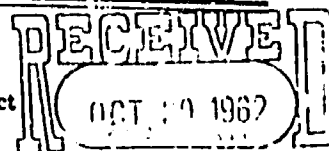


669-1

1. Considered 1-13, 1963
2. Name of Applicant 3-13 CAVE HILLS CATTLE CO
3. Post Office Address BUFFALO
4. Amount of water claimed 1.11
5. Source of water supply HOME DRAW
6. Water to be used for IRRIGATION
Acres to be irrigated 78
7. Water to be diverted and used in HARDING County
12.15 miles of BUFFALO
8. Proof of Publication Received NONE
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____

10. Remarks: CARL CORNELL'S LETTER INDICATES AN ERROR IN DESCRIPTION - MAY HAVE TO BE RE-ADVERTISED -

No. 669-1Water Division No. 1 GRAND RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT To appropriate Water within the State of South Dakota

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

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

1. Name of applicant CAVE HILLS CATTLE COMPANY
 Postoffice address BUFFALO, County HARDING, State SOUTH DAK.

I. If a corporation

(a) Name of same CAVE HILLS CATTLE COMPANY
 (b) Date and place of incorporation Mar. 1, 1962, Buffalo, So. Dak.
 (c) Amount of capital stock \$500,000.00
 (d) Amount paid in \$350,000.00
 (e) Names and addresses of directors Lawrence Brown, Buffalo, So. Dak. Pres.
Helen Brown, Buffalo, So. Dak. Vice President.
Dann Bennett, Buffalo, So. Dak. Secretary.

(NOTE—A certified copy of articles of incorporation must accompany this 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)

Employment of others and direct labor

(b) Cash on hand, \$ 10,000.00 (c) Treasury stock, \$ None
 (d) Bonds to be issued, \$ None (e) Other resources, \$ Bank credit

2. Name of diversion work HOME DRAW SPREADER PROJECT3. Amount of water claimed 1.11 cubic feet per second4. Source of water supply HOME DRAWBetween a point S 43°W 1056' from the E & Cor. Sec. 28, T. 20 N., R. 5 E-BHM5. Location of point of diversion and a point S 60°E 1120' from the W & Cor.Sec. 28, T. 20 N., R. 5 E-BHM on both bank Harding County.6. Annual period or periods during which water is to be used April 1 to thru Nov. 30

7. To be used for:

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

(a) Number of acres to be irrigated 76 acres.
NW-SW-6 ac., NE-SW-16 ac., SW-SW-4 ac., SE-SW-7 ac. Sec. 28-20-5 Total 33 ac

(b) Legal subdivisions to be irrigated
 (NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

NE-SE-15 ac., SE-SE-30 ac. Sec. 28, T. 20 N., R. 5 E-BHM Total 45 ac
 (c) Statement as to domestic use (giving location, etc.) Grand Total 76 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 560-1

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$-----
 (c) Plumbing, \$----- (d) Canal-earth, \$----- Rock, \$-----
 Spreader, dams and dikes and ditches as needed Total, \$200.00
 (e) Other structures -----

9. Description of diversion works:

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

Water spreading dikes, dams and ditches to spread flood-water

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	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 cross-logs 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 invention to appropriate -----

The Times-Herald, Buffalo, So. Dak.

STATE OF SOUTH DAKOTA

County of Harding

I, Gayle Hills Cattle Company, by Lawrence Brown, President, 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 22nd day of October 1962

Carl M. Cornell

Notary Public

SCALE: 1 inch = 100 feet.
8 inches = 1 mile.

SCALE: 1 inch = 100 feet.
8 inches = 1 mile.

I, Carl M. Cornell, licensed Surveyor, in and for the State of South Dakota, do hereby certify that, at the request of Lawrence Fromm of Buffalo, South Dakota, President of the Cave Hills Cattle Company, I have made a survey and prepared this plat of the proposed irrigation projects for which the said Company is requesting permits to appropriate water for irrigation of same.

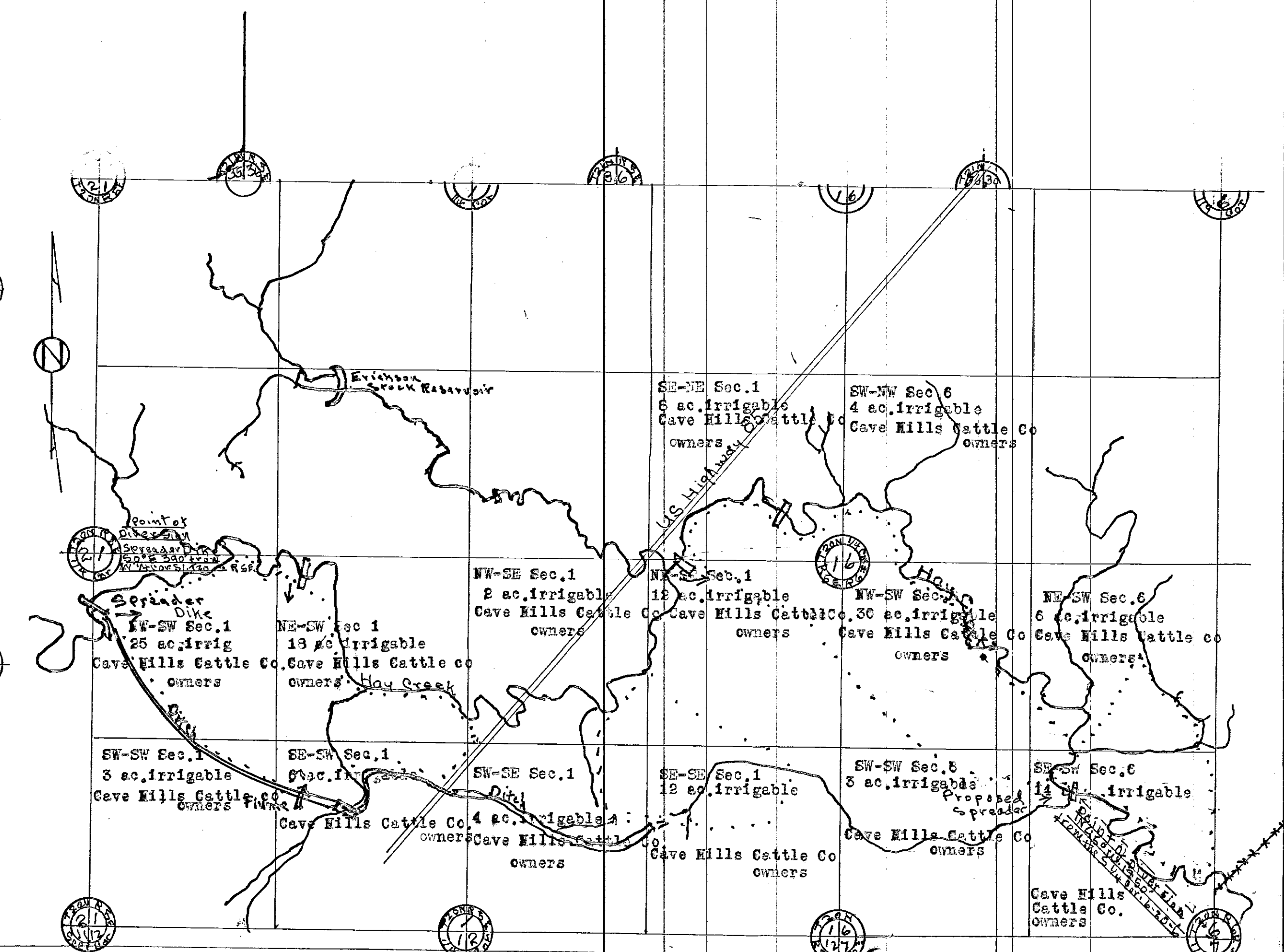
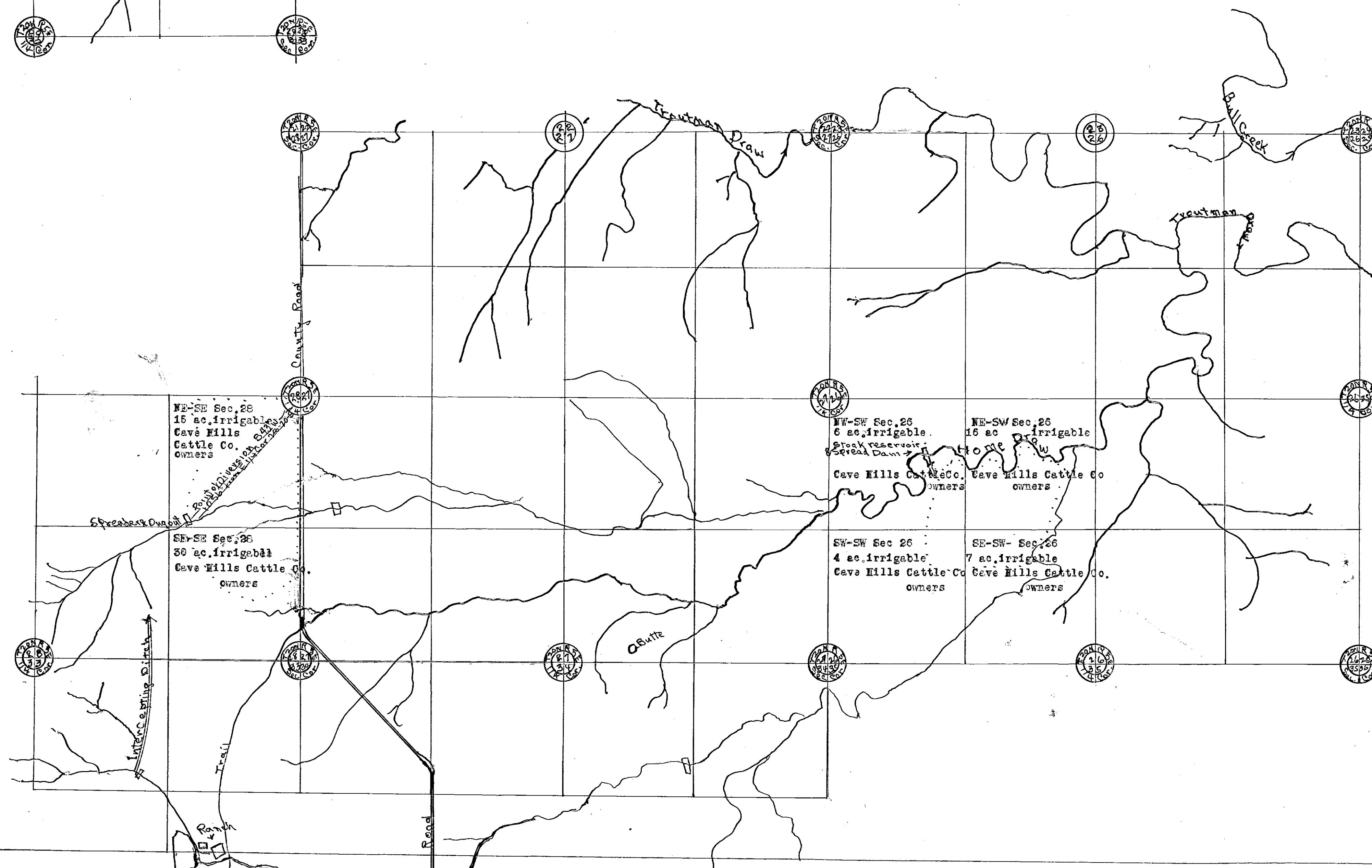
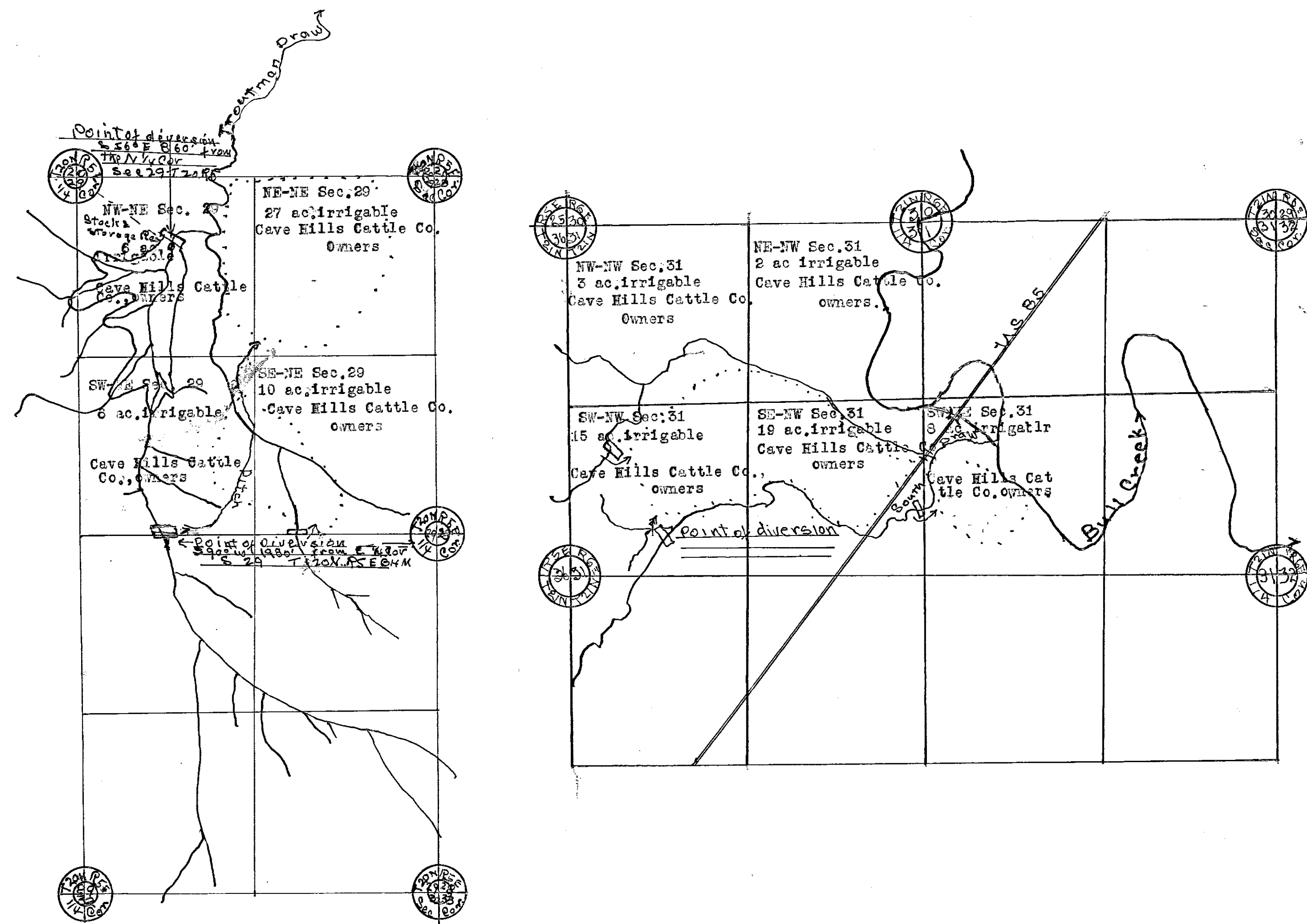
I further certify that this plat is prepared as a necessary part of their application and that the bearings and lengths of all lines shown and their location with reference to the several Government Land Corners indicated, are correct, to the best of my knowledge and belief.

Subscribed and sworn to at Buffalo, South Dakota this 21st day of October 1962.

SIGNED Ar M. Ornel
Licensed Surveyor # 144 (SEAL)

Subscribed and sworn to before me at Buffalo, South Dakota this 21st day of October 1932.

Eleanor Lindholm
Notary Public (SEAL)



Remarks by State Water Resources Commission:

The diversion rate limitation of 1 cubic foot per second for each 70 acres irrigated shall not apply to this Dry Draw irrigation diversion during periods of flood flows, when such flows are in excess of the amount of water required to satisfy domestic use requirements and other water rights.

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, MAY 9, 1963

This is to certify that the foregoing application was received by the Commission at 8:20 o'clock
a.m. upon the 30TH day of OCTOBER, 1962

State Water Resources Commission

By:

Burton Jones
Chief Engineer, Executive Officer

Number of permit 669-1

Date of first receipt of application OCTOBER 30, 1962

Date of return to applicant for correction, amendments or changes required as follows JANUARY 21, 1963

Date of receipt of corrected application APRIL 17, 1963

Date from which applicant may claim right APRIL 17, 1963

Approved MAY 1, 1963, Recorded in Book 8 Page 60

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 1, 1965

2nd. The whole of said work is to be completed on or before MAY 1, 1968

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

MAY 1, 1968

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 1.11 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 1, 1968; said water to be used during the following described annual period:

APRIL 1 THRU NOVEMBER 30

Witness my hand this 9TH day of MAY, 1963

State Water Resources Commission

By:

Goldman
Chief Engineer, Executive Officer

Certificate of Construction issued _____, 19____

Water License issued _____, 19____

on or before February 14, 1963
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., January 31, 1963

Notice is hereby given that the Cave Hills Cattle Company whose postoffice address is Buffalo 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 1.11 cubic feet of water per second of time from the Home Draw through the Home Draw Irrigation Project the point of diversion of which is to be located on the both between a point in the NW 1/4, Section 28 & a point band of said stream in the SE 1/4 of the SE 1/4 of Section 28 portions of Twp. 21N Range 5E. Said water to be used for the purpose of providing irrigation on the following described land:

N 1/2 SE 1/4 Section 28; SW 1/4 Section 28, all in T21N, R5E

~~EXHIBIT~~ ~~EXHIBIT~~
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 13th day of March, 19 63, 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:

EURTON F. JONES
Water Right Specialist

CC: D. L. Cammack, Publisher
Buffalo Times-Herald
Buffalo, S. Dak.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Harding } ss.

Donald L. Cammack being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Buffalo Times-Herald a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the Town of Buffalo County of Harding and State of South Dakota; that the said notice was published in said newspaper on the following dates:

December 13, 1962
December 20, 1962
December 27, 1962
January 3, 1963

in each and every issue or the full number thereof, the first publication being made on the 13th day of Dec. 1962 and the last publication on the 3rd day of January 1963, 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.

Subscribed and sworn to before me this 16th day of April A. D. 1963.

Donald L. Cammack

Notary Public _____ County, S. D.

APPROPRIATION OF WATER

No. 669-1
 Office of State Water Resources
 Commission, Pierre, S. Dak.,
 November 28, 1962.

Notice is hereby given that the Cave Hills Cattle Company, whose postoffice address is Buffalo, 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 1.11 cubic feet of water per second of time from Home Draw through the Home Draw Forebender Project, the point of diversion of which is to be located on both banks of said stream between a point in the NW1 SW1, Section 26, and a point in the NE1 of the SE1 of Section 28 Twp. 21N Range 6E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

DJ S11, Section 28; SW1, Section 26, all in T21N, R6E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of January, 1963, at 2 P. M. All interested persons may appeal and be heard.

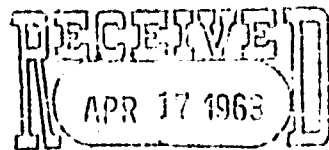
Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By: BURTON F. JONES

Water Right Specialist

(Pub. Dec. 13-20-27 Jan. 3)



STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

Permit No. 669-1Grand River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Cave Hills Cattle Co.
of Buffalo, S.Dak. 5772-0 Holder ofPermit No. 669-1, bearing the priority of April 17 1953 authorizingthe diversion of 1.11 cu. ft. per second of the waters of Home Drawfor Irrigation purposes, in Harding County.

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

A. Works used to divert the water:

Dam 15 ft High, 10' Top, 3:1 up + 2:1 down slopes.
4.0' Freesboard. 50 ft Spillway

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

Dike from dam diverts water to irrigated area.

C. Works used to apply water to beneficial use:

Dikes and Ditches to Spread WaterThe system is in the following condition Fair.The point of diversion is located 300 ft S and 500' E of the W $\frac{1}{4}$ Corner of
Sec. 26, T21N R5EThe works are capable of diverting and conveying to the place of use 10 +cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: All in T21N R5ENW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26 = 4 Ac.NE $\frac{1}{4}$ SW $\frac{1}{4}$ " 26 = 10 Ac.SE $\frac{1}{4}$ SW $\frac{1}{4}$ " 26 = 4 Ac.Comprising a total of 18 acres of land and the license should be issued for 0.26 cfsApplicable permit qualifications have been complied with X Yes NoExemptions to compliance are:

Date

July 19, 1984LeRoy J. McManugh
Signature

State of South Dakota
Water License No. 669-1

(1) Cave Hills Cattle Company Incorporated
of P.O. Box 27, Buffalo, South Dakota
made Application No. 669-1 October 30, 1962 for a water permit to appropriate
1.11 cubic feet per second of water from Home Draw
Harding County, South Dakota for irrigation purposes.
Permit No. 669-1 with a priority date of April 17, 1963
was approved May 1, 1963 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before May 1, 1968 and for the application to beneficial use of said
water on or before May 1, 1968.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 0.26 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is 300'S and 500'E of the W₄ Corner of
Section 26, T21N, R5E (CB)

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in T21N, R5E

Section 26 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 4 Acres (CB)

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 10 Acres (CA)

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 4 Acres (CB)

TOTAL 18 ACRES

(4) Pursuant to §16-5-30.1 Cave Hills Cattle Co., Inc.

of P.O. Box 27, Buffalo, South Dakota 57720

the holder(s) and/or owner(s) of Water Permit No. 669-1 is issued a license to appropriate water, the right to use

0.26 cubic feet per second of water from Home Draw with a priority date

of April 17, 1963 from the location specified in (2) of this license. The water to be

conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in Water Permit No. 669-1 and subject to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources
JOHN HATCH
DEC 20 1985

On July 17, 1911, under the Act of March 3, 1879, made
and inspection of your Water Permit No. 407-1 you
showed him a large dam on the SW $\frac{1}{4}$ of Section 10, T21N
R5E. The office has received a Location Notice having been
filed for the dam. It is for your protection that you
file a Location Notice for the dam. Enclosed are two
forms for you to use to do this.

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

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

Water Rights Division
605 773-3352

December 5, 1984

409-1
669-1

Cave Hills Cattle Company
Buffalo SD 57720

Dear Sirs:

The inspection of your water use systems and the inspection of the extent of the application to beneficial use, as developed under your Water Permits No. 409-1 and 669-1 has been completed. The final water right document, the Water License can now be issued.

Statutes require that we charge \$12.00 fee (each) for the inspection and issuance of the Water License. Upon receipt of the \$24.00 fee from you, Water License Nos. 409-1 and 669-1 will be forwarded to you.

Enclosed is a partially completed transfer form for transferring Water Permit No. 409-1 from Lawrence Brown to Cave Hills Cattle Company. Please check over the form date, sign in the presence of a notary public and return the form to this office along with a \$2.50 filing fee. The water permit will then be transferred to Cave Hills Cattle Company.

The following is a summary of the fees required:

Water Permit No. 409-1:	\$12.00 (water license)
	2.50 (transfer form & fee)
Water Permit No. 669-1:	12.00 (water license)
	Total \$26.50

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the license fees have been paid. If you have any questions, please contact us.

Sincerely,

GENNY MCMATH
Natural Resources Analyst

GM:ks

Water Rights Division
605 773-3352

July 8, 1985

SECOND NOTICE
Permit No. 409-1
& 669-1

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Lawrence Brown
Cave Hills Cattle Co.
Buffalo SD 57720

Dear Mr. Brown:

On December 5, 1984 you were notified the final inspection fees of \$12.00 each (\$24.00 total) were due before Water License Nos. 409-1 and 669-1 could be issued. As of this date, the fees have not been received.

The license fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$24.00 in filing fees, your water licenses will be sent to you. The license is the final document for the perfection of a water right. A perfected water right is similar to a property right and once a water right is perfected, it can not be lost as long as the water is used.

The filing fee of a transfer notice and submission of a \$2.50 filing fee for transferring Water Permit No. 409-1 to Cave Hills Cattle Company was also requested in the December 5 notice. If you have misplaced the transfer form previously sent to you, enclosed is another form.

The transfer form should be checked over, signed, dated and notarized before returning it to our office with a \$2.50 filing fee. If you want the license to be issued under Lawrence Brown instead of Cave Hills Cattle Co., please notify us and disregard the transfer form.

The total amount of fees due for the licenses and transfer is \$26.50. South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required filing fees immediately to avoid jeopardizing your water permits.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

RECEIPT

Division of Water Rights

No 4 10110

South Dakota Department of Water and Natural Resources

Pierre, July 15, 19 85

RECEIVED OF Cave Hills Cattle Co., Inc., PO Box 27, Buffalo, SD 57726

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. 665-1 _____	12	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	12 00

By John Hatch
Chief Engineer JOHN HATCH (ES)

No. 669-1

SOUTH DAKOTA Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-5352

DEC 20 1985

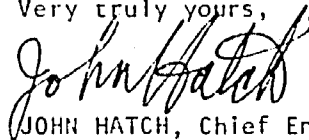
Cave Hills Cattle Company, Inc.
P.O. Box 27
Buffalo, South Dakota 57720

Dear Sirs:

Enclosed herewith is, Water License No. 669-1. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:MS

Enclosures

R5E

T
21
N

← 500' → pt of Diversion

26

A hand-drawn map showing a land area. A blue-shaded region is labeled "NW 1/4 SW 1/4 4. Ag". A red-outlined region is labeled "NE 1/4 SW 1/4 10 Ag." and "4 Ag".

Cave Hills Cattle Co.
Water Permit # 669-1

Map by
Libby J. Marnight
473.5

Office Copy

Map # 560-1