

OFFICE OF STATE
PIERRE, SOUT

RECORD OF PROCEEDINGS

Application No. 673-1

Water Div. No. 1. Belle Fourche Water Dist.

Application Received

Maps Received

Acknowledgment

Notice for Pub. Mailed Dec 5 - 1934

Receipt from Newspaper

Copy of Newspaper Rec'd. Jan 5 - 1935

Notice of Correction Sept 26 - 1934

Proof of Pub. Rec'd. Received Jan 5 - 1935

Hearing 12th day of Feb - 1935

Approved Feb - 28 - 1935

Recorded and Filed

REMARKS:

Rec'd 5/23/52 for correction as per attached affidavit.

Form 2—Application for Permit to Appropriate Water—Original

H. P. Co. 5653

RECEIVED

NO. 673 (H)

Sept. 26, 1934

OFFICE OF STATE ENGINEER
Pierre, S. D.

Division No. 1

Belle Fourche

District

(Blanks to be Filled by the State Engineer.)

RECEIVED

Sept. 1, 1934

OFFICE OF STATE ENGINEER
Pierre, S. D.

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant Arthur E. Wiffin

Postoffice address Belle Fourche, County Butte, State South Dakota

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 address 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) Direct labor
- (b) Cash on hand, \$ 50.00
- (c) Treasury stock, \$
- (d) Bonds to be issued, \$
- (e) Other resources, \$ Farm

2. Name of diversion work

3. Quantity of water claimed 0.04 cubic feet per second.

4. Source of water supply Springs & Irrigation overflow

5. Location of point of diversion 915 ft. east, & 910' south of the NW Cor of NW 1/4 NE 1/4 Sec. 14, T6N, R2E, BHM
Sec. 14, T6N, R2E, BHM (Originally read: N.W. corner of Sec. 13, T 6N, R 2E, BHM)
left on left bank.

6. Annual periods during which water is to be used growing season

7. To be used for:

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

(a) Number of acres to be irrigated 3.2 acres.
Originally read: Pt. of NW 1/4 Sec. 13-2E-2E (see accompanying map)

(b) Legal subdivisions to be irrigated Sec. 14, T6N, R2E, BHM
(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.)

(c) Statement as to domestic use (giving location, etc.)

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

(a) Nature of use

Name any of the above user claimed

(b) Amount of power to be generated horse power.

Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

8. Estimated cost of works:

- (a) Head gates, \$ none (b) Pumping plant, \$ none
 (c) Fluming, \$ 50.00 (d) Canal-earth, \$ Rock, \$
 (e) Other structures \$ Total, \$ 50.00

9. Description of diversion works:

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

Reservoir, ditch & flume

II. Dimensions of works:

- (a) Dam: Height 2.5 feet; length at bottom 10 feet; length at top 13 feet; thickness at bottom 17 feet; thickness at top 20 feet; slope at front water face 3-1; slope of back face 3-1; material used in construction earth and rock
 (b) Reservoir: Capacity when filled 0.1 acre feet. Surface area at highwater mark 0.1 acres.

DEPTH AT OUTLET- FEET	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	ACRE- FEET CAPACITY
<u>2.5</u>	<u>0.1</u>	<u>0.1</u>
<u>0</u>	<u>0.1</u>	<u>0.1</u>

(c) * Head gate: Width none feet; height feet;

Material

(d) Canal: Total length 0.2 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
At <u>0.1</u> Mile	<u>1.0</u> feet	<u>1.0</u> feet	<u>1.0</u> feet	<u>2.5</u> feet
At <u>2</u> Mile	<u>1.0</u> feet	<u>1.0</u> feet	<u>1.0</u> feet	<u>2.5</u> 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 1 year/.11. Time required for complete application of water to the proposed beneficial use 0.5 years.12. Choice of newspaper for publication of notice of intention to appropriate Belle Fourche Bee

STATE OF SOUTH DAKOTA

County of Butte } ss.

I, Arthur E. Wiffin, 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 examined the map accompanying the same, and that I know of my own personal knowledge that the matters herein stated and shown are true.

Signed /s/ Arthur E. WiffinSubscribed and sworn to before me this 27th day of August, 1934/s/ R. F. VoylesNotary Public (~~or other qualified officer~~)

*Each diversion must have a headgate or measuring device.

Remarks by State Engineer:

STATE OF SOUTH DAKOTA

County of

Pierre, South Dakota, February 28, 1935

This is to certify that the foregoing application was received at this office at 2:00 o'clock A. m. upon the 1st day of September, 1934, and that after examination it was found to comply with the South Dakota water laws, was published in accordance with the provisions thereof and consideration given to any and all information presented.

Returned to the applicant for correction and received as a corrected application on Sept. 26th 1934. Application was approved, notice was published, hearing held, no material objections offered and this application was thereupon approved.

/s/ Chas. A. Trimmer

State Engineer.

Number of permit 573-1

Date of first receipt of application Sept. 1st, 1934

Date of return to applicant for correction Sept. 6th, 1934

Date of receipt of corrected application Sept. 26th, 1934

Date from which applicant may claim right Sept. 1st, 1934

Approved February 28th, 1935, Recorded in Book 2 Page 426-427

This is to certify that I have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and I 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 August 31, 1935.

2nd. The whole of said work is to be completed on or before February 28, 1936.

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is February 28, 1936.

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 here granted shall not exceed 0.04 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 February 28, 1936; said water to be used during the following described annual period:

During the growing season

Witness my hand this 28th day of February, 1935.

/s/ Chas. A. Trimmer

State Engineer.

Certificate of Construction issued, 19

Water License issued, 19

June 14, 1952.

Mr. Dean W. Loucks, State Engineer,
Pierre, S. Dak.

Dear Mr. Loucks:

Replying to your letter of the 2nd inst. Re- Water Permit 573-1 for water from springs and irrigation overflow, I have corrected my affidavit on line eleven to show East instead of wast; (this was simply an error intyping showing wast instead of east); as to the correction you you mention as to line 3 of paragraph 2, the correction is as shown in affidavit, a fractional part of th Northwest quarter of the Northeast quarter of Section 14 Township 8 North of Range 2 East and is so shown on the copy of the letter written by Mr. Voyles under date of Sept. 27, 1950.

yours truly,

The description shown in affidavit is an exact duplicate of the property owned as shown in my deed.

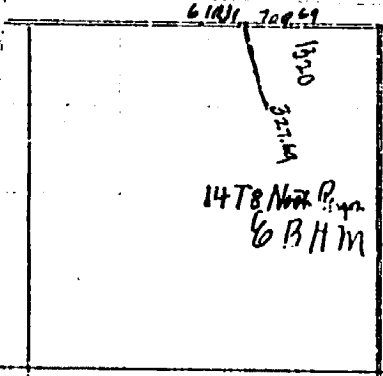
Enclosures

Returning affidavit

Permit no 673-Div 1

Copy of Voyles Letter of Sept 25, 1950

Your letter of Oct 3, 1950



42051

Water Right
Arthur E. Wiffin

STATE OF SOUTH DAKOTA) ss
County of Butte)

Office of REGISTER OF DEEDS
Filed for Record 11th day of
March A. D. 1935 at 2:45
o'clock P.M., and recorded in
Book 103, on Page 445

/s/ M. S. Eccles
Register of Deeds

By _____
Deputy

Recorded	✓
Compared	✓
Grantor	✓
Grantee	✓
Numerical	

Fee 2.00

Art Wiffin
2:45 3/11/35 Pd. 1.25

No. 673

Division No. 1
Belle Fourche District

PERMIT

to appropriate water from _____
Springs _____

Butte County, South Dakota.

Name of applicant _____
Arthur E. Wiffin

Name of diversion works _____

Date of first receipt at office of State
Engineer September 1, 1934

Returned to applicant for Correction
September 6, 1934

Corrected application received _____
September 26, 1934

Date of water right _____
September 1, 1934

Recorded in Book _____ Page 426

One-fifth of work to be completed
July 26, 1935

Whole work to be completed _____
February 28, 1936

Final proof of use of water _____
February 28, 1936

Approved February 28, 1935
/s/ Chas. A. Trimmer
State Engineer.

AFFIDAVIT

STATE OF SOUTH DAKOTA }
COUNTY OF BUTTE } ss

Arthur E. Wiffin being first duly sworn deposes and says: that he is the Arthur E. Wiffin named as applicant in that certain Application for Permit to Appropriate Water within the State of South Dakota, Permit number 673 issued and approved February 28, 1935 and filed in the Office of the Register of Deeds of said Butte County, South Dakota, on March 11, 1935 at 2:45 o'clock P.M. and recorded in Book no 103 On Page 445 in records thereof;

Affiant further says: that inadvertently the location of the point of diversion is erroneously shown in said permit no 673, as 915 feet east and 910 feet south of the Northwest corner of Section 13 Township 8 North of Range 2 ~~East~~ of the Black Hills Meridian on left bank and the land to be irrigated is erroneously shown in said Permit no 673 as part of the Northwest quarter of the Northwest quarter of Section 17 Township 8 North of Range 2 East of the Black Hills Meridian;

Affiant further says: that at the time of the issuing of the said permit no 673, the correct description of the land owned by affiant to be irrigated was: that fractional part of the Northwest quarter of the Northeast quarter of Section 14 Township 8 North of Range 2 East of the Black Hills Meridian, Butte County, South Dakota, described as commencing at a point 610.31 feet East of the quarter section corner common to section 11 and 14 in said Township and Range; thence East on the Section line 709.69 feet to the Northeast corner of said Northwest quarter of the Northeast quarter of Section 14; thence due South 1320 feet to the Southeast corner of said Northwest quarter of the Northeast quarter of said Section 14; thence due west 327.69 feet to a point 125 ft northeasterly from the center line of the track of the Chicago & Northwestern Railroad; thence Northwesterly and parallel to said railroad and 125 feet distant therefrom to the place of beginning, containing 14.03 acres;

and the correct description of the point of diversion at the time of issuing said Permit no 673 was 915 feet East and 910 feet South of the Northwest corner of the Northwest quarter of the Northeast quarter of Section 14 Township 8 North of Range 2 East of the Black Hills Meridian.

Dated at Belle Fourche, South Dakota, this 20 day of May, 1952.

Arthur E. Wiffin
Affiant

Subscribed and sworn to before me this 20th day of May, 1952.

J. S. Baker
Judge of the County Court
Butte County, South Dakota

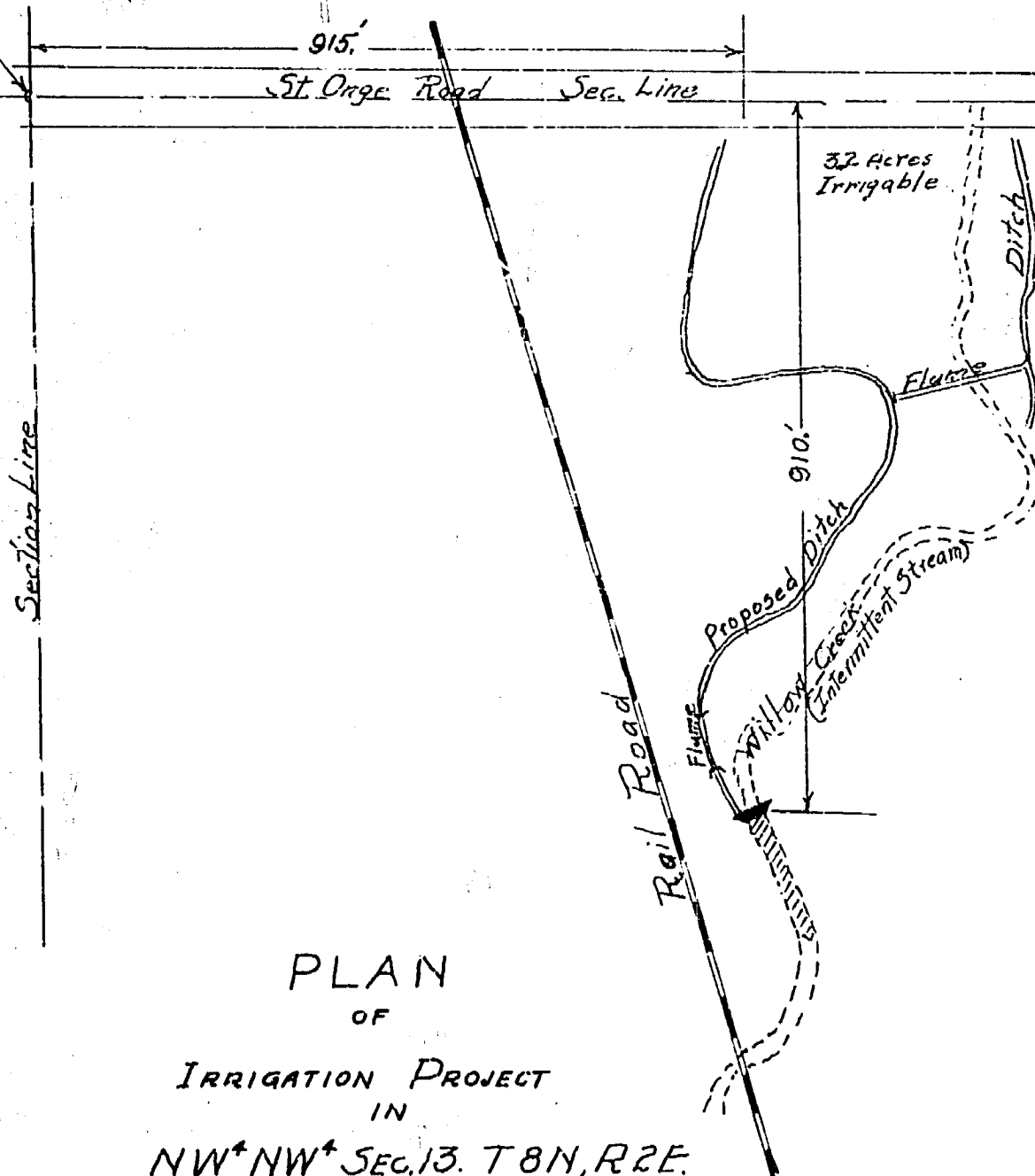
RECEIVED

MAY 23 1952

OFFICE OF STATE ENGINEER
SIOUX FALLS, S. DAK.

673-1

Section Corner, N.W. Corner Section 13, T8N, R2E.



PLAN
OF
IRRIGATION PROJECT
IN
NW⁴ NW⁴ SEC. 13. T8N, R2E.
B.H.M.

Scale 1" = 200'

elle Fournie, S.D. P.H. Norris, Surveyor, Reg. No. 284.

August 25, 1934.

PROOF OF PUBLICATION

RECEIVED

JAN 5 1935

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

STATE OF SOUTH DAKOTA }
County of Butte } ss.
J. R. Smith 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 the
City of Belle Fourche County of
Butte and State of South Dakota;
that the said notice was published in said newspaper on the
following dates:

APPROPRIATION OF WATER
No. 673-1
(First Publication December 10, 1934)

Office of the State Engineer,
Pierre, S. D., Dec. 5th, 1934.
Notice is hereby given that Arthur E.
Wiffin, whose postoffice address is
Belle Fourche, Butte County, S. D., has
made an application in accordance with
the provisions of the Irrigation laws of
South Dakota for a permit to appropri-
ate for beneficial use .04 cubic feet of
water per second of time from springs,
the point of diversion of which is to be
located upon the Left bank of said
stream in the NW¹/₄ of the NW¹/₄ of
Section 13, Township 8 N., Range 3 E.
of R. H. M., said water to be used for
the purpose of Irrigation upon the NW¹/₄
of the NW¹/₄ of Section 13, T. 8 N., R.
3 E. of R. H. M.

This application will be taken up by
the state engineer at his office at Pierre
for consideration and appropriate action
upon the 12th day of February, 1935, at
9 a. m., at which time all persons who
believe that the prior rights would be
injuriously affected, or that the allow-
ance of the permit would be detrimental
to the public welfare, and also parties
making the application, and to be bene-
fitted, are notified to be present either
by sworn affidavit or in person for the
purpose of presenting any relative tes-
timony.

CHAS. A. TRIMMER,
State Engineer.

in each and every issue of the full number thereof, the first
publication being made on the 14th day of December
1934 and the last publication on the 4th day of
January 1935, upon which days or times
of publication aforesaid the newspaper was regularly pub-
lished, and that during the whole time of said publication he
was Manager the printer and publisher of
the said newspaper.

Subscribed and sworn to before me this 4 day of January A. D. 1935

Notary Public Butte County, S. D.

(First Publication 19.....)

APPROPRIATION OF WATER

Office of the State Engineer,

Pierre, S. D., Dec. 5th 19 34

Notice is hereby given that Arthur E. Wiffin whose postoffice address is Belle Fourche - Butte County, S. D., has made an application in accordance with the provisions of the irrigation laws of South Dakota for a permit to appropriate for beneficial use .04 cubic feet of water per second of time from spring through the the point of diversion of which is to be located upon the left bank of said stream in the N. 7. 1/4 of the N. 7. 1/4 of Section 13 township 2 N. range 2 E. of B.H.M. said water to be used for the purpose of Irrigation upon the N. 7. 1/4 of the N. 7. 1/4 of Section 13, T. 2 N., R. 2 E. of B.H.M.

This application will be taken up by the state engineer at his office at Pierre for consideration and appropriate action upon the 12th day of February 19 35, at 9 a. m., at which time all persons who believe that the prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare, and also parties making the application, and to be benefited, are notified to be present either by sworn affidavit or in person for the purpose of presenting any relative testimony.

Chas. A. Trimmer

State Engineer.

State of South Dakota,

SS.

A F F I D A V I T

County of Butte,

ARTHUR E. WIFFIN, being first duly sworn upon his oath says; That he is the same person who made application for Appropriation for water for irrigation purposes, No. 673__1, Butte County, South Dakota.

Affiant further says; That he has a small farm consisting of Fourteen and One-half acres; That only approximately Three and a fraction, of less than a half acre, can and will be irrigated from this stream; That irrigation will be used to produce and grow garden and small truck and orchard; The stream originates and raises from springs about One half mile above me and the all other farms crossed by the stream, and from which stream irrigation might be had, are irrigated by and under irrigation from the Redwater ditch; The Government man and attorney from Newell have inspected the project and have advised that no objection would be made and that in case of objection I would receive notice at once; Over a month has passed and no one has made or filed any objection to my knowledge;

The only person irrigating from the Stream is Floyd Cook, who is below me; I have talked with him and he has no objections; The last year, 1934, was a dry one and Cook irrigated his place and water was also pumped from the stream by another party, with no objection on his part; I also used the water; There seemed to be plenty for all these purposes;

My garden is the only means of my making a living; The rest of the land is dry land and crop very uncertain;

This stream runs into Redwater river just beyond Floyd Cooks and there would be no other persons to irrigate except those mentioned herein; The stream is a small one and could not be used for supply of drinking water for public and I know of no reason why, nor have I heard of any reason why my using the same for irrigation would be detrimental to the Public welfare;

Applicant can not afford, for financial reasons, to appear at Pierre in person and therefor submit this affidavit; If any further showing is necessary affiant will furnish the same on notice.

Arthur E. Wiffin

Subscribed and sworn to before me this 5th. day of February, 1935. I am personally acquainted with affiant and know of my own knowledge he is the same person who made the application herein;

C. E. Howard
Notary Public, S.D.

RECORDED

FEB 10 1935

APPROPRIATION OF WATER

#675-1.

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

STATE OF SOUTH DAKOTA.)
COUNTY OF BUTTE.)SS.

Floyd C. Cook and Dollie R. Cook, being each duly sworn on their oath state that they are the owners of the following described real estate in the County of Butte and State of South Dakota: Outlot "B" of Pearson's Addition to the City of Belle Fourche, S.D., containing about four teen acres in the Southwest corner of the SW $\frac{1}{4}$ of Sec 11 T 8 R 2.

That in the month of April, 1904, one J. H. Pearson was the owner of the above described tract together with other areas and that on April 5, 1904, the said J. H. Pearson located a water right on Willow Creek and a ditch right of way from Willow Creek to the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 11 T 8 R 2 beginning at a dam near the Southeast corner of said forty acres from which location five hundred miners inches of water from the said stream was appropriated for irrigation purposes to be conveyed through the said ditch to the said tract of land.

That the dam and ditch and water right were completed according to the information and belief of affiants in the year 1904 and have been continuously used ever since that time. That these affiants purchased the land above described on the 7th day of September, 1910 and have owned and used the said land since said purchase. That they have continually, during the past twenty-four years irrigated their said tract of land from the said ditch and water right so located by J. H. Pearson; the said ditch providing water for the irrigation of about seven acres from the actual flow from the ditches and there are three acres additional land that affiants have irrigated by pumping from the ditches. That the said Pearson water right was recorded in the office of the Register of Deeds of Butte Co. S.D., on April 5, 1904 at 12-10 P.M. in book 13 of miscellaneous records on page 265.

That the application of Arthur E. Giffen for a permit to appropriate 1/100 cubic ft of water per second from Springs on the left bank of said stream in the Northwest quarter of the NW $\frac{1}{4}$ of Section 13 T 8 R 2 for irrigation upon the area last described would conflict with the prior established rights which have been continuously used for the past thirty years and by these affiants for the past twenty-four years.

That in the seasons when irrigation is most needed that there is no surplus of water in said Willow Creek over and above the amount required by these affiants for the irrigation of their lands and that there is no surplus water subject to appropriation over and above their established rights. That if the said ~~xxxxxxx~~ permit be granted it would merely take waters belonging to these affiants and would be a cause of constant friction and trouble. Affiants therefore ask that said petition be rejected. That the proposed point of diversion of the present applicants is above the point of diversion used by these affiants and it would enable him to take the water belonging to these affiants from said stream.

Floyd C. Cook
Dollie R. Cook

Subscribed and sworn to before me this 31st day of December, 1934.

Don W. Peterson
NOTARY PUBLIC.

January 2nd, 1935.

Mr. Dan McCutchen
Attorney at Law
Belle Fourche, South Dakota

Dear Sir:

I have your letter of December 31st, with which is enclosed an affidavit of Floyd C. Cook and wife, objecting to the granting of the application of Arthur E. Wiffin for permit to appropriate water.

I note from the affidavit that the appropriation under which Cook now claims a right was made originally in 1904 in the amount of 500 miner's inches. This right was obtained originally under the old law in effect prior to the enactment of the present water code. It is probably not within the jurisdiction of the State Engineer to decide definitely all of the questions that might come up in regard to these old water rights, but I note from the affidavit that Cook is now, and for the last twenty-four (24) years, irrigated a total of ten acres. The maximum amount of water allowable under the present code for ten acres of land would be 7.15 miner's inches and it would also be entirely impossible for any appropriator to claim and hold the right to a greater quantity of water than can be applied to beneficial use. It is also entirely possible that the stream from which the original appropriation was made by Pearson may never have had a normal flow of any such amount as 500 miner's inches, as it is quite common to find some of these old claims to be entirely inconsistent with the amount of the flow of the stream. The application of Wiffin for the appropriation of 0.4 cubic foot of water per second is equivalent to 2 miner's inches. There would, of course, be no question as to the priority of the Cook right and if the normal flow of the stream at the point of the Cook Diversion is only sufficient to take care of the ten acres irrigated by them, then it is evident that the Wiffin appropriation, if granted, would materially interfere with the Cook's right.

I assure you that this matter will be thoroughly investigated before final decision is made on the Wiffin Application.

Very truly yours,

CHAS. A. TRIMMER
State Engineer

CT:CR

R. F. VOYLES, President

Belle Fourche Realty & Abstract Company

Abstracts, Lands, Loans and Insurance
Bonded Abstractors

BELLE FOURCHE, SOUTH DAKOTA

RECEIVED
A. E. VOYLES, Secy. Treas.

SEP 29 1950

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Sept. 27th, 1950.

Mr. D. W. Loucke,
State Engineer,
Pierre, S. D.

Dear Mr. Loucke:

In September, 1934, one Arthur E. Wiffin made application for water right and was subsequently issued Permit No. 673 dated Feb. 23th, 1936.

In doing some title work for Mr. Wiffin we find that the description given in the Permit is wrong. The point of diversion is given as being 915. ft. east and 910 ft South of the NW corner of Sec. 13, T8N, R 2E.B.H.M. and that the subdivision to be irrigated is Part of the NW $\frac{1}{4}$ of Sec. 13, T 8 N, R 2 E.

Mr. Wiffin's land is a part of the NW $\frac{1}{4}$ of Section 14, T 8 N., R. 2 E.B.H.M. and the point of diversion is located on this tract. If the point of beginning were said to be the NW corner of NW $\frac{1}{4}$ of Section 14, Township 8 North, Range 2 E.B.H.M. then 915 ft. east of that point and 910 feet south thereof would just about be right.

Mr. Wiffin asked that we write you as to what can be done to correct the description of his water right and to ask your advice as to what is the best way to proceed.

Thanking you for an early reply, we are

Yours truly,
Belle Fourche Realty and Abstract Co.,

By

R. F. Voyles

R. F. Voyles

October 3, 1950

R. F. Voyles, President
Belle Fourche Realty & Abstract Co.
Belle Fourche, South Dakota

Re: Water Permit No. 673-1
Arthur E. Wiffin

Dear Mr. Voyles:

This is in reply to your letter of September 27. I note what you say relative to the error in description of the above-referred to permit. About the best suggestion that I can make is that Mr. Wiffin have prepared and sign a sworn statement to the effect that the description of his property and the description of the point of diversion of the above permit as at the time of issuing the permit was according to your present alleged description and was in error filed in the State Engineer's Office as the present description.

If such a statement is prepared and furnished to us, we will file it in our records with Mr. Wiffin's permit.

Yours very truly,

DEAN W. LOUCKS
State Engineer

D.L:R

Telephone 404

All Orders Delivered Promptly

Meadowbrook Floral Gardens

A. E. WIFFIN, Prop.

Belle Fourche, South Dakota

Funeral Work

Cut Flowers

Pot Plants

May 21, 1952



Mr D.W.Loucks
State Engineer
Pierre, S.D.

Mr R.F.Voyles died about a month ago and Mrs voyles found these papers. I had wondered why I had never gotten a reply from you about my Water Right.

But I see you had wrote Mr Voyles a month after he wrote you. He had laid the letter and water Right away and forgot about it.

I did not asked Mr Voyles about it as I figured he would let me know as soon as he heard from you.

So Yesterday I went to Judge Baker and had him make out the Papers you suggested I have made out. I am sending you all the Papers so you will understand the case more fully.

Yours Truly

A. E. Wiffin

RECEIVED

MAY 23 1952

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

June 2, 1952

Arthur E. Wiffin
Meadowbrook Floral Gardens
Belle Fourche, South Dakota

Re: Water Permit No. 673-1
Belle Fourche District

Dear Mr. Wiffin:

We are returning herewith a copy of the statement prepared by you, correcting the description in your Water Right, also your Application No. 673-1 for water from springs and irrigation overflow.

We still find a discrepancy as between the descriptions described in Mr. Voyles letter of September 27, 1950 and the statement signed by Arthur E. Wiffin. In the 11th line of the statement, it reads "Range 2 West" while in Mr. Voyles' letter his description reads "Range 2 East". Also in the third line of the 2nd paragraph, the last word in the statement is Northwest and in Mr. Voyles' letter, it is "Northeast".

If you will inform us as to which of these are correct, we will see that the correction is made in the filed statement, if necessary.

Yours very truly,

DEAN W. LOCKS
State Engineer

DWL:RW
Enc.

673-1 on Ord. - ^{Dicty, 1902}
Arthur E. Wilfong

Sec. 14, T8N R2E
Butte Co. (^{Spring & Dr}
overflows)

673-1 on Ord. - ¹⁹⁰² Lawrence
Donny Bringle &
(~~Sec 16~~, ¹⁹⁰² ~~1902~~ for
SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 16, T7N R2E
Arthur E. Wilfong

674-1 on Ord. Donny Bringle
NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 26, T7N R2E
Arthur E. Wilfong

Al. 407 - 1902
NW $\frac{1}{4}$ - 1902
for E. A. Wilfong

The Point Not Westinghouse
If it is correctable then
but could be 14 or 15
If point under a house then
the gas is at 673-1
Water?!

No. 673-1A

SOUTH Dakota Department of
Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

(605) 773-3352

June 17, 1982

Betty and Bruce Hofer
Route #1, Box 15
Belle Fourche, South Dakota 57717

Dear Mr. & Mrs. Hofer:

Enclosed herewith are, Water License No. 673-1A and Certificate of Construction.

Water License No. 673-1A 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

PS Also included in Receipt #4 8857 is credit for \$2.50 covering the transfer of Water Right #673-1A. Our records show you as owner of this Water Right.

NO. 673-1A

NOTICE OF TRANSFER OF WATER PERMIT

T0: Water Rights
Foss Building
Pierre, SD 57501

Date: June 4 1982

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

NW $\frac{1}{4}$ NE $\frac{1}{4}$ - Section 14, T8N, R2E

formerly owned by Arthur E. Wiffin

has been transferred to Betty & Bruce Hofer, Route #1, Box 15, Belle Fourche, SD 57717

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 673-1A as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights, Water Management Board as evidence of the change of ownership.

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

[illegible]

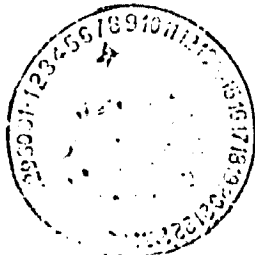
Betty Jane Wiffin Hofer

1. Bruce A Hofer 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.

Betty Anne Kiffin Nege
(Signed)

Subscribed and sworn to before me this 14th Day of June, 19 72

Maecher Walk
(Notary Public)



Notary Public, BUTTE COUNTY, S. DAK.
My Commission Expires MAR. 1, 1936

Permit No. 673-1AWater Division 1 Belle Fourche River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by Betty & Bruce
Hofer of Rt #1, Box 15, Belle Fourche, S.D. ⁵⁷⁷¹⁷ holderof Permit No. 673-1A, bearing date of priority of September 1, 1934, ~~1935~~authorizing the diversion of .04 cu. ft. per second of the waters of Springs & Irrigation Overflows
for Irrigation purposes, in Butte County.

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

The Water Use System consists of,

A. Works used to divert the water:

South pump = 1 H.P. Elec. Motor, Paddle Pump.
Pumps 50 gpm.
North pump = Flint-Walling 3/4 H.P. Pump.
Pumps. 15 gpm.

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

Underground Pipes to Gardens & Lawns.

C. Works used to apply water to beneficial use.

Garden & Lawns.The system is in the following condition. Good.The point of diversion is located Between Pt A. 550' S + 900' E of N 1/4 Cor Sec. 14
and Pt B. 50' S + 1150' E of N 1/4 Cor Sec. 14, T8N R2EThe works are capable of diverting and conveying to the place of use .14 (65 gpm.)
cu. ft. per second of water which is to be used for Irrigation.

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

NW 1/4 NE 1/4 Sec. 14, T8N R2E 1.5 Ac.comprising a total of 1.5 acres of land.Date May 26, 1982
LeRoy J. Menough
(Signature)

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 673-1A

(1) WHEREAS, On the 1st day of September A. D. 19 34
Arthur E. Viffin

made Water Right Application No. 673-1A for a permit to use .04 cubic feet per second of the waters of springs and irrigation overflows

County of Butte State of South Dakota, for irrigation purposes; and

(2) WHEREAS, On the 28th day of February A. D. 19 35
 Permit No. 673-1A with a date of priority of September 1, 1934

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 28th day of February A. D. 19 36 and for the application to beneficial use of said water on or before the 28th day of February A. D. 19 36

WHEREAS, on the 7th day of June, 1982, water permit No. 673-1A was transferred to Betty and Bruce Hofer, Belle Fourche, South Dakota.

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 .02 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:
for Irrigation 1.5 acres in the NW1/4, Section 14, T8N, R2E

(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 Betty and Bruce Hofer

of Belle Fourche, South Dakota
the holder A and owner S of said permit No. 673-1A a water right, dating from September 1, 1934
to use of .02 cubic feet per second of the waters
of Springs and Irrigation overflows

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 between points A-550'S and 900'E of the N¹ Corner
Section 14, and Point B-50'S and 1150'E of the N¹ Corner Section 14, T8N, R2E.

and conducted to and upon 1.5 acres in the NW¹NE¹, Section 14, T8N, R2E.

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 673-1A and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 7th day of June A. D.
Nineteen Hundred and Eighty-Two

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 673-1A

Water Diversion No. 1 Belle Fourche River Water District

10120203

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Betty and Bruce Hofer

_____ the holder _____ of
Permit No. 673-1A, issued upon Application No. 673-1A, bearing date of priority of _____
September 1, 1934 authorizing the diversion of .04 cu. ft. per second of the waters of _____
Springs & Irrigation/overflows County of Butte, State of South Dakota at _____
between points A-550'S and 900'E of the N½ Corner Section 14, and point B-50's
and 1150'E of the N½ Corner Section 14, 88N, R2E
_____ for _____ Irrigation _____

_____ purposes, have 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 .14 cu. ft. per second of water.

Date June 7, 1982

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

RECEIPT

WATER RIGHTS COMMISSION

No 4 8857

State of South Dakota

PIERRE, June 7, 1962

RECEIVED OF Petty & Bruce Hofer, Route 1, Box 15, Belle Fourche, SD 57713
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. <u>672-1A</u>	12	00
Fee for inspecting Beneficial Use, and Issuing Water License No. <u>672-1A</u>		
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filing <u>REMISSY Water Bond No. 672-1A</u>	2	50
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	14	50

WATER RIGHTS COMMISSION

By [Signature]
Chief Engineer, Executive Officer
JOHN D. MORGAN



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 30, 2002

673-1A

David Dewey
2224 Gallery View Dr
Gillette, WY 82718

Dear Mr. Dewey:

Thank you for your inquiry concerning Water Right No. 673-1A. The water right is currently listed in the name of Betty and Bruce Hofer. Enclosed is a copy for your review.

In the event you end up purchasing the property, I am enclosing a partially completed "Notice of Transfer of Ownership" form for use in filing the ownership change. Please review the form and complete as needed. Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If you have internet access, you may wish to browse our web site. The site includes information on water rights laws and rules for South Dakota, how to obtain a water permit, how to maintain it and much more. It also includes all of our forms that can be downloaded for use. The link to the web site is: <http://www.state.sd.us/denr/des/waterrights/waterprg.htm>

If I can answer any questions for you, please get in touch with me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosure

LAW OFFICES OF
BENNETT, MAIN & GUBBRUD
A PROFESSIONAL CORPORATION
618 STATE STREET
BELLE FOURCHE, SOUTH DAKOTA 57717-1489
TEL (605) 892-2011
FAX (605) 892-4084
Email: bellelaw@bellelaw.com

MAX S. MAIN*
DWIGHT A. GUBBRUD
*ALSO LICENSED IN WYOMING

RETIRED
DONN BENNETT

October 16, 2002

RECEIVED

OCT 17 2002

WATER RIGHTS
PROGRAM

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

RE: Notice of Transfer of Ownership; Our File #2811.004002.

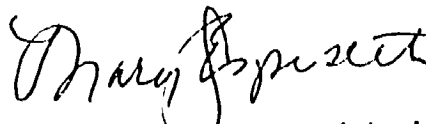
Dear Chief Engineer:

Enclosed please a Notice of Transfer of Ownership and our check in the amount \$2.50 for the filing fee concerning Water Permit/Right No 673-1A.

Thanks for your assistance.

Sincerely,

BENNETT, MAIN & GUBBRUD, P.C.



Mary J. Espeeth, Legal Assistant

MM/mje
Enc.

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

No. _____

OCT 17 2002

Date: 10/16/02

WATER RIGHTS
PROGRAM

We request that Water Right/Permit No. 673-1A

formerly owned by: Betty and Bruce Hofer

be transferred to: (name & address) Jerry L. Olson and Deloris Olson, husband and wife

R.R. 1, Box 100A, Fruitdale, SD 57717-9600

Telephone No. 605.892.2349

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

T8N, R2E, B.H.M., Butte County, SD: Sec. 14: NW¼NE¼.

We understand that the validity of Water Right/Permit No. 673-1A has not been determined by this transfer action. If we have any questions on validity, 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 required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

STATE OF SOUTH DAKOTA)

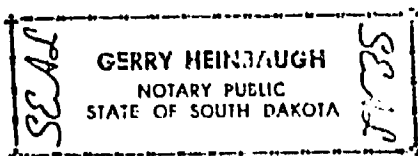
County of Butte)

We Jerry L. Olson and Deloris Olson being first duly sworn on our oath depose and say that our relation to the above described undertaking is that of Owner, that we have read the above foregoing statement, and that we know of our own personal knowledge that the information herein stated is true.

Jerry L. Olson
JERRY L. OLSON (Signed by new owner)

Deloris J. Olson
DELORIS OLSON (Signed by new owner)

Subscribed and sworn to before me this 10th day of October, 2002



Gerry Heintzbaugh
(Notary Public)

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 October 17, 20 02

RECEIVED OF Bennett Main Bailey & Gubbrud, PC, 618 State St., Belle Fourche SD 57717

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
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>673-1A</u>		
Fee for _____ for C.Y. _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	TOTAL	2.50
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)		

By Darland Erbe
Chief Engineer gmc

No.

000319



October 18, 2002

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

673-1A

Jerry L & Deloris Olson
RR 1 Box 100A
Fruitdale SD 57717-9600

Dear Mr. & Mrs. Olson:

We have received the Notice of Transfer of Ownership form and filing fee for changing ownership of Water Right No. 673-1A. The transfer has been completed. The water right, formerly held by Bruce and Betty Hofer is now listed in your names.

The receipt for the filing fee is being forwarded to Bennett, Main & Gubbrud law offices with a copy of this letter.

In the event you do not have a copy of the water right, I am enclosing one for you to keep for your records. If you have any questions, please contact us.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosure

c: Bennett, Main & Gubbrud, P.C. w/Receipt No. 000319



1150'

900'

NW 1/4 NE 1/4
1.5 AC

PT B
Pump Sites

PT A

(Permit. #673-1A) Betty & Bruce Hofer

Map #562-1