

Copy.

STATE OF SOUTH DAKOTA
COUNTY OF HUGHES.

I hereby certify that the within and foregoing instrument is a true, correct and complete transcript of the instrument which it purports to be, as the same was filed for record in the office of the State Engineer.

Witness my hand and official seal, done at my office in Pierre, State of South Dakota

this 14 day of April, 1908.

Samuel H. Lea
State Engineer.

By Samuel H. Lea

No. 24.

Division No. 2. Fall Riv. District

PERMIT

to appropriate water from

Cascade Creek

Fall River County, South Dakota

Name of applicant The Cheyenne

Valley Ranch Company

Name of diversion works Cheyenne

Valley Irrigating Ditch.

Date of first receipt at office of State

Engineer May 28 1907.

Returned to applicant for correction

190

Corrected application received

190

Date of water right

May 28 1907.

Recorded in Book 1 Page 40.

One-fifth of work to be completed

19

Whole work to be completed

19

Final proof of use of water

Work Completed. 19

Approved August 6 1907.

Samuel H. Lea

State Engineer.

By

Deputy.

No. 24

Water Division No. 2, Fall River Water District.

[Blanks to be filled by the State Engineer.]

00.034, 35

COPY.

APPLICATION FOR A PERMIT To Appropriate Water Within the State of South Dakota

[NOTE—Drawn through items not applicable.]

I. Name of applicant Cheyenne Valley Ranch Co.
Postoffice address Cascade Springs county Fall River State South Dakota.

1. If a corporation:

- (a) Name of same Cheyenne Valley Ranch Company.
(b) Date and place of incorporation _____
(c) Amount of capital stock Fifty Thousand Dollars.
(d) Amount paid in All paid in.
(e) Names and addresses of directors:

Herman Mahler, Louiso Mahler, Henry Mahler;
Cascade Springs, Fall River County, South Dakota.

[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 the work. (Whether by contract, employment of others, or by direct labor) Work is all complete.
(b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
(d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion works Cheyenne Valley Irrigating Ditch.

3. Quantity of water claimed 12.54 cubic feet per second.

4. Source of water supply Cascade Creek.

5. Location of point of diversion at S.20 37' W, 426 ft. from Witness Cor to 1/4 sec cor. bet. Secs. 29 & 30, T. 8 N., R. 5 E, B.H.M. on left bank
(Right or left bank looking down stream.)
in the NE 1/4 of SE 1/4 or Sec. 30, T. 8 N., R. 5 E, B.H.M.

6. Annual periods during which water is to be used _____

7. To be used for:

1. Irrigation or domestic use: both.

(a) Number of acres to be irrigated 877.7 acres.

(b) Legal subdivisions to be irrigated see sheet attached.

[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.) _____

III. Mining, power, manufacturing, transportation, or other purposes—

(a) Nature of use _____

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

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____

8. Estimated cost of works:

(a) Head gates, \$ 250.00 (b) Pumping plant \$
 (c) Fluming, \$1,500.00 (d) Canal-earth, \$12,000.00 rock, \$
 (e) Other structures \$ Total, \$13,750.00

9. Description of diversion works:

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

11. Dimensions of works:

(a) Dam: Height feet; length at bottom feet; length at top feet; thickness at bottom feet; thickness at top feet; slope of front (water) face; slope of 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 FEET OF DEPTH AT OUTLET- ACRES.	CAPACITY- ACRE- FEET

(c) Head gate: Width 11.0 feet; height 3.8 feet
 Material timber.

(d) Canal: Total length 3.85 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

[Give dimensions where reductions in size are made.]

10. Time required for completion of work finished;

11. Time required for complete application of water to the proposed beneficial use finished;

12. Choice of newspaper; publication of notice of intention to appropriate

STATE OF SOUTH DAKOTA
 County of Fall River } ss

I, Herman Mahler, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of President of the above incorporation, that I have read the above and foregoing statement, and 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 Herman Mahler.

Subscribed and sworn to before me this 25 day of May 1907.

Geo. Carroll Smith.
 Notary Public (or other qualified officer).

SW 1/4 of	SW 1/4 of	Sec. 29, T. 8 N., R. 5 E. S. 10 M.	4.3 Acres.
E 1/2 "	SE 1/4 "	" 30, "	20.7 "
E 1/2 "	NE 1/4 "	" 31, "	15.7 Ac.
SW 1/4 "	NE 1/4 "	" "	5.9 "
SW 1/4 "	NW 1/4 "	" "	8.6 "
N 1/2 "	SW 1/4 "	" "	45.5 "
NW 1/4 "	SE 1/4 "	" "	19.7 "
E 1/2 "	SE 1/4 "	" "	38.0 "
SE 1/4 "	NW 1/4 "	" 32 "	1.0 "
SW 1/4 "	" "	" "	60.7 "
SW 1/4 "	SE 1/4 "	" "	1.8 "
NE 1/4 "	" "	36, T. 8 S., R. 4 E. S. 10 M.	49.5 "
N 1/2 "	SE 1/4 "	" "	27.7 "
SW 1/4 "	NW 1/4 "	" 4 T. 9 S., R. 5 E. S. 10 M.	8.2 "
W 1/2 "	SW 1/4 "	" "	62.5 "
SE 1/4 "	SW 1/4 "	" "	5.2 "
NE 1/4 "	" "	" 5 "	113.5 "
NE 1/4 "	NW 1/4 "	" "	0.7 "
SE 1/4 "	" "	" "	157.2 "
E 1/2 "	SW 1/4 "	" "	28.1 "
N 1/2 "	NE 1/4 "	" 8 "	60.0 "
N 1/2 "	NW 1/4 "	" "	48.1 "
SE 1/4 "	NW 1/4 "	" "	9.5 "
S 1/2 "	NE 1/4 "	" "	20.5 "
N 1/2 "	NW 1/4 "	" 9 "	46.8 "
Total,			877.7 "

Samuel H. Len

State Engineer.

By Deputy.

Number of permit 24
Date of first receipt of application May 28 1907.
Date of return to applicant for correction 1907.
Date of receipt of corrected application 1907.
Date from which application may claim right May 28 1907.
Approved August 6 1907, Recorded in Book 1 Page 40.

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

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

19 Work has been completed.

2d. The whole of said work is to be completed on or before 1907.

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

19

4th. The water appropriated shall be used for the purpose of Irrigation and domestic use.

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 12,540 cubic feet of water per second of time; 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 on or before

19; said water to be used during the following described annual periods.

April to December.

Witness my hand this sixth day of August 1907.

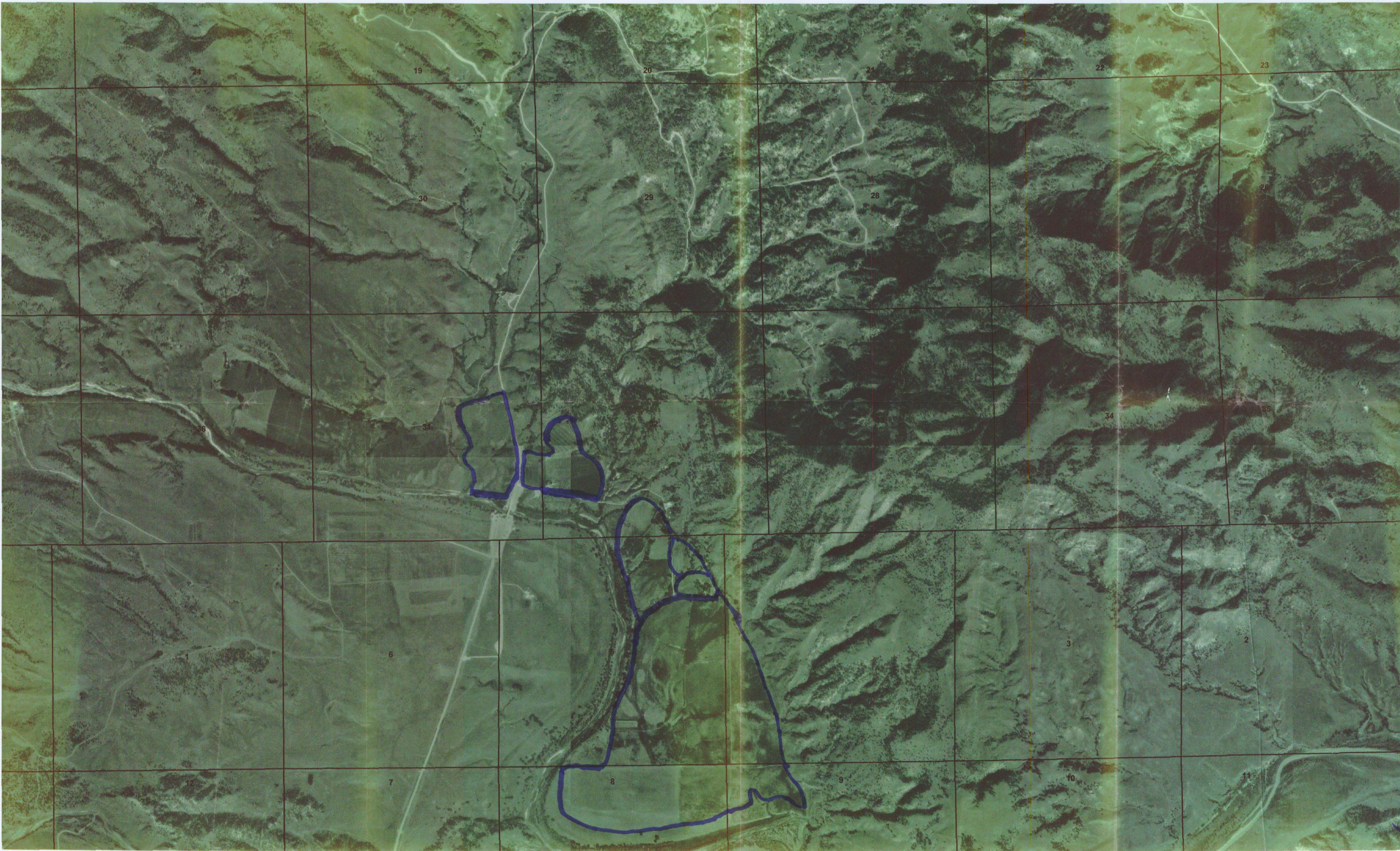
Certified Construction and
Water License Issued:
March 16, 1981

Samuel H. Len

State Engineer.

By

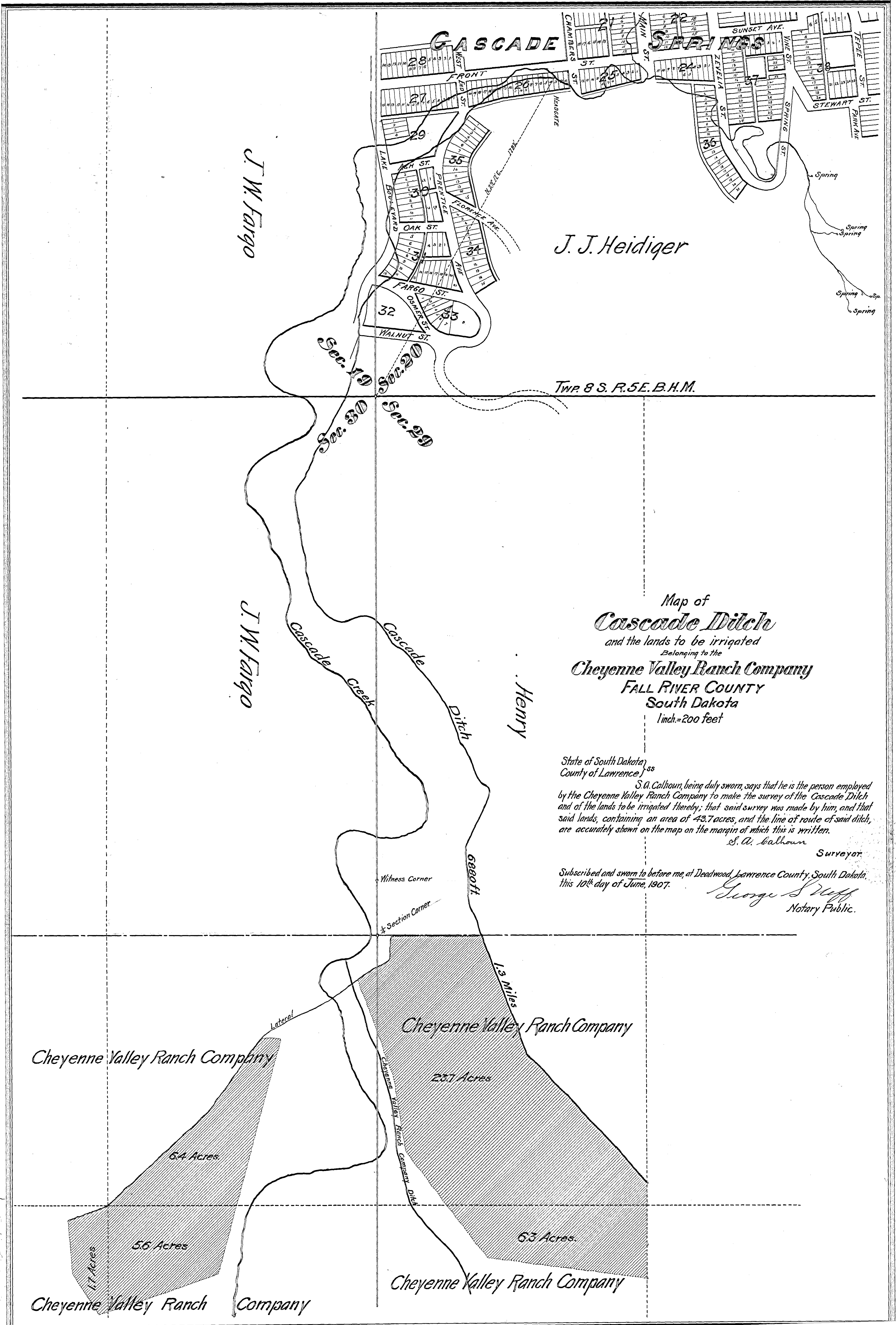
Deputy



27-28-2

Cheyenne Valley Ranch Co

MAP 26-2 (MTR # 24-2)



J. J. Heidiger

J. W. Fargo

J. W. Fargo

Henry

Map of
Cascade Ditch
and the lands to be irrigated
Belonging to the
Cheyenne Valley Ranch Company
FALL RIVER COUNTY
South Dakota
1 inch = 200 feet

State of South Dakota)
County of Lawrence) ss
S. A. Calhoun, being duly sworn, says that he is the person employed
by the Cheyenne Valley Ranch Company to make the survey of the Cascade Ditch
and of the lands to be irrigated thereby; that said survey was made by him, and that
said lands, containing an area of 43.7 acres, and the line of route of said ditch,
are accurately shown on the map on the margin of which this is written.
S. A. Calhoun

Surveyor

Subscribed and sworn to before me, at Deadwood, Lawrence County, South Dakota,
this 10th day of June, 1907.

George S. Hoff
Notary Public.

Witness Corner

* Section Corner

6880 ft

1.3 Miles

Lateral

Cheyenne Valley Ranch Company Ditch

Cheyenne Valley Ranch Company

Cheyenne Valley Ranch Company

Cheyenne Valley Ranch Company

Cheyenne Valley Ranch Company

Office Copy.

285

Point of Diversion
Permit # 24-2

Point of Diversion
for Permit # 267-2

Cascade Falls

20"
Round
steel
Flume

162*

Marc Lamphere

162A

32

long capacity
8 GFS capacity

8-5

52.8 WR # 24-2
Map # 25-2

~~162 A~~

By whom well carry
8. C. 5

4

16x8

7	14
14	7

10

$$\frac{5.7}{e} G F d' H$$

11/10/1911

1

11

16. B

(WR # 24-2)
Map # 25-2

MAP OF THE
Cheyenne Valley Ranch Co. Ditch
 and the lands to be irrigated
 FALL RIVER COUNTY
 South Dakota
 1 inch = 800 feet.



State of South Dakota } ss
 County of Lawrence }
 S.A. Calhoun, being duly sworn, says he is the person employed to make the survey of lands to be irrigated by the Cheyenne Valley Ranch Company Ditch; that said survey was made by him and that such lands, containing an area of 877.7 acres, are accurately represented on the map on the margin of which this is written.

S.A. Calhoun
 Surveyor

Subscribed and sworn to before me at Deadwood, Lawrence County, this 20th day of May, 1907
 Geo. J. Baggeley
 Notary Public.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 24-2

(1) WHEREAS, On the 28th day of May A. D. 1907
The Cheyenne Valley Ranch Co. & Outlay O Lamphere

made Water Right Application No. 24-2 for a permit to use 12.54 cubic feet per second of the waters
 of Cascade Creek

County of Fall River, State of South Dakota for Irrigation

purpose; and

(2) WHEREAS, On the 5th day of August A. D. 1907

Permit No. 24-2, with a date of priority of May 28, 1907

was issued to said applicant S for the diversion of said water, and recognizing
~~supply system therein described~~ for the completion of construction of the water
~~application to beneficial use of said water~~ and for the
day of 24-24-07

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 7.79 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:

see attached sheet

(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 _____
The Choyenne Valley Ranch Co & Oakley O Lamphere

_____ of _____ Sturgis, South Dakota

the holder S and owner S of said permit No. 24-2 a water right, dating from May 28, 1907

_____ to use of 7.79 cubic feet per second of the waters

of Cascade Creek

in the County of Fall River and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at a point 980 feet north and 500 feet west of the E $\frac{1}{2}$

corner, Section 30, T8S, R5E

and conducted to and upon portions of land Sections 31 and 32, T8S, R5E and Sections 5

4, 8, and 9, T9S, R5E more fully described on the attached sheet,

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 24-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 16th day of March A. D.

Nine teen Hundred and Eighty-one

WATER MANAGEMENT BOARD

By _____

John Hatch JOHN HATCH
Chief Engineer, Executive Officer

24-2, Choyanne Valley Ranch Company

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

Marc Lamphere - All in Section 31, T8S, R5E - SW $\frac{1}{4}$ NE $\frac{1}{4}$ 2 acres, SE $\frac{1}{4}$ NE $\frac{1}{4}$ 7 acres, NW $\frac{1}{4}$ SE $\frac{1}{4}$ 5 acres, NE $\frac{1}{4}$ SE $\frac{1}{4}$ 15 acres, SW $\frac{1}{4}$ SE $\frac{1}{4}$ 1 acre, SE $\frac{1}{4}$ SE $\frac{1}{4}$ 5 acres --35 acres

Charles W Halls - All in Section 32, T8S, R5E - NW $\frac{1}{4}$ SW $\frac{1}{4}$ 27 acres, NE $\frac{1}{4}$ SW $\frac{1}{4}$ 7 acres, SW $\frac{1}{4}$ SW $\frac{1}{4}$ 13 acres --47 acres

L Harold Wyatt - The following in Section 32, T8S, R5E - SE $\frac{1}{4}$ SW $\frac{1}{4}$ 15 acres, The following in Section 5, T9S, R5E NE $\frac{1}{4}$ NW $\frac{1}{4}$ 1 acre, NW $\frac{1}{4}$ NE $\frac{1}{4}$ 27 acres --43 acres

Henry W Peters - The following in Section 5, T9S, R5E - NE $\frac{1}{4}$ NE $\frac{1}{4}$ 10 acres, The following in Section 4, T9S, R5E, SW $\frac{1}{4}$ NW $\frac{1}{4}$ 6 acres --16 acres

Oakley O Lamphere - The following in Section 5, T9S, R5E - SW $\frac{1}{4}$ NE $\frac{1}{4}$ 19 acres, SE $\frac{1}{4}$ NE $\frac{1}{4}$ 57 acres, NW $\frac{1}{4}$ SE $\frac{1}{4}$ 35 acres, NE $\frac{1}{4}$ SE $\frac{1}{4}$ 38 acres, SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres, SE $\frac{1}{4}$ SE $\frac{1}{4}$ 38 acres, SE $\frac{1}{4}$ SW $\frac{1}{4}$ 14 acres, The following in Section 4, T9S, R5E - NW $\frac{1}{4}$ SW $\frac{1}{4}$ 21 acres, SW $\frac{1}{4}$ SW $\frac{1}{4}$ 23 acres, The following in Section 8, T9S, R5E - NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres, NW $\frac{1}{4}$ NE $\frac{1}{4}$ 38 acres, NE $\frac{1}{4}$ NE $\frac{1}{4}$ 32 acres, The following in Section 9, T9S, R5E, NW $\frac{1}{4}$ NW $\frac{1}{4}$ 25 acres, NE $\frac{1}{4}$ NW $\frac{1}{4}$ 4 acres --404 acres

TOTAL OF 545 acres

Permit No. 24-2

Water Diversion No. 2 Upper Cheyenne Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify That the Cheyenne Valley Ranch Co & Oakley O. Lomphers
the holder 5 of
Permit No. 24-2 issued upon Application No. 24-2 hearing date of priority of May 28, 1907
authorizing the diversion of 12.04 cu. ft. per second of the waters of Cascade Creek
County of Fall River, State of South Dakota at a point 980 feet north and 500 feet west of the E1 corner, Section 30,
T8S, R5E
for Irrigation
purposes, have complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit, that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 12.0 cu. ft. per second of water. (estimated)
Date March 10, 1981

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County of Fall River } ss
Alden Scorel being duly
 sworn, deposes and says the annexed printed copy of Notice
 Intention to appropriate Water was taken from the Hot
Springs Star 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 Hot Springs County of
Fall River and State of South Dakota,
 That the said notice was published in said newspaper on the
 following dates:
June 21 & 28. July 5 - 12 - 19th 1907
 in each and every issue of the full number thereof, the first
 publication being made on the 21st day of June
1907 and the last publication on the 19th day of
July 1907, upon which days or times
 of publication aforesaid the newspaper was regularly pub-
 lished, and that during the whole time of said publication
 he was the printer and publisher of
 the said newspaper.

Subscribed and sworn to before me this 22nd day of July A. D. 1907

S. E. Wilson
 Notary Public Fall River County, S. D.

APPROPRIATION OF WATER.

Office of the State Engineer, Pierre, S. D., June 6, 1907.

Notice is hereby given that the Cheyenne Valley Lumber Co. whose postoffice address is Cascade Springs, Fall River County, S. D., has made an application in accordance with the provisions of the irrigation laws of South Dakota for a permit to appropriate for beneficial use 2 1/2-100 cfs of water per second of time from Cascade Creek through the Cheyenne Valley Irrigating Ditch, the point of diversion of which is to be located upon the left bank of said stream in the NE 1/4 of the SE 1/4 of Section 30 township 5 N range 5 E, B. H. M. said water to be used for the purpose of irrigation and domestic use upon SW 1/4 SW 1/4 Sec 24; E 1/4 NE 1/4 Sec 30; NE 1/4 NW 1/4 SW 1/4 SE 1/4 Sec 31; NW 1/4 SW 1/4 SE 1/4 Sec 32 all in Twp 6 S, Range 5 E B. H. M. NE 1/4 NE 1/4 Sec 33; Twp. 8 S, Range 4 E B. H. M. SW 1/4 NW 1/4 SW 1/4 Sec 4; NW 1/4 NE 1/4 NW 1/4 E 1/4 SW 1/4 SE 1/4 Sec 5; NW 1/4 Sec 8; N 1/4 NW 1/4 Sec 9 all in Twp. 9 S Range 5 E B. H. M.

This application will be taken up by the state engineer at his office at Pierre for consideration and appropriate action upon the 5th day of August 1907 at 8 a. m. at which time all persons who believe that the prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare, and also parties making the application and to be heard, are notified to appear either by sworn affidavit or in person for the purpose of presenting any relative testimony.

SAMUEL H. LRA
 State Engineer.

First publication June 6

WATER USES UNDER THE CALGARY DITCH.

18 ins. wide	Headgate No.	C.F. Roe	0.45 second foot
12 " "	" " 3	A.C. Keith	.47 " "
12 " "	" " 4	Henry Friday	1.01 " "
12 " "	" " 5	Claude Tillotson	.04 " "
(?) 10	" " 6	Frank Tillotson	.75 " "
12 "	" " 7	" " "	.10 " "
(?) 10	" " 8	Fred Stutzman	.27 " "
10	" " 9	Charon Valley Ranch Co.	6.3 " "
36	" " 10	Fred Stutzman	.8 " "
12	" " 11		
10		Appleby	.33 " "

21 1/2 —

21 1/2

Fred M. M. Long .43 " "

E. B. Pierce

2.6 " "

L A T E R A L H E A D G A T E S.

CASCADE DITCH.

Headgate No.	Owner	Width	ins.	Depth	1:8.
Headgate No. 1,	Main Headgate				
Headgate No. 2,	C.F. Roe,	3.45 sec. 55.			
Headgate No. 3,	J.G. Keith,	0.47 "	"		
Headgate No. 4,	Henry Friday,	1.01 "	"		
Headgate No. 5,		.04 "	"		
Headgate No. 6,		.75 "	"		
Headgate No. 7,		.10 "	"		
Headgate No. 8,		.27 "	"		
Headgate No. 9,	Choyenne Valley Ranch Company	6.50 "	"		
Headgate No. 10,		.50 "	"		
Headgate No. 11,		.25 "	"		
		<u>12.54</u>			

State of South Dakota

SAMUEL H. LEA, STATE ENGINEER
RALPH VANDERDOOK, ASSISTANT

OFFICE OF STATE ENGINEER
PIERRE

Visited Cascade Ditch Thursday July 14, 1910. Accompanied by J.A. Stanley and H. Mahler.

1. Headgate of C.E. Roe raised 5 inches above bottom. Under 13 in. head = 2.45 sec. ft. Bolt. Headgate set at this height and locked in place.

2. Headgate of J.G. Keith raised 3 inches above bottom. Under 17 in. head = 0.47 sec. ft. Chain. 36.2 *Actual*

3. Headgate of Henry Friday. Actual width - 10 in. Raised $5\frac{3}{8}$ inches above bottom. Under 5 in. head = 1.01 sec. ft. Chain.

4. Headgate of Ira Tillotson. Actual width $10\frac{1}{2}$ inches. Raised 4 inches above bottom. Under 10 in. head. Chain.

5. Fred Stuthman. Upper gate to be large enough opening for both tracts. 0.69 sec. ft. Actual width, 6 to 8 inches. Raised 7 inches. Bolt.

6. Fred Stuthman. Lower gate. Water flowing with opening 1" net x $9\frac{1}{2}$ " actual width - $9\frac{1}{2}$ " at bottom. Raised 6 inches, to allow one opening to be used at a time for all the water, the other opening to be closed. Bolt.

7. Cheyenne Valley Ranch Co., upper gate. 37 inches actual width. Raised $8\frac{3}{4}$ inches above bottom. Net head 7 inches. This will allow full flow of all 3 headgates - $6.3 + 0.3 + 0.25 = 7.46$ sec. ft. Bolt.

8. Cheyenne Valley Ranch Co., middle gate. 8 inches net width. Raise to $6\frac{3}{8}$ inches to allow $0.90 + 0.25 = 1.15$ sec. ft. Net head about 4 inches. Bolt.

9. Cheyenne Valley Ranch Co., lower headgate. 8 inches net width. Raise $6\frac{3}{8}$ inches. Raise $6\frac{3}{8}$ inches to allow $.9 + .25 = 1.15$ sec. ft.

L A T E R A L H E A D G A T E S .

CASCADE DITCH.

Headgate No. 1, Main Headgate			Width Ins.	Depth Ins.
Headgate No. 2, C.E. Roe	2.45 sec.ft.		18	7 $\frac{1}{2}$
Headgate No. 3, J.G. Keith	0.47 " "		12	3 $\frac{1}{2}$
Headgate No. 4, Henry Friday	1.01 " "		12	5-3/8
Headgate No. 5,	.04 " "			
Headgate No. 6,	.75 " "	12		4 $\frac{1}{2}$
Headgate No. 7,	.10 " "			
Headgate No. 8,	.27 " "			
Headgate No. 9, Cheyenne Valley Ranch Company	6.30 " "	36		8 $\frac{3}{4}$
Headgate No.10,	.90 " "	12		5
Headgate No.11,	.25 " "	10		2-3/8
Headgate No.12, Fred Noerenberg	.45 " "	12		3
Headgate No.13, E.S. Pierce	2.60 " "	21 $\frac{1}{2}$		7 $\frac{1}{2}$

May 30, 1974

Water Permits 23-2 and 24-2 of
Cheyenne Valley Ranch

The total acreage irrigated under Water Permits 23-2 and 24-2 is 610 acres. The acreage is divided among four landowners in the following proportions:

1. Edna Florence Estate - 40 acres
2. Charles Hall - 40 acres
3. Wyattte Estate - 40 acres
4. Henry Peters - 450 acres

Total 610 acres

The total length of the ditch is approximately 3 miles in length. The water is diverted from Cascade Creek by a small dam as specified in Water Permit 23-2. A concrete gate has been installed recently to replace the wood headgate.

Presently, Mr. Henry "Buck" Peters acts as manager of the ditch.

Thomas A. Gardner

Thomas A. Gardner
Water Resources Engineer

Water Permits 23-2 and 24-2 of
Cheyenne Valley Ranch

These Permits were issued in 1907 for the diversion of up to 13½ c.f.s. of water from Cascade Creek to irrigate up to 928 acres of land. No licenses have ever been issued for these Permits.

Mr. Thomas Gardner, Engineer with the Water Rights Commission, inspected the area described in these Permits on May 7, 1974. He talked to Mr. Buck Peters who acts as manager for the ditch.

The two permits apparently have always involved the same diversion point and ditch. The water is used by three or four different people. The amount of water used depends to a considerable extent on the amount of water available in the creek. The irrigation ditch is about 2 miles long and is located between 1 and 3 miles south of Cascade Springs.

There seem to be no problems and the irrigators have made no complaints. There is evidence that the ditch has a long history of being used as an irrigation ditch.

Under such circumstances, until an inspection is made and a license issued, or until a "vested right claim" is filed, the described irrigation will be considered as a "vested water right" having a priority date of May, 1907.

Donald Driscoll

Donald Driscoll
Chief Engineer
Water Rights Commission

24-2 Cheyenne Valley Ranch Co.

Water has been put to beneficial use to the maximum extent as follows: - Marc Lamphere. All in sec. 31, T 8 S R 5 E
SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 2 Ac., SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 7 Ac. NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 5 Ac.
NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 15 Ac., SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 1 Ac. SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 5 Ac.

Charles W Halls, All in sec. 32. T 8 S R 5 E
NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 27 Ac. NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 7 Ac. SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 13 Ac.

L. Harold Wyatt. The following in sec. 32, T 8 S R 5 E
SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 15 Ac. The following in sec. 5, T 9 S R 5 E
NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 1 Ac., NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 27 Ac.,

Henry W. Peters. The following in sec. 5, T 9 S R 5 E
NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 10 Ac., The following in sec. 4, T 9 S R 5 E
SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 6 Ac.

Oakley O. Lamphere. The following in sec. 5, T 9 S R 5 E.
SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 19 Ac., SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 37 Ac., NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 35 Ac.
NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 38 Ac., SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 40 Ac., SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 38 Ac.
SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 14 Ac. The following in sec. 1, T 9 S R 5 E
NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 21 Ac., SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 23 Ac.,
The following in sec. 6, T 9 S R 5 E. NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 40 Ac.
NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 38 Ac., NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 32 Ac.
The following in sec. 9, T 9 S R 5 E, NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 25 Ac.
NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 4 Ac.

Permit No.

2H-1

Water Division

2 Upper Cheyenne 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 Cheyenne Valley
Ranch Co. of Sturgis, ^{To Oakley D. Hampshire} S.D.K. 57747 holder
 of Permit No. 2H-1, bearing date of priority of May 28, 1907
 authorizing the diversion of 12.54 cu. ft. per second of the waters of Cascade Creek
 for Irrigation purposes, in Fall River 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:

Headgate on Cascade Creek.

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

Irrigation Supply Ditch

C. Works used to apply water to beneficial use.

Headgates for Turnouts. Gated Pipe, Irrigation
Ditches using canvas dams for Flood IrrigationThe system is in the following condition: GoodThe point of diversion is located 980 ft N and 500 ft W of the E 1/4 Cor.
of sec. 30, T 8 S R 5 EThe works are capable of diverting and conveying to the place of use Est 12.0cu. 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:

See attached sheetcomprising a total of 545 acres of land.545 x 7 = 7.79 cfs.

Date

July 8, 1980
LeRoy J. Mernaugh
 (Signature)

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8026

PIERRE, March 1, 1981

RECEIVED OF Oakley Lamphere, Box 476, Sturgis, SD 57785

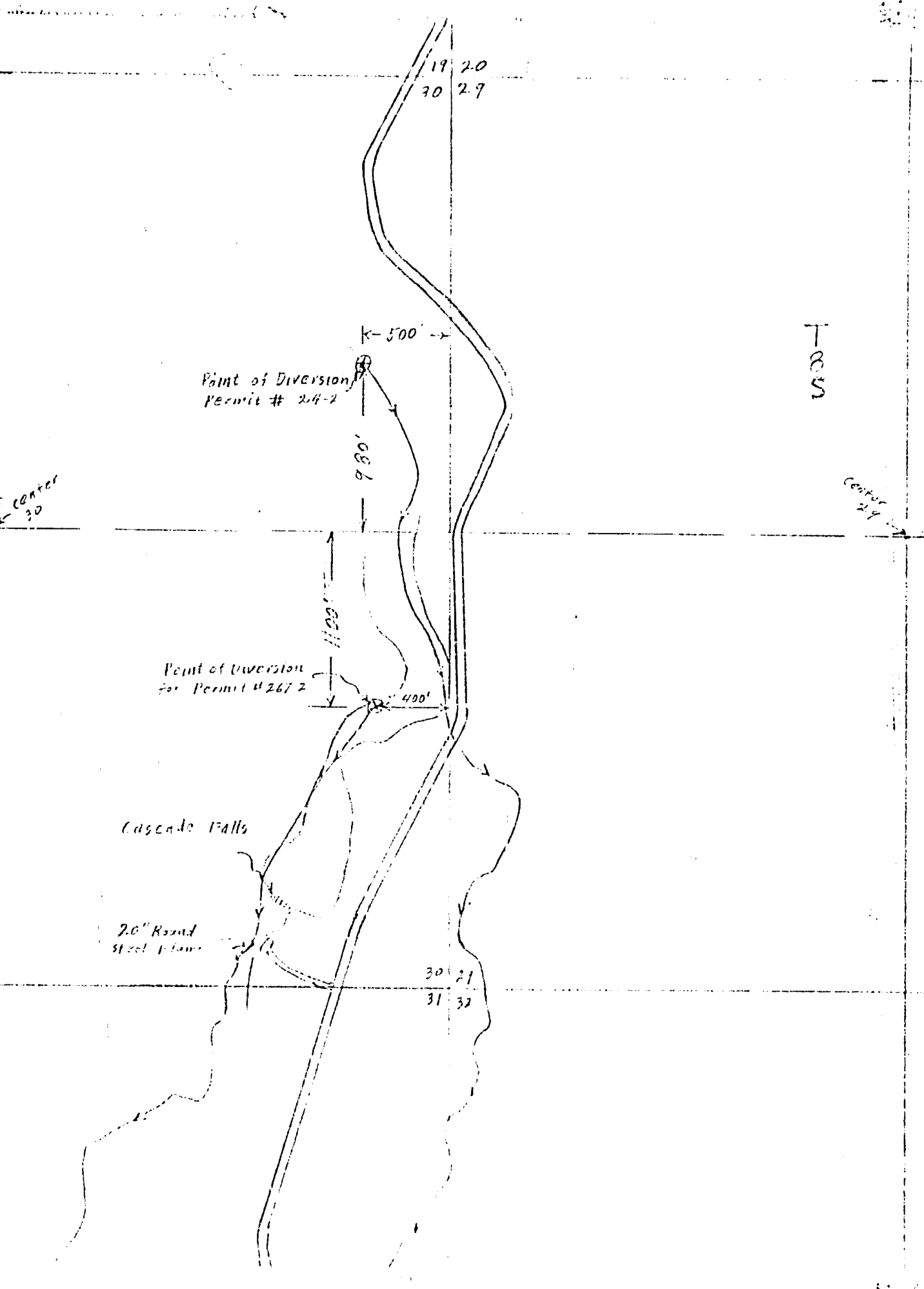
the following amount in fees for services rendered as provided for by law:

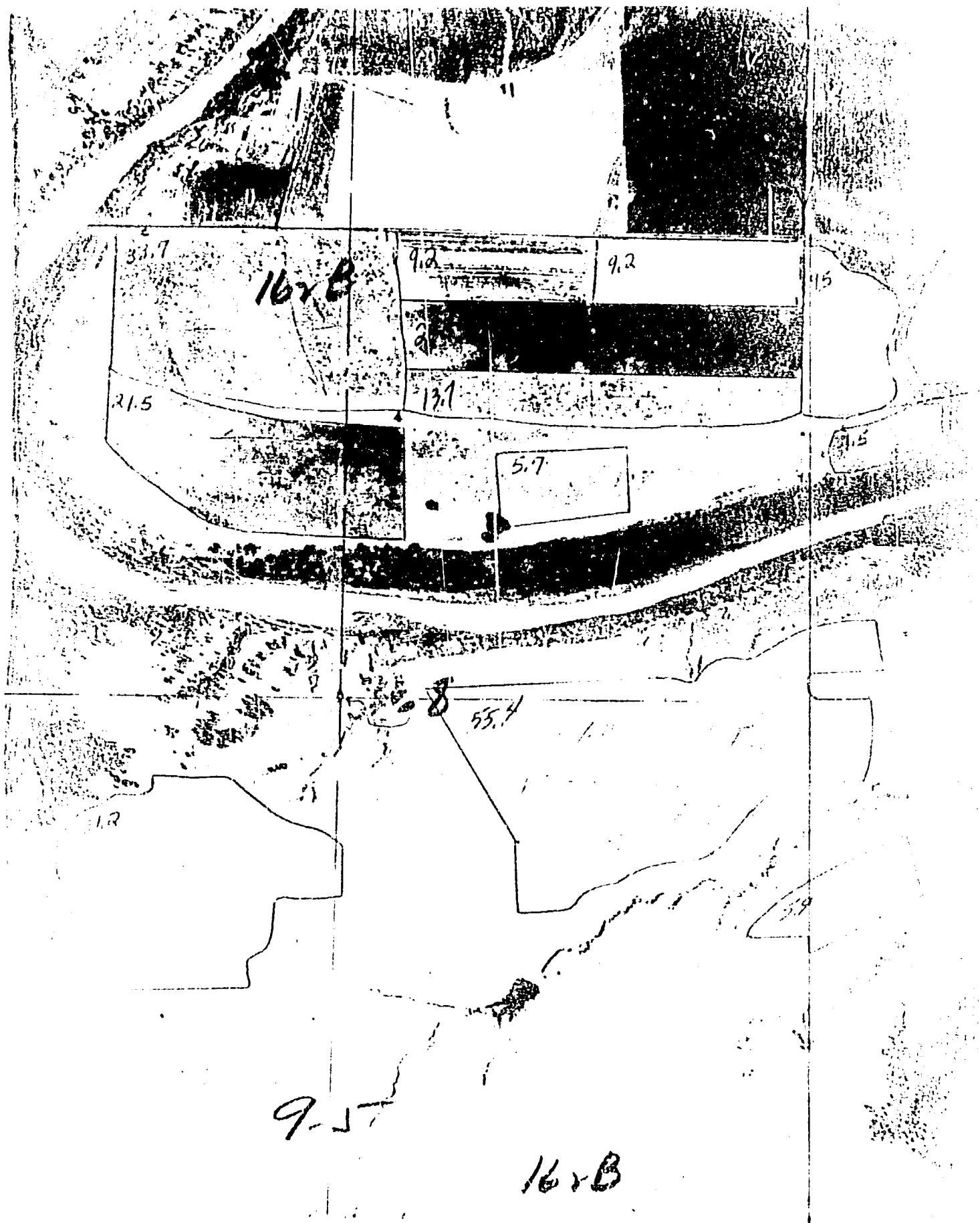
Fee for Application for Permit to appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No. 24-2	12	00
Fee for inspecting Beneficial Use, and issuing Water License No. 24-2		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	12	00

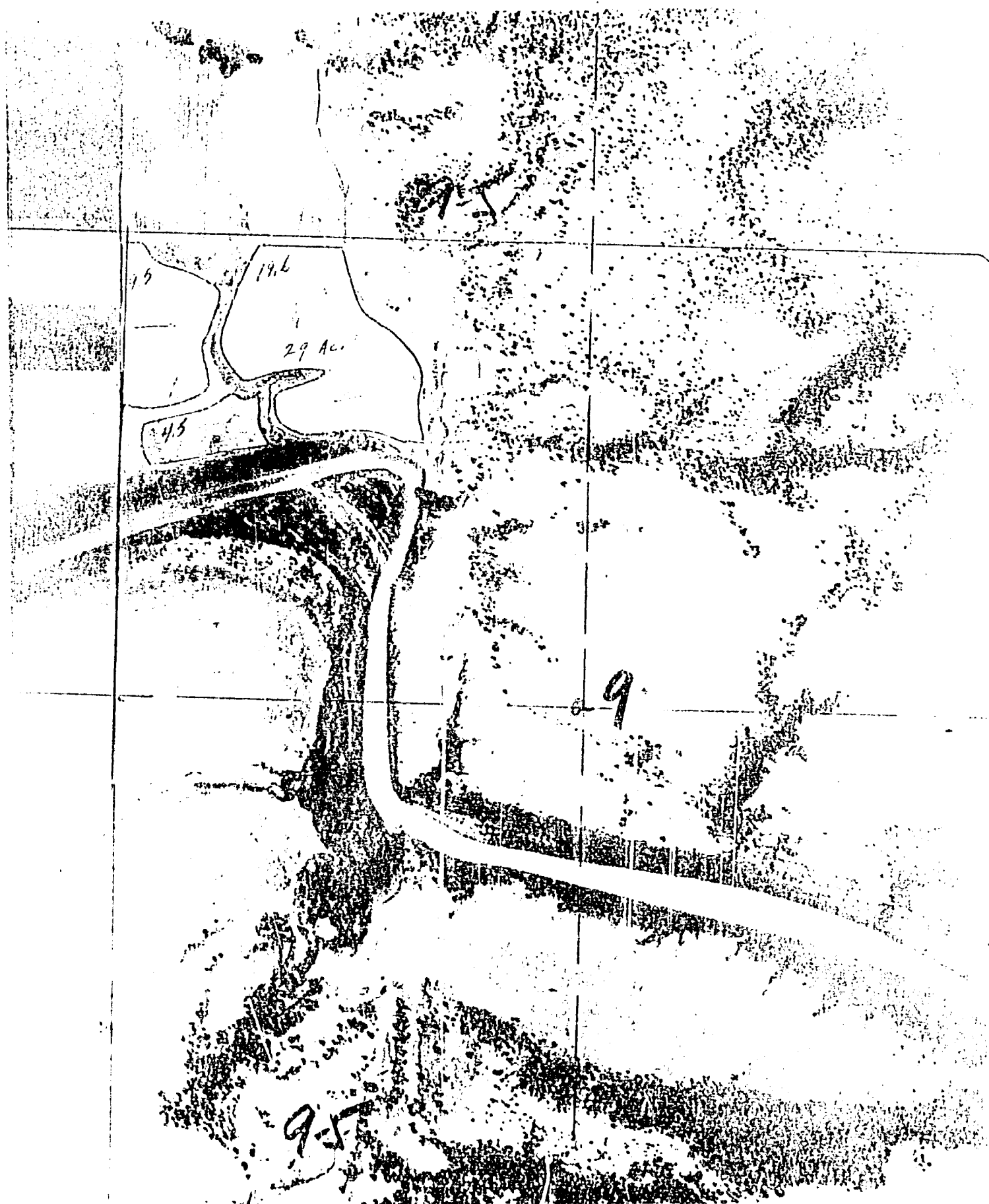
WATER RIGHTS COMMISSION

By *(Signature)*
Chief Engineer, Executive Officer
JOHN HATCHER

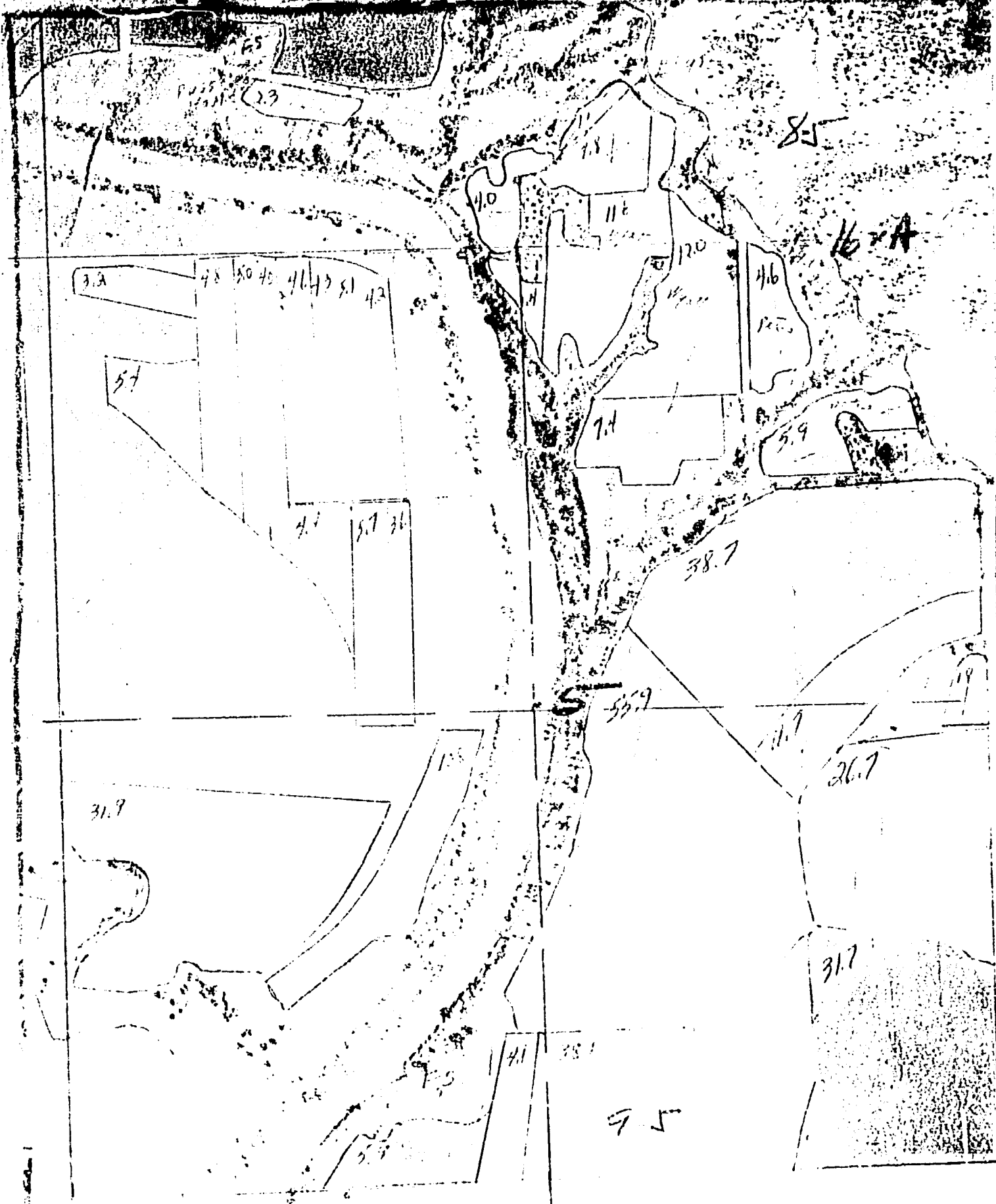
OVERSINE
DOCUMENT
APPEARS
SEPARATE
ROT

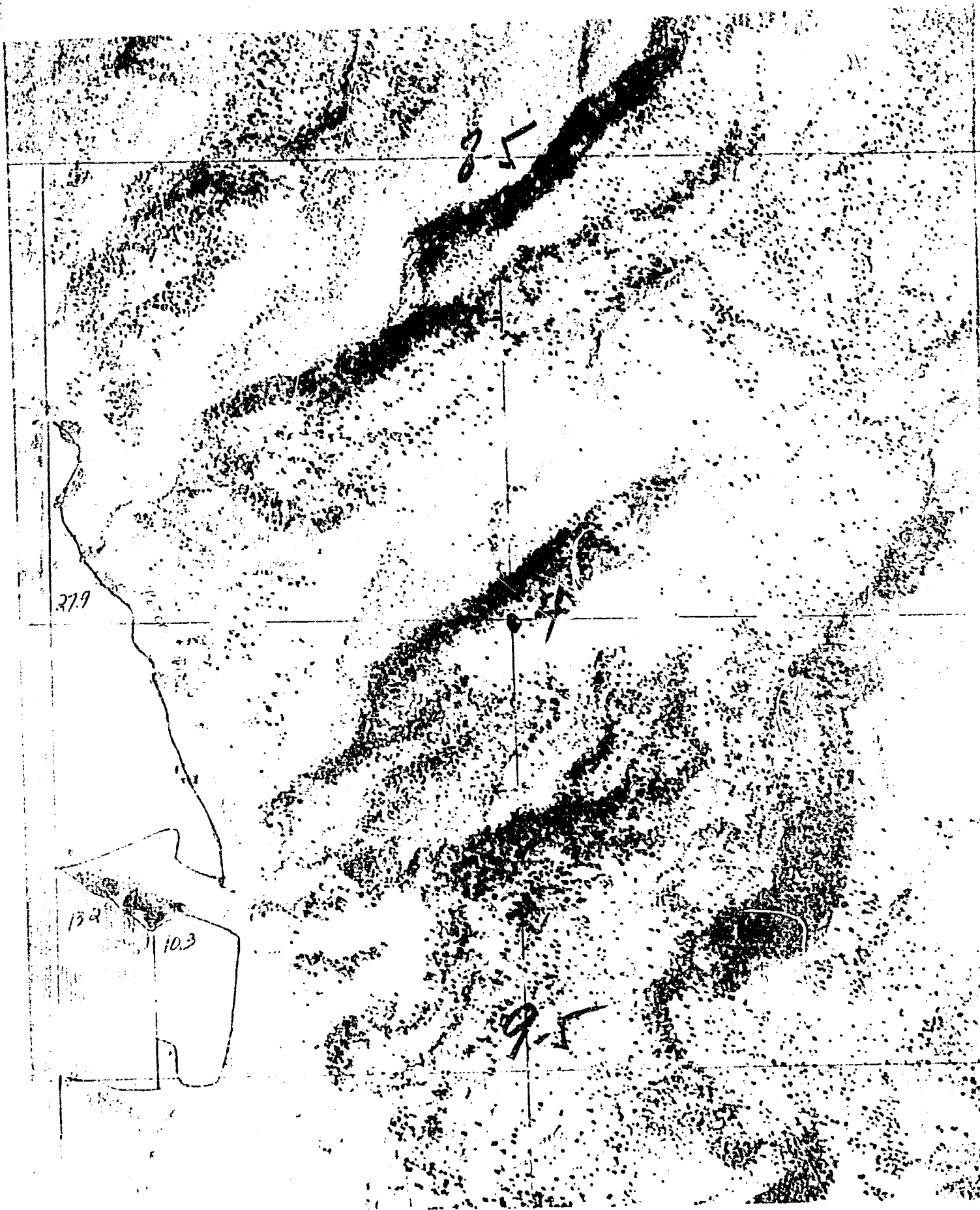






NCT TO SCALE





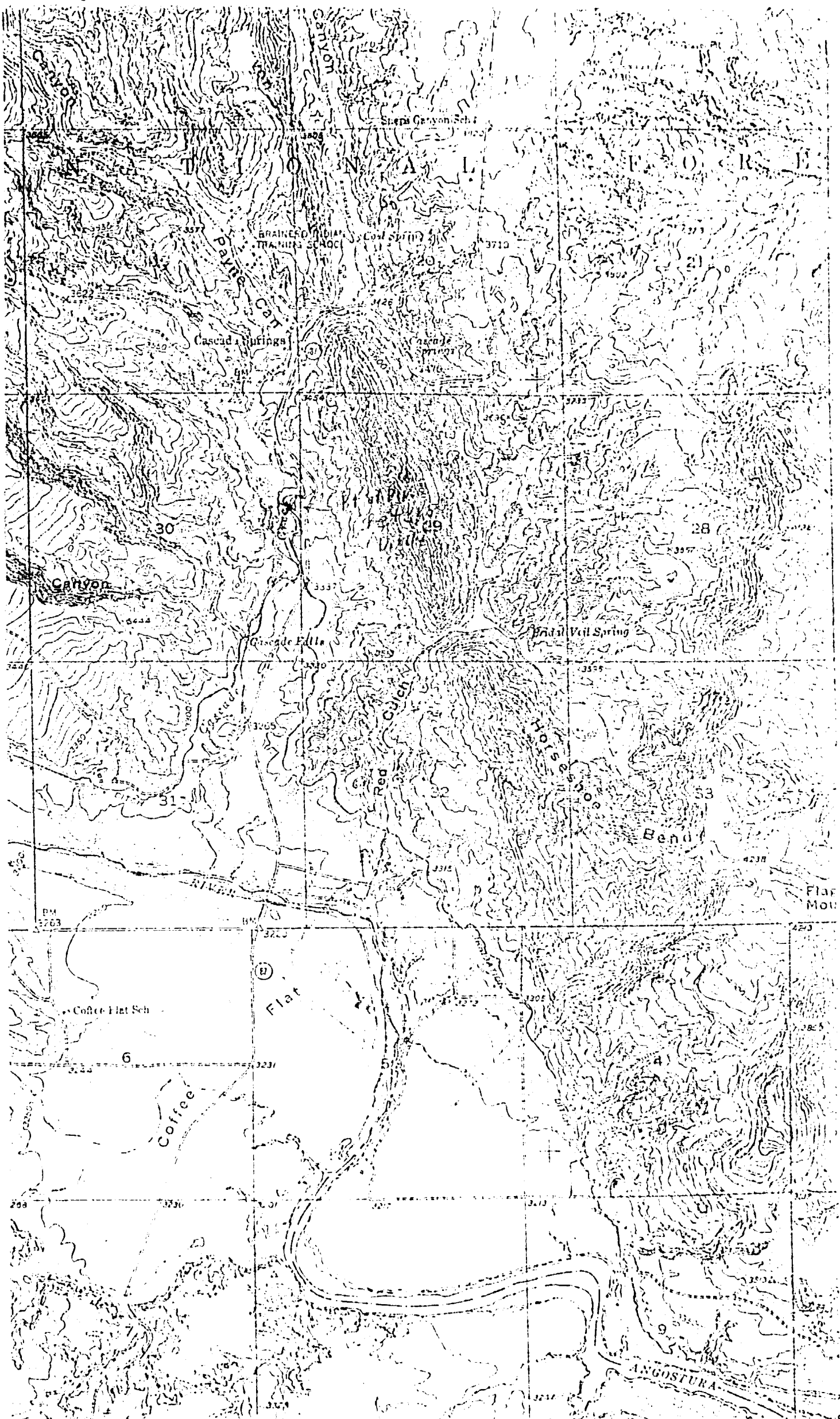
8.5

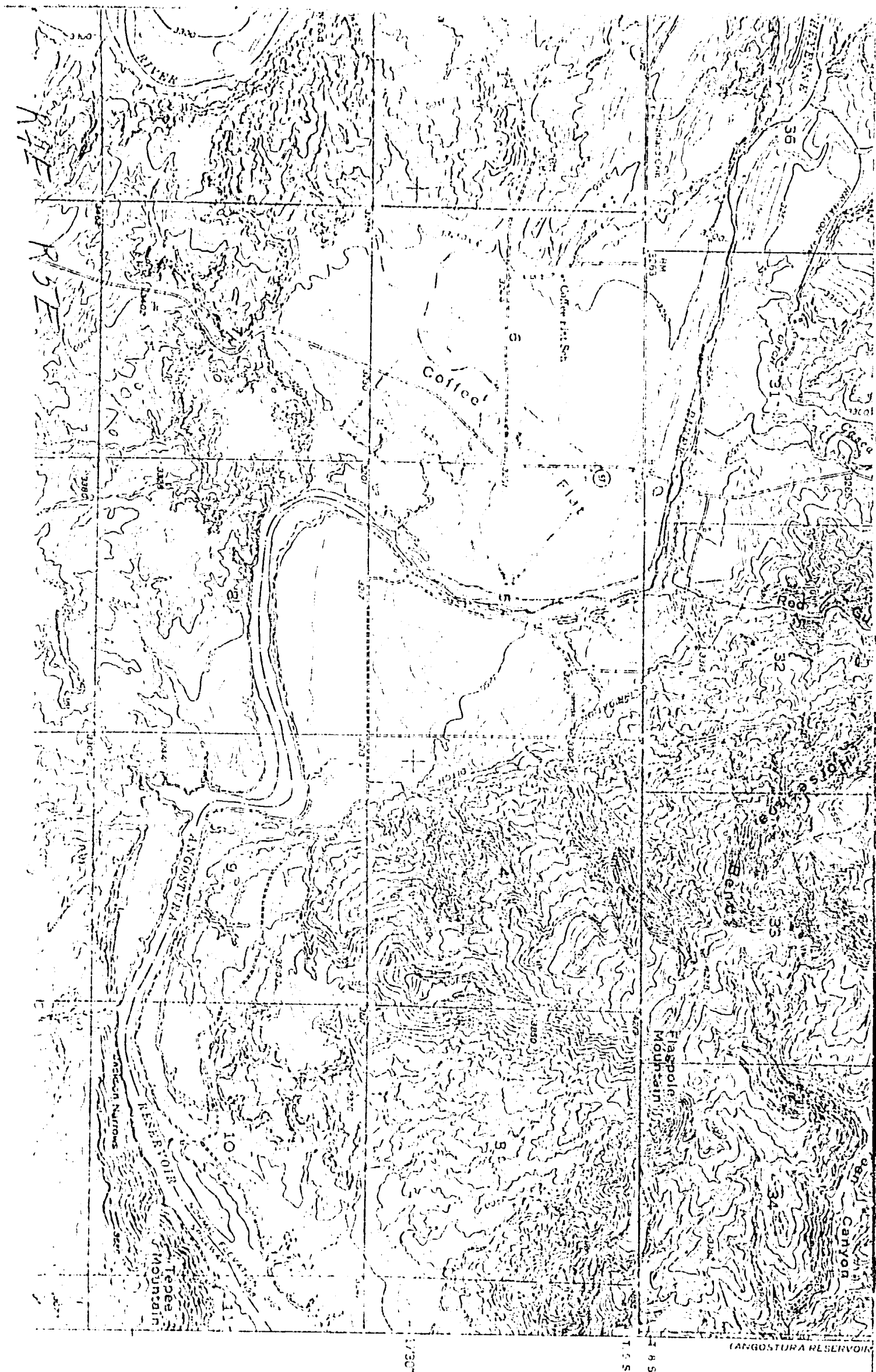
27.9

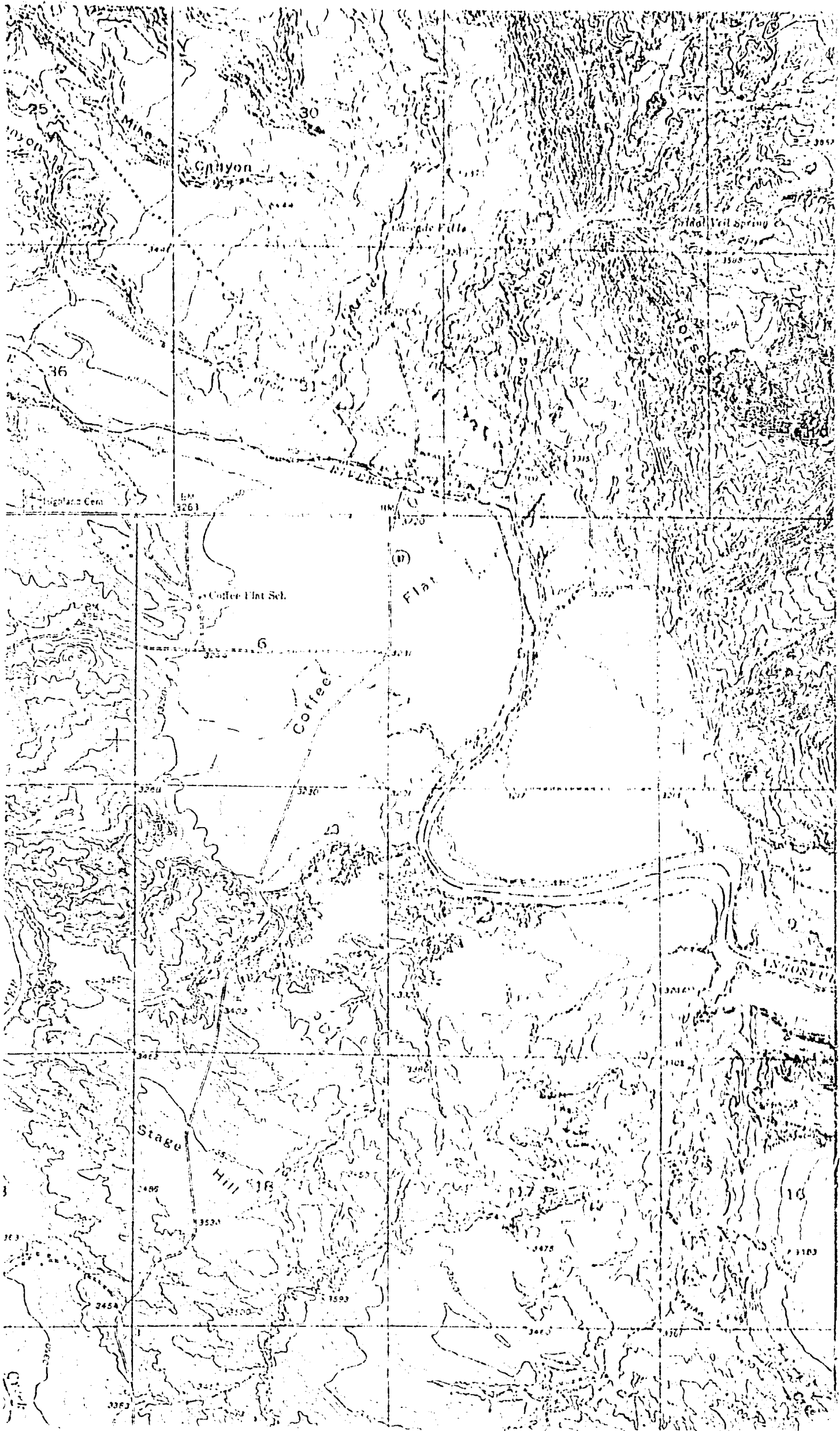
13.2

10.3

9.5







24-2

 **Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

January 15, 1988

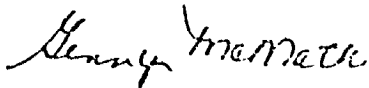
Jim Hollenbeck
Farm Credit Services
PO Box 3130
Rapid City, SD 57709

Dear Mr. Hollenbeck:

Enclosed is a copy of Water Right No. 24-2 held by the Cheyenne Valley Ranch Company. This water right appears to cover most of the area of land you inquired about. Also enclosed is a copy of the map.

If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst

enclosure



Department of Water & Natural Resources

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

May 25, 1988

24-2

Kent Rasmussen
Equitable Life Insurance Co.
PO Box 866
Rapid City, SD 57709

Dear Mr. Rasmussen:

Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Right No. 24-2. The Water Right is currently listed in the name of Cheyenne Valley Ranch Company, % Oakley Lamphere.

The transfer form should be signed by the new owner in the presence of a notary. Upon completion, the form should be returned to our office with a required filing fee of \$2.50. The water right will then be transferred to the proper name.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

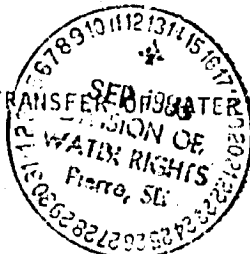
If you have any questions, please contact us.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure

NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: September 6, 1988

This is to notify you that the title to the lands described as follows:
545 acres - S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 31, SW $\frac{1}{4}$ Section 32, T8S, R5E; NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$, and
SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5, T9S, R5E; SW $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 4, T9S, R5E; NE $\frac{1}{4}$ NW $\frac{1}{4}$ and
N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 8, N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 9, T9S, R5E
formerly owned by Cheyenne Valley Ranch Co

Dale W. or Marion L. Pucket
has been transferred to Route 3, Box 61, Olysses, Grant Co., Kansas 67880
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 24-2 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.

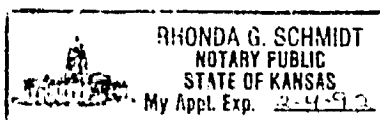
A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
) ss.
County of Fall River)

I, Dale W. Pucket & Marion L. Pucket being first duly sworn on my oath despose 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.

Dale W. Pucket
(Signed)
Marion L. Pucket

Subscribed and sworn to before me this 6th Day of September, 1988.



Rhonda G. Schmidt
(Notary Public)

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

411405

Pierre, September 13, 1928

RECEIVED OF Dale W. or Marion L. Puckat, Rt 2, Box 41, Wlysses, Kansas 67880
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. 24-2	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for: _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH (S)

SOUTH Dakota Department of
Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

Phone (605) 773-3352

September 15, 1982

Dale W. or Marion L. Pucket
Route 3, Box 61
Ulysses, Kansas 67880

Dear Mr. & Mrs. Pucket:

Enclosed is receipt No. 411405 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 24-2.

Our records now show you as the owner of this Water Right.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

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

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

March 23, 1990

NOTICE

24-2

TO: Dale/Marion Pucket
RR 3 BOX 61
ULYSSES, KS 67880

FROM: *for Delvin W. Brosz*
JOHN HATCH, CHIEF ENGINEER
Water Rights Division
(605)773-3352

SUBJECT: Low Water Levels in Angostura Reservoir

The water level in Angostura Reservoir on March 6, 1990 was at 3171.1 feet above mean sea level (msl). This is approximately 16 feet below the full elevation of 3187.2 msl. The present estimates are that the Angostura Irrigation District will be able to deliver less than 50% of full service water to project lands during the 1990 irrigation season. We are contacting you to advise you of the actions we have taken due to the low water situation in Angostura Reservoir. Junior Water Right owners above Angostura have been ordered not to use water until Angostura fills.

Since your Water Right No. 24-2 has a priority date that is senior to the April 11, 1941 priority for Angostura Irrigation Water Right No. 579-2, your permit is not directly affected by the Junior Priority Order. However, I am requesting that all Senior Water Right holders comply with any qualifications and limitations as stated on their water right. With the existing low runoff conditions, we expect to monitor all water rights above Angostura Reservoir.

I want to thank all Water Right Holders above Angostura for the cooperation that we have received up to this time. If you have any questions, please contact Del Brosz (605 773-3352).



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

September 30, 1991

24-2

267-2

William Rogers
% Southern Investments
7820 S Holiday Drive, Suite 370
Sarasota, FL 34321

Dear Mr. Rogers:

Enclosed, as we discussed are two "Notice of Transfer" forms for use in filing an ownership change on Water Right No. 24-2 and Vested Water Right No. 267-2.

The transfer forms should be completed and then signed in the presence of a notary public. Upon completion, return the forms to us with a required filing fee of \$2.50 each (total of \$5.00).

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.

I have included another copy of 24-2 since the first copy sent to you was very light. If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

No. 24-2

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: October 28, 1991

I, We request that Water ~~Permit~~/Right No. 24-2

formerly owned by: Cheyenne Valley Ranch Co. c/o Oakley O. Lamphere, Sturgis, SD

be transferred to: (name & address) G.W. Properties, Inc., 523 Mt. Rushmore Rd.,

Custer, SD. 57730 (telephone No.) 605-673-3740

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

a point 980 feet north and 500 feet west of the E1/4 corner, section 30, T8S, R5E
and conducted to and upon portions of land Sections 31 and 32, T8S, R5E and Sections 5,
4, 8, and 9, T9S, R5E

I/We understand that the validity of Water ~~Permit~~/Right No. 24-2 has not been deter-
mined by this transfer action. If I/We have any questions on validity, I/We understand
that only the Water Management Board has the authority to determine if a water permit/
right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Custer)

I/We James B. LeSuer 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 that I know of my own personal knowledge that the information
herein stated is true.

James B. LeSuer
(Signed)

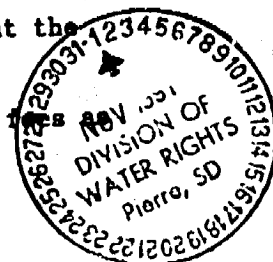
Great Western Prop. Inc

Subscribed and sworn to before me this 30 day of October, 1991.

William Fisker
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year
construction period. Once a water permit is developed and the water used, the
permit becomes a water 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

Division of Water Rights
South Dakota Department of Water and Natural Resources

412893

Pierre, _____ November 1, 19 91

RECEIVED OF G W Properties, Inc., PO Box 5050, Custer, SD 57730

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 <u>Water Right No. 24-2</u>		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)		
Total	2	50

By John Hatch
Chief Engineer

Conversation or File Documentation

NAME OF PERSON OR FILE: Cheyenne Valley Ranch CoADDRESS: _____ COUNTY Fall RiverDATE: 4-1-92 TELEPHONE 813-925-9755 & 745-3738RE: Transfer of irrigated lands

COMMENTS:

Telephone conversations:Bill Rodgers, G.W. Properties, Inc., 813-925-9755Mr. Rodgers stated that they purchased the property formerly owned by Oakley Lamphere that was irrigated with water from the ditch.Charles Halls, Hot Springs, SD, 745-3738Mr. Halls irrigates land with water from the ditch. He stated that the Water Right should remain in the name of Dale and Marion Puckett.

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.

WATER RIGHTS DIVISION - DENR

File Documentation

NAME OF PERSON: Daniel Pucket
TELEPHONE: 605 745-4660 COUNTY: Fall River
DATE: November 5, 1993
RE: Unauthorized Diversion of Water

Daniel Pucket called concerning diversion of water for livestock through an irrigation ditch covered by Water Right No. 24-2, Dale W or Marion L Pucket. Mr. Pucket is the son of Dale and Marion Pucket. According to Mr. Pucket, Bill Kellar, owner of the property where the ditch headgate is located, opened the headgate to water cattle from the ditch. The property owned by Mr. Kellar is not irrigated from the ditch; however, the ditch passes through pasture owned by Mr. Kellar. Mr. Pucket indicated he was concerned about the possibility of freeze damage and not being able to perform needed maintenance with the ditch running water during the winter. The headgate was closed by Mr. Pucket and then reopened unknown to Mr. Pucket. A second attempt to close the headgate resulted in a confrontation between the sheriff's department and Mr. Pucket. Mr. Pucket was instructed to leave the property. Mr. Pucket indicated he had been the person in the past responsible for operating the headgate. Several persons irrigate acreage from the ditch. Mr. Pucket wanted to know if Mr. Kellar had the right to operate the headgate without permission. I informed Mr. Pucket that generally the responsibility for operating works covered by a water right are the responsibility of the holder of the water right unless the affected parties have an agreement indicating otherwise. As far as access to the headgate located on property owned by someone else, I indicated that a prescriptive easement may exist if certain conditions exist (works in existence for more than 20 years, activity has been done in the open, and no agreements limiting access). A prescriptive easement must be granted by the court.

I contacted Bill Kellar, Box 239, Hot Springs SD 57747, 605 745-6655 Rm 144 (Dakota Motel) concerning operation of the headgate. Mr. Kellar indicated that watering livestock was a domestic use of water and he was watering 85 head of registered angus. I informed Mr. Kellar that livestock watering is a domestic use (up to 18 gpm on an average daily basis); however, this does not authorize use of works covered by another individual's water right. I informed Mr. Kellar about the possibility of a prescriptive easement existing. Mr. Kellar indicated that the holders of the water right could enter and turn off the ditch but not their son, Daniel. If Daniel Pucket entered, Mr. Kellar indicated he would have Mr. Pucket arrested for trespassing. Mr. Kellar also indicated that he is in the process of having a well drilled to water the livestock and will not need to rely on the ditch.

I informed Mr. Pucket of my conversation with Mr. Kellar and indicated to Mr. Pucket that the permit for Water Right No. 24-2 authorizes diversion of water from April to December for domestic use (license should have included domestic use). Therefore, if Mr. Pucket and Mr. Kellar could reach agreement, the ditch could be used to water the livestock until December.



Ron Duvall, Natural Resources Engineer

24-2

7-27-04

Dear Sirs

Enclosed is the map sent me with
 The fields indicated by Water Permit
 #24-2 in Fall River County S.D.

I need to GET THIS Permit Transferred
 To my name AS Dad Has transferred the Permit
 To my wife & I. IT is currently in His
 Name Dale & Marion Puckett. Thanks

Daniel P. Puckett

Phone 605-745-4660

Address

HCR 52 Box 164-A

Hot Springs, S.D.

57747
 9/21/2004

RECEIVED
 SEP 20 2004
 WATER RIGHTS
 PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 19, 2004

24-2

Daniel P Pucket
HCR 52 Box 164A
Hot Springs SD 57747

Dear Mr. Pucket:

Thank you for contacting us in regard to the change of ownership for Water Right No. 24-2. The water right is currently listed in the name of Dale W or Marion L Pucket.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and complete as needed. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If 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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 24-2

Date: 11-1-04

I/We request that Water Right No. 24-2

formerly owned by: Dale W or Marion L Pucket

be transferred to: (name & address) DANIEL P OR AMY L. PUCKET
HCR 52 BOX 164-A
HOT SPRINGS, S.D. 57747 Telephone No. 605 745-4660

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

545 acres located in portions of Section 31 & 32, T8S, R5E; portions of Sections 4, 5, 8 & 9, T9S,
R5E more fully described in Water Right No. 24-2

I/We understand that the validity of Water Right No. 24-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Daniel P. Pucket, the new owner, certify that the above information is true and correct.
Amy Pucket

Daniel P. Pucket
(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.

RECEIVED
NOV 04 2004
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 4, 20 04

RECEIVED OF Daniel Fucket, FCR 52 Box 164-A, Hot Springs SD 57747

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		
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>24-2</u>	2	50
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	2.50

No.

001452

By

Darlene E. White
Chief Engineer
gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 4, 2004

24-2

Daniel P or Amy L Pucket
HCR 52 Box 164A
Hot Springs SD 57747

Dear Mr. & Mrs. Pucket:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 24-2. The transfer has been completed. The water right formerly held by Dale W or Marion L Pucket is now listed in your names.

Enclosed is your Receipt No. 001452 in the amount of \$2.50. You may keep this for your records.

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 22-2Date: 9-11-01I We request that Water Right No. 22-4formerly owned by: Charles & Gladys Halls Hot Springsbe transferred to: (name & address) Institute of Range and American Mustang
P.O. Box 998, Hot Springs S.D. Telephone No 605-745-5955

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

I We understand that the validity of Water Right No. 22-4 has not been determined by this transfer action. If I We have any questions on validity, I We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13. The form must be signed by the new owner.

STATE OF SOUTH DAKOTA)

County of FALL RIVER)

I We Dayton O. Hyde President of the Institute of the Range & American Mustang 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 that I know of my own personal knowledge that the information herein stated is true.

Dayton O. Hyde President
(Signature of new owner)



I am sworn to before me this 11th day of September 2001.

Shelley R. Calhoun
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. 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



24-2, Choyona Valley Ranch Company

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

Marc Lamphere - All in Section 31, T9S, R9E - SW1 NE1 2 acres, SE1 NE1 7 acres, NW1 SW1 5 acres, NE1 NW1 15 acres, SW1 SW1 1 acre, SE1 SW1 5 acres --35 acres.

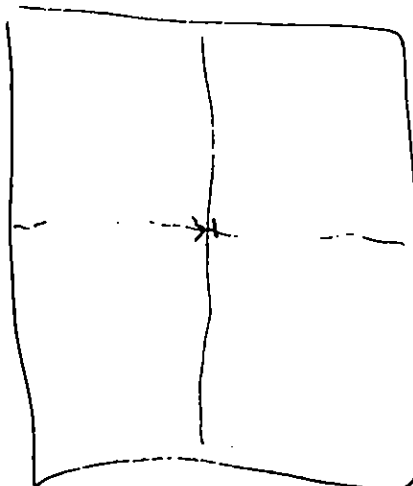
Charles W. Harris - All in Section 32, T9S, R9E - NW1 SW1 27 acres, NE1 SW1 7 acres, SW1 SW1 15 acres --49 acres.

Harold Wyatt - The following in Section 3, T9S, R9E - SW1 NW1 15 acres, The following in Section 5, T9S, R9E - NW1 NW1 1 acre, NW1 NE1 27 acres --43 acres.

Henry W. Peters - The following in Section 1, T9S, R9E - NW1 NE1 10 acres, The following in Section 4, T9S, R9E - SW1 NW1 5 acres --15 acres.

Osley O. Lamphere - The following in Section 1, T9S, R9E - SW1 NE1 19 acres, SW1 NE1 37 acres, NW1 NW1 39 acres, NE1 SW1 39 acres, SW1 NW1 40 acres, NW1 SW1 39 acres, SE1 SW1 14 acres, The following in Section 4, T9S, R9E - NW1 SW1 21 acres, SW1 SW1 23 acres, The following in Section 8, T9S, R9E - NE1 NW1 40 acres, NW1 NW1 44 acres, NE1 NE1 37 acres, The following in Section 1, T9S, R9E - NW1 NW1 25 acres, NE1 NW1 4 acres --104 acres.

TOTAL OF 345 acres



STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHORITY
THIS IS TO CERTIFY THAT THE MICROPHOTGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILATION LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A PERMANENT AND AN MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROFILM REPRODUCTION. REEL NO. 35-1 ROLL NO. 12
3-16-82
DATE REPRODUCED
Alvin O. Parker
CHIEF, RECORDS MANAGEMENT

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED
MAR 13 2002
WATER RIGHTS
PROGRAM

No. _____

Date: MARCH 3, 2002

I/We request that Water Permit/Right No. 24-2

formerly owned by: MARG N. Lamphere Hot Springs, S.D. 57747

be transferred to: (name & address) John C. Frost P.O. Box 676

Hot Springs, S.D. 57747 Telephone No. 605-745-3546

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

Township 8 South, Range 5 East, Sec 31, B.H.M. Fall River County, South Dakota

I/We understand that the validity of Water Permit/Right No. 24-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Fall River)

I/We John C. Frost 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 that I know of my own personal knowledge that the information herein stated is true.

John C. Frost
(Signature of new owner)

Subscribed and sworn to before me this 11 day of March, 2002

RICHARD L. DRYDEN, Notary Public
My Commission Expires April 6, 2006

Richard L. Dryden
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. 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.

WARRANTY DEED

Kuhrt Wieneke, Jr., a married person, Grantor, of 206 Oblong Rd., Williams Town, MA 01247, for and in consideration of One Dollar and other good and valuable consideration, GRANTS, CONVEYS, and WARRANTS, to John C. Frost and Jealeen R. Frost, husband and wife, as joint tenants with the right of survivorship and not as tenants in common, Grantees, of 305 S. 4th Street, Hot Springs, South Dakota 57747, the following described real estate in the County of Fall River in the State of South Dakota:

Township 8 South, Range 5 East, B.H.M., Fall River County, South Dakota:

Sec. 31: NE¼, NE¼SW¼, NW¼SE¼, SE¼SE¼, LESS TRACT GARRELS, located in the E¼, according to the Plat thereof recorded in Book 16 Plats, page 46; LESS TRACT FROST, located in the NE¼, according to the Plat thereof recorded in Book 16 of Plats, page 63; and LESS that part of the SE¼SE¼ sold to the United States of America as shown by Plat recorded in Book 8 of Plats, page 59, all in the office of the Register of Deeds, Fall River County, South Dakota, LESS highway right-of-way.

Grantor certifies that neither he nor any member of his family ever held or claimed to have held the above-described property as a homestead.

TRANSFER FEE: \$35.00.

Dated this 7th day of June, 1995.


Kuhrt Wieneke, Jr. by Philip
Grande, Power of Attorney

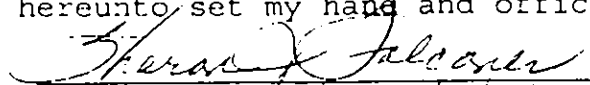
State of FLORIDA)
County of SARASOTA) ss.

On this the 7th day of June, 1995, before me, the undersigned officer, personally appeared Kuhrt Wieneke, Jr. by Philip Grande, Power of Attorney, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

(SEAL)




Notary Public SHARON J. FALCONER

PREPARED BY:

My Commission Expires:

Lynn Jackson, Stark & Lohman, P.C.
Law Office
P.O. BOX 6220
RAPID CITY, S. DAK. 57709
605-342-2802

MISCELLANEOUS RECORD No. 5, FALL RIVER COUNTY, SOUTH DAKOTA

STATE OF SOUTH DAKOTA : STATE OF SOUTH DAKOTA, COUNTY OF FALL RIVER, SS: Filed for record
20th day of May, 1915 at 3 P. M. and recorded in Book 5 disc. 560.
TO
CHEYENNE VALLEY
RANCH COMPANY. : By Martha M. Marsh Deputy. J. A. Hall,
Register of Deeds.

No. 24.

Water Division No. 2, Fall River Water District.

APPLICATION FOR A PERMIT.
To appropriate water within the State of South Dakota.

1. Name of Applicant, Cheyenne Valley Ranch Co.
- Postoffice address, Cascade Springs, County of Fall River State of South Dakota.
- I. If a corporation:
 - (a) Name of same, Cheyenne Valley Ranch Company
 - (b) Date and place of incorporation:
 - (c) Amount of capital stock, Fifty Thousand Dollars.
 - (d) Amount paid in: All paid in.
 - (e) Names and addresses of directors: Herman Kahler, Louise Kahler, Henry Kahler, Cascade Springs, Fall River County, South Dakota.
- II. Method of accomplishing the work and financial resources of the applicant:
 - (a) Method of accomplishing the work (whether by contract, employment of others, or by direct labor) Work is all completed.
 - (b) Cash on hand, \$
 - (c) Treasury Stock, \$
 - (d) Bonds to be issued, \$
 - (e) Other resources, \$
2. Name of diversion works: Cheyenne Valley Irrigating Ditch
3. Quantity of water claimed 12.54 cubic feet per second.
4. Source of water supply: Cascade Creek.
5. Location of point of diversion: at S. 20⁰ 37' W. 426. ft. from Witness Cor. to $\frac{1}{4}$ Sec. 29, T. 8 N., R. 5 E., S. 1 E. 3. E. E. on left bank in the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 30, T. 8 N., R. 5 E., S. 1 E. E. E.
6. Annual period during which water is to be used:
7. To be used for:
 - I. Irrigation or domestic use: Both.
 - (a) Number of acres to be irrigated 877.7 acres.
 - (b) Legal subdivisions to be irrigated (See sheet attached.)
 - (c) Statement as to domestic use (giving location, etc.)
8. Estimated cost of works:
 - (a) Head gates, \$50.00
 - (b) Fluming, \$1500.00
 - (c) Other structures
- II.
 - (a)
 - (b)
 - (c) Head gate: Width 11
 - (d) Canal: Total length:
10. Time required for complete
11. Time required for complete
12. Choice of newspaper for publication

State of South Dakota, :
County of Fall River, :
I, Herman Kahler, being of
above described undertaking is
above and foregoing statement,
my own personal knowledge that

Subscribed and sworn to be

J. A. Hall, Register of Deeds.

REMARKS BY JUDGE ENGINEER:

This application was approved
and the project of the is
conform to the present irrigation
system made of record therein.
COUNTY OF FALL RIVER, :
COUNTY OF FALL RIVER, :
This certifies that the fo
A. E. upon the 20th day of May
provisions of the Irrigation la
a hearing was held in this offi

Number of Permit 24.

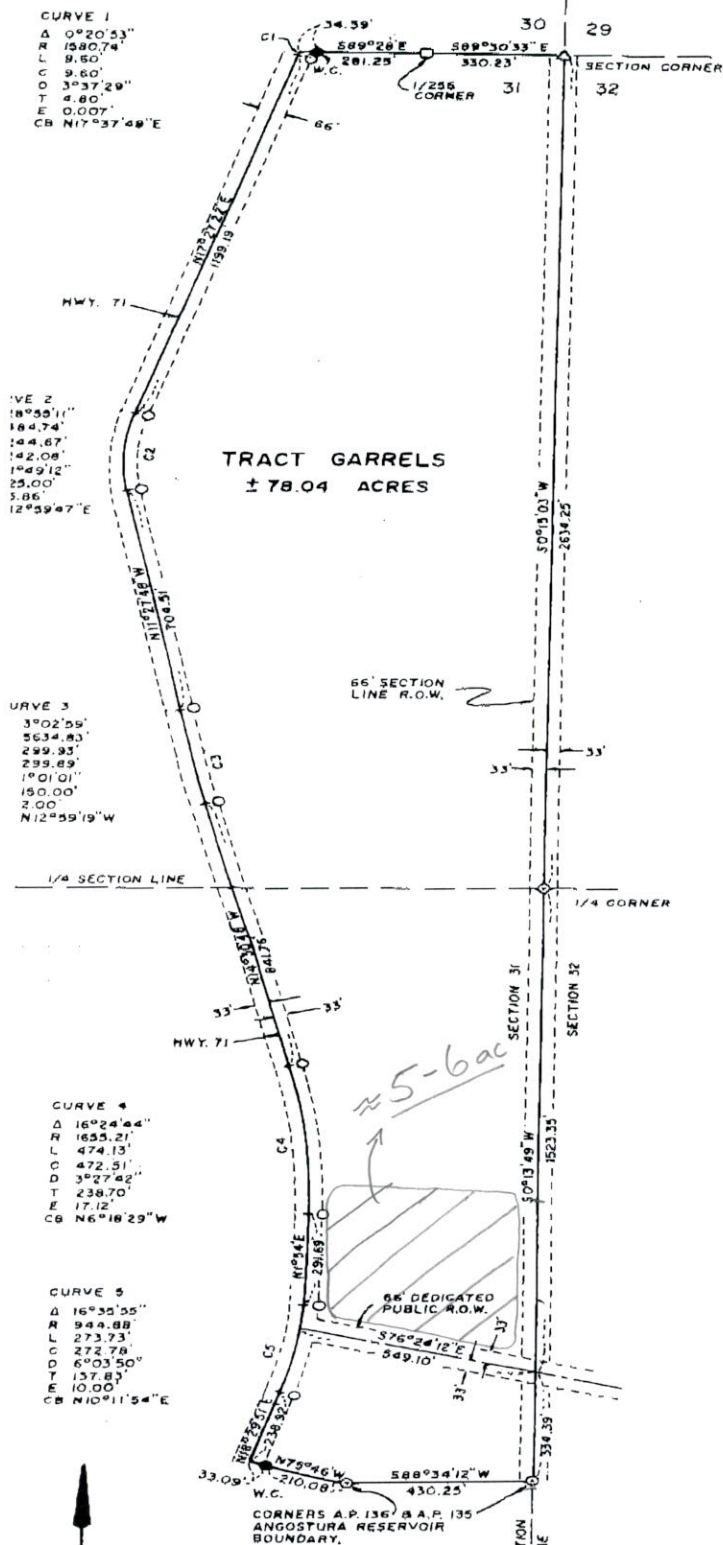
Date of first receipt of applic

Date from which application may

Approved August 6, 1907. Recor

This data pertains to the

SW	SW	of Sec. 29, T. 8 N., R. 5 E., S. 1 E. E. E.		
NE	SE	of Sec. 30		1.5
SE	SE	of Sec. 30		19.2
NE	NE	of Sec. 31,		2.0
SE	NE	of Sec. 31,		13.7
SW	NE	of Sec. 31,		5.9
SE	NW	of Sec. 31,		8.6
NW	SW	of Sec. 31,		19.9
NE	SW	of Sec. 31,		25.6
NW	SE	of Sec. 31,		19.7
NE	SE	of Sec. 31,		28.0
SE	SE	of Sec. 31,		8.0
SE	NW	of Sec. 32,		1.0
NE	SW	of Sec. 32,		2.0
NW	SW	of Sec. 32,		27.0
SW	SW	of Sec. 32,		14.8
SE	SW	of Sec. 32,		16.9
SW	SE	of Sec. 32,		1.8
NE	NE	of Sec. 36,	4	0.3
NW	NE	of Sec. 36,		4.1
SW	NE	of Sec. 36,		15.2
SE	NE	of Sec. 36,		29.9
NE	SE	of Sec. 36,		21.2
NW	SE	of Sec. 36,		6.6
SW	NW	of Sec. 4,	9	8.2
NW	SW	of Sec. 4,		24.0
SW	SW	of Sec. 4,		38.8
SE	SW	of Sec. 4,		5.2
NE	NE	of Sec. 5,		17.2
NW	NE	of Sec. 5,		32.7



STATE OF SOUTH DAKOTA

COUNTY OF FALL RIVER S.D.

OWNER'S CERTIFICATE

G.W. PROPERTIES, INC.
 do hereby certify that we are the owner(s) of the land described herein, and that we did authorize the survey and within plat of said land of this land shall conform to all existing subdivision, and erosion and sediment control laws of the State of South Dakota.

Witness our hands this 15th day of DECEMBER 1992

ACKNOWLEDGMENT OF OWNER
 STATE OF SOUTH DAKOTA, COUNTY OF FALL RIVER
 be it remembered that on this 15th day of DECEMBER 1992, before me, a Notary Public, for

known to me to be the person(s) described in the foregoing Owners Certificate.

Notary Public: Melissa M. Doer
 My Commission Expires: 11-22-99

CERTIFICATE OF COUNTY TREASURER

I, County Treasurer of Fall River County, certify that all taxes which are liens up as shown by the records of this office as Treasurer Edward L. Erickson Deputy

CERTIFICATE OF COUNTY DIRECTOR OF EQUALIZATION

I, County Director of Equalization of South Dakota, do hereby certify that I have received above plat.

Director of Equalization Dana Shull

SURVEYOR'S CERTIFICATE

I, Frank A. Bryant, Registered Land Surveyor State of South Dakota, do hereby state that of the Owners listed hereon, the survey of land shown and described herein were made, direction and supervision and that, to the best of my belief, the within plat is a representation of the actual land.

In witness whereof, I have hereunto set my hand and seal this 18th day of November 1992.

Frank A. Bryant
 Frank A. Bryant, Registered Land Surveyor

RESOLUTION BY GOVERNING BOARD

STATE OF SOUTH DAKOTA
 COUNTY OF FALL RIVER S.D.

I, Chairman of the Board of Commissioners do hereby certify that on the 15th day of DECEMBER 1992, the governing body did approve the following RESOLUTION, this being a certified copy of the same.

STATE OF SOUTH DAKOTA
 COUNTY OF FALL RIVER

Filed for record this 15th day of DECEMBER 1992 at _____ o'clock and _____ minutes in BOOK _____ of the FALL RIVER COUNTY RECORDS.

Registered at _____ Fall River County

Post-it® Fax Note

7671

Date	# of pages
	4
To <u>Parla</u>	From <u>Ron Duval</u>
Co./Dept.	Co.
Phone #	Phone # <u>773-3352</u>
Fax #	Fax #

Parcel No. 22

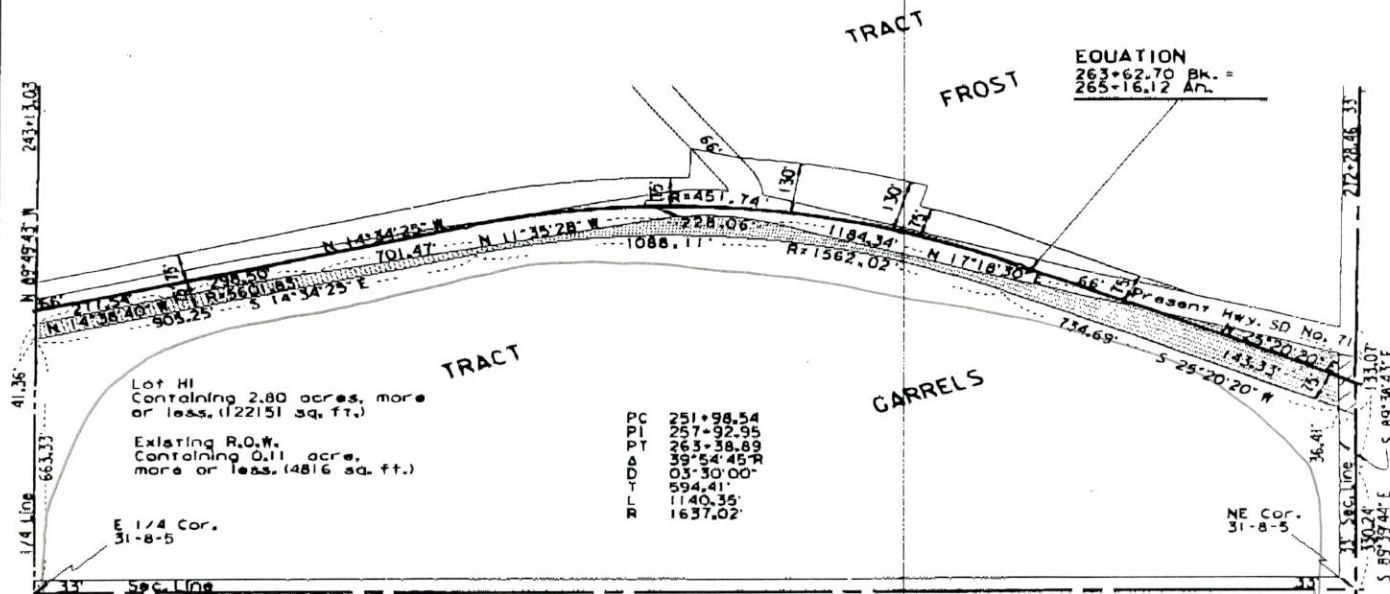
Amended
XVIII Page 49

PLAT OF LOT HI

Showing a tract of land to be acquired for highway purposes in
Tract Garrels in the NE 1/4 of Section 31 - Township
8 South - Range 5 East of the B.W.M.
for construction of Project No. P-BRF 3071(18)20

FALL RIVER COUNTY, SOUTH DAKOTA

Scale 1 inch = 300 feet



Drawn By C. Smith
Checked By M. Jordan

Date 7-16-95

SURVEYOR'S CERTIFICATE

I, MICHAEL A. JORDAN, Registered Land Surveyor, in and for the State of South Dakota, do hereby certify that the tract of land as shown on this plat has been surveyed of my direction and under my control, and that the same is hereby known by the lot number designated herein. The location and dimensions of the tract are shown on this plat.

In witness whereof, I have set my hand and seal this 8th day of January, A.D. 19 96 Michael A. Jordan

Registered Land Surveyor
Registration No. 3887



OFFICE OF REGISTER OF DEEDS

State of South Dakota
County of Fall River ss
Filed for record the 10th day of July, A.D. 19 96, at 11:20 A M., and recorded in Books of Plats XVII on Page
129 therein.

Anita Cope
Register of Deeds

by

Deputy

3124

24327202

129

N

Marc
Lamphear

101

McClure

Koe
Vitch

31
center of
section

4.2
SE 1/4 NE 4
9 AC

SW 1/4 NE 2
2 AC

NW 1/4 SE 7
5 AC

NE 1/4 SE 4
15 AC

7.9

22.8 NW 1/4 SW 4
27 AC

3.6

SW 1/4 SE 4
1 AC

5 AC
SE 1/4 SE 2

8.5

13 AC

31 32

25.1

52.8 (VH = 24.2) 11.2 X A

7.2 4.8 50 40.1 46.4 3.1 4.3 4.4 4.5