

744..

1. Considered 5-12, 1965
2. Name of Applicant ROYAL A. McKNIGHT
3. Post Office Address NISLAND
4. Amount of water claimed 1.0
5. Source of water supply BITTER CREEK
6. Water to be used for IRRIGATION
 Acres to be irrigated 71
7. Water to be diverted and used in BITTE County about
11 N 5 E miles of Belle Fourche
8. Proof of Publication Received 1-
 Not Received _____
9. Application Approved _____
 Subject to _____
 Not Approved _____
 Action deferred _____
10. Remarks: AN

No. 744-1Water Division No. 1 BELLE FOURCHE RIVER
(Blanks to be filled by the Engineer for the W. R. C.)

FEB - 3 1965

8:00 A.M.

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 ROYAL A. MCKNIGHTPostoffice address HISLAND, County BUTTE, State S.D.I. If a corporation XXXX(a) Name of same XXXX(b) Date and place of incorporation XXXX(c) Amount of capital stock XXXX(d) Amount paid in XXXX(e) Names and addresses of directors XXXX

(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)

XXXX(b) Cash on hand, \$ XXXX(c) Treasury stock, \$ XXXX(d) Bonds to be issued, \$ XXXX(e) Other resources, \$ XXXX2. Name of diversion work THE BITTER CREEK SPREADER PROJECT3. Amount of water claimed One (1) cubic feet per second4. Source of water supply BITTER CREEK

Between a point S 400 ft. from the NW Cor. Sec. 16, T.10 N., R.3 E

5. Location of point of diversion and a point S 450 E 1725 ft. from the N.E. Cor. Sec. 16, T.10 N., R.3 E-BHM

on both bank Butte County.

6. Annual period or periods during which water is to be used April 1st thru Nov. 15th

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Spreading(a) Number of acres to be irrigated 71 acres.NW-NW-32 ac., NE-NW-14 ac., SE-NW-3 ac., NW-NE-4 ac., SE-NE-18 ac.(b) Legal subdivisions to be irrigated Sec. 16-T10-N., R.3-E-BHM-71 ac.

(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.)

Stockwater and irrigation

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 N° 625-1

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$-----
 (c) Fluming, \$----- (d) Canal-earth, \$----- Rock, \$-----
 Dikes and filling old channel 2000 C.Yds. \$ 800.00 Total, \$300.00
 (e) Other structures \$-----

9. Description of diversion works:

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

Backfilling old channel which is cutting back and draining flood water off of the irrigable hay bottoms and diverting flood water past the present eroding channel into the reservoir below.

II. Dimensions of works. present eroding channel into the reservoir below.

(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-----5-----years.

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

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

THE BELLE FOURCHE PRESS BELLE FOURCHE, SO. DAK.

STATE OF SOUTH DAKOTA

County of Butte

I, 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 Royal A. McKnight

Subscribed and sworn to before me this 18th day of January 1965

Carl M. Cornell

Notary Public (of Belle Fourche, S.D.)

*Each diversion must have a headgate or measuring device.

CARL M. CORNELL

PLAT OF
 -- BITTER CREEK SPREADER PROJECT --
 Located in Section 16, T.10 N., R.3 E-BHM in Butte County, So. Dak.
 Drawn and prepared for Royal A. McKnight, Nioland, South Dakota.

Scale - 1 inch = 660 ft.
 8 inches = 1 mile.

- SURVEYOR'S CERTIFICATE -
 I, Carl M. Cornell, Licensed Surveyor, in and for the State of South Dakota, do hereby certify that, at the request of Royal A. McKnight of Nioland, Butte County, South Dakota, I have made a survey and prepared this plat for the purpose of showing the irrigable portions and the area thereof which are embraced in the Bitter Creek Spreader Project in Sec. 16, T.10 N., R.3 E-BHM for the purpose of furnishing the necessary plat as a part of the operator's Application for Permit to appropriate water for irrigation purposes.

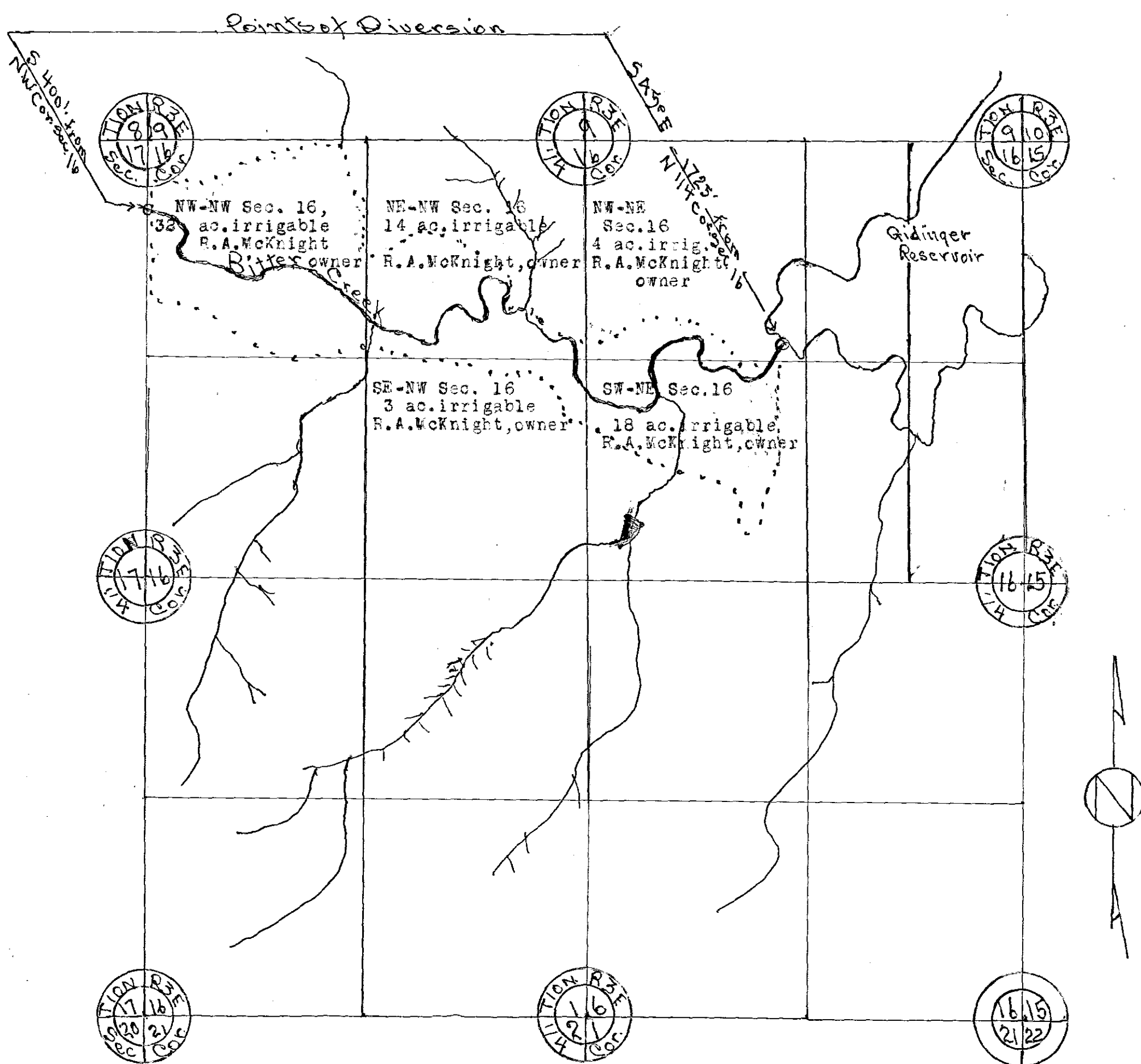
I further certify that the bearings and lengths of all lines shown hereon and their location, with reference to the Government Land Corners indicated, are correct, to the best of my knowledge and belief.

Subscribed and sworn to at Buffalo, Harding County, South Dakota this 28th day of January 1965.

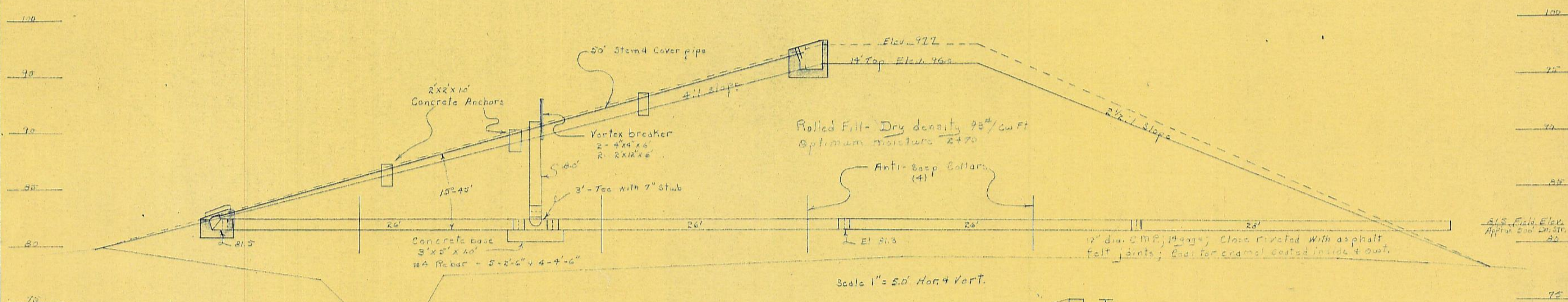
Signed, *Carl M. Cornell*
 Carl M. Cornell, Licensed Surveyor # 44
 (SEAL)

Subscribed and sworn to before me at Buffalo, South Dakota this 28th day of January 1965.

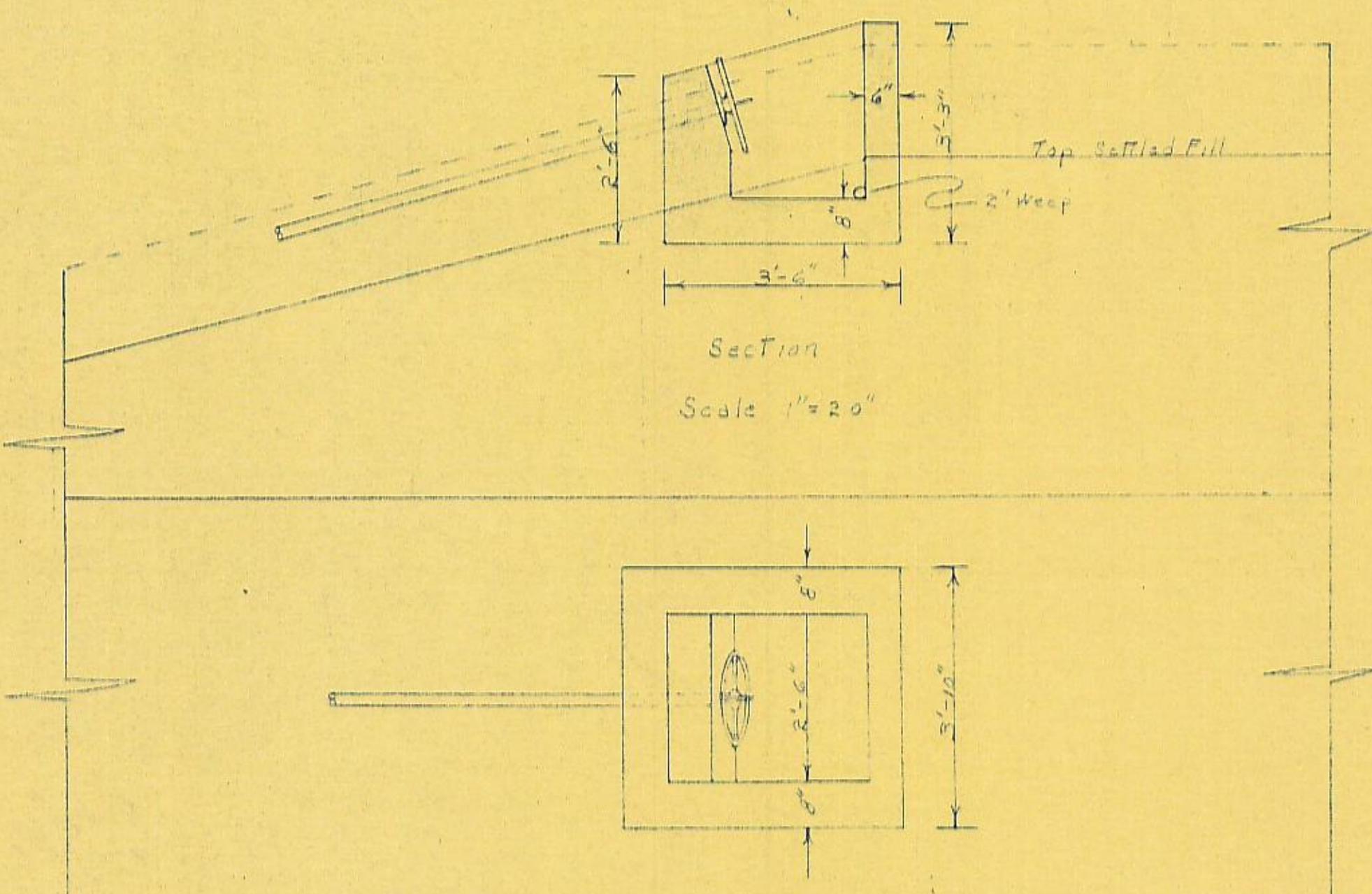
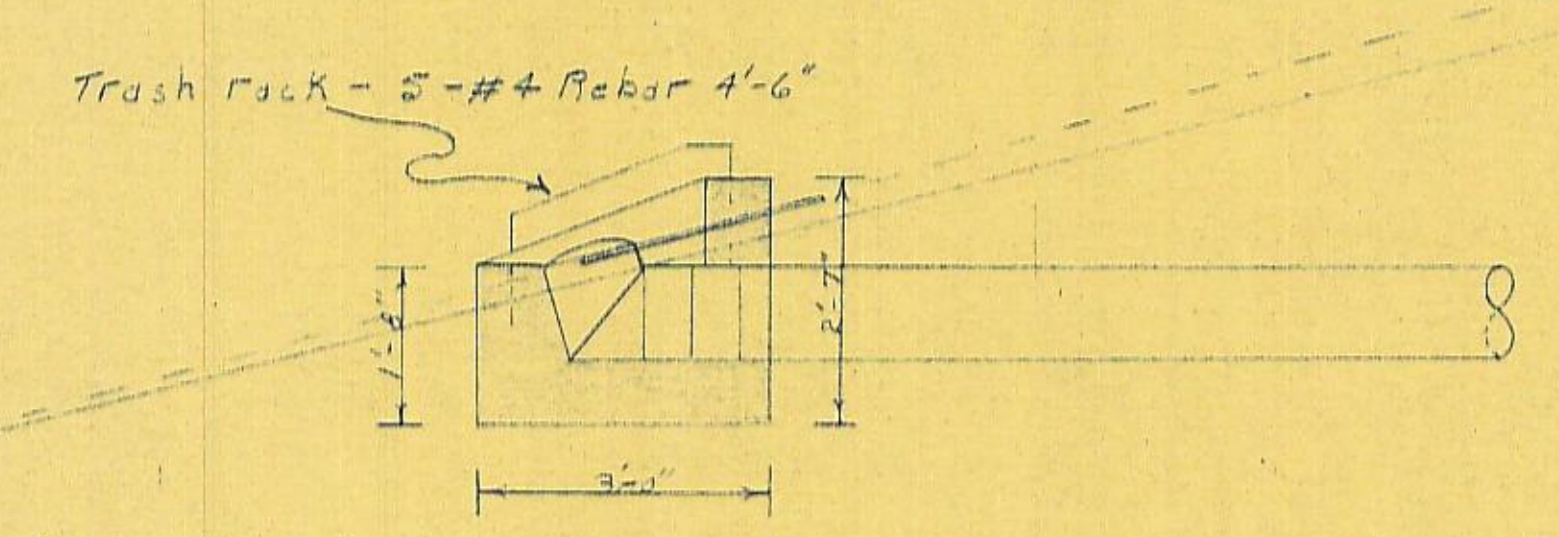
Signed, *Eleanor Lindholm*
 Notary Public
 (SEAL)



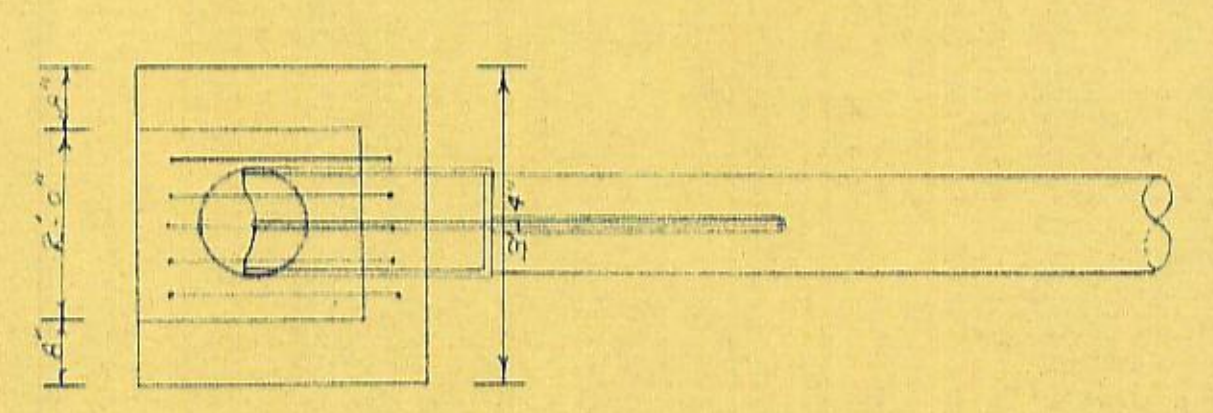
MAP NO 625-1
 (APPL NO 744-1)



Scale 1" = 5.0' Hor. & Vert.



Section
Scale 1" = 2.0'



MATERIAL LIST						
Item	Size, Length, etc.	Unit	Unit Cost	Quantity	Total Cost	Weight
Note: All pipe 14 gage; Close riveted with asphalt felt joints; Coated inside and out with seal for enamel.						
Pipe	12" dia. X 26' C.I.	Each	67.60	3	202.80	1022 #
Pipe	12" dia. X 28'	Each	78.00	1	78.00	367 #
Pipe	12" dia. X 3'	Each	20.80	1	20.80	102
Tee	12" dia. X 30' long with 7" stub	Each	19.00	1	19.00	65
Bands	12" dia. Water Tight	Each	3.00	6	18.00	80
Collars	Anti-Seep	Each	32.00	4	128.00	400
Gate	12" dia. Angle Frame 152' 45"	Each	66.00	1	66.00	136
Frame	Hand with 18" Hand wheel	Each	33.00	1	33.00	46
Stem	Extension with cover pipe	FT	1.75	50	93.00	250
Vortex breaker	2' 2" X 12' 2"	Each	10.00	1	10.00	100
Concrete	Class B	C.Y.	60.00	2.7	162.00	
Re-bar	#4, For cover base & Trash Rack	FT	.20	36	11.20	
Core	10' bottom 1:1 side slopes	C.Y.	.26	100.4	26.10	
Fill	Rollad with moisture control	C.Y.	.26	13695	3560.70	
Freight		100#	2.00	26	52.00	
labor		hr	8.00	100	800.00	
Est. Cost					4912.30	

ROYAL McKNIGHT

Butte Co. S.D.
U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed H.W.A.	Date 10-26-54	Approved by Title
Drawn		
Traced		
Checked		
Sheet No. 2 of 2	Drawing No. 5, E-17, 948	

(Appl. #744-1)

Remarks by State Water Resources Commission:

APPROVAL OF THIS PERMIT DOES NOT
AUTHORIZE THE STORAGE OF WATER
FOR LATER IRRIGATION USE.

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, JULY 15, 1965

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
9 a.m. upon the 8TH day of FEBRUARY, 1965

State Water Resources Commission

By:

Auston Jones
for Chief Engineer, Executive Officer

Number of permit 744-1

Date of first receipt of application FEBRUARY 8, 1965

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 FEBRUARY 8, 1965

Approved JULY 14, 1965 Recorded in Book 9 Page 22

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 JANUARY 14, 1968
- 2nd. The whole of said work is to be completed on or before JULY 14, 1970
- 3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is JULY 14, 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 1.0 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 or time for each acre of land to which water is actually

and beneficially applied for irrigation on or before JULY 14, 1970; said water to be used during the following described annual period:

APRIL 1 THRU NOVEMBER 15
Witness my hand this 15TH day of JULY, 1965

State Water Resources Commission

By:

John Brinner
(Chief Engineer, Executive Officer)

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

Remarks by the Applicant:

The area embraced in this project is all a beautiful stand of western wheatgrass except for the channel which is cutting back from the storage reservoir on the east end. The fall of the bottoms is only about .005 per 100 and the cross-section about level but when the gate is open on the reservoir, to the east, it lowers the water level makes a fall of flood water, which may come at such times, over a softened bank which causes a considerable wash. This flood water may be easily diverted around the washed channel by a small dike and allowed to enter the reservoir against a good water cushion of the storage basin.

There is only one place where the channel can be crossed with a car or haying equipment and that crossing is rapidly cutting out but the channel is small enough so the operator may fill it with his cat and bucket at a comparatively small cost and save the bottoms from reverting to the short grasses and pasture land.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

County Butte

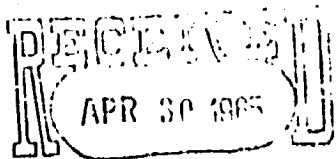
SS.

Lawrence W. Jones being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Butte 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 City of Butte County of Butte and State of South Dakota; that the said notice was published in said newspaper on the following dates:

April 2, 1965
April 9, 1965
April 16, 1965
April 23, 1965

In each and every issue of the full number thereof, the first publication being made on the 2nd day of April 1965 and the last publication on the 23rd day of April 1965, 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 30 day of April A. D. 1965



STATE WATER RESOURCES COMM.

Notary Public Butte County, S. D.

Notary Public, Butte County, So. Dak.
 My Commission Expires Sept. 29, 1966

No. 744-1
 APPROPRIATION OF WATER

Office of State Water Resources Commission, Pierre, S. Dak.,

March 19, 1965

Notice is hereby given that Royal A. McNight whose postoffice address is Nisland, 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 1.0 cubic feet of water per second of time from Bitter Creek through the Bitter Creek Spreader Project, the point of diversion of which is to be located on both banks of said stream between a point in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, and a point in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 13, Twp. 10N, Range 3E. Said water to be used for the purpose of providing irrigation on portions of the following described land: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$, Section 16, T10N, R3E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 14th day of May, 1965, 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

BRI 4/2-9-16-23

on or before April 15, 1965
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., March 19, 1965

Notice is hereby given that Royal A. McKnight whose postoffice address is Nisland 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 1.0 cubic feet of water per second of time from xxxx Bitter Creek through the Bitter Creek Spr. Adar Project the point of diversion of which is to be located on xxx both between a point in the NW 1/4 NW 1/4, and a point bank of said stream in the NW 1/4 of the NE 1/4 of Section 16 portions of Twp. 10N Range 3E. Said water to be used for the purpose of providing irrigation on the following described land:

N 1/2 NW 1/4, SE 1/4 NW 1/4 and W 1/2 NE 1/4, Section 16, T10N, R3E

xxxxxx and for xxxxxx

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 12th day of May, 1965, 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.

CC: Mr. Laurence Weyler, Publisher
Belle Fourche Bee
Belle Fourche, S. Dakota

By:
BURTON F. JONES
Water Right Specialist

Permit No. 744-1
 Water Division 1 Belle Fourche River Water District

REPORT OF EXAMINATION OF WORKS
 AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by Stanley McKnight
 of Nisland S. Dak. holder
 of Permit No. 744-1, bearing date of priority of February 8, 1965
 authorizing the diversion of 1.0 cu. ft. per second of the waters of Pittier Creek
 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:

2 Ev. Detention Dikes with 24" CMP. Gate across the Stream

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

C. Works used to apply water to beneficial use.

Water Flood above the detention dikes

The system is in the following condition. Good

The point of diversion is located 1500 ft S and 700ft W of the N $\frac{1}{4}$ cor
Sec. 16, T10N R3E

The works are capable of diverting and conveying to the place of use 30 CFS. Flood waters (est)
 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:

All in Sec. 16, T10N R3E NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 3 $\frac{1}{2}$ Ac
NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 14 Ac, SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 4 Ac.

comprising a total of 50 acres of land.

$$50 \div 70 = .71$$

licenso for .71 cfs.

Date September 12 1951
LeRoy J. Mearns
 (Signature)

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

December 14, 1981

Stanley McKnight
Hiland,
South Dakota 57762

Dear Mr. McKnight:

The inspection of your water use system and inspection of the extent of your application of water to beneficial use, as developed under your Water Permit No. 744-1 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$12.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$12.00 fee from you, your Water License will be sent to you.

You will also receive the Certificate of Construction as required by statute.

Sincerely,

KAREN SCHLAAK
Administrative Secretary

NOTE: On form of payment, please include number of water permit. This insures proper handling of the fee.

Also enclosed is a "Notice of Transfer" form. Please check this over, date, sign, have notarized and return with a \$2.50 filing fee so that the permit can be changed to your name. Total amount due for the Water License and transfer is \$14.50

WNR-814-7/79

Equal Opportunity Employer
Notification of Water License Ready for Issuing (\$12.00)

SECOND NOTICE
744-1

WATER RIGHTS DIVISION (605) 773-3352

May 5, 1982

Stanley McKnight
Hiland, South Dakota 57762

Dear Mr. McKnight:

On December 14, 1981 notice was sent to you concerning the transfer of Water Permit No. 744-1 listed in the name of Royal McKnight which covers irrigation of portions of Section 16, T10N, R3E. To date we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed please find an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The permit can then be transferred to your name.

On the above date, you were also notified concerning the final inspection fee of \$12.00 which is due before water License No. 877-1 and Certificate of Completion of Works can be issued. As of this date, the fee has not been received.

State Statutes require a \$12.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$12.00 fee, your Water License will be sent to you. You will also receive the Certificate of Construction as required by Statute. These are the final papers for the perfection of your Water Permit.

Please remit the above states transfer form and fees (total of \$14.50) at your earliest convenience. If you have any questions, please contact this office.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division

JH:gy:ms
Enc.

5-13-82

Mr. John Wotch

You have sent a
second notice about our
water permit May 5.

We had received the previous
notice in December of '81.

And I send the form
of water transfer along
with the check for
14.50 on Feb 1 of '82.

I have also received
the cancelled check back
through our bank account.
Please check your ~~records~~
records again.

Stanley S. Marcia McKnight
Newland, S.D.

57762

14.50 received
2/2/82

Receipt # 86 pg 1
for 745-1 not 744-1
transfer

Water Rights Division
005 773-3352

May 18, 1982

Stanley McKnight
Nisland,
South Dakota 57762

744-1

Dear Mr. McKnight:

This letter is in reply to your letter of May 13, 1982 in which you stated you had already paid the fees for the transfer and issuance of your Water License No. 744-. The fees you paid at that time were for transferring and for inspection & issuance of Water License No. "745-1".

Water Right No. 745-1 was transferred from Royal McKnight to Stanley McKnight February 25, 1982. Also, on that date, a Water License was issued covering the E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 22, NW $\frac{1}{4}$ and N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 23, T10N, R3E. Water Right No. 744-1 listed in the name of Royal McKnight covers irrigation of the N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 16, T10N, R3E.

Permit No. 744-1 is the permit our letter, dated May 5, 1982 requesting \$14.50 for transferring and issuance of a Water License, refers too. Please remit this amount at your earliest convenience.

If you have any further questions, please contact this office.

Sincerely,

GENNY YOUNG
Water Rights Specialist

CY:ks

Water Rights Division
605 773-3352

December 6, 1982

744-1
Third Notice

Stanley McKnight
Hisland SD 57762

Dear Mr. McKnight:

On December 14, 1981 and May 5, 1982 notice was sent to you concerning the transfer of Water Permit No. 744-1 listed in the name of Royal McKnight which covers Irrigation of portions of Section 16, T10N, R3E. To date, nothing has been heard from you on this matter.

State Statutes provide that a permit for Irrigation remain appurtenant to the land. If there is an ownership change; however, no such assignment (transfer) shall be binding except upon the parties thereto, unless filed for record in this office. A transfer form was previously sent to you, enclosed find an additional form. Please sign, have notarized and return to this office with the required filing fee of \$2.50. The permit can then be transferred to your name.

You were also notified on the above dates of the required final inspection fee of \$12.00 due before Water License No. 744-1 can be issued. As of this date, the fee has not been received.

The 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 \$12.00 fee, your Water License will be sent to you. You will also receive the Certificate of Construction as required by Statute. These are the final papers for the perfection of your 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. Failure to pay the fee means that the legal requirements to establish a water right have not been completed and a property right has not been established.

Please submit the required fee immediately to avoid jeopardizing your water permit or advise if you have any questions. The total amount due for both the transfer and inspection and issuance of the Water License is \$14.50.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks
enclosure

Water Rights Division - DWR

File No. 744-1

Conversation or File Documentation

NAME OF PERSON OR FILE: Assessor's Office in Butte Co

ADDRESS: _____ COUNTY _____

DATE: Jan 20, 1983 TELEPHONE 892-3950RE: Ownership of Land - Permit No. 744-1

COMMENTS:

I called the assessor's office to see if Stanley McKnight still owned land covered under Permit No. 744-1. Yes they do.

The post office returned the letter we sent to Stanley McKnight concerning collection of fees for transfer and license (\$14.50). The letter was not returned receipt requested.

The letter was returned "unclaimed".

The assessor's office indicated he still owned land and the correct address was listed.

Someone from this office should check on this when in that area.

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: George Young

Water Rights Division - DWR

File No. 744-1

Conversation or File Documentation

NAME OF PERSON OR FILE: Mrs. Royal McKnight (mother)ADDRESS: Nesland COUNTY DATE: Feb 1, 1983 TELEPHONE 257-2126RE: Permit No. 744-1 - called Stanley McKnight - transfer
license fee

COMMENTS:

Mrs McKnight indicated the permit was still to be transferred & licensed. I explained to her that we had tried to contact Stanley concerning the transfer & license fees, but he had not submitted anything. The last letter which was sent certified - return receipt had not been accepted. Mrs McKnight stated that due to family problems, Stanley had been away and had not picked up his mail. She indicated she would talk to her husband and son concerning this matter and would either send in the fees or would have them contact our office for info.

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: Genny Gandy

Water Rights Division
605 773-3352

August 25, 1983

Permit No. 744-1

NOTICE OF WATER LICENSE INSPECTION FEE
AND TRANSFER FEE REQUIREMENT

Stanley McKnight
Hiland SD 57762

Dear Mr. McKnight:

On December 14, 1981 and May 5, 1982 notice was sent to you concerning the transfer of Water Permit No. 744-1 listed in the name of Royal McKnight which covers irrigation of portions of Section 16, T10N, R3E. To date, nothing has been heard from you on this matter.

A transfer form was previously sent to you, enclosed please find an additional form. The form should be signed, notarized and returned to this office with a \$2.50 filing fee. The permit can then be transferred to your 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.

You were also notified on the above dates that the final inspection fee of \$22.00 is due before Water License No. 744-1 could be issued. A third notice was sent to you regarding the transfer and license fees, but was returned by the Post Office marked "unclaimed". As of this date, the fee has not been received.

The 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 \$12.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

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 fee immediately to avoid jeopardizing your water permit.

Please remit the above stated transfer form and filing fees (total \$14.50) to this office. If you have any questions, please advise.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:GH:ks
enclosure

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)

☒ Show to whom and date delivered..... 6

☐ Show to whom, date and address of delivery..... 6

☐ RESTRICTED DELIVERY

 Show to whom and date delivered..... 6

☐ RESTRICTED DELIVERY

 Show to whom, date, and address of delivery..... 6

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Stanley McKnight
Midland SD 57762

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
<i>P 321</i>	<i>937</i>	<i>449</i>

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Stanley McKnight

4. DATE OF DELIVERY

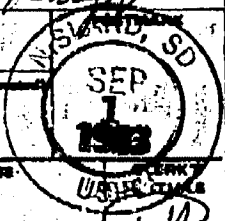
SEP - 1 1983

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE

★GPO 1974-705-548

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 744-1

(1) WHEREAS, On the 9th day of February A. D. 19 65

Royal A. McKnight

made Water Right Application No. 744-1 for a permit to use 1.0 cubic feet per second of the waters of Bitter Creek

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

(2) WHEREAS, On the 14th day of July A. D. 19 65

Permit No. 744-1, with a date of priority of February 8, 1965 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 14th day of July A. D. 19 70 and for the application to beneficial use of said water on or before the 14th day of July A. D. 19 70

WHEREAS, on the 22nd day of September, 1983, Permit No. 744-1 was transferred to Stanley McKnight, SR, Box 60, Nisland, 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 0.71 cubic feet per second of water for beneficial use and,

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

~~to irrigate the following land all in Section 16, T10N, R3E~~

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 32 acres (BB)

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 14 " (BA)

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 4 " (BD)

Total 50 acres

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

of SR, Box 60, Nieland, SD, 57762
the holder and owner of said permit No. 744-1 a water right, dating from February 8, 1965
to use of 0.71 cubic feet per second of the waters

of Bitter Creek
in the County of Butte and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at 1500 feet S and 200 feet W of the NE corner
Section 16, T10N, R3E (BD)

and conducted to and upon portions of Section 16, T10N, R3E more fully
described on the face of this license

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 744-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 27th day of September A. D.
Nineteen hundred and Eighty-three

WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer, Executive Officer

JOHN HATCH

NO. 744-1

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

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

50 acres - N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16, T10N, R3E

formerly owned by Royal McKnight

has been transferred to Stanley McKnight, SR, Box 60, Island, SD 57762
(please include complete mailing address)

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

Water Right Permit No. 744-1 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
County of Butte) ss.

I, Stanley 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, and I know of my own personal knowledge that the information herein stated is true.

Stanley L McKnight
(Signed)

Subscribed and sworn to before me this 20 Day of SEPT, 1983

Susan Linker
(Notary Public)
My Commission Expires December 2, 1990



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

No 4 9359

Pierre, September 22, 1983

RECEIVED OF Stanley McKnight, SR, Box 60, Hisland, 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. 74001 _____

Fee for Filing Transfer Form for WR# 744-1 _____

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

12 00

2 50

14 50

By John Hatch
Chief Engineer JOHN HATCH/ms

No. 744-1

South Dakota
Department of
Water & Natural Resources

Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

September 27, 1983

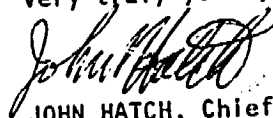
Stanley McKnight
Star Rt, Box 60
Hiland SD 57762

Dear Mr. McKnight:

Enclosed herewith is, Water License No. 744-1. 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

NOTE: Our records now show you as the owners of this Water Right.

WNR-817 3/83
Transmittal of Water License

744-1



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

May 24, 1985

Louis Kessel
HCR Box 60
Wisland SD 57762

Dear Mr. Kessel:

Enclosed are four licenses and the maps that accompany each permit. The permits are Nos. 457-1, 630-1, 744-1 and 745-1. These permits were originally applied for by the McKnights. According to our records permit Nos. 457-1 and 630-1 were transferred from Royal McKnight to Gabriel Kessel & Sons Farm. Permit Nos. 744-1 and 745-1 are still in Stanley McKnight's name. I understand that you own this property also. I am enclosing completed copies of "Notice of Transfer of Water Permit" form for Permit Nos. 744-1 and 745-1. Check them over for accuracy and make any changes in the names if necessary and then sign and have notarized and return to this office with a check for \$5.00 to cover the cost of filing fees (\$2.50 for each permit).

On May 22, when I talked to you I recall only discussing three permits but there are four on the McKnight land. Also I do not recall whether 744-1 and 745-1 were transferred to you. If you own the Stanley McKnight property, the permits need to be transferred to you. If you do not own the property then disregard the enclosed Transfer Notices.

The enclosed copies of the Water Right maps and the Water License are for your use. You may keep them for your files.

If you have any questions regarding the matter, please feel free to contact this office.

Sincerely,

LEROY J. MERRIAUGH
Natural Resources Engineer

LJM:ks

enclosures

Equal Opportunity Employer



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

November 5, 1985

SECOND NOTICE
C744-1
745-1

Louis Kessel
HCR Box 60
Hiland SD 57762

Dear Mr. Kessel:

I am contacting you regarding ownership of lands covered under Water Right Nos. 744-1 and 745-1 listed in the name of Stanley McKnight. In May, 1985, our office sent transfer forms to you for transferring these water right to Gabriel Kessel & Sons Farms. To date, we have not heard from you on this matter.

Transfer forms were previously sent to you. Enclosed is an additional set. Please sign, have notarized and return the forms to this office with the required filing fee of \$2.50 each (total of \$5.00). The water rights can then be transferred to Gabriel Kessel and Sons Farms. If you are not the present owner of the lands covered by Water Right Nos. 744-1 and 745-1, please notify this office. It is very important that ownership records be kept current.

South Dakota 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.

If you have any questions, please contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Right Division

JH:GM:ks

enclosures

Equal Opportunity Employer

714-1
715-1

3 Form 3871, Dec. 1980

SENDER Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
☒ Show to whom and date delivered —c
☐ Show to whom, date, and address of delivery.. —c

2. ☐ **RESTRICTED DELIVERY** —c
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$

3. **ARTICLE ADDRESSED TO:**
Xenia Messer,
HCB Bldg
Milford 57762

4. **TYPE OF SERVICE:** **ARTICLE NUMBER**
☒ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL
p464 756 604

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
X Xenia Messer

5. **DATE OF DELIVERY**

6. **ADDRESSEE'S ADDRESS (Only if requested)**

7. **UNABLE TO DELIVER BECAUSE:**

7a. **EMPLOYEE'S INITIALS**
[Signature]

POSTMARK
NOV 16 1985

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

RECEIPT

Division of Water Rights

No 4 10262 -

South Dakota Department of Water and Natural Resources

Pierre, December 19, 1925

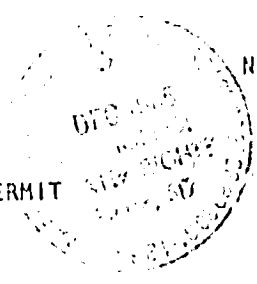
RECEIVED OF Stanley L. McKnight, 311 W Custer, No. 117, Belle Fourche SD 57717

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate _____ for Future Use _____		
Fee to retain Future Use Permit No. _____ for period of seven years.		
Fee for Inspecting Constructed Works for _____ beneficial use and issuing Water License No. _____		
Fee for Filing Transfer F _____ 744-1		2 50
Fee for Filing Extension _____ est _____		
Fee for Certificate of _____ f _____		
Fee for _____ copy of Map _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH (KS)

NO. 744-1



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 12-17-85

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

N 1/2 NW 1/4 & SE 1/4 NW 1/4 Section 16, T10N, R3E

formerly owned by Stanley McKnight
has been transferred to Gabriel Kessel & Sons Farms, HCR Bcx 60, Nisland SD 57762
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 744-1 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 Butte) ss.

I, Stanley L. 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, and I know of my own personal knowledge that the infor-
mation herein stated is true.

Stanley L. McKnight
(Signed)

Subscribed and sworn to before me this 17th Day of December, 1985.

Annette L. Nelson
(Notary Public)

ANNETTE L. NELSON, Notary Public
My Commission Expires Mar. 24, 1993

 **Department of
Water & Natural Resources**

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

WATER RIGHTS DIVISION
(605) 773-3352

744-1
745-1

December 20, 1985

Stanley L. McKnight
311 W. Custer, No. 117
Belle Fourche, South Dakota 57717

Dear Mr. McKnight:

Enclosed are receipts No. 10262 and 10263 in the amount of \$2.50 each, which you paid for transfer of Water Right Nos. 744-1 and 745-1.

Our records now show Gabriel Kessel & Sons Farms as the owner of these Water Rights.

Sincerely,

Maxine Stirling
Staff Assistant

ms/

Enc.

cc: Gabriel Kessel and Sons Farms
HCR Box 60
Hiland, SD 57762

744-1



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 Ensز
2020 Xavier St
Belle Fourche SD 57717

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

Dear Mr. Ensز:

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.

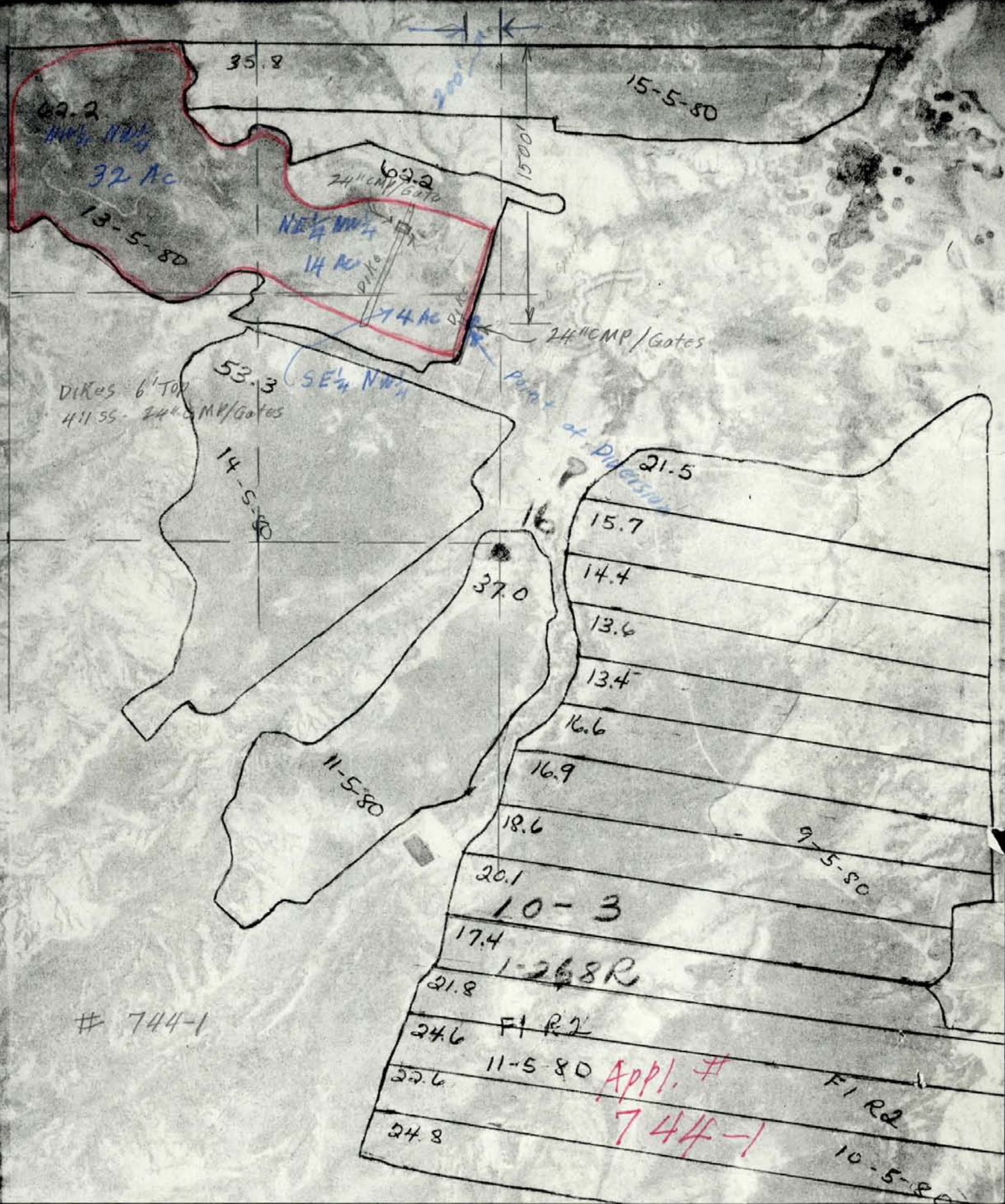
If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

NOT TO SCALE



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. 744-1Date: December 30, 2010

I/We request that Water Right/Permit No. 744-1 formerly owned by:
Gabriel Kessel & Sons Farms be transferred to:

New Owner Name: Travis R. and Johnnie R. BusenitzAddress: 823 Little Missouri RoadCity, State, Zip Hulett WY 82720 Telephone No: ~~307-758-2426~~
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.

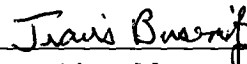
Legal Description: See attached copy of the signed Warranty Deed.

☒ I understand that the validity of Water Right/Permit No. 744-1 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.



(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>744-1</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. 04933

By

Harold 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

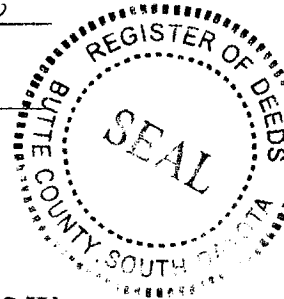
at 3:00 PM

Doc# 2010-2661

Book 410 Page(s) 461-465

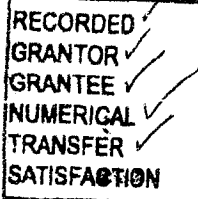
Fee 18.00 10.00

By Barbara J. Madison
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 JOHNIE 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

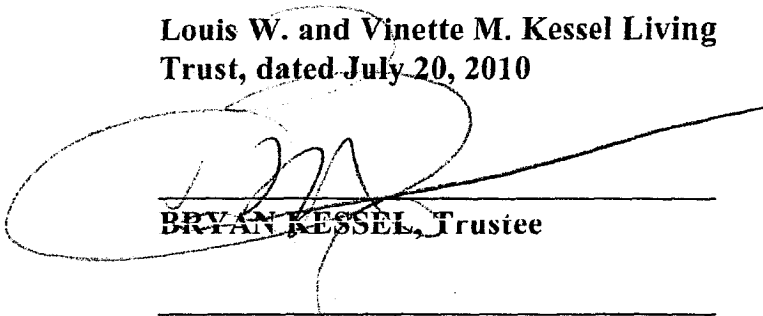
Excepting, however, from this conveyance and reserving to the grantors, grantors' heirs, successors and assigns, the entire mineral interest including future interests, if presently discernible, now held by the grantors, in all minerals of whatsoever nature, (including, but not limited to: oil, gas, 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

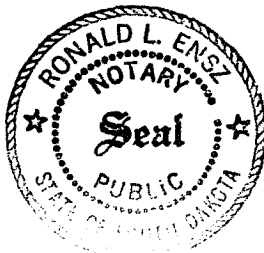
MICHAEL KESSEL, Trustee

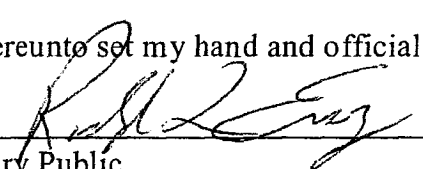
STATE OF SOUTH DAKOTA)

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.

744-1



**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

744-1



**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 written in a cursive, flowing style.

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

enclosures

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

Water Right/Permit No. 744-1Date: 09-11-2013I/We request that Water Right/Permit No. 744-1 formerly owned by:Travis R & Johnie R Busenitz be transferred to:New Owner Name: Finn Farm, IncAddress: 11849 Kessel RoadCity, 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. 744-1 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.

Search Results for South Dakota Water Rights [Search Again](#)

Permit No: 744-1 **Status:** LICENSE **Link:** [PDF image of permit/right file](#)

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

Type of use: IRRIGATION **Priority Date:** 2/8/1965

Pump Rate: 0.71 cubic feet per second **If Irrigation (acres):** 50

Legal Description: SE1/4NW1/4 **Sec** 16 **Twn** 10 **N** **Rng:** 3 **E**

Basin: BELLE FOURCHE RIVER BASIN

Source: BITTER CREEK

Aquifer:

Comments:
APPROVAL DOES NOT AUTHORIZE STORAGE OF WATER FOR LATER IRRIG USE. TRANSFERRED 2-22-2011 FROM GABRIEL KESSEL & SONS FARMS TO TRAVIS R & JOHNNIE R BUSENITZ

 BackRecord of 4

- Northwest corner of the property.
- Two spreader dikes.

Not 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>744-1</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. **06449**

By Jeanne Goodman
Chief Engineer

RECEIVED

SEP 26 2013

WATER RIGHTS
PROGRAM

744-1

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 Paula J. Miller
Register of Deeds

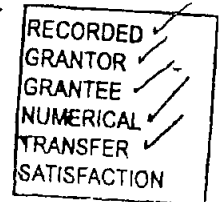
Transfer Fee Paid \$ 2370.00



WARRANTY DEED

#13703

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

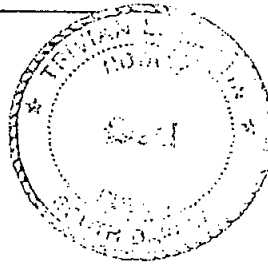


EXHIBIT A

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: $W\frac{1}{4}$; $W\frac{1}{4}E\frac{1}{2}$;
- 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 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.



744-1

**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". The signature is written in a cursive, flowing style.

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

enclosures

744-1

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.

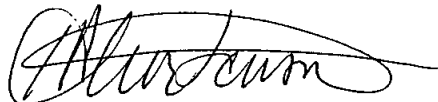
To Whom It May Concern,

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

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

Water Right/Permit No. 744-1Date: April 7, 2014

I/We request that Water Right/Permit No. 744-1 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:

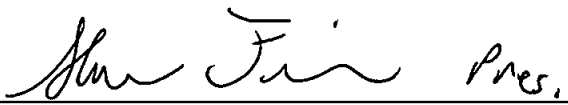
See Exhibit A

☒ I understand that the validity of Water Right/Permit No. 744-1 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 6/14, 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>744-1</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. **06825**

By *James L. Lashman*
Chief Engineer



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