

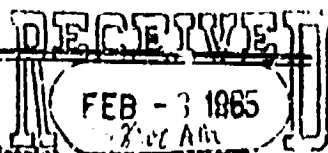
745-1

1. Considered 5-12, 1965
2. Name of Applicant ROYAL A. McKNIGHT
3. Post Office Address NISKAND
4. Amount of water claimed 2.5
5. Source of water supply GUMBO DRAW
6. Water to be used for IRRIGATION
Acres to be irrigated 177
7. Water to be diverted and used in Butte County about
10 or 52 miles of Butte Fork
8. Proof of Publication Received ✓
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____

10. Remarks:

No. 745-1Water Division No. 1

(Blanks to be filled by the Engineer for the W. R. C.)

BELE FOURCHE RIVER

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. McKNIGHT?Postoffice address NISLAND, County BUTTE, State S.D. DAK.I. If a corporation XXXXXXXXXX(a) Name of same XXXXXXXXXX(b) Date and place of incorporation XXXXXXXXXX(c) Amount of capital stock XXXXXXXXXX(d) Amount paid in XXXXXXXXXX(e) Names and addresses of directors XXXXXXXXXX

(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)

XXXXXXXXXX(b) Cash on hand, \$ XXXXX(c) Treasury stock, \$ XXXXX(d) Bonds to be issued, \$ XXXXX(e) Other resources, \$ XXXXX2. Name of diversion work THE GIMBE DRAW SPREADER IRRIGATION PROJECT3. Amount of water claimed 2.5 XXXX cubic feet per second4. Source of water supply GIMBE DRAW

Between a point S 32°15' E. 2004' from the W 1/4 Cor. Sec. 22, T.10 N., R.3 E

5. Location of point of diversion ~~and a point which lies N. 90°4' 300 ft. from~~the NE 1/4 Cor. Sec. 22, T.10 N., R.3 E on Rt. (Farm) Butte County.6. Annual period or periods during which water is to be used April 1st thru Nov. 30th

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system* Spreading(a) Number of acres to be irrigated 118 1/2 acres.

(b) Legal subdivisions to be irrigated

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with a map 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.)

Stockwatering 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 XXXXXXXXXX

MAP NO 626-1

8. Estimated cost of work:

(a) Head Gate, \$----- (b) Pumping plant, \$-----
 (c) Fluming, \$----- (d) Canal-earth, \$250.00 Rock, \$-----
 (e) Other structures Filling channel \$500.00 Total \$1300.00

9. Description of diversion works:

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

Ditch to divert the flood water across the sage and hardpan flats to induce a stand of grass for pasture and check scour.
 II. Dimensions of work: (Old stock reservoir now practically filled with silt.)
 (a) Dam: Height 12 feet; length at bottom 680 feet; length at top 680 feet; thickness at bottom 90 feet; thickness at top 12.0 feet; slope at front water face 6:1; slope at back face 12:1

material used in construction heavy clay

(b) Reservoir: Capacity when filled 14 feet. Surface area at highwater mark 7 acres. Maximum depth probably 3 ft. due to heavy silting with gumbo.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	PERCENT	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 dimension here; reductions in size are made.)

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

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

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

The Belle Fourche Bee, Belle Fourche, S.D.

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 19

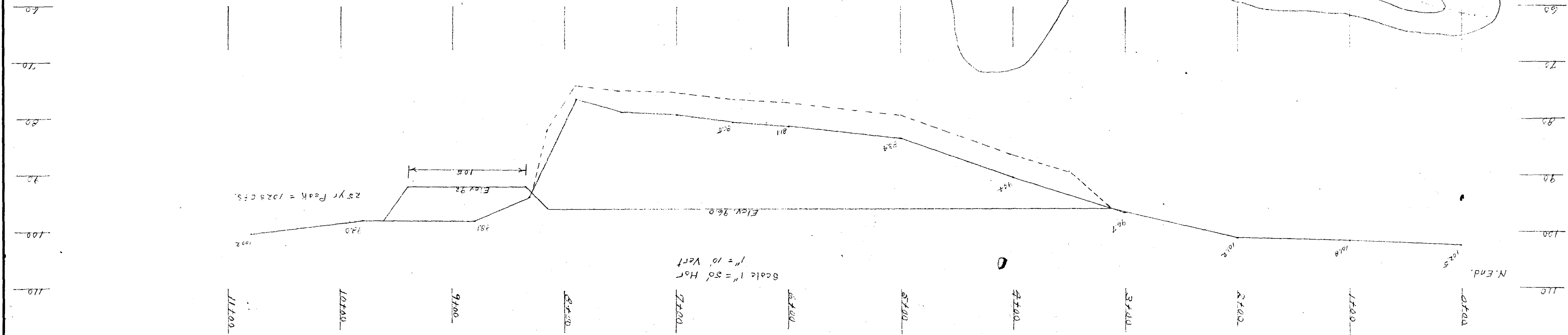
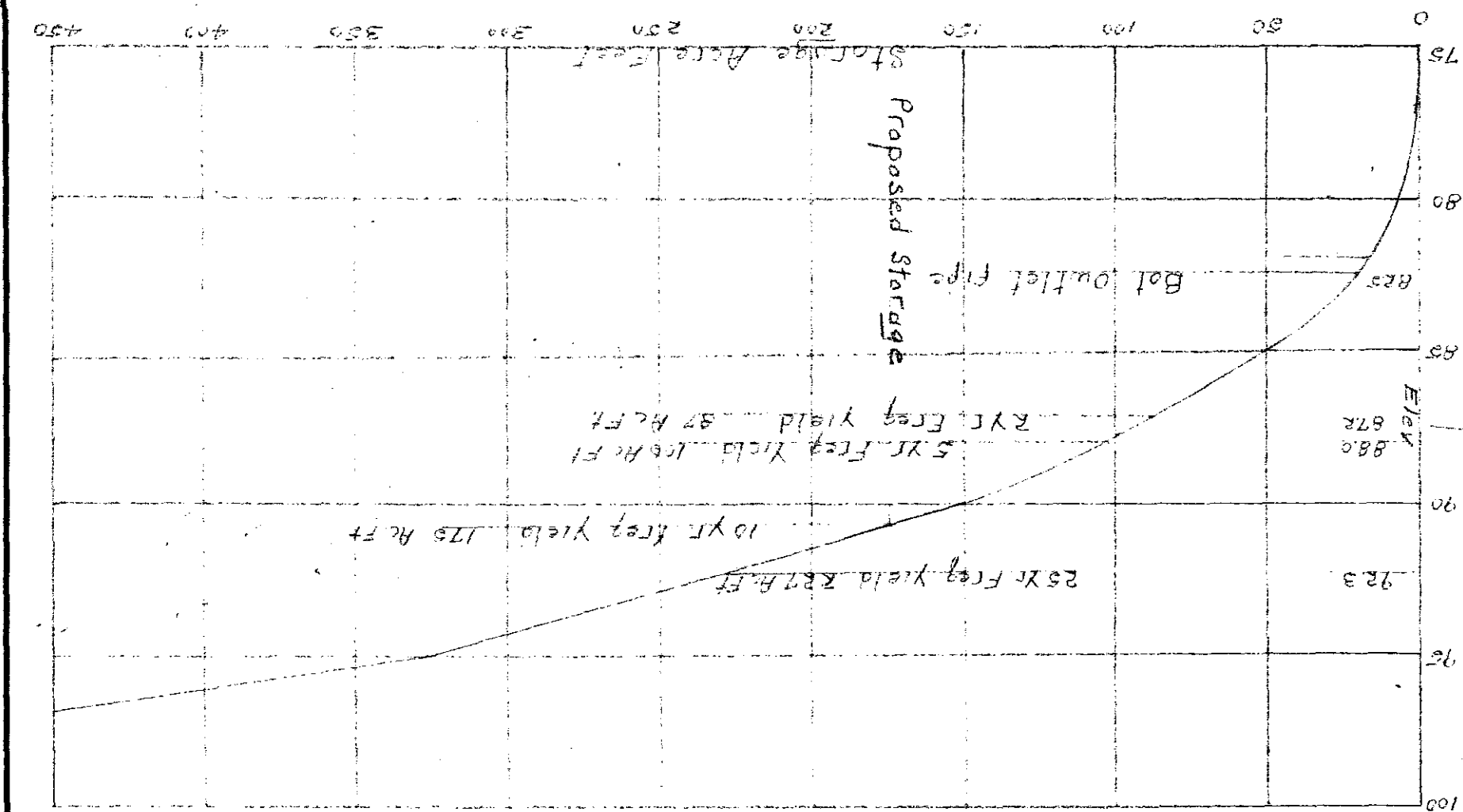
Carl W. Cornell,

Notary Public (R.D. No. 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100)

*Each diversion must have a headgate or measuring device.

AA CORNELL

ROYAL McKNIGHT IRRIGATION DAM BUTTE COUNTY, SOUTH DAKOTA		U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE	
Designed by <i>H. V. R.</i>	Date 12-25-54	Title Drawing No. Sheet No. 1 of 2	
Checked Traced Title Drawing No. Sheet No. 1 of 2		No. 1 5, E-17, 948	



PLAT
OF
The Gumbo Draw Spreader Project - in Sections 22 and 23, T.10 N., R.3 E
in Butte County, South Dakota. Drawn and prepared for Royal A. McKnight
of Nisland, South Dakota.

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

PLAT
OF
THE GUMBO DRAW SPREADER IRRIGATION PROJECT IN Sec.s 22 and 23, T.10 N., R.3 E
IN Butte County, South Dakota. Royal A. McKnight, Nisland, S.D. owner.

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

SURVEYOR'S CERTIFICATE

I, Carl W. Cornell, Licensed Surveyor, in and for the State of South Dakota, do hereby certify that, at the request of Royal A. McKnight of Nisland, Butte County, South Dakota (owner of the lands herein described) I have made a survey and prepared this plat of the irrigable lands which comprise the Gumbo Draw Spreader Irrigation Project and have prepared this plat of same for the purpose of indicating the total area which is embraced in the project as required in his Application for a Permit to appropriate water for irrigation purposes.

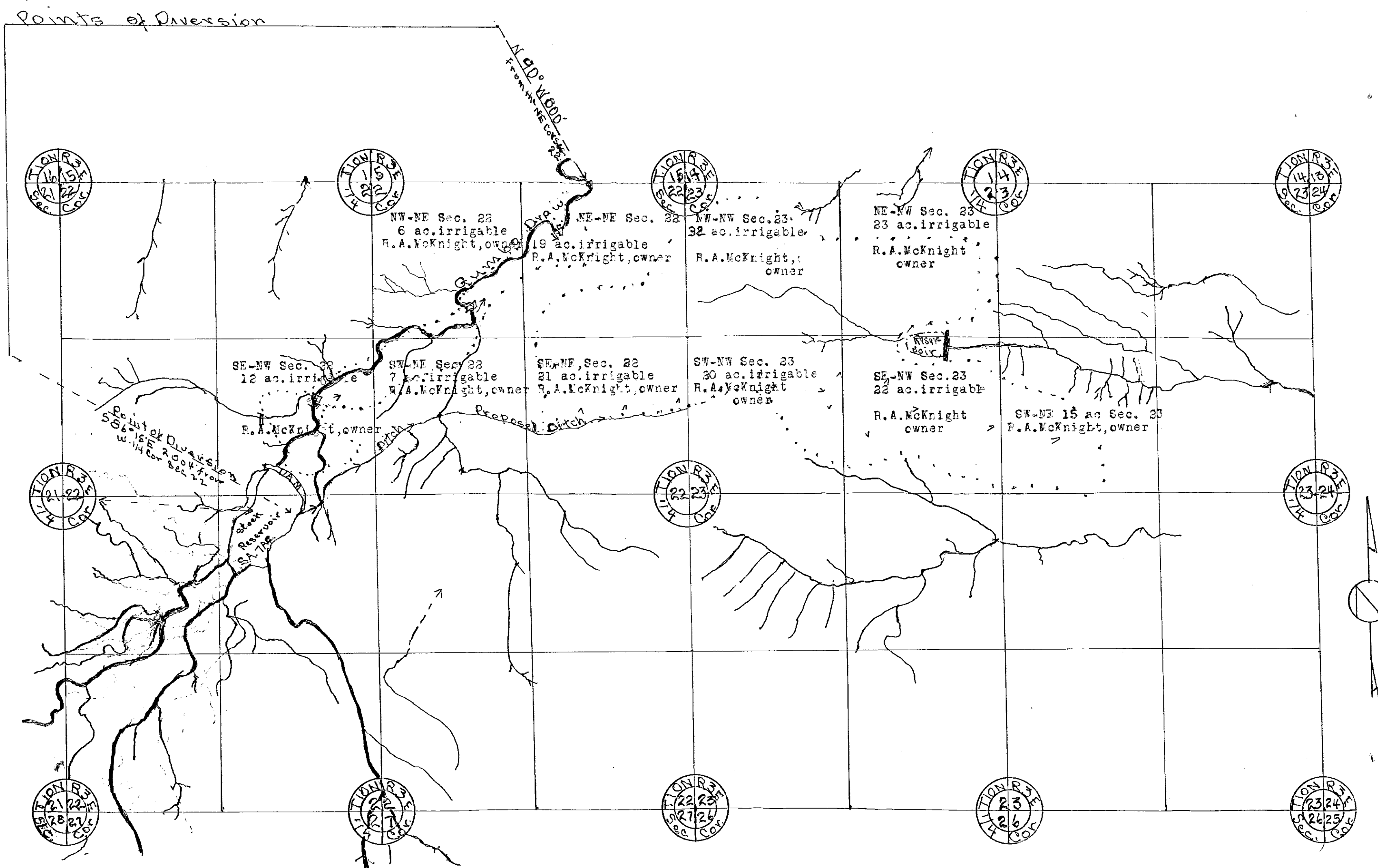
I further certify that the bearings and lengths of the several lines shown hereon and their location, with reference to the Government Land Corners indicated, are correct, to the best of my knowledge and belief.

Subscribed and sworn to at Buffalo, South Dakota this 29th day of January, 1965.

Signed: Carl W. Cornell
Carl W. Cornell, Licensed Surveyor, No. 144 (SEAL)

Subscribed and sworn to before me at Buffalo, South Dakota this 29th day of January, 1965.

Eleanor Lindholm
Notary Public. (SEAL)



MAP No 626-1
(APPL No 745-1)

Remarks by State Water Resources Commission:

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

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, MAY 17, 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 745-1

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 MAY 12, 1965, Recorded in Book 9 Page 9

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____

NOVEMBER 12, 1967

2nd. The whole of said work is to be completed on or before MAY 12, 1970

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

MAY 12, 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 2.5 c.f.s.
cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually

and beneficially applied for irrigation on or before MAY 12, 1970; said water to be used during the following described annual period:

APRIL 1 TO NOVEMBER 30

Witness my hand this 17TH day of MAY, 1965

State Water Resources Commission

By:

Spencer
Chief Engineer, Executive Officer

Certificate of Construction Issued February 7, 1965

Water License issued February 8, 1965

Remarks by the Applicant:

The old stock reservoir, which is the proposed location of the "Point of diversion," was built about 1953 (according to the estimate of the former owner of this land, Rudolph Nyman) and has silted in until it stores very little water but it is the intention of the operator to divert water at the spillway of the old reservoir to save construction costs and for the further reason that the reservoir serves as a settlement basin to precipitate most of the silt from the water before flooding the land below, but he does not intend to use the reservoir as a storage basin for this irrigation project or retain water above the grade of the above mentioned spillway.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 745-1

(1) WHEREAS, On the 6th day of February A. D. 19 65,
Royal McKnight

made Water Right Application No. 745-1 for a permit to use 2.5 cubic feet per second of the waters
 on Gumbo Draw

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

(2) WHEREAS, On the 12th day of May A. D. 19 65

Permit No. 745-1, 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 12th day of May A. D. 19 70 and for the
 application to beneficial use of said water on or before the 12th day of May A. D. 19 70

WHEREAS: on the 25th day of February, 1982, Permit No. 745-1 was transferred
 to Stanley L. McKnight, 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 2.1 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 in:

Section 22

NE1NE1 11 acres

SE1NE1 10 acres

Section 23

NW1NW1 37 acres

NE1NW1 28 acres

SW1NW1 19 acres

SE1NW1 7 acres

NW1NE1 25 acres

NE1NE1 2 acres

TOTAL 147 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 L. McKnight

_____ of Missouri

the holder _____ and owner _____ of said permit No. 745-1 a water right, dating from February 8, 1965

_____ to use of 2.1 cubic feet per second of the waters of Gumbo Draw

in the County of Butte and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted ~~via~~ on Gumbo Draw between point 125' S and 2300' E of

the NW corner Section 22 and a point 1000' W of the NE corner of Section 22, T-10N, R-3E

and conducted to and upon portions of land in Section 22 and 23, T-10N, R-3E
more fully described on the Face of this License.

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 745- and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 25th day of February A. D.
Nineteen Hundred and Eighty two

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer

JOHN HATCH

Permit No. 745-1

Water Diversion No. 1 Belle Fourche River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Royal McKnight

_____ the holder _____ of
Permit No. 745-1, issued upon Application No. 745-1, bearing date of priority of _____
February 8, 1965 authorizing the diversion of 2.5 cu. ft. per second of the waters of _____
Gumbo Draw County of Butte, State of South Dakota, xx
on Gumbo Draw between a point 125' S and 2300' E of the NW corner Section 22
and a point 1000' W of the NE corner Section 22, T-10N, R-3E
_____, for Irrigation

purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 15.0 cu. ft. per second of water.

Date February 25, 1982



JOHN HATCH, Chief Engineer
Water Rights Division

Permit No. 745-1Water 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 McKnightof Nisland, S. Dak. holderof Permit No. 745-1, bearing date of priority of February 5, 19 65authorizing the diversion of 2.5 cu. ft. per second of the waters of Gumbo Drawfor 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:

Dam - 17 ft high - 1000 ft long with 24" CMP with headgate.

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

Main Ditch to water spreading system

C. Works used to apply water to beneficial use.

Detention Dikes with culverts and headgates, for flood irrigationThe system is in the following condition, GoodThe point of diversion is located on Gumbo Draw Between a point 125' S and 2300' E of NW 1/4 Cor Sec. 22 and a point 1000' W of the NE Cor Sec. 22 T10N R3EThe works are capable of diverting and conveying to the place of use 15 cfs. (Est)cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: The following in Sec. 22

T10N R3E, NE 1/4 NE 1/4 - 11 Ac., SE 1/4 NE 1/4 - 18 Ac., The following in
Sec. 23, T10N R3E, NW 1/4 NW 1/4 - 37 Ac., NE 1/4 NW 1/4 - 2.8 Ac.,
SW 1/4 NW 1/4 - 19.30, SE 1/4 NW 1/4 7 Ac., NW 1/4 NE 1/4 - 2.5 Ac.,
NE 1/4 NE 1/4 - 2 Ac.

comprising a total of 147 acres of land.

Date September 22, 1987
LeRoy J. Thompson
 (Signature)

7451

Royal A. McKnight

9-22-81

Don't know 1000

17 Red Wood 221 Red Wood

Handy by 1000

24" x 11" Red Wood

to supply 1000

6.0' x 10' Red Wood

Em Split 100' N. end

South end 100' Em Split

3.0' x 10' Red Wood

" "

" "

This can be located by 1000

1000' Red Wood 1000' Red Wood

1000' Red Wood 1000' Red Wood

9-22-81

1000' Red Wood 1000' Red Wood

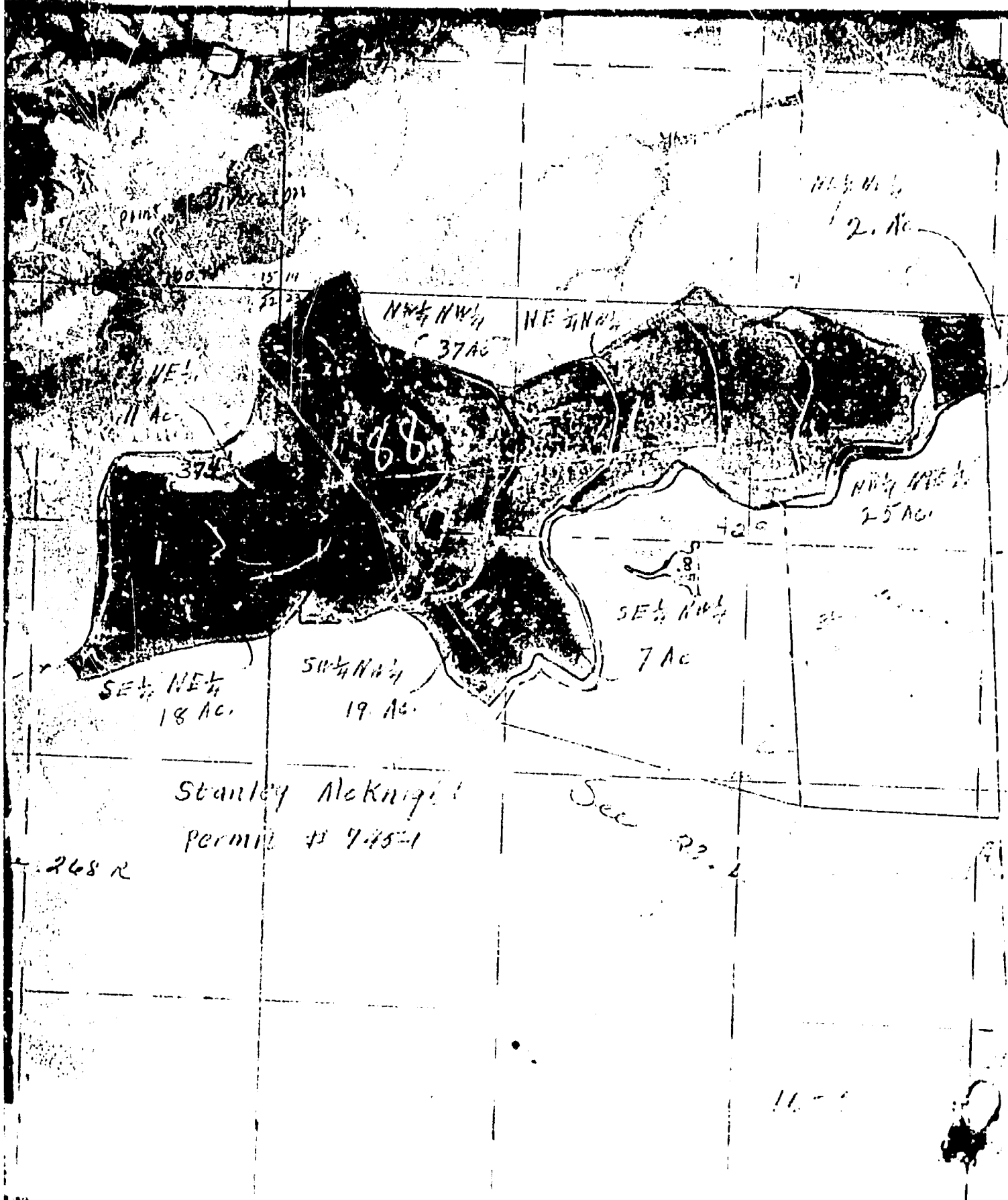
1000' Red Wood 1000' Red Wood

1000' Red Wood 1000' Red Wood

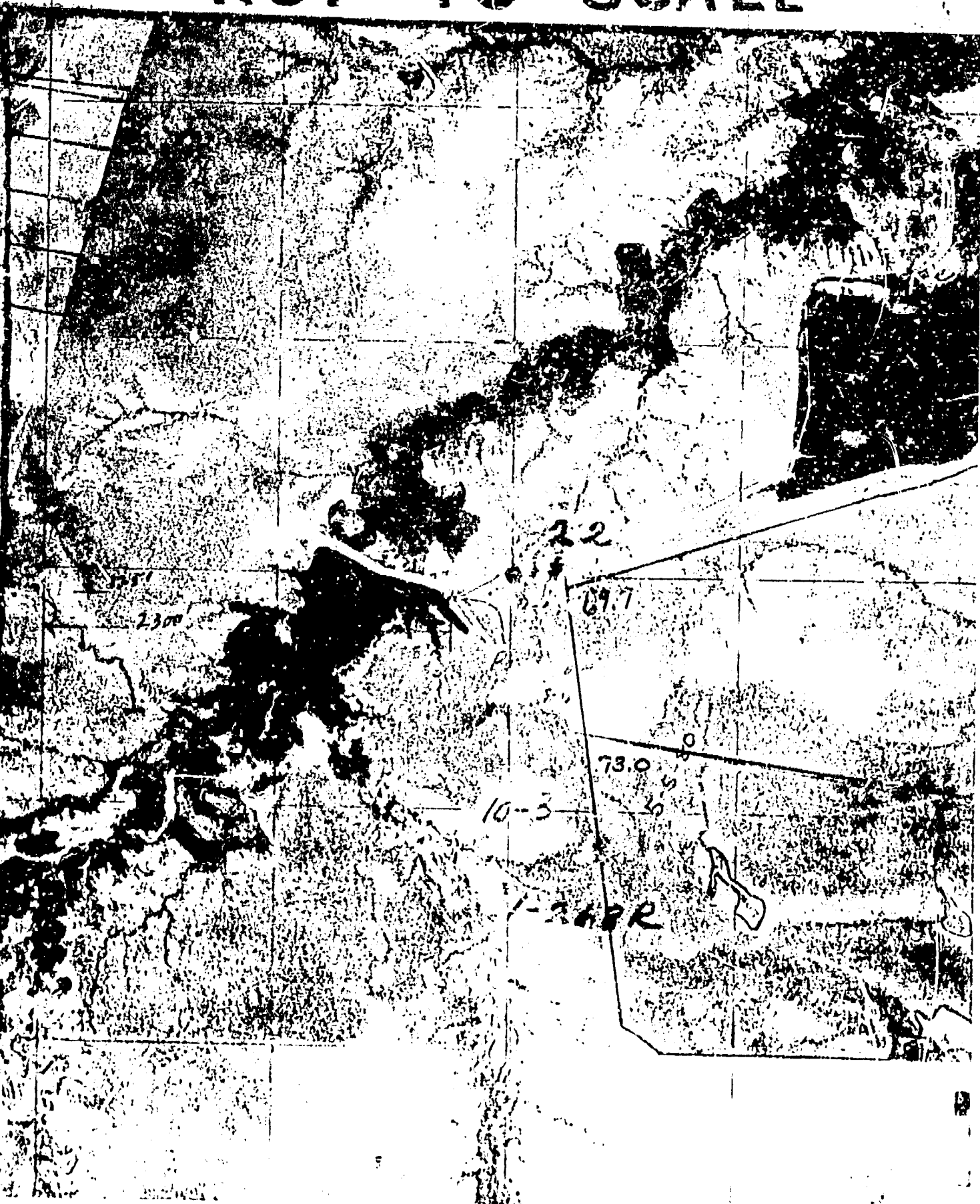
1000' Red Wood 1000' Red Wood

20

NOT TO SCALE



NOT TO SCALE



**OVERSIZE
DOCUMENT IS
SUPPLEMENTARY
TO MICROFILM FILE**

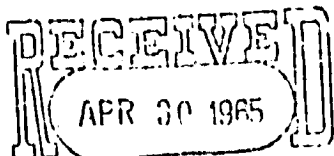
PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA } ss.
County Butte

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 Torch a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the town of Butte County of Butte and State of South Dakota; that the said notice was published in said newspaper on the following dates:

April 2, 1965April 9, 1965April 16, 1965April 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.

Lawrence W. JonesSubscribed and sworn to before me this 27 day of April A. D. 1965STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

No. 745-1
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 2.5 cubic feet of water per second of time from Gumbo Draw through the Gumbo Draw Spreader Project, the point of diversion of which is to be located on the right bank of said stream between a point in the NE $\frac{1}{4}$, SW $\frac{1}{4}$, and a point in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 22, Twp. 10N, Range 3E. Said water to be used for the purpose of providing irrigation on portions of the following described land: SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ Section 22; NW $\frac{1}{4}$ and SW $\frac{1}{4}$ -NE $\frac{1}{4}$, Section 23, T10N, R3E.

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
By:
BURTON F. JONES
Water Right Specialist
B41 4/2-9-16-23

Notary Public Butte County, S. D.

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

on or before
(First Publication April 15, 1965)

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 Wisland S. Dak., has made an application in accordance with the provisor, of the water laws of South Dakota for a permit to appropriate for beneficial use 2.5 cubic feet of water per second of time from ~~the~~ Gumbo Draw through the Gumbo Draw Spreader Project the point of diversion of which is to be located on the right between a point in the NE 1/4 SW 1/4, and a point bank of said stream in the NE 1/4 of the NE 1/4 of Section 22 Twp. 10N Range 3E portions of Said water to be used for the purpose of providing irrigation on the following described land:

SE 1/4 NW 1/4 and NE 1/4, Section 22; NW 1/4 and SW 1/4 NE 1/4, Section 23, T10N, R3E

~~XXXXXX~~ purpose ~~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

By:

BURTON F. JONES
Water Right Specialist

CC: Mr. Laurence Weyler, Publisher
Belle Fourche Beo
Belle Fourche, S. Dak.

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

December 14, 1981

Stanley McKnight
Nisland,
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. 745-1 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 SCHLAAN
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)

Water Rights Division (605) 773-3352

February 2, 1982

Stanley L. McKnight
Misland, South Dakota 57762

Dear Mr. McKnight:

Please have the enclosed "Notice of Transfer of Water Permit" signed and sealed by a Notary Public and return to this office. We have received your check for the fee and everything will then be in order to transfer this Water Permit.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Etc.

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8689

PIERRE, February 2, 1912

RECEIVED OF Stanley L. McKnight, Nisland, SD 57762

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. 745-1		
Fee for inspecting Beneficial Use, and issuing Water License No. 745-1	12	00
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing Transfer WWT 745-1	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 *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH/ES

NOTICE OF TRANSFER OF WATER PERMIT

Date: Feb. 18 1982

NW 1/4, SW 1/4, NE 1/4, Section 22 and N 1/2 Section 23 and NW 1/4 NW 1/4, Section 24, T10N, R3E

has been transferred to Stanley McKnight, Nisland SD 57762

Water Right Permit No. 745-1 as provided for in SDCL 46-5-32 and 46-5-33.

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

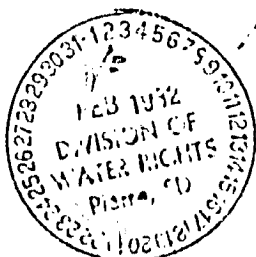
I, Stanley L. H. Knight being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Stanley & H. Knight
(Signed)

Subscribed and sworn to before me this 18 Day of Apr., 1982

(Notary Public)

Notary Public, BUTTE COUNTY, S. DAK.
My Commission Expires OCT. 3, 1924





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3131

Water Rights Division
605 773-3352

May 24, 1985

Louis Kessel
HCR Box 60
Nisland SD 57762

Dear Mr. Kessel:

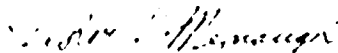
Enclosed are four licenses and the maps that accompany each permit. The permits are Nos. 457-1, 630-1, 744-1 and 745-1. These permits were originally applied for by the McKnights. According to our records permit Nos. 457-1 and 630-1 were transferred from Royal McKnight to Gabriel Kessel & Sons Farms. 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. MERZBAUGH
Natural Resources Engineer

LJM:ks

enclosures

Equal Opportunity Employer

SOUTH DAKOTA
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

744-1

745-1

Louis Kessel
HCR Box 60
Mistland 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

RECEIPT

Division of Water Rights

No 410263

South Dakota Department of Water and Natural Resources

December 19 19 85

Pierre, 19 85

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

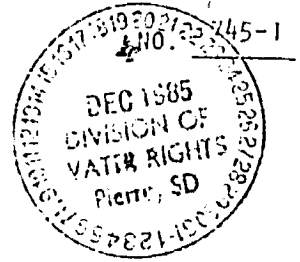
RECEIVED OF

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form Permit No. 745-1	2.50	
Fee for Filing Extension Request _____		
Fee for Certificate Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2.50

By John Hatch
Chief Engineer JOHN HATCH ES

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:

E 1/2 NE 1/4, Section 22 and NW 1/4, N 1/2 NE 1/4 Section 23, T10N, R3E

formerly owned by Stanley McKnight

has been transferred to Gabriel Kessel & Sons Farms, HCR Box 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. 745-1 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 Bahe) 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 information herein stated is true.

Stanley L. McKnight
(Signed)

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

Annette L. Nelson
ANNETTE L. NELSON, Notary Public (Notary Public)
My Commission Expires Mar. 24, 1993

WNR-820-9/83

Notice of Transfer of Water Permit

 **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
, CR Box 60
Hiland, SD 57762



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

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. 745-1Date: December 30, 2010

I/We request that Water Right/Permit No. 745-1 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. ~~307-756-2426~~
301-467-5496

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.

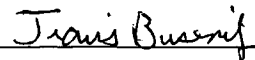
Legal Description: See attached copy of the signed Warranty Deed.

☒ I understand that the validity of Water Right/Permit No. 745-1 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>745-1</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. **04934**

By *Harold E. Eide*
Chief Engineer

RECEIVED

FEB 22 2011

WATER RIGHTS
PROGRAM

Prepared By:

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

2010-2661

BOOK 410 PAGE 461

Register of Deeds

Butte County, South Dakota

Recorded December 30, 2010

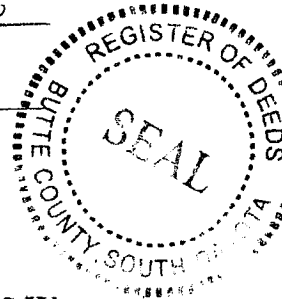
at 3:00 PM

Doc# 2010-2661

Book 410 Page(s) 461-465

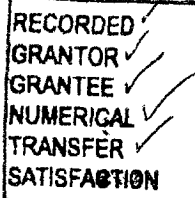
Fee 18.00 10.00

By Paula J. Walker
Register of Deeds



WARRANTY DEED

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



SEE ATTACHED EXHIBIT A

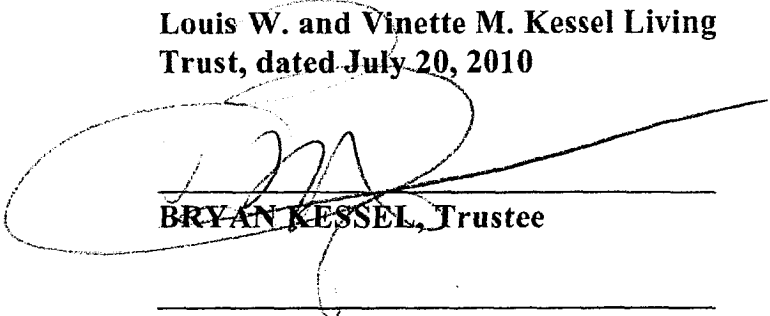
Excepting, however, from this conveyance and reserving to the grantors, grantors' heirs, successors and assigns, the entire mineral interest including future interests, if presently discernible, now held by the grantors, in all minerals of whatsoever nature, (including, but not limited to: oil, gas,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

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

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

DATED this 29 day of December, 2010.

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


BRYAN KESSEL, Trustee

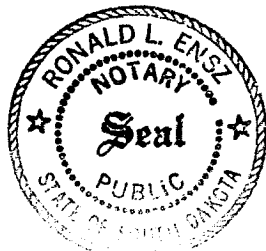
MICHAEL KESSEL, Trustee

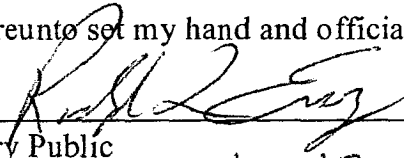
STATE OF SOUTH DAKOTA)

County of Butte) ss.

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

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




Notary Public

My Comm. Exps. 12-13-2016

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

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

DATED this 28 day of December, 2010.

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

BRYAN KESSEL, Trustee

Michael Kessel
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: $W\frac{1}{2}E\frac{1}{4}NE\frac{1}{4}$; $W\frac{1}{2}NE\frac{1}{4}$; $NW\frac{1}{4}$; $S\frac{1}{2}$

Section 21: All

Section 22: All

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

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

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

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

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

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

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

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

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

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

Parcel B:

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 23, 2011

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

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

Dear Mr. & Mrs. Busenitz:

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

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

If you have any questions, please contact me.

Sincerely,

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

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

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



**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".

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. 745-1Date: 09-11-2013I/We request that Water Right/Permit No. 745-1 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. 745-1 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.

745-1

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

Permit No:	745-1	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:	2.1	cubic feet per second	If Irrigation (acres):	147					
Legal Description:	NE1/4SW1/4	Sec	22	Twn	10	N	Rng:	3	E
Basin:	BELLE FOURCHE RIVER BASIN								
Source:	GUMBO DRAW								
Aquifer:									
Comments:	TRANSFERRED 2-22-2011 FROM GABRIEL KESSEL & SONS FARMS TO TRAVIS R & JOHNNIE R BUSENITZ								

Record of 4

- Big Dam in west unit.

Not Pumped

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/30, 20 13

RECEIVED OF Finn Farms 28065 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>745-1</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. _____	50	00
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. **06450**

By Jeanne Koelman
Chief Engineer

RECEIVED

SEP 26 2013

WATER RIGHTS
PROGRAM

BOOK 441 PAGE 19

2013-1781

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

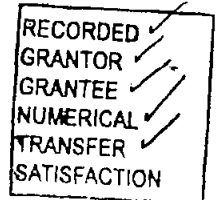
Register of Deeds
Butte County, South Dakota
Recorded September 11, 2013
At 1:43 P M
Doc# 2013-1781
Book 441 Page 19-21
Fee 30.00
By Paula J. Walker
Register of Deeds

Transfer Fee Paid \$ 2,370.00



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. [Signature]
Notary Public

(SEAL)

My Commission Expires: Jun 18, 2017

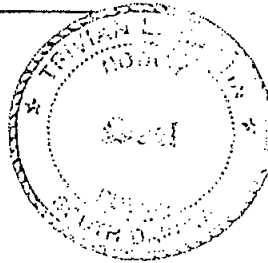


EXHIBIT A

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: $W\frac{1}{4}$; $W\frac{1}{2}E\frac{1}{4}$;
- Section 24: $S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$
- Section 25: $E\frac{1}{2}NE\frac{1}{4}$
- Section 27: $NE\frac{1}{4}NE\frac{1}{4}$; $W\frac{1}{2}NE\frac{1}{4}$; $NW\frac{1}{4}$
- Section 28: $NE\frac{1}{4}$; $N\frac{1}{2}NW\frac{1}{4}$
- Section 29: $N\frac{1}{2}NE\frac{1}{4}$
- Section 33: $W\frac{1}{2}NE\frac{1}{4}$; $SE\frac{1}{4}NE\frac{1}{4}$

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

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

745-1



**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 cursive script that reads 'Genny McMath'.

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

enclosures

Mortenson Law Offices

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

Kimberley A. Mortenson
Curtis D. Mortenson

RECEIVED
APR 14 2014
WATER RIGHTS
PROGRAM

April 7, 2014

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

RE: Finn Farm, Inc.

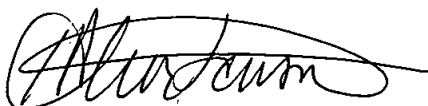
To Whom It May Concern,

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

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

Please call with any questions.

Sincerely,



Kimberley A. Mortenson
Attorney

Enclosures

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

APR 14 2014

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 745-1Date: April 7, 2014

I/We request that Water Right/Permit No. 745-1 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. 745-1 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.

Mu Fin Pres.
(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 4/14, 20 14

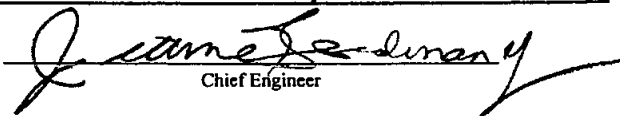
RECEIVED OF Mortenson Law Offices PO Box 190 Fort Pierre SD 57532

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>745-1</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. **06826**

By


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