxx bath bank of said stream in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 30 portions of Twp. 10N Range 4E. Said water to be used for the purpose of providing irrigation on the following described land:

SE $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$ & NE $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 30, T10N, R4E

~~XXXXX~~ ~~XXXXX~~
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 7th day of March, 1962, at 2 P.M. All interested persons may appear and be heard.

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

State Water Resources Commission

By:

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

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

Permit No. 630-1Water Division No. 1Bele Fourche River

Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated

10-1-61, I have this day made a thorough examination of the diversion works constructed by

~~McKnight Brothers~~ McKnight Brothers, of Nisland,Butte County, South Dakota, holders of Permit No. 630-1, issuedupon Application No. 630-1, bearing date of priority of August 11, 1961, authorizing thediversion of 3.4 cu. ft. per second of the waters of Harriet Draw for irrigation purposes.

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

The diversion works comprise: Storage dam in Harriet draw with
draw down works, estimated surface area 10 acres, estimated
capacity 100 acre-feet. Portable 6" x 8" pump, 2000 gpm
rate, Ford Diesel Tractor, 900 ft. 8" aluminum pipe
and several miles of ditches and ditches

and the system is in the following condition:

Very good

The point of diversion is located In public right section 30, T10N, R4E
as shown on water right map 530-1 and on pipe from
Indian Creek in section 39 sub 30, T10N, R4E.

The works are capable of diverting and conveying to the place of use 3.4 cu. ft. per second of water,
 which is to be used for irrigation.

The legal sub-divisions to be irrigated are:

377 acres as listed in water right application 630-1
and as shown on water right map No. 530-1

comprising a total of 377 acres of land.

The domestic use intended comprises

Incidental livestock watering

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

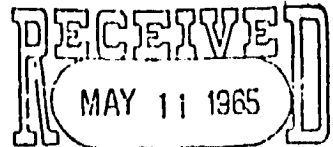
Witness my hand, this 7 day ofDecemberA. D. 1961.

—SEAL—

Wm. D. Dwyer

Examining Engineer.

Deputy Chief Engineer
Water Resources Commission

Permit No. 630-1

STATE WATER RESOURCES COMM.

Water Division No. _____

Water District PIERRE, SOUTH DAKOTA

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works.

(P. O.) WISLORD, SOUTH DAKOTA(Date) MAY 10 1965

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

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of 5.4 cu. ft. per second of the waters of the state from McKnight Bros. Irrigation Project through the McKnight Bros. Irrigation Project for irrigation purposes.

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

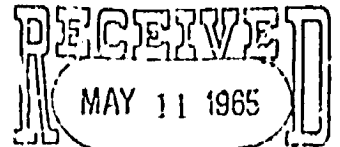
1. The name of the person or corporation holding said permit is Royal McKnight
2. The post office address of such person or the place of business of such corporation is Wislord
County of BUTTE State of SOUTH DAKOTA
3. The number of such permit is 6301 and the date set for the completion of such work is MAY 7 1970
4. Said water to be used for irrigation purposes.
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 5.4 cubic feet per second.

6. The amount of land for which said water is available is 385 1/3 acres,
particularly described as follows: NW-5W-13ac., NE-5W-4ac., SW-5W-24ac., SE-5W-35ac.,
NW-NW-28ac., NE-NW-32ac., SW-NW-34ac., SE-NW-33ac., NW-NE-31ac.,
SW-NE-28ac., SE-NE-32ac., NE-SW-10ac., NW-SE-23ac., NE-SE-28ac.,
Sec. 30, T. 10N., R. 4E-61m
Total 285 ac.

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

(Signature of Owners)

Royal A. McKnight

Permit No. 630-1STATE WATER RESOURCES COMM.
Water Division No. _____ Water District PIERRE, SOUTH DAKOTA

Notice of Application of Water to Beneficial Use

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

(P. O.) Yisland South Dakota(Date) MAY 10 1965

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

DEAR SIR: Notice is hereby given that on the 10 day of May
1965, at _____ County of Butte State of South Dakota,
before _____ (Examining Engineer or Officer) proof will be submitted of the application to beneficial use
of 5.4 cubic feet per second of the waters of Artificial Draw
_____ in accordance with the terms and conditions of Permit No. 630-1
heretofore issued by the Water Resources Commission of South Dakota.

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

Ray A. McKnight2. The use to which said water has been applied is Irrigation3. The amount applied to beneficial use is 5.4 Sec. FT.

4. The place where said water is used is (If for Irrigation, give full and accurate description of the lands ir-
rigated) NW-5W-19 ac., NE-5W-4 ac., SW-5W-34 ac., SE-5W-35 ac., Sec. 30 T10 R4 To 191 92 ac.,
NW-NW-28 ac., NE-NW-32 ac., SW-NW-34 ac., SE-NW-33 ac., NW-NE-37 ac.,
SW-NE-28 ac., SE-NE-32 ac., NE-SW-10 ac., NW-SE-22 ac., NE-SF-28 ac.,
Sec. 30 T10 N., R. 4 E-6 h. h.
Total 285 ac.

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is
The McKnight Bros. Artificial Draw Irrigation Project

6. The right to take the water from such works is based upon permit No. 630-17. The source of supply from which such water is diverted is Artificial Draw8. The date of priority which said user is pre- to establish August 11 1961(Sign) Raymond A. McKnight

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE



Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 457-1
630-1

December 8, 1983

Louis W. Kessel
H.C.R., Box 60
Milsand, South Dakota 57762

Dear Mr. Kessel:

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

Upon receipt of the enclosed form and the \$5.00 filing fee the permit will be transferred to the proper name. South Dakota Water Law 46-5.30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Genny McMath
Water Rights Specialist

GM:ms
Enc.

DWNR-820A-8/83

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 1-1-1984

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

377 Acres - SW $\frac{1}{4}$ Section 19; NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 20,
T10N, R4E

formerly owned by McKnight Brothers
GABRIEL Kessel son's Farm's H.C. R. 80160
has been transferred to Louis W. Kessel WISLAKE S. DAK
(please include complete mailing address) 57762
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 630-1 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 Bent) ss.

I, Louis W. Kessel being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Louis W. Kessel
(Signed)

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

Marlye Walth
(Notary Public)

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

RECEIPT

Division of Water Rights

No 4 9474 -

South Dakota Department of Water and Natural Resources

Pierre, January 5, 1984

RECEIVED OF Gabriel Kessel Sons Farm's, c/o Louis W. Kessel, HCR Box 60, Nisland, SD 57762
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. _____	2	50
Fee for Filing Transfer Form 630-1 _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH (ms)

No. _____

457-1
630-1

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

January 11, 1984

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

Dear Sir:

Enclosed is receipt Nos 4 9473 &
4 9474 in the amount of \$ 2.50 each, which you
paid for transfer of Water Right No. 457-1 &
630-1.
Our records now show you as the owner of ~~these~~ ^{these} Water Rights.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

South Dakota
Department of
Water & Natural Resources

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

March 23, 1987

LOUIS W KESSEL
HCR, BOX 60
NISLAND, SD 57762

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

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

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

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

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

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


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

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

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

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

April 24, 1987

457-1
630-1

Louis W Kessel
HCR Box 60
Nisland, SD 57762

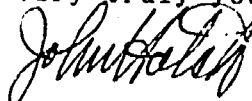
Dear Mr. Kessel:

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

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

If you have any questions, please contact us.

Very truly yours,



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

Water Rights Division - DWMR
Conversation or File Documentation

File No. ⁴⁵⁷⁻¹
630-1

NAME OF PERSON OR FILE: Louis Kessel

ADDRESS: HCR Box 60, Nisland, SD COUNTY

DATE: January 31, 1990 TELEPHONE 257-2126

RE: submission of irrigation questionnaires for above permits

COMMENTS:

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

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

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

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

NAME: Garry McMath



630-1

DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 1, 1991

LOUIS W KESSEL
HCR, BOX 60
NISLAND SD 57762

NOTICE

RE: Violation of Requirement to Submit 1990 Irrigation Questionnaire

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

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

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

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

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

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

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 19, 1991

457-1

630-1

Louis W Kessel
HCR Box 60
Nisland, SD 57762

Dear Mr. Kessel:

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

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

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division

630-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 6, 2004

Ron Enszt
2020 Xavier St
Belle Fourche SD 57717

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

Dear Mr. Enszt:

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

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

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

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

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

FEB 22 2011

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 630-1Date: December 30, 2010

I/We request that Water Right/Permit No. 630-1 formerly owned by:
Gabriel Kessel & Sons Farms be transferred to:

New Owner Name: Travis R. and Johnnie R. Busenitz
Address: 823 Little Missouri Road
City, State, Zip Hulett WY 82720 Telephone No. 307-756-2426
307-467-5496

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

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

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

☒ I understand that the validity of Water Right/Permit No. 630-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

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

Travis Busenitz
(signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/22, 20 11

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

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>630-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **04932**

By *Garland Erbe*
Chief Engineer

RECEIVED

FEB 22 2011

WATER RIGHTS
PROGRAM

Prepared By:

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

2010-2661

BOOK 410 PAGE 461

Register of Deeds

Butte County, South Dakota

Recorded December 30, 2010

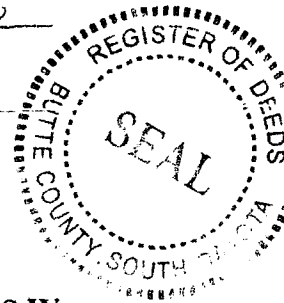
at 3:00 PM

Doc# 2010-2661

Book 410 Page(s) 461-465

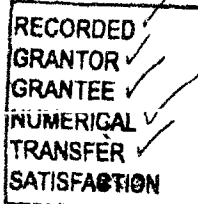
Fee 18.00 10.00

By Paula J. Walker
Register of Deeds



WARRANTY DEED

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



SEE ATTACHED EXHIBIT A

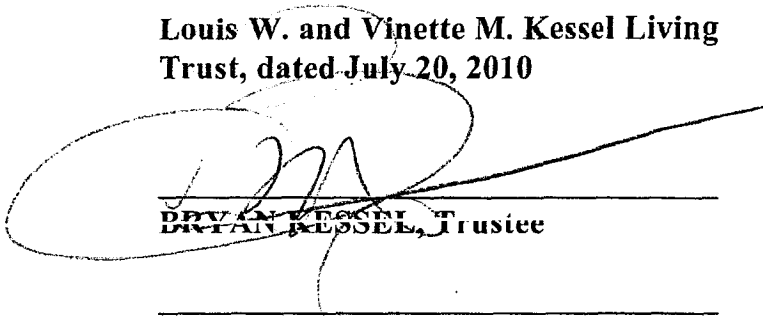
Excepting, however, from this conveyance and reserving to the grantors, grantors' heirs, successors and assigns, the entire mineral interest including future interests, if presently discernible, now held by the grantors, in all minerals of whatsoever nature, (including, but not limited to: oil, gas,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

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

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

DATED this 29 day of December, 2010.

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


BRYAN KESSEL, Trustee

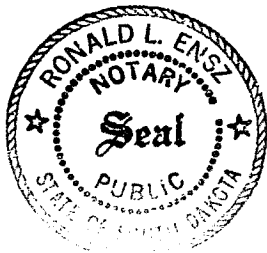
MICHAEL KESSEL, Trustee

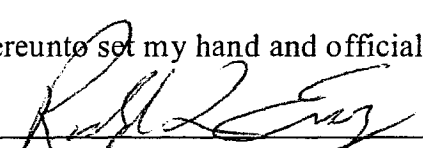
STATE OF SOUTH DAKOTA)

County of Butte) ss.

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

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




Notary Public

My Comm. Exps. 12-13-2016

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

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

DATED this 28 day of December, 2010.

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

BRYAN KESSEL, Trustee

Michael Kessel Trustee
MICHAEL KESSEL, Trustee

STATE OF SOUTH DAKOTA)

) ss.

County of _____)

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

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

Notary Public

My Comm. Exps. _____

EXHIBIT ALEGAL DESCRIPTION**Parcel A:**

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

Section 14: $W\frac{1}{2}SW\frac{1}{4}$; $SE\frac{1}{4}SW\frac{1}{4}$

Section 15: $S\frac{1}{2}$

Section 16: $W\frac{1}{2}E\frac{1}{2}NE\frac{1}{4}$; $W\frac{1}{2}NE\frac{1}{4}$; $NW\frac{1}{4}$; $S\frac{1}{2}$

Section 21: All

Section 22: All

Section 23: $W\frac{1}{2}$; $W\frac{1}{4}E\frac{1}{4}$;

Section 24: $S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$

Section 25: $E\frac{1}{2}NE\frac{1}{4}$

Section 27: $NE\frac{1}{4}NE\frac{1}{4}$; $W\frac{1}{2}NE\frac{1}{4}$; $NW\frac{1}{4}$

Section 28: $NE\frac{1}{4}$; $N\frac{1}{2}NW\frac{1}{4}$

Section 29: $N\frac{1}{2}NE\frac{1}{4}$

Section 33: $W\frac{1}{2}NE\frac{1}{4}$; $SE\frac{1}{4}NE\frac{1}{4}$

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

Section 19: Government Lots 3, 4; $E\frac{1}{2}SW\frac{1}{4}$

Section 30: Government Lots 1, 2, 3; $N\frac{1}{2}SE\frac{1}{4}$; $E\frac{1}{2}NW\frac{1}{4}$; $NE\frac{1}{4}SW\frac{1}{4}$;

Parcel B:

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 23, 2011

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

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

Dear Mr. & Mrs. Busenitz:

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

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

If you have any questions, please contact me.

Sincerely,

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

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

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

630-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 26, 2013

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

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

Dear Mr. Finn:

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

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is fluid and cursive.

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

SEP 26 2013

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 630-1Date: 09-11-2013

I/We request that Water Right/Permit No. 630-1 formerly owned by:
Travis R & Johnnie R Busenitz be transferred to:

New Owner Name: Finn Farm, Inc
Address: 11849 Kessel Road
City, State, Zip Belle Fourche SD 57717 Telephone No. 605-441-9168

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

See Attached Warranty Deed.

☒ I understand that the validity of Water Right/Permit No. 630-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

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

Finn Farm Inc. by [Signature]
(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.

630-1

RECEIVED

SEP 26 2013

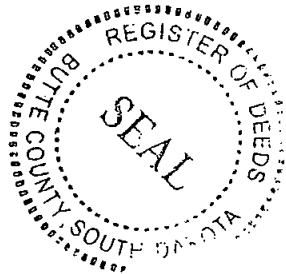
WATER RIGHTS
PROGRAM

BOOK 441 PAGE 19

2013-1781

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

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

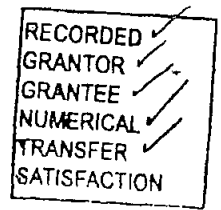


Transfer Fee Paid \$ 2,370.00

#13703

WARRANTY DEED

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



See Attached Exhibit A

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

DATED this 10 day of September, 2013.

Travis Busenitz
TRAVIS BUSENITZ

Johnie Busenitz
JOHNIE BUSENITZ

STATE OF SOUTH DAKOTA)

County of Butte) ss.

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

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

James M. Marts
Notary Public

(SEAL)

My Commission Expires: Jun 18, 2017

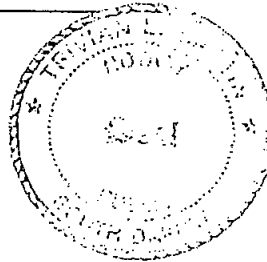


EXHIBIT A

LEGAL DESCRIPTION

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

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

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

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

Search Results for South Dakota Water Rights

 [Search Again](#)

Permit No: 630-1 **Status:** LICENSE **Link:** [PDF image of permit/right file](#)

Name/Business: TRAVIS R & JOHNIE R BUSENITZ **County:** BUTTE

Type of use: IRRIGATION **Priority Date:** 8/11/1961

Pump Rate: 5.4 cubic feet per second **If Irrigation (acres):** 377

Legal Description: NW1/4NW1/4 **Sec** 30 **Tw**n 10 **N** **Rng:** 4 **E**

Basin: BELLE FOURCHE RIVER BASIN

Source: HARRIET DRAW

Aquifer:

Comments:

COMBINATION OF DIVERSIONS UNDER THIS PERMIT AND PERMIT 457-1 SHALL NOT EXCEED 1 CFS FOR EACH 70 AC TRANSFERRED 2-22-2011 FROM GABRIEL KESSEL & SONS FARMS TO TRAVIS R & JOHNIE R BUSENITZ

[Back](#)  Record of 4  

Dam on west side of Headquarters Unit
plus out of Indian Creek.

Has to be pumped

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/30, 20 13

RECEIVED OF Finn Farms 25065 Capa Rd Midland Sd 57552

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>630-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **06448**

By Jeannine Hoelmer
Chief Engineer



630-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 1, 2013

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

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

Dear Mr. Finn:

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

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Genny McMath".

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

enclosures

630-1

Mortenson Law Offices

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

Kimberley A. Mortenson
Curtis D. Mortenson

RECEIVED
APR 14 2014
WATER RIGHTS
PROGRAM

April 7, 2014

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

RE: Finn Farm, Inc.

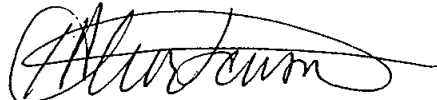
To Whom It May Concern,

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

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

Please call with any questions.

Sincerely,



Kimberley A. Mortenson
Attorney

Enclosures

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

APR 14 2014

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 630-1Date: April 7, 2014

I/We request that Water Right/Permit No. 630-1 formerly owned by:
Finn Farm, Inc. a/k/a Finn Farms, Inc. be transferred to:

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

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

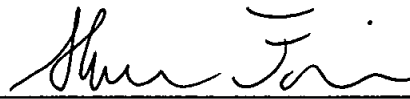
See Exhibit A

- ☒ I understand that the validity of Water Right/Permit No. 630-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

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


(signed by new owner)

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

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

EXHIBIT A

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

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

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/14, 20 14

RECEIVED OF Mortenson Law Offices PO Box 190 Fort Pierre SD 57532

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>630-1</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. **06824**

By *James Zedman*
Chief Engineer

630-1



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



April 15, 2014

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

Shane Finn
Finn Livestock Company
11849 Kessel Rd
Nisland SD 57762

Dear Mr. Finn:

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

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

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

Sincerely,

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

c: Kimberley Mortenson, Mortenson Law Offices