

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 25 day of September, 1908
Samuel H. Lea
State Engineer.

By B. B. Lea

No. 173
Division No. 3, S. Choyenne District

PERMIT

to appropriate water from

Goodrich Creek

Ball River, County, South Dakota

Name of applicant John, Sarah and

Daniel Goodrich

Name of diversion works John, Sarah and

Daniel Goodrich Diversion Works

Date of first receipt at office of State

Engineer March 31, 1908

Returned to applicant for correction

1908

Corrected application received

1908

Date of water right

March 31, 1908

Recorded in Book -1- Page 84

One-fifth of work to be completed

July 7, 1909

Who's work to be completed

July 7, 1910

Final proof of use of water

July 7, 1911

Approved July 7, 1908

Samuel H. Lea

State Engineer.

By

Deputy.

No. 47.....

Water Division No. 2, South Choyonno Water District.

(Blanks to be filled by the State Engineer.)

COPY

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

(Note-Draw a line through items not applicable.)

1. Name of applicant LEE M. & MARQUIS HUGHSON
 Postoffice address ROUTE 4, CHADEAN NEBRASKA 69357
Calhoun, County Fall River, State South Dakota.

L - If a corporation:-

(a) Name of same:-

(b) Date and place of incorporation:-

(c) Amount of capital stock:-

(d) Amount paid in:-

(e) Names and addresses of directors:-

(NOTE-A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing the work. (Whether by contract, employment of others, or by direct labor) By direct labor

(b) Cash on hand, \$:-

(c) Treasury stock, \$:-

(d) Bonds to be issued, \$:-

(e) Other resources, \$:-

2. Name of diversion works John, Sarah and Daniel Goodnick Diversion works3. Quantity of water claimed 5 cubic feet per second.4. Source of water supply Goodnick Creek

5. Location of point of diversion N 1/4 of 30 1/4 Sec. 26 and N 21/4 of N 1/4 Sec. 26,
T. 11 S. R. 9 E. P. H. V. E on right and left bank
 (Right or left bank looking down stream.)

6. Annual periods during which water is to be used when needed on the land

7. To be used for:

I. Irrigation or domestic use:

(a) Number of acres to be irrigated 400 acres.(b) Legal subdivisions to be irrigated are appended

(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.)

S. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$, Section 23; E. $\frac{1}{2}$ of N. E. $\frac{1}{4}$, S. W. $\frac{1}{4}$ of
 N. E. $\frac{1}{4}$, N. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ Section 26; N. W. $\frac{1}{4}$, W. $\frac{1}{2}$ of N. E.
 $\frac{1}{4}$ Section 26, All in Township 11 S., Range 9 E., B. H. M.
 Fall River County.

8. Estimated cost of works:

(a) Head gates, \$ 300.00 (b) Pumping plant \$
 (c) Plumbing \$ (d) Canal—earth, \$ 1035.00 rock, \$
 (e) Other structures \$ 2,117.50 Total, \$ 4,622.50

9. Description of diversion works:

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

II. Dimensions of works:

No. 1 No. 2, 3, 4 No. 5 No. 6 No. 1 (2, 3, 4) 500 400
 (a) Dam: Height 11.6 6 7 feet; length at bottom 155 150 feet; length at top 155 (2, 3, 4) 5 400 thickness at bottom 7.3 4.5 feet; thickness at top 1.6 2, 3, 4 7.5 slope of front (water) face 3 to 1 slope of back face 2 to 1 material used in construction earth & rock

(b) Reservoir: Capacity when filled 1 23 acre feet. Surface area at highwater mark 1 2 acres. 143 26 172

DEPTH AT OUTLET—FEET	SURFACE AREA AT EACH.....FEET OF DEPTH AT OUTLET—ACRES	CAPACITY—ACRE-Feet

(c) Head gate: Width 2 feet; height 2 feet

Material plank, tiling or concrete.

(d) Canal: Total length 17.262 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
At 1 mile	feet	5 feet	7 feet	2.5 feet
At 1 mile	feet	feet	feet	feet
At 1 mile	feet	feet	feet	feet
At 1 mile	feet	feet	feet	feet
At 1 mile	feet	feet	feet	feet

(Give dimension, where reductions in size are made.)

10. Time required for completion of work 1.5 years.

11. Time required for complete application of water to the proposed beneficial use 2 years.

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

Editorial Express
 STATE OF SOUTH DAKOTA

County of Fall River

I, John Goelnicz, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, manager or engineer, 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 John Goelnicz

Subscribed and sworn to before me this 27th day of March 1902

William A. Smithson
 Notary Public (or other qualified officer).

A PLAT

OF THE

John, Sarah^{and} Daniel Goodnick

Dams Reservoirs, and Ditches,

Area of Reservoirs

No. 1. 26 acres

No. 2. $4\frac{1}{2}$ acres

Capacity. when full.

No. 1. 143. acre. feet

No. 2. 28. acre. feet

This survey was run by the
true meridian
map scale. $1'' = 400$

State of South Dakota } ss
County of Fall River }

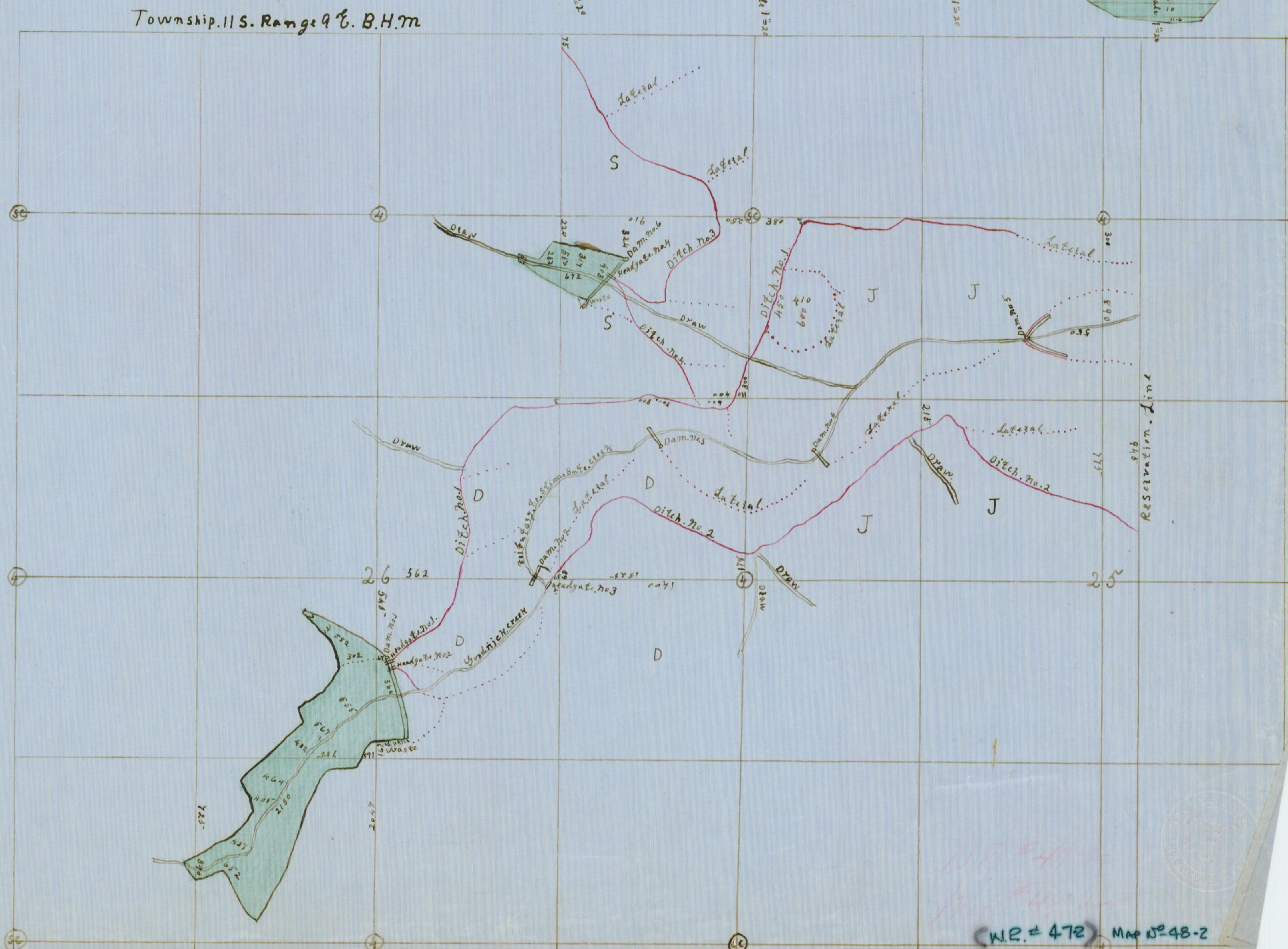
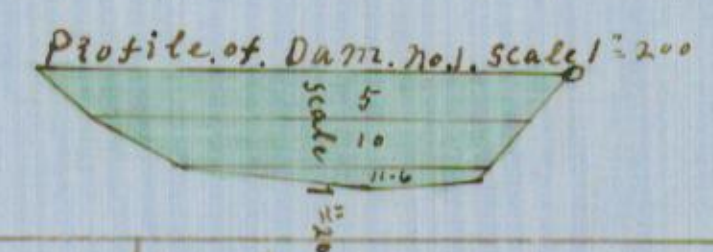
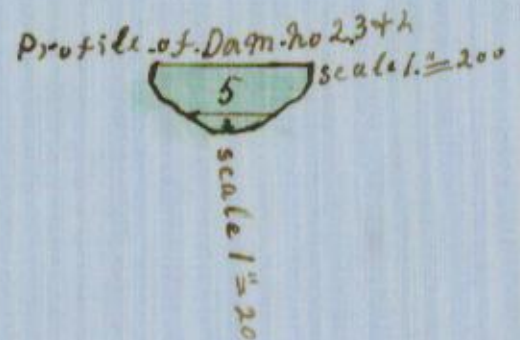
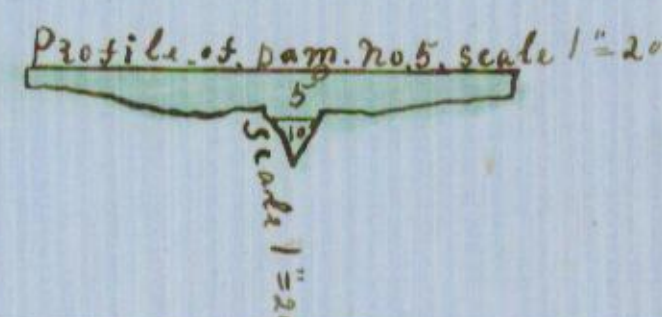
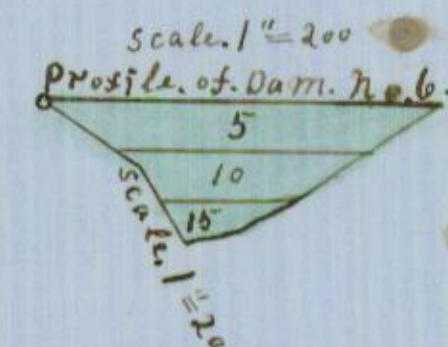
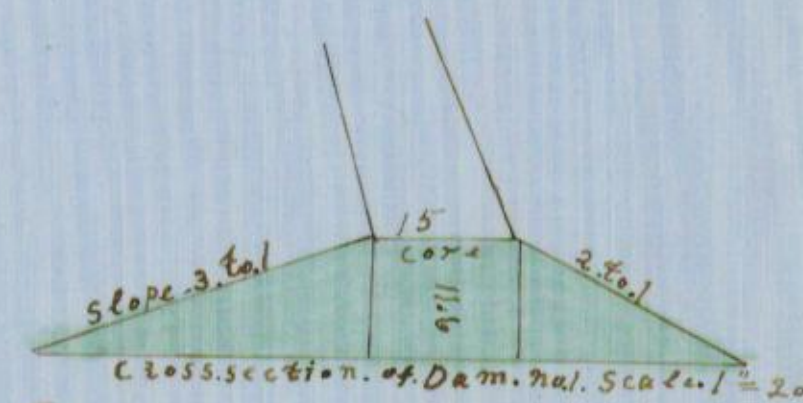
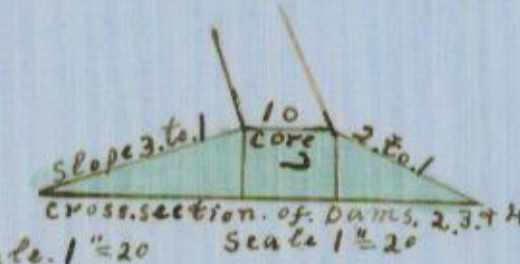
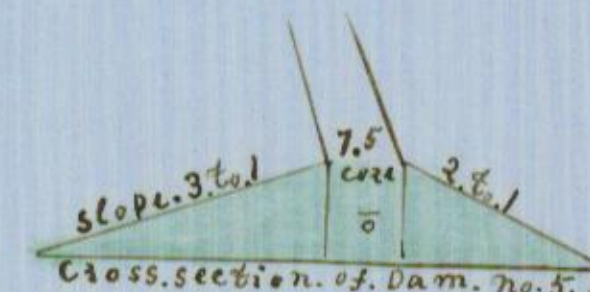
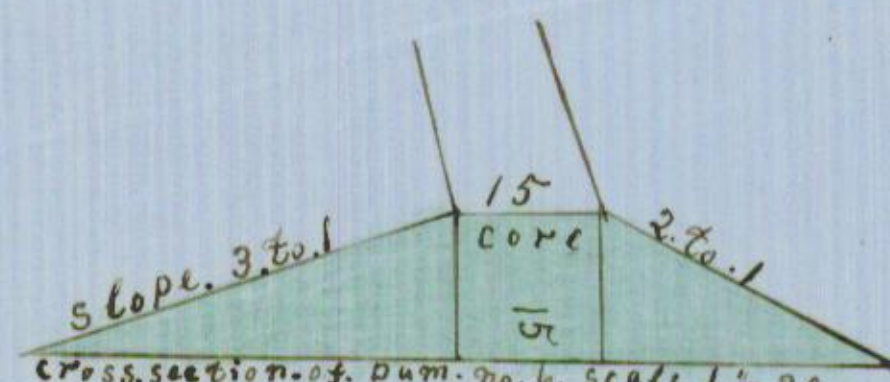
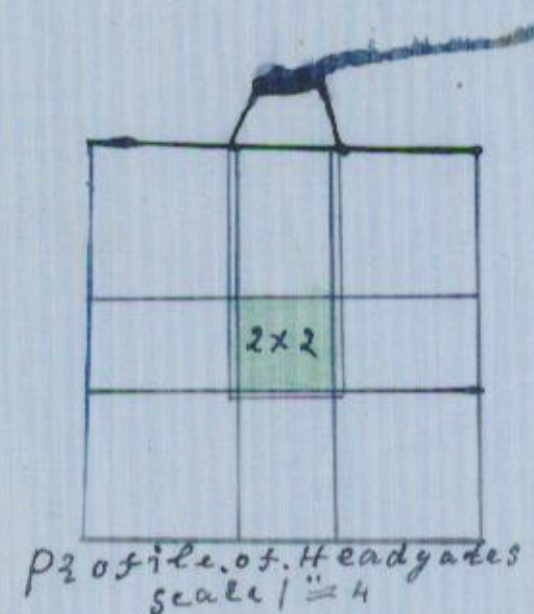
I, Robert Wallace being duly sworn,
upon my oath say, that I am the surveyor
of the John, Sarah & Daniel Goodnick dams,
reservoirs and ditches; that the survey and
map thereof were made by me, and that I have
read the accompanying statement and know
of my own knowledge that the statements
therein made are true.

Robert F. Wallace

D. S. Surveyor

Subscribed and sworn to before me
this 23 day of March 1908

Arthur J. Bolgan
Notary Public



Remarks by State Engineer:

This application is for the right to appropriate and store for irrigation purposes the flood waters of Goodnick Creek in Fall River County.

STATE OF SOUTH DAKOTA } ss
County of Hughes

Pierre, South Dakota, July 7, 1908

This is to certify that the foregoing application was received at this office at 3 o'clock P. M. upon the 31st day of March 1908 and that after examination it was found to comply with the provisions of the water laws of South Dakota. Notice of intention to appropriate was duly advertised and a hearing was held in this office on June 12, 1908.

Samuel H. Lee
State Engineer.

By Deputy.

Number of permit 47

Date of first receipt of application March 31 1908.

Date of return to applicant for correction 1908

Date of receipt of corrected application 1908

Date from which application may claim right March 31 1908.

Approved July 7 1908. Recorded in Book -1- Page 84.

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 July 7, 1909.

2d. The whole of said work is to be completed on or before July 7, 1910.

3d. The limit of time for proof of beneficial use of water appropriated in accordance herewith is July 7, 1911.

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 six 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 July 7, 1910; said water to be used during the following described annual periods:

When needed on the land.

Witness my hand this 7th day of July 1908.

Samuel H. Lee
State Engineer.

By Deputy.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 47

WHEREAS, On the thirty-first day of March A. D. 1903.
JOHN, SARAH and DANIEL GOODNICK
of Colvina County of Fall River and State of
South Dakota duly made application (No. 47) to me for a permit to use 215
cubic feet per second of the waters of Goodnick Creek
County of State of South Dakota, for irrigation
purposes; and

WHEREAS, On the seventh day of July A. D. 1903.
Permit No. 47 was issued to said applicant B. for the diversion of said water, and providing for the com-
pletion of the works of diversion therein described on or before the seventh day of
July A. D. 1910. and for the application to beneficial use of said
water on or before the seventh day of July A. D. 1911.

WHEREAS, On the nineteenth day of January A. D. 1910.
the holder B. of said permit duly made proof of the completion of adequate works for the diversion of
four cubic feet per second of said waters, as evidenced by my Certificate No. 47
dated December 30, 1909, confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use four cubic feet per second of water,
with date of priority of March 31, 1900, and,

WHEREAS, On the nineteenth day of January A. D. 1910.
proof was duly made of the application to beneficial use of four cubic feet per second of
said water;

For irrigation of the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20; SW $\frac{1}{4}$
NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25; all in Township 11 S.,
Range 8 E. B.H.M.

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of South Dakota, I hereby grant and confirm to John, Sarah and Daniel Goodrich of Gelric the holder and owner of said permit No. 47 a water right, dating from March 31, 1903 to the use of Four cubic feet per second of the waters of Goodrich 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 the NW¹ of the SE¹ and the NE¹ of the NW¹ of Section 20, Township 11 S., Range 6 E. B.H.M. and conducted to and upon the NW¹ SW¹, SW¹ NW¹, SE¹ NE¹, Section 20; NW¹ NW¹, NE¹ NW¹, SE¹ NW¹, Section 25; all in Township 11 S., Range 6 E. B.H.M. for the purpose of irrigation.

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS My hand and the seal of my office at Pierre, South Dakota, this twentieth day of January A. D. Nineteen Hundred and Ten

State Engineer.

STATE OF SOUTH DAKOTA

Water License No. 47

To	<u>JOHN, SARAH AND DANIEL</u>		
	<u>GOODRICH</u>		
Source of Supply	<u>Goodrich Creek</u>		
	<u>Fall River</u> County		
Am't	<u>Four</u>	Sec. Feet	
Point of Diversion	<u>NW¹ of the SE¹ and the NE¹ of the NW¹ of Section 20, Township 11 S., Range 6 E. B.H.M.</u>		
Place of Use	<u>Sections 20 & 25, T. 11 S., R. 6 E. B.H.M.</u>		
Purpose	<u>Irrigation</u>		
Date of Priority	<u>March 31, 1903</u>		
Recorded	<u>July 7, 1903</u>		
In Book	<u>-1-</u>	of	<u>Record</u> Page <u>94</u>

(First Publication.....190.....)

APPROPRIATION OF WATER

Office of the State Engineer,

Pierre, S. D., April 13, 1903

Notice is hereby given that ~~John, Sarah and Daniel Goodnick~~
 whose postoffice address is ~~Delrichs~~

~~Fall River~~ County, S. D., ^{have} ~~has~~ made an application in

accordance with the provisions of the irrigation laws of South Da-
 kota for a permit to appropriate for beneficial use ~~six~~ cubic

feet of water per second of time from ~~Goodnick Creek~~

through the ~~John, Sarah and Daniel~~, ^{Goodnick Diversion Works,} the point of diversion of which

^{are} to be located upon the ^{left} ~~right~~ bank of said stream in the ~~NE 1/4~~ of ~~SW 1/4~~ and
 NE ^{1/4} of the ~~NE 1/4~~ of section 26 township 11S. range 9E. ¹¹ said water
 to be used for the purpose of irrigation

upon the ~~SE 1/4~~ ~~SW 1/4~~, Section 2-3;
~~E 1/2 NE 1/4, SW 1/4 NE 1/4, NE 1/4 SE 1/4~~ Section 25, ~~NE 1/4~~, ~~E 1/2 NE 1/4~~ Section 26,
 Township 11 S., Range 9 E. S. D. V.

This application will be taken up by the state engineer at his
 office at Pierre for consideration and appropriate action upon the
~~15th~~ day of ~~June~~ 1903, at 9 a. m., at which time all
 persons who believe that the prior rights would be injuriously af-
 fected, or that the allowance of the permit would be detrimental
 to the public welfare, and also parties making the application, and
 to be benefited, are notified to be present either by sworn affi-
 davit or in person for the purpose of presenting any relative tes-
 timony.

State Engineer

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA } ss
 County of Full River
H. G. Laddard being duly
 sworn, deposes and says the annexed printed copy of Notice
 Intention to appropriate Water was taken from the
Leadworth Express 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 Edgemont County of
Full River and State of South Dakota,
 That the said notice was published in said newspaper on the
 following dates:
May 8 May 15 May 22
and May 29, 1908
 in each and every issue of the full number thereof, the first
 publication being made on the 8th day of May
1908 and the last publication on the 29th day of
May 1908, 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 15 day of June A. D. 1908

Edward A. Thompson
 Notary Public Full River County, S. D.

APPROPRIATION OF WATER.
 Form 9—Notice of Intention to appropriate
 Water. No. 47.
 Office of the State Engineer,
 Pierre, S. D., April 13, 1908.
 Notice is hereby given that John, Sarah
 and Daniel Goodnick, whose last office ad-
 dress is Office, Full River County, South
 Dakota, have made an application in accord-
 ance with the provisions of the irrigation
 laws of South Dakota for a per-
 mit to appropriate 4 for a beneficial use
 of 1 cubic feet of water per second of
 time from Goodnick Creek through the John,
 Sarah and Daniel Goodnick Diversion Works,
 the points of diversion of which are to be
 located upon the right and left banks of said
 stream in the N. W. 1/4 of S. W. 1/4 and N. E. 1/4 of
 the N. E. 1/4 of section 23, township 11 S., range
 9 E., T. 11. N., said water to be used for the
 purpose of irrigation upon the S. E. 1/4 S. E. 1/4,
 section 23; E. 1/4 N. E. 1/4, S. W. 1/4 N. E. 1/4, N. W. 1/4
 1/4 section 23; N. W. 1/4, W. 1/4 N. E. 1/4, section
 23, all in Township 11 S., Range 9 E., T. 11. N.
 This application will be taken up by the
 state engineer at his office at Pierre for con-
 sideration and appropriate action upon the
 5th day of June, 1908, at 9 a. m., at which
 time all persons who believe that the prior
 rights would be injuriously affected, or that
 the allowance of the permit would be detri-
 mental to the public welfare, and also partici-
 pating in the application, and to be benefited,
 are notified to be present either by sworn
 affidavit or in person for the purpose of pre-
 senting any relative testimony.
 SAMUEL H. LEE,
 State Engineer.

RECEIVED

JUN 18 1908

OFFICE OF STATE ENGINEER,
 PIERRE, S. DAK.

Field Notes of
John, Sarah & Daniel Goodnick's
Dams Reservoirs & Ditches

Dam No. 1. is located from the $\frac{1}{4}$ sec. cor. between Sec 26 & 33. in Township 11 S. Range 9 E. B. H. M., North 2047 ft & east 67 feet. to north end of dam. Then Dam runs S 16° E 200. S 18° E 200. S 12° E 100. S 9° E 55 ft. Then starting at south end of dam. Reservoir

Runs W 5° S. 214	W 23° S. 198	E 32° N. 206
S 28° W. 218	N 32° W. 163	N 30° E. 207
W 5° S. 218	E 31° N. 298	N 18° W. 192
S 28° W. 252	E 34° N. 166	N 45° W. 300
S 20° W. 590	N 34° E. 200	N 36° E. 25
S 29° W. 352	N 29° W. 220	E 23° S. 250
N 38° W. 197	N 45° E. 631	E 29° S. 237
N 18° W. 240	N 23° W. 113	E 28° S. 217

Reservoir area 25 acres & ~~38318 cubic feet~~

capacity when full 148 acre feet

Drainage area 15 square miles

Headgate No. 1. is located from the north end of dam. South 34 feet in the dam & No. 2 is 88 feet south from north end of dam & at the bottom of dam. Ditch No. 1. starts at Headgate No. 1. and runs

N 44° E. 100	N 38° E. 100	N 22° E. 800
E 43° N. 100	E 24° N. 100	N 19° E. 100
E 37° N. 100	E 25° N. 200	N 15° E. 100
E 33° N. 100	E 23° N. 100	N 14° E. 200
N 35° E. 100	E 22° N. 100	N 24° E. 100

N 34° E . 100	E 18° N . 100	N E 4° S . 100
N 27° E . 100	E 14° N . 100	E 11° S . 100
N 31° E . 100	E 10° N . 100	E 12° S . 200
N 30° E . 200	N E 9° S . 25	E 9° S . 100
N 18° E . 100	N E 36° N . 75	E 4° S . 100
N 12° E . 100	N N 38° E . 100	E 2° S . 100
N 7° W . 100	E 27° N . 100	N E 22° N . 100
N 14° W . 100	E 14° N . 100	E 15° N . 100
N 9° W . 100	E 6° N . 100	E 6° N . 100
N 3° W . 100	E 1° S . 100	E 3° N . 100
N 4° E . 100	E 9° S . 100	E 2° N . 100
N 8° E . 100	E 7° S . 100	E 4° N . 100
N 11° E . 100	E 8° S . 100	E 7° N . 100
N 14° E . 100	N N 43° E . 150	E 3° N . 100
N 35° E . 100	N N 55° E . 100	E 2° N . 100

Total length of ditch 7100 feet

Dam No. 2 is located from the $\frac{1}{4}$ sec. cor. between sec 25 & 26. West 1525 feet & Dam runs N 24° E . 100^{ft} & S 24° W 50 feet & is a check dam to turn water into Headgate No. 3.

Headgate No. 3. is located from the $\frac{1}{4}$ sec. cor between sec 25 & 26. West 1400 feet & depth 41 feet

Ditch No. 2. starts at Headgate No. 3. & runs

N 35° E . 100	E 11° N . 100	E 15° N . 100
N 38° E . 100	E 15° N . 100	E 12° N . 100
N 43° E . 100	E 18° N . 100	N E 23° S . 100
N 50° E . 100	E 25° N . 100	E 4° S . 100
N 100° . 100	E 1° N . 100	E 10° S . 100
N 11° W . 100	E 17° N . 55	E 14° S . 100
N E 36° N . 100	N W 42° N . 100	E 17° S . 100
E 30° N . 100	N 43° W . 35	E 20° S . 100
E 28° N . 100	N N 32° E . 100	E 24° S . 100
E 13° N .		

11	E 41° S . 100	200' 6. 30	11	E 40° S . 100
E 23° S . 332	E 22° N . 100	E 40° S . 100	E 42° S . 100	
E 24° S . 100	E 27° N . 100	E 40° S . 100	E 43° S . 100	
E 20° S . 200	E 29° N . 100	E 42° S . 100	E 38° S . 200	
11 E 2° S . 124	E 40° N . 150	E 40° S . 100	E 40° S . 100	
E 34° N . 100	11 E 4° N . 100	Total length of ditch 5819 feet		
E 45° N . 50	E . 100			
E 29° N . 100	E 5° N . 100			
E 20° N . 100	E 3° S . 100			
	E 8° N . 100			

Dam No. 3. Is located from the $\frac{1}{4}$ Sec cor. between Sec 25 & 26. North 950 feet & West 637 feet to south end of dam. Then dam runs N 35° W. 150 feet & is 7 feet high. It is a check dam to turn water over the land.

Dam No 4. Is located from the $\frac{1}{4}$ Sec. cor. between Sec 25 & 26. North 950 feet & East 476 feet. Dam runs S 41° E 150 feet & is 7 feet high. Is a check dam to turn water on land.

Dam No 5. Is located from the North $\frac{1}{4}$ Sec. cor of Sec 25. South 890 feet & West 550 feet to center of the dam. Then dam runs E 36° S. 50, E 25° S. 100, E 21° S. 100, E 20° S. 50, Then N 35° E. 50, N 48° E. 100, N 50° E. 50, feet. It is a check dam to spread water over the land.

Dam No 6. Is located from the N.E. corner of Sec 25. West 100 feet.

to the North end of dam. Then dam runs S 41° W 403 feet. Then starting at South end of dam Reservoir runs N 28° E 433

- N W 33° E 130. N N 8° W 37. N E 16° S 165. N N 35° E 157
N E 10° S 183. N E 13° S 348.

Reservoir area 3 1/2 acres capacity when full 21 acre feet. The headgate is located on the dam at the bottom of dam & is 150 feet from the North end of dam. It in ditch No 3 starts at headgate No 4 & runs

N E 29° S 100	N 40° E 100	W 27° N 100
S 43° E 100	N 16° W 250	W 30° N 100
E 31° S 100	N 28° W 100	W 32° N 100
E 13° S 100	W 33° N 100	W 35° N 100
N 8° W 100	N 12° N 100	W 36° N 100
N 10° E 100	W 13° N 100	W 39° N 100
N 28° E 100	W 17° N 100	W 40° N 100
N 35° E 100	W 19° N 100	N 34° W 300
N 44° E 200	W 22° N 100	Total length of ditch 3050 feet

Ditch No 4. also starts at headgate No 4 & runs

N S 36° E 100	S 28° E 100	N S 21° E 200
S 18° E 100	S 37° E 100	S 24° E 100
S 20° E 100	S 38° E 300	Total length of ditch 1100 feet

This survey was made by the line meridians & is a true copy of the or his
The field notes & survey were made
by Robert Wallace
D. S. Sumner
S. D.

Permit No. 47.....

Water Division No. 2, South Cheyenne Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Engineer, Pierre, South Dakota:

Dear Sir: I hereby certify that in accordance with your letter of authorization dated Dec. 8, 1909, 19....., I have this day made a thorough examination of the diversion works constructed by John, Sarah, & Daniel Goodnick, of Colrich, Fall River, County, South Dakota, holder of permit No. 47, issued upon application No....., bearing date of priority of....., 19....., authorizing the diversion of six second feet of the waters of Goodnick Creek, for Irrigation purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Of 3 Reservoirs, 6 Dams, & 4 Ditches and their laterals & 4 Head Gates made of 2 inch planks; No 1 is 10 X 24 inches & 28 ft. long; & No 2 is 12 X 12 inches & 75 ft. long; & No 3 is 2 X 2 feet & 16 ft. long; And No 4 is not built yet;

and the system is in the following condition: The ditches are all in good condition and their laterals, Dams No 1 & 2 need a little repair done on them & 3, 4 & 5 are in good condition & No 6 is not built yet, Headgates 1 & 2 are good & No 3 need some fixing. The point of diversion is located N. 20 1/2 E. 67 Ft. and No. 2 N. 19 5/8 E. 67 Ft. from the 1/4 Sec. Cor. between Sec. 26 & 35 in T. 11 S; R. 9 E. B. H. M. & No. 3 W. 1450 Ft. & 8.50 Ft. from the 1/4 Sec. Cor. between Sec. 25 & 26 in T. 11 S; R. 9 E. B. H. M.

The works are capable of diverting and conveying to the place of use four second-feet of water, which is to be used for The irrigation of land described

The legal sub-divisions to be irrigated are: N. W. 1/4; S. E. 1/4; S. W. 1/4 N. E. 1/4; S. E. 1/4 N. E. 1/4 Sec. 26 & S. W. 1/4 N. W. 1/4; N. W. 1/4 N. E. 1/4; S. E. 1/4 N. W. 1/4; Sec. 25 all in T. 11 S; R. 9 E. B. H. M. And the land to be irrigated from Dam No 6 is the N. E. 1/4 N. E. 1/4; Sec. 26 & S. E. 1/4; Sec. 23. E. 1/4 S. 1/4; R. 9 E. B. H. M.; As shown on the map,

The land now under irrigation comprising a total of 160 acres of land. Now under irrigation;

The domestic use intended comprises Irrigation only

The utilization for power, mining, or other beneficial uses comprises:

Witness my hand, this 20, th. day of December A. D. 1909.

Robt Wallace

Examining Engineer.

Permit No. 47

Water Division No. 2 Second Water District

Certificate of Application of Water to Beneficial Use.

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. John, Sarah and Daniel Goodnick

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. # 47,

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Goodnick creek and tributaries, headgate #1 from 1/4 sec. corner between Sec. 26 & 35 Twp. 11 N. R. 9 E. S. 11 W. North 2011 ft. and 7 ft. of headgate #2 from temporary bag #1 North 1937 ft. and 67 ft. headgate #3 from 1/4 sec. between Sec. 26 & 26 west 1450 ft.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Headgate #1 is a flume turn by turny fence line, 28 ft. long. Headgate #2 is a flume turned by turny fence, seventy five ft. long. Headgate #3 is a flume turn by turny fence, sixteen ft. long. Four cubic feet, headgates #1-2+3 and ditches #1-2

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Irrigation. NW 1/4, SE 1/4, S 1/4 NW 1/4, SE 1/4 NE 1/4, Sec. 26 and S 1/4 NW 1/4, NW 1/4 NW 1/4, NE 1/4 NW 1/4, SE 1/4 NW 1/4 Sec. 26 all in Twp. 11 N. R. 9 E. S. 11 W. NW 1/4 NE 1/4, 12 acres NW 1/4 NE 1/4, 17 acres SE 1/4 NE 1/4 25 acres Sec. 26. NW 1/4 NW 1/4, 25 acres NW 1/4 NW 1/4, 30 acres NW 1/4 NW 1/4 25 acres SE 1/4 NW 1/4, 18 acres Sec. 26.

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. Used for irrigation purposes only.

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. Four cubic feet

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. Same the same person to whom permit was granted

Ans. Used during the summer of 1909, for the purpose of irrigating all the land as described in the question. \$16.

I hereby certify that the foregoing testimony was read to the above subscriber before his signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Delichs, County of Fall River.

State of South Dakota, on this 20th day of December A. D., 1909

United States Commissioner

Proof of Application of Water to Beneficial Use.

DEPOSITION OF HOLDER.

Amount of water.... Four..... second feet

Source Goodnick Creek..... 4-17

County Fall River

Purpose Irrigation.....

Place of Use: INDIA, STATE, SYDNEY, INDIA, STATE.

DATE REC. DEC. 20: 9 AM 1962, NY 4 NY 2, NY 1

SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec.

23C; SET SEC. 23; T. 11 S., R. 3 E.
Date of priority March 31, 1908. E.M.

JAN 19 1910

WILLIAM L. LEA, State Engineer.

Received and filed- December 27, 1900

DECEIVED

DEC 27 1975

OFFICE OF STATE ENGINEER,
PIERRE, S. DAK.

NOTICE OF TRANSFER OF WATER PERMIT

TO: **WATER RIGHTS COMMISSION**State Office Building No. 2
Pierre, South Dakota 57501

Date _____

This is to notify you that title to the lands described as follows:
NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26; SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,

Section 25, All in T11S, R9E, B.H.M.

formerly owned by John, Sarah and Daniel Goodnickhas been transferred to Lee M and C. Marquis Hughsontogether with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No.
47-2 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

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

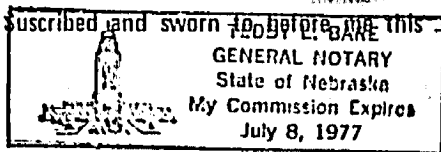
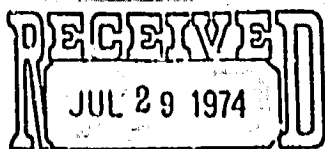
WATER RIGHTS COMMISSION

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

NEBRASKA

STATE OF ~~SOUTH DAKOTA~~County of Dawes) ss.

Lee M. Hughson

I, Lee M. Hughson 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.C. Marquis HughsonLee M. Hughson
(signed)1st day of July, 19 74[Signature]
(Notary Public)STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

47-2
48-2
547-2

November 29, 1984

Perle O'Daniel
RR#4, Box 39A
Chadron, Nebraska 69337

Dear Mr. O'Daniel:

Enclosed are Notice of Transfer of Water Permit Forms for Water Right 47-2 and Water Right 48-2. Please sign these forms in the presence of a Notary and return them to this office with filing fees of \$5.00 (\$2.50 for each permit). Upon receipt of the forms and the filing fees, the Water Rights will be transferred to your name. We will then reissue a new Water License for Water Right 47-2 and issue a Water License for Water Right 48-2.

I have enclosed copies of the old original maps and the new maps that I drew of the projects. You may keep these for your files.

Also enclosed is some material for your Water Right 547-2 in Shannon County. We will be reissuing a new water license for this Water Right reflecting the correct location of the Diversion Dam.

I have enclosed the necessary forms that will need to be completed if you plan to add another diversion point.

If I can answer any questions, please contact me.

Sincerely,

Delvin D. Brosz, P.E.
Hydrologist

DDB:ms
Enc.

 **Department of
Water & Natural Resources**

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

April 14, 1989

47-2
48-2

Perle O'Daniel
RR #4 Box 38A
Chadron, NE 69337

Dear Mr. O'Daniel:

I am writing in regard to the transfer and licensing of Water Right Nos. 47-2 and 48-2. These water rights are currently listed under the name of Lee Hughson. In November, 1984, Delvin Brosz, of this office, inspected the water use systems existing under these water rights for licensing purposes. He then notified you that the water rights needed to be transferred to you before the licenses could be issued. To date, we have not heard from you on this matter.

Enclosed are partially completed "Notice of Transfer" forms for use in filing the ownership changes. Please complete the forms by signing in the presence of a notary public. Upon completion, return them to us with a required filing fee of \$2.50 each (total of \$5.00). When the completed transfer forms and filing fees are received in our office, Water Right Nos. 47-2 and 48-2 will be transferred to your name and the water licenses issued.

I apologize for the lengthy delay in follow-up on the transfers and licenses. If you have any questions, please contact me.

Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosures



NO. 47-2

NOTICE OF TRANSFER OF



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 4-21-89

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

NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26, W $\frac{1}{2}$ NW $\frac{1}{4}$ and Lots 1 & 2, Section 25, T11S, R9E

formerly owned by Lee Hughson

has been transferred to Perle O'Daniel, RR #4 Box 38A, Chadron, NE 69337

(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right ~~xxxxx~~ No. 47-2 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)

County of Fall River ss.

I, Perle O'Daniel 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.

Perle O'Daniel
(Signed)

Subscribed and sworn to before me this 21st Day of April, 1989

Olga Warner
(Notary Public)
My Commission Expires Nov. 29, 1989

WNR-820-9/83

Notice of Transfer of Water Permit

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, April 24, 1989

RECEIVED OF Perle O'Daniel, RR 4, Box 38A, Chadron NE 69337

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. 47-2</u>	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

(ks)

South Dakota
Department of
Water & Natural Resources

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

SEP 14 1989

Perle O'Daniel
RR 4, Box 38A
Chadron NE 69337

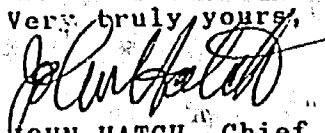
Dear Mr. O'Daniel:

Enclosed is your Water License No. 47-2. The water license has been reissued to the extent of what is actually being used. The relicense is based on a November 1, 1984 inspection of your water use system.

Also enclosed is Receipt No. 411759 in the amount of \$2.50 which you paid for the transfer of Water Right No. 47-2.

If you have any questions, please contact us.

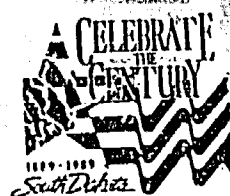
Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures

NOTE: The applicable portions of Location Notice No. 477-2 were incorporated into Water License No. 47-2



Water Rights Division - DWR
Conversation or File Documentation

File No. 47-2

NAME OF PERSON OR FILE: Perle O'Daniel
ADDRESS: RR # 4, Box 38A, Chadron, NE 69337 COUNTY Fall River, S.D.
DATE: Nov. 26, 1984 TELEPHONE 535-6241
RE: Re-investigation of Water Right 47-2

COMMENTS:

I investigated this Water Right with Mr. O'Daniel on Nov. 1, 1984. Mr. O'Daniel now owns the property associated with Water Right 47-2. The lands that are being irrigated are approximately as described in the water license and plotted on the original map. Some of the dams were never completed as described on the original map. None of the headgates were installed. The dams are ditches that force the water from the stream channel onto the hay meadows. Some of the canals were constructed. A new map has been drawn showing the existing project. (See Report of Examination of Works)
Location Notice 477-2 is a duplicate filing of the dike in the NE²NE² Section 26, T11S, R9E. Since this is included in Water Right 47-2. Location Notice 477-2 ~~is~~ should be incorporated with Water Right 47-2.

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.

4/82

NAME: William H. Bray, P.E.
Hydrologist

Permit No. 47-2 & LN 477-2

Water District

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

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

I have this day made a thorough examination of the water use system constructed by Perle
O'Daniel of PR #4, Box 384, Chadron, NE holder of
LN 477-2 Permit No. 47-2, bearing the priority of November 11 1912
March 31 1908 authorizing
 the diversion of 2 cu. ft. per second of the waters of Hollen Creek (Goodnick Creek)
 for irrigation purposes, in Fall River County.

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

- A. Works used to divert the water: A number of dikes across the channel of the creek and one dike across a side tributary.
- B. Works used to transport water to place of use: some canals and ditches along the edge of the field
- C. Works used to apply water to beneficial use: Flood irrigation with control dikes

The system is in the following condition good

The point of diversion is located S 67° W 920 ft from the NE corner of section 26, T11S, R9E.
and between the following two points - Pt #1 - S 36° W 4300 ft from the NE corner
of section 26, T11S, R9E and Pt #2 - S 73° E 2740 ft from the NW corner of section 25, T11S, R9E.
 The works are capable of diverting and conveying to the place of use All Flood Waters

cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows: NE 1/4 NE 1/4 - 12 acres, SW 1/4 NE 1/4 -
6 acres, SE 1/4 NE 1/4 - 25 acres and NW 1/4 SE 1/4 - 13 acres all in section 26, T11S, R9E.
NW 1/4 NW 1/4 - 31 acres, SW 1/4 NW 1/4 - 18 acres, Lot 1 - 30 acres and Lot 2 - 33 acres
all in section 25, T11S, R9E. (The 12 acres in the NE 1/4 NE 1/4 of
section 26 has a priority date of 11-11-12, all remaining acres have a
priority of 3-31-08).
 comprising a total of 168 acres of land and the license should be issued for 2.4 cfs

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are:

Date Nov. 1, 1984

William D. Bragg, P.E.
 hydrologist

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 47-2

(1) John, Sarah and Daniel Goodnick of Oelrichs, South Dakota were issued Water License No. 47-2, January 20, 1910 for a water right to appropriate 4.0 cubic feet of water per second from Goodnick Creek, Fall River County, South Dakota for irrigation purposes. Water License No. 47-2 with a priority date of March 31, 1908 was issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

On July 29, 1974, Water Right No. 47-2 was transferred to Lee M and C Marquis Hughson.

On November 1, 1984, an inspection was conducted of the water use system described in Water Right No. 47-2. The land irrigated is approximately the same as it was described on the original water license.

Location Notice No. 477-2 (priority date -- November 11, 1912) describes the dike in the NE 1/4 NE 1/4 Section 26, T11S, R9E. The dike is also described in Water Right No. 47-2.

Based upon a review of Location Notice No. 477-2 and the November 1, 1984 inspection, Water License No. 47-2 is being reissued and will incorporate the applicable portions of Location Notice No. 477-2. Priority dates, as they pertain to the land irrigated and the diversion rate are described in (2) and (3) of this license.

On April 24, 1989, Water Right No. 47-2 was transferred to Perle O'Daniel.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.40* cubic feet of water per second for beneficial use. The location of the diversion points are: S67°W 920 feet from the NE corner of Section 26, T11S, R9E and between the following two points - Pt #1) S 36°W 4300 feet from the NE corner of Section 26 and Pt #2) S 73°E 2740 feet from the NW corner of Section 25; all in T11S, R9E.

* Priority dates: November 11, 1912 for 0.17 cfs
(Location Notice No. 477-2)
March 31, 1908 for 2.23 cfs
(Water Right No. 47-2)

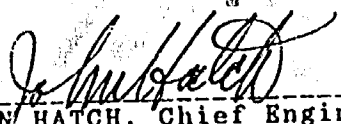
(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T11S, R9E Section 26	NE 1/4 NE 1/4	12 acres *
	SW 1/4 NE 1/4	6 "
	SE 1/4 NE 1/4	25 "
	NW 1/4 SE 1/4	13 "
Section 25	NW 1/4 NW 1/4	31 "
	SW 1/4 NW 1/4	18 "
	Lot 1	30 "
	Lot 2	33 "

TOTAL 168 acres

- * The NE 1/4 NE 1/4 Section 26 retains a November 11, 1912 priority date (Location Notice No. 477-2)
The remaining land retains a March 31, 1908 priority date (Water Right No. 47-2)

(4) Pursuant to Section 46-5-30.1 Perle O'Daniel of RR 4, Box 38A, Chadron NE 69337 the holder(s) and/or owner(s) of Incorporated No. 47-2 is issued a license to appropriate water, the right to use 2.40 cubic feet of water per second from Allen Creek (Goodnick Creek) with priority dates of March 31, 1908 and November 11, 1912 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated No. 47-2 and subject to South Dakota State Law.



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

SEP 14 1989



February 21, 2001

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

47-2

48-2

547-2

Hall & Hall
Tom Metzger
1559 Logan St
Denver, CO 80203

Dear Mr. Metzger:

Thank you for calling with regard to Water Rights held by Perle O'Daniel. Enclosed as you requested, are copies of Water Right Nos. 47-2, 48-2 and 547-2.

Also enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change. Please review the forms for accuracy and complete as needed. They will need to be signed in the presence of a notary by the "new" owner(s). Upon completion, please return them to our office with a required filing fee of \$2.50 each (total of \$7.50). 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 get in touch with me.

Sincerely,

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

enclosures

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

No. 416816

Pierre, March 19

20

RECEIVED OF First American Title Company of SD, PO Box 8181, Rapid City, SD 57709

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 47-2

Fee for Filing Extension Request

Fee for

2 50

Total

2 50

(Any Other Work Provided by Law)

By _____
Chief Engineer

Darland Erbe

gm



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 4, 2001

47-2
48-2
547-2

Pat Ginsbach
Farrell, Farrell & Ginsbach
441 N River
Hot Springs, SD 57747

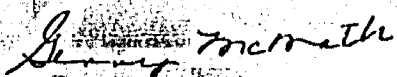
Dear Mr. Ginsbach:

Enclosed, as we discussed, are partially completed "Notice of Transfer of Ownership" forms for use in filing ownership changes on Water Right Nos. 47-2, 48-2 and 547-2. We received a set of forms and the filing fees from the title company, however the forms were signed by Mr. O'Daniel rather than the new owner.

Please have the new owner sign the forms in the presence of a notary public. In the top half of the forms, the area titled "be transferred to: (name and address)....." also needs to be completed. Upon completion, please return the forms to our office. As stated above, the filing fees for the transfers have already been paid. No further fees are required.

Thank you in advance for your help. If I can answer any questions for you, please contact me.

Sincerely,


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

enclosures

FARRELL, FARRELL & GINSBACH, PC

LAWYERS
441 NORTH RIVER STREET
HOT SPRINGS, SOUTH DAKOTA 57747
PHONE (605) 745-5161
FAX: (605) 745-3154

MARTIN P. FARRELL (1943-1995)

JANE M. FARRELL

PATRICK M. GINSBACH



October 2, 2001

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

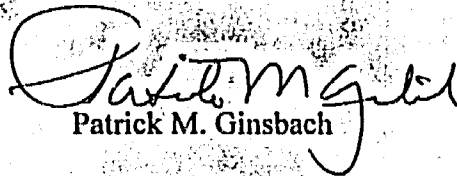
RE: Water Right Numbers 47-2, 48-2, 547-2

Dear Chief Engineer:

Enclosed please find a Notice Of Transfer Of Ownership signed by Randy Twarling. Mr. Twarling had previously signed these but apparently had not mailed them back in. He came into my office on the 26th of September and I had him sign them again.

If you have any questions, please feel free to contact me.

Yours truly,


Patrick M. Ginsbach

cc: Randy Twarling
Perle O' Daniel

ew

enclosures

ew



October 5, 2001

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

47-2
48-2
547-2

Randy L & Elizabeth A Twarling
PO Box 394
Dalton, NE 69131

RE: Pearl O'Daniel – Randy & Elizabeth Twarling transfers

Dear Mr. & Mrs. Twarling:

We have received your signed transfer of ownership forms for Water Right Nos. 47-2, 48-2 and 547-2. The transfers have been completed. The water rights formerly listed in the name of Perle O'Daniel are now listed in your names.

Receipt Nos. 416814, 416815 and 416816 in the amounts of \$2.50 each have been forwarded to the First American Title Company of SD located in Rapid City. They paid the filing fees for the ownership changes.

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

Sincerely,

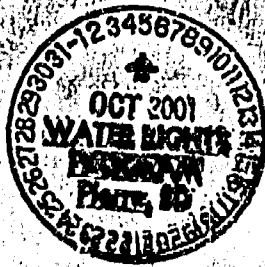
Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

c: First American Title Company
Pat Ginsbach, Farrell, Farrell & Ginsbach

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 47-2



Date: March 15, 2001

I/We request that Water Right No. 47-2

formerly owned by: Perle O'Daniel

be transferred to: (name & address) Randy L. Twarling & Elizabeth A. Twarling, husband and wife,
as joint tenants with right of survivorship, POB 394, Dalton, NE 69131
Telephone No.

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

168 acres NE 1/4 NE 1/4, S 1/4 NE 1/4, NW 1/4 SE 1/4 Section 26; W 1/4 NW 1/4 and Lots 1 & 2, Section 25, all in T11S, R9E

I/We understand that the validity of Water Right No. 47-2 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.

STATE OF SOUTH DAKOTA)

County of Fall River)

I/We Randy L. Twarling & Elizabeth A. Twarling 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.

Randy Twarling
(Signature of new owner)

Subscribed and sworn to before me this 26th day of September, 2001.

My Commission Expires
May 18, 2007

Ellen L. White
(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.

NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 47-2

Date: 07-14-2003

I/We request that Water Right/Permit No. 47-2 formerly owned by:

Randy L. Twarling and Elizabeth A. Twarling be transferred to:

New Owner Name: William D. Bolln, Jr. & Joan B. Bolln Brian G. Wurst & Beverly A. Wurst

Address: 162 Faulk Rd. P.O. Box 1704

City, State, Zip Whitney, NE 69367 Lamar, Co 81052 Telephone No. (308) 432-2508

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

W $\frac{1}{2}$ NW $\frac{1}{4}$ and Lots 1 and 2 in Section 25 and NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of
Section 26, all in Township 11 South, Range 9 E, BHM, Fall River County, South Dakota

RECEIVED

JUL 16 2003

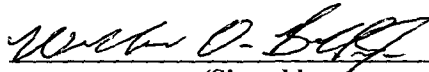
☒ I understand that the validity of Water Right/Permit No. 47-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

WATER RIGHTS
PROGRAM

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 included to cover the filing fee as required by SDCL 46-2-13.

I, William D. Bolln, Jr., 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 July 16, 20 03

RECEIVED OF Michael P Ortner, Lawyer, PO Box 629, 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>47-2</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. 000033

By Darland E. Eiche
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

July 20, 2003

47-2

William D Bolln Jr
& Joan B Bolln
162 Faulk Rd
Whitney NE 69367

Brian G & Beverly A Wurst
PO Box 1704
Lamar CO 81052

Dear Mr. & Mrs. Bolln and Mr. & Mrs. Wurst:

I am writing to acknowledge receipt of the ownership change for Water Right No. 47-2. The transfer has been completed. The water right formerly listed in the names of Randy L and Elizabeth A Twarling is now listed in the names of "William D Bolln Jr, Joan B Bolln, Brian G Wurst and Beverly A Wurst."

The receipt for the filing fee is being forwarded to Michael P Ortner with a copy of this letter.

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

c: Michael P Ortner, Lawyer w/ Receipt No. 000833

