

OFFICE OF STATE ENGINEER
PIERRE, SOUTH DAKOTA

RECORD OF PROCEEDINGS

Application No. 53

Water Div. No. 2. Battle Creek Water Dist.

Application Received July 30 - 1908

Maps Received July 31 - 1908

Acknowledgment July - 31 - 1908

Notice for Pub. Mailed Aug 22 - 1908

Receipt from Newspaper Aug - 27 - 1908

Copy of Newspaper Rec'd.

Notice of Correction

Proof of Pub. Rec'd. Oct 8 - 1908

Hearing Oct 21st 1908

Approved Nov - 23 - 1908

Recorded and Filed

REMARKS:

No. 54

OFFICE OF STATE ENGINEER
DOCUMENT FILE

Division No. 2, Fall River Dist.

Name of Applicant

George W. Darron & Fina A.

Darron

Name of Waterworks

Extension of Original

Farmers' Ditch

Date of First Receipt

July 30th 1908

Location of point of diversion

at a point 502.45 feet S. of the corner

in the stone #36 on state line between

State of Wyoming & South Dakota

being also cor. 8745.65 R. 1 E. B. H. M.

Beneficial Use, Irrigation

Approved Oct 21st 1908

Recorded in Book 1 page 102

Remarks: This Application

is for the right to use the water

of Stockade Beaver creek through

An Extension of the Original

Farmers' Ditch. The

purpose of the appropriation is

irrigation of land, domestic

use and milling.

Georgia A. Harris

Application Received July 30, 1908

Maps received July 31, 1908

Acknowledgement Sept 31, 1908

Adv't Sent Aug. 22, 1908

Receipt from Newspaper Aug 27, 1908

Copy of Newspaper Recd None

Proof of Publication Oct 8, 1908

Protest received None

Hearing Oct 21, 1908

REMARKS

Recorded for Dec 19, 1908

Recorded Nov. 20, 1908

Permit forwarded on

same date

No. 54

Water Division No. 2 Fall River Water District.
(Blanks to be filled by the State Engineer.)APPLICATION FOR A PERMIT
To appropriate Water Within the State of South Dakota

TRANS 2-12-77

TRANS-MAG 9, 1978

FIDELITY 502.000

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

1. Name of applicant George W. Darrow and Vina A. Darrow Norris Darrow
 Postoffice address Deeray County Santher State South Dakota
DEWEY RT.
EDGE MONT, SD

I. If a corporation:

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and 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) Direct Labor

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion works Darrow extension of Original Farmers Union3. Quantity of water claimed 20 cubic feet per second.4. Source of water supply Stockade Beaver Creek

5. Location of point of diversion intersecting with Original Farmers Union Ditch
at a point 3 1/2 miles south of the government mile stone 736 on state line
between state of Wyoming & South Dakota being N W Cor. S. 19, T. 5, R. 1 E. B.H.M.
 (Right or left bank looking down stream.)

6. Annual periods during which water is to be used Spring, Summer, & fall.7. To be used for: Irrigating, Milling & Domestic uses.

I. Irrigation or domestic use:

(a) Number of acres to be irrigated 394 1/2 acres.(b) Legal subdivisions to be irrigated (See attachment)

Legal Subdivisions to be irrigated.

25 A. in the NE 1/4 of NW 1/4 and
 35 A. in the SE 1/4 of NW 1/4 and
 40 A. in the NW 1/4 of SW 1/4 and
 39 A. in the NE 1/4 of SW 1/4 and
 40 A. in the SW 1/4 of SW 1/4 and
 11 A. in the NW 1/4 of SE 1/4 Sec. 19, Town 6 S., R. 1 E. B.H.M.

also

40 A. in the NW 1/4 of NW 1/4 and
 8 1/2 A. in the NE 1/4 of NW 1/4 and
 35 A. in the SE 1/4 of NW 1/4 and
 15 A. in the NW 1/4 of SW 1/4 and
 32 A. in the NE 1/4 of SW 1/4 and
 5 A. in the SW 1/4 of SW 1/4 and
 32 A. in the SE 1/4 of SW 1/4 Sec. 30 Town. 6 S., R. 1 E. B.H.M.

also

13 A. in the NW 1/4 of NW 1/4 Sec. 31, Town 6 S., R. 1 E. B.H.M.

8. Estimated cost of work:

(a) Head gates, \$50

(b) Pumping plant \$ XXX

(c) Fluming, \$ XXXX

(d) Canal-earth, \$ 1200.00

rock, \$ XXX

(e) Other structures

\$

Total, \$ 1250.00

9. Description of diversion works:

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

Dam and ditches.

II. Dimensions of works:

(a) Dam: Height 10 feet; length at bottom 8 feet; length at top 30 feet; thickness at bottom 30 feet; thickness at top 8 feet; slope of front (water) face 2; slope of back face; material used in construction Rock and Earth

(b) Reservoir: Capacity when filled acre feet. Surface area at highwater mark acres.

DEPTH AT OUTLET- FEET	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	CAPACITY-ACRE- FEET
1	1.0	1.0
2	4.0	4.0
3	9.0	9.0
4	16.0	16.0
5	25.0	25.0
6	36.0	36.0
7	49.0	49.0
8	64.0	64.0
9	81.0	81.0
10	100.0	100.0

(c) Head gate: Width 6 feet; height 2 feet. Material wood

(d) Canal: Total length 3.08 miles. from state line to end.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
At 0 mile	2 feet	6 feet	10 feet	5.0 feet
At .75 mile	2 feet	6 feet	10 feet	3.5 feet
At 2 mile	2 feet	6 feet	10 feet	5.0 feet
At 3.25 mile	2 feet	4 feet	8 feet	5.0 feet
At mile	feet	feet	feet	feet

[Give dimensions where reductions in slope are made.]

10. Time required for completion of work 3 years.

11. Time required for complete application of water to the proposed beneficial use 3 years.

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

Express Fall River County South Dakota.

STATE OF SOUTH DAKOTA

County of Fall River

ss

I, George W. Darrow, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of part owner, 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.

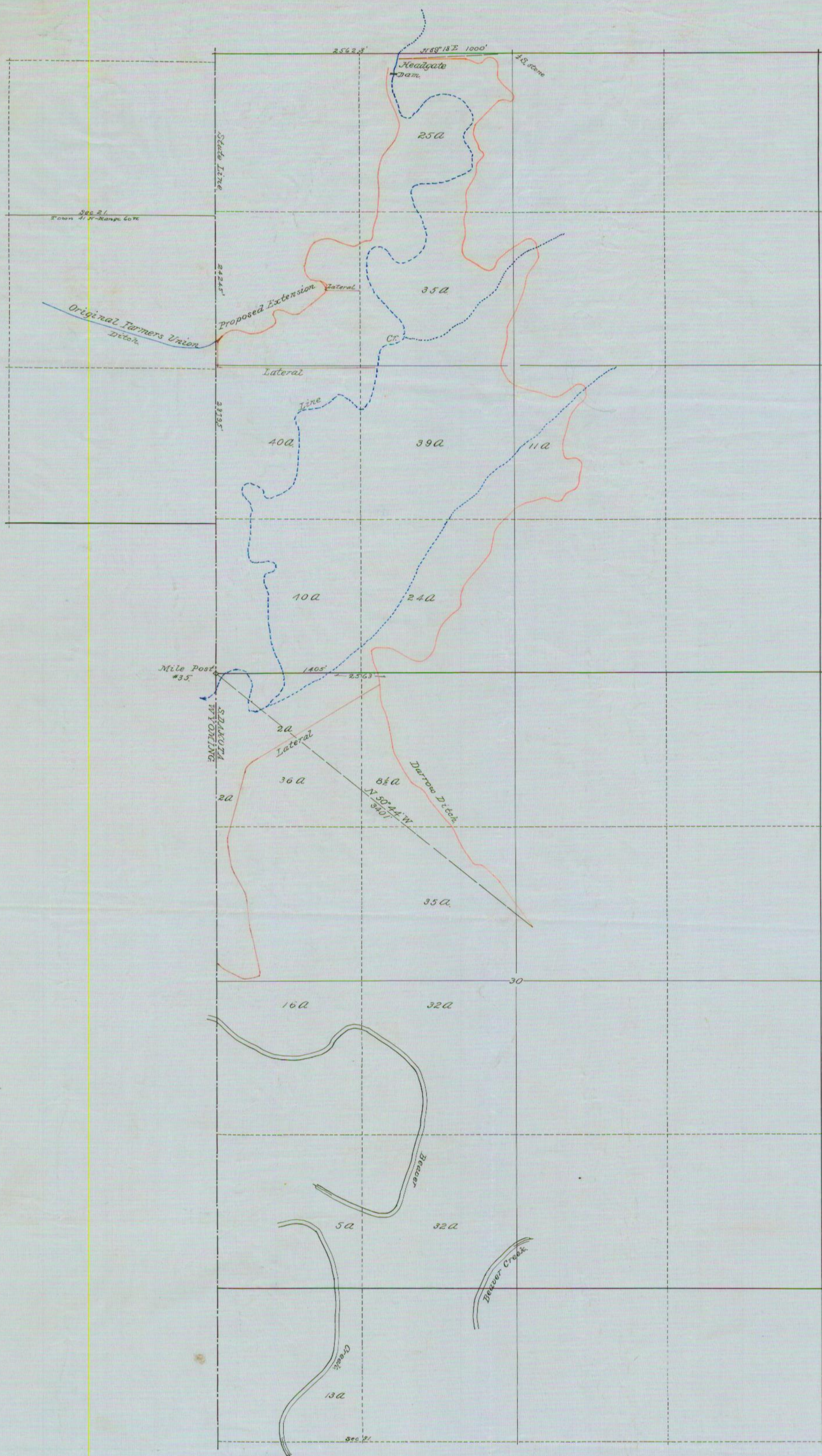
Signed George W. Darrow

Subscribed and sworn to before me this 25 day of July 1908

Arthur J. Colgan
Notary Public (or other qualified officer).

62-2

RECEIVED
JUL 31 1908
OFFICE OF THE
S. D. A. C.
PIERRE, S. D.



MAP

Of the Darrow Ditch, and proposed extension of the Original Farmers Union Ditch, in Wyoming, to irrigate land in Town 6 S-Range 1 E B.H.M., Custer County S.Dak

LEGEND:

- Proposed Ditches.
- Running Streams meandered
- Intermittent " " and running streams not meandered
- Land proposed to be irrigated.

CERTIFICATE OF SURVEYOR.

STATE OF S. Dak
County of Fall River.

I, Albert H. Utter of Fagemoor, S. Dak hereby certify that this map was made from notes taken during an actual survey made by me on Apr 30-May 2 1908, and that it correctly represents the irrigation works described in the accompanying application, together with a meander of streams and shows accurately the location and area of the lands proposed to be irrigated in each forty acre tract.

Albert H. Utter
Surveyor.

Subscribed and sworn to before me this day of 1908

Notary Public.

WR. # 54-2 Map D-62-2

WR. # 54-2
Map # 62-2

Remarks by State Engineer:

This application is for the right to use the waters of Stockade Beaver Creek through an extension of the Original Farmers' Union Litch. The purpose of the appropriation is irrigation of land, domestic use and milling.

STATE OF SOUTH DAKOTA }
County of Hughes. }

Pierre, South Dakota, Nov. 19, 1908.

This is to certify that the foregoing application was received at this office at three o'clock p.m. upon the 15th day of July 1908 and that after examination it was found to comply with the provisions of the State Water Laws. Notice of intention to appropriate was published, proof of publication was duly filed and a hearing was held in this office on October 21, 1908.

Samuel H. Lea
State Engineer.

By B. B. Lea Deputy.

Number of permit 54

Date of first receipt of application July 30, 1908

Date of return to applicant for correction - - - - - 190 - -

Date of receipt of corrected application - - - - - 190 - -

Date from which application may claim right July 30, 1908

Approved October 21, 1908, Recorded in Book -1- Page -102-

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 April 21, 1910

2d. The whole of said work is to be completed on or before October 21, 1911

3d. The limit of time for proof of beneficial use of water appropriated in accordance herewith is October 21, 1914

4th. The water appropriated shall be used for the purpose of Irrigating, Milling 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 -20- 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 October 21, 1914; said water to be used during the following described annual periods.

April 1, to November 1,

Witness my hand this 19th day of November 1908.

Will. A. Conner
Certified of Construction
Issued December 6, 1908

Samuel H. Lea
State Engineer.

By B. B. Lea Deputy.

also

13 A. in the NW₁ of NW₁ Sec. 31, Town 6 S., R. 1 E., B.N.M.

WATER LICENSE NO. 54-2.

(1) WHEREAS, On the 30th day of July A. D. 1908
George W. and Vina A. Darrow

made Water Right Application No. 54-2 for a permit to use 20 cubic feet per second of the waters of a dam

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

(2) WHEREAS, On the 21st day of October A. D. 1908
 Permit No. 54-2, with a date of priority of July 30, 1908

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 21st day of October A. D. 1911 and for the application to beneficial use of said water on or before the 21st day of October A. D. 1914

WHEREAS, on the 9th day of May, 1978 the permit was transferred to Norris Darrow, Derry Rt., Edgemont SD.

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 1.2 cubic feet per second of water for beneficial use and,

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

to irrigate portions of land located in Section 30-T68-R1E
 as follows:

Description	Acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$	23.0
NE $\frac{1}{4}$ NW $\frac{1}{4}$	8.5
SW $\frac{1}{4}$ NW $\frac{1}{4}$	32.8
E $\frac{1}{2}$ NW $\frac{1}{4}$	20.6
TOTAL	84.9

(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 Norris Darrow

_____ of Edgemont SD
the holder _____ and owner _____ of said permit No. 54-2 a water right, dating from July 30, 1908
to use of 1.2 cubic feet per second of the waters
of a dam
in the County of Custer and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at 2000 feet west and 2350 feet north of the
SE Corner of Section 19-T6S-R1E

and conduct to and upon portions of land in Section 30-T6S-R1E more fully
described on the face of this license.

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 54-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 6th day of December, A. D.
Nineteen Hundred and SeventyEight

WATER RIGHTS COMMISSION
WATER RESOURCES COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Form 15

Permit No. 54-2

Water Diversion No. 2 Fall River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify That Norris Darrow

_____ the holder _____ of
Permit No. 54-2, issued upon Application No. 54-2, bearing date of priority of July 30,
1908 authorizing the diversion of 1.2 cu. ft. per second of the waters of a
dam County of Custer, State of South Dakota xx
2000 feet west and 2350 feet north of the SE corner of
section 19-T6S-R1E
_____, for irrigation

purposes, has 8 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 2.0 cu. ft. per second of water.

Date December 6, 1978

By:

WATER RIGHTS COMMISSION

John Hatch
JOHN HATCH, Chief Engineer

(First Publication.....1908.....)

APPROPRIATION OF WATER

Office of the State Engineer,

Pierre, S. D., August 22, 1908.

Notice is hereby given that George W. Darrow & Vina A. Darrow
 whose postoffice address is Daway

Custer County, S. D., 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 20 cubic
 of water per second of time from Stockade Beaver Creek
 through the Darrow Extension of original Farmers' Union
 at point 2,444.5 ft. south of Government Mile Stone,
 to be located upon the bank of said stream in the
 No. 36, on State Line between Wyoming and South Dakota. Said Stone
 1/4 of the 1/4 of section township range said water
 being at the northwest corner of Section 19, twp. 6 S, R. 1 E, E.H. M.
 Said water to be used for the purpose of

irrigation, milling, and domestic uses upon the E 1/2 NW 1/4, N 1/2 SW 1/4,
 SW 1/4 SW 1/4, NW 1/4 SE 1/4, Section 19; also N 1/2 NW 1/4, SE 1/4 NW 1/4, and SW 1/4 Section 30;
 also NW 1/4 NW 1/4, Section 31; all in twp. 6 S, R. 1 E, E.H.M.

This application will be taken up by the state engineer at his
 office at Pierre for consideration and appropriate action upon the
 21st day of October 1908, 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 }
 County of Full River } 33
H. G. Lusk being duly
 sworn, deposes and says the annexed printed copy of Notice
 Intention to appropriate Water was taken from the
Edgewood 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 Edgewood County of
Full River and State of South Dakota,
 That the said notice was published in said newspaper on the
 following dates:
September 4-08 September 11-08
September 18-08 September 25-08
 in each and every issue of the full number thereof, the first
 publication being made on the 4 day of September
1908 and the last publication on the 25th day of
September 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

26

day of

Notary Public

Full River County, S. D.

Appropriation of Water.

Form 9-Notice of Intention to appropriate
 Water. No. 54.

Office of the State Engineer,

Pierre, S. D., Aug. 22, 1908.

Notice is hereby given that George W. Dar-
 row and Vina A. Darrow, whose post office

address is Darrow, Union County, South

Dakota, have made an application in accor-

ance with the provisions of the Irrigation

laws of South Dakota, for a permit

to appropriate for beneficial use

25 cubic feet of water per second of

time from Blockade Creek through

the Darrow Extension of Original Farmers'

Union, the point of diversion of which is to

be situated at point 2447, south of Govern-

ment Mile Stone No. 24 on State Line be-

tween Wyoming and South Dakota, said

stone being at the northwest corner of Sec-

tion 10, Township 3 S., Range 10 E.,

all water to be used for the purpose of irri-

gation, milling and domestic use, upon the

E 1/4 N 1/4 N 1/4 S 1/4, 2 N 1/4 S 1/4, NW 1/4

S 1/4, Sec. 10, also N 1/4 N 1/4 S 1/4 N 1/4,

and S 1/4 S 1/4 section 31, also N 1/4 N 1/4 S 1/4

section 31, all in Township 3 S., Range

10 E., T. 3 S., R. 10 E.

This application will be taken up by the

state engineer at his office at Pierre for con-

sideration and appropriate action upon the

21st day of Oct., 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 parties

making the application, and to be benefited

are intended to be present, or to be present

affidavit in person or by a person

presenting a relative testimony.

SAMUEL H. LEA

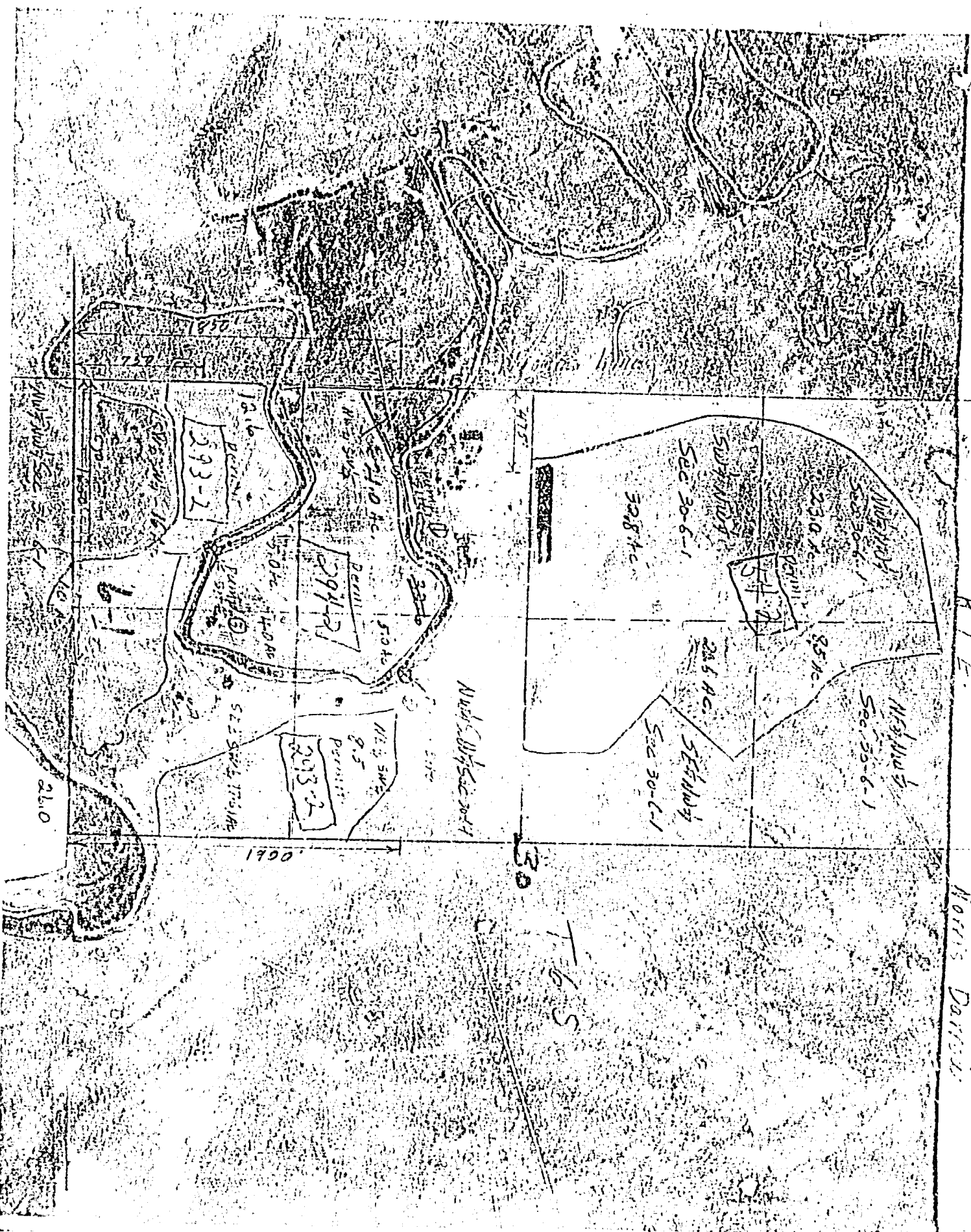
State Engineer.

RECEIVED

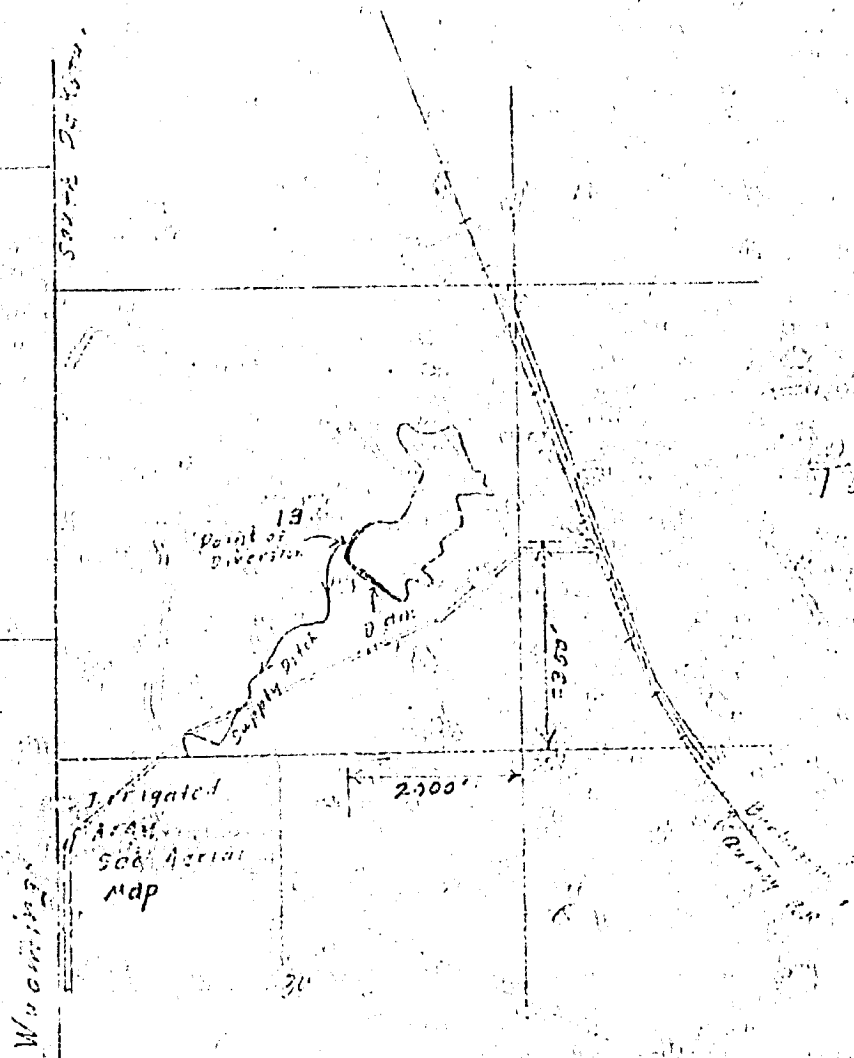
OCT 27 1908

OFFICE OF STATE ENGINEER,
 PIERRE, S. DAK.

Morris Davis



R 1 E



Harry Darrou
Permit # 54-2

overlay of USGS Map
Scale 1:2000 ft

54-2 Morrow Darrow

9-19-78 Dam in SE $\frac{1}{4}$ - 19 - Perhaps
ditch in NE $\frac{1}{4}$ that picks up
water from S & G Creek. Dam not
on the main S & G Draw.
Dam in Sec 19 has been in for
55 years or so

Not by level ditching, puts courses
down in the ditches.

Dam has 10-12" lead gate with
8" (steel) pipe thru dam.

Permit No. 54-2Water Division 2 Fall River Water District

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

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Norris Darrow
 of Dewey Rt. Edgemont, S.D. - 57735 holder
 of Permit No. 54-2, bearing date of priority of July 30,, 1908
 authorizing the diversion of 20 cu. ft. per second of the waters of Dam.
 for Irrigation purposes, in Custer 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: 12" Head Gate with 8" dia pipe
through dam.

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

C. Works used to apply water to beneficial use.
Level Ditches to spread the water

The system is in the following condition: Fair.

The point of diversion is located 2000 ft west and 2350 ft North of the
SE corner of section 19, T6S, R1E

The works are capable of diverting and conveying to the place of use 2.0
 cu. ft. per second of water which is to be used for Irrigation

Water has been put to beneficial use to the maximum extent as follows: All in Section 30, T6S, R1E.
NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 23.0 Ac.; NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 8.5 Ac. SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 32.8 Ac.;
SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 20.6 Ac.

comprising a total of 84.9 acres of land.

Dam = 7.3 surface Acres
10 ft deep.
115 A.F. capacity

10-3-78

Date

Leroy J. Mernagel

(Signature)



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

April 7, 1978

Bob Bradeen
% Johansen Agency
Custer, SD 57730

Dear Mr. Bradeen:

We discussed Norris Darrow's irrigation permits when I was in your office April 4, 1978. That same day I also visited with Norris.

Checking Darrow's irrigation permits here in the Water Rights office, we find four permits involved in Section 30, T6S, R1E. Permit 294-2 has been licensed for 35 acres, permit 293-2 covering 81 acres has not be licensed, but possibly some areas of this could be licensed. Permit No. 88-2 was declared abandoned by the State Engineer and not considered a valid Water Right. Permit 54-2 covers portions of Section 19 and 30. This has not been licensed, but possibly areas here could be licensed.

In order to clarify the situation, I would suggest that you contact Norris Darrow and have him obtain an aerial map, of the sections covered from the Agricultural Stabilization and Conservation Service. Then have him outline the areas he has been irrigating and the diversion points. We will then try to match the areas with the maps we have and in this way we can update the permits involved. All areas under the permits need to be irrigated at least once every three years to keep the permit valid.

When someone from our office is in the area we can check the areas involved out and make the final inspection and issue Water License's on the those permits not licensed.

We would appreciate it if you could send us Norris Darrow's address and phone number in case we need to contact him. If you have any questions regarding the matter, feel free to contact this office.

Sincerely,

LEROY J. MERNAUGH
Water Resources Engineer

LJM/gy

encl



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

May 1, 1978

Norris Darrow
Dewey Rt.
Edgemont, SD 57735

Dear Mr. Darrow:

In order to keep our records up to date, I am enclosing Form 20, "Notice of Transfer of Water Permit" for water permits Nos. 54-2, 293-2 and 294-2. Would you please check them over and make any necessary corrections on them, then have them notarized and return to this office with a check for \$7.50. The transfer costs \$2.50 for each permit.

Permit No. 294-2 has been licensed. Portions of Permits No. 54-2 and 293-2 can be licensed but before we can license the permits, we will need to give them a final inspection. The license then will show only those portions of land that have been irrigated in the past three years. When someone from our office is in the area we can check the systems and issue you a license. There will be a \$12.00 fee for the final inspection on each permit.

To assist in the final inspection, we would appreciate it if you could obtain an aerial photo from the Agricultural Stabilization and Conservation Service and outline the areas now irrigated and forward them to us. We can use them when we inspect your system.

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

Sincerely,

LEROY J. MERNAUGH
Water Resources Engineer

LJM/gy

encl

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6447

PIERRE, May 9, 1978

RECEIVED OF Morris Darrow, Custer, SD

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.	
Fee for Inspecting Beneficial Use, and Issuing Water License No.	
Fee for Issuing Location Certificate-Dry Draw, No.	
Fee for filing transfer of Water Right #54-2	2 50
Fee for certified copy of	
Fee for Print copy of map	
Fee for Certifying	
Fee for (any other work as provided by law)	
TOTAL	2 50

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH 97

Form 20.

No. 54-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, South Dakota 57501

Date: May 1, 1978

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

SEE BACK SIDE OF THIS SHEET

formerly owned by George W. Darrow and Vina A. Darrow

has been transferred to Norris Darrow

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

Water Right Permit No. 54-2 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 Rights Commission 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 Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939..

STATE OF SOUTH DAKOTA)
) SS.
County of Custer)

I, Norris Darrow 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

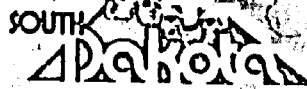
Norris Darrow
(Signed)

Subscribed and sworn to before me this 3rd day of May

19 78.

Clara M. Clay
(Notary Public)





Department of Natural Resource Development

WATER RIGHTS COMMISSION
Joe Foss Building, Pierre, South Dakota 57501
Phone 605/773-3151

November 30, 1978

Larry Roe
United Farm Agency
1511 Mt. Rushmore Rd.
Rapid City, SD 57701

Dear Mr. Roe:

Per our telephone conversation, I am sending you a copy of Water License No. 294-2.

We have written Mr. Darrow for fees so that Water Licenses can be issued for Permits No. 54-2 and No. 293-2.

The inspection of Permit No. 54-2 indicated that 84.9 acres were irrigated from a dam. Under Permit No. 293-2, 43.1 acres were irrigated from Beaver Creek. Upon receipt of the fees, water licenses will be issued to reflect the above.

The Water Rights are considered valid by this office.

If you have any further questions, feel free to contact this office.

Sincerely,

BURTON F. JONES
Water Rights Specialist

BFJ/gy

encl: Water License No. 294-2

RECEIPT

WATER RIGHTS COMMISSION

No 4 6588

State of South Dakota

PIERRE, December 5, 1978

RECEIVED OF Norris Darrow, Dewey Rt., Edgemont SD

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

Fee for Application for Permit to Appropriate Water No. <u>54-2</u> (examination, processing, recording and filing) -----	54-2)	12	00
Fee for Inspecting Construction, and Issuing Cert. of Const. action No. -----	54-2)		
Fee for Inspecting Beneficial Use, and Issuing Water License No. -----	54-2)		
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 John Hatch
Chief Engineer, Executive Officer
JOHN HATCH KJW

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6782

PIERRE,

February 12

19 79

RECEIVED OF Lawrence Roe, United Farm Agency (For Francis X Joswik and Paul Joswik)
1511 Mt Rushmore Rd, Rapid City, SD 57701
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.....		
Fee for Inspecting Beneficial Use, and Issuing Water License No.....		
Fee for Issuing Location Certificate-Dry Draw, No.....		
Fee for filling <u>Transfer of water right No. 54-2</u>		2 50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL \$		2 50

WATER RIGHTS COMMISSION

By JOHN HATCH 99
Chief Engineer, Executive Officer

DATE MICROFILMED

CHIEF ENGINEER

RECEIVED
STATE WATER
RIGHTS COM. A.
Pierre, S.D.
FEB 1979

Date: FEBRUARY

NW $\frac{1}{4}$ NW $\frac{1}{4}$ (23 A); NE $\frac{1}{4}$ NW $\frac{1}{4}$ (8.5 A); SW $\frac{1}{4}$ NW $\frac{1}{4}$ (32.8 A) SE $\frac{1}{4}$ NW $\frac{1}{4}$ (20.6 A) all in
Section 30, Township 6 South Range 1 EBHM, Custer County, S D

Water Right Permit No. 54-2 as provided for in SDCL 46-5-32 and 46-5-33.

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

We, Norris J. Darrow and Beryl R. Darrow 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.

Harold G. Harrow
Beryl G. Harrow
(Signed)

Subscribed and sworn to before me this 8 Day of February 1979.

M. P. Farrell
(Notary Public)
M. P. FARRELL, Notary Public
My commission expires:
April 1, 1982.

54-2

KEITH P. TYLER
ATTORNEY & COUNSELOR AT LAW
BUSINESS PLANNING • COMMERCIAL LITIGATION
REAL ESTATE AND NATURAL RESOURCE LAW

P.O. BOX 2671
CASPER, WYOMING 82602

307-268-0129
145 SOUTH DURBIN, SUITE 203

October 28, 1983



Water Rights Commission
Foss Building
Pierre, South Dakota 57501

Dear Sirs:

Enclosed please find three Notice of Transfer of Water Permits, together with my check in the amount of \$7.50 to cover the filing fees. Please return the permits to this office.

If you have any questions or problems, please do not hesitate to call me.

Sincerely,

Keith P. Tyler
KEITH P. TYLER

KPT/vlk

Enclosures

11-3-83 Called Tyler's office for mailing address of
new owners - Barnard & Lowham, partners, P.O. Box
567, Casper WY 82602



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, South Dakota 57501

Date: 10-27-83

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

NW $\frac{1}{4}$ NW $\frac{1}{4}$ (23 A); NE $\frac{1}{4}$ NW $\frac{1}{4}$ (8.5 A) SW $\frac{1}{4}$ NW $\frac{1}{4}$ (32.8 A); SE $\frac{1}{4}$ NW $\frac{1}{4}$ (20.6 A), all in Section 30, Township 6 South, Range 1, East of the Black Hills Meridian, Custer County, South Dakota formerly owned by Francis X. Jozwik and Paul Jozwik, a partnership, has been transferred to Barnard & Lowham Partners, a partnership, together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 54-2 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 Office of Water Rights Commission 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 WYOMING)

COUNTY OF NATRONA)

ss.

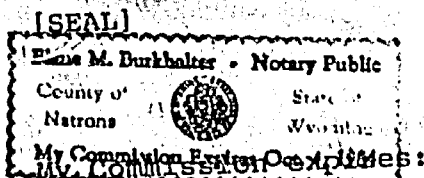
We, Francis X. Jozwik and Paul Jozwik, being first duly sworn on our oath, depose and say: That our relation to the above described undertaking is that of Owner, that we have read the above and foregoing statement, and we know of our own personal knowledge that the information herein stated is true.

Francis X. Jozwik
FRANCIS X. JOZWIK

Paul Jozwik
PAUL JOZWIK

Subscribed and sworn to before me by Francis X. Jozwik and Paul Jozwik this 27th day of October, 1983.

Witness my hand and official seal.



Elmer M. Burkhalter
Notary Public

RECEIPT

Division of Water Rights

No 4 9390-

South Dakota Department of Water and Natural Resources

Pierre,

November 3, 1983

Keith Tyler, PO Box 2671, Casper WY 82602 for Barnard & Lowham Partners

RECEIVED OF

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
For Filing Transfer Form No. 54-3 _____	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)



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

November 3, 1983

54-2

Keith P. Tyler
PO Box 2671
Casper WY 82602

Dear Mr. Tyler:

Enclosed are receipts No. 4 9389 thru 4 9391 in the amount of \$2.50 each which you paid for transfer of Water Rights No. 54-2, 293-2 and 294-2.

Our records now show Barnard & Lowham, partners as the owners of these Water Rights.

Sincerely,

KAREN SCHLAACK
Administrative Aide

enclosures

cc: Barnard & Lowham, Partners
PO Box 567
Casper WY 82602

South Dakota Department of
Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

June 1, 1988

Paul Lowham
PO Box 567
Casper, Wyoming 82602

Dear Mr. Lowham:

Enclosed are copies of Water Right Nos. 54-2, 293-2 and 294-2 listed under Barnard & Lowham, Partners. You requested copies of these in February, 1988.

I apologize for the length of time it took me to get your letter answered. If you have any questions, please contact us.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.





LOWHAM ASSOCIATES

P.O. Box 567

Casper, WY 82602

February 12, 1988

Mr. John Hatch
Chief Engineer
Water Rights Division
South Dakota Department of Water
and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181



Dear Mr. Hatch:

Thank you for your letter of February 9, 1988 informing us that our 1987 irrigation questionnaire has been returned and satisfies your requirements.

I am enclosing a copy of our legal description and copy of a map showing our deeded property and I am requesting that you furnish me with information regarding the water rights that your records show are attached to the entire ranch.

We are presently in the process of selling the ranch and want to make sure that we accurately represent the permit numbers and acreages to prospective buyers.

Additionally, we have several artesian flowing wells on the property and I am wondering if your records reflect this? Thank you very much for your help.

Sincerely yours,

Paul Lowham

PL/kc
enclosures

BEAVER CREEK RANCH
Custer County, South Dakota

Legal Description

Deeded Lands

Township 6 South, Range 1 East of the Black Hills Meridian, Custer County, SD

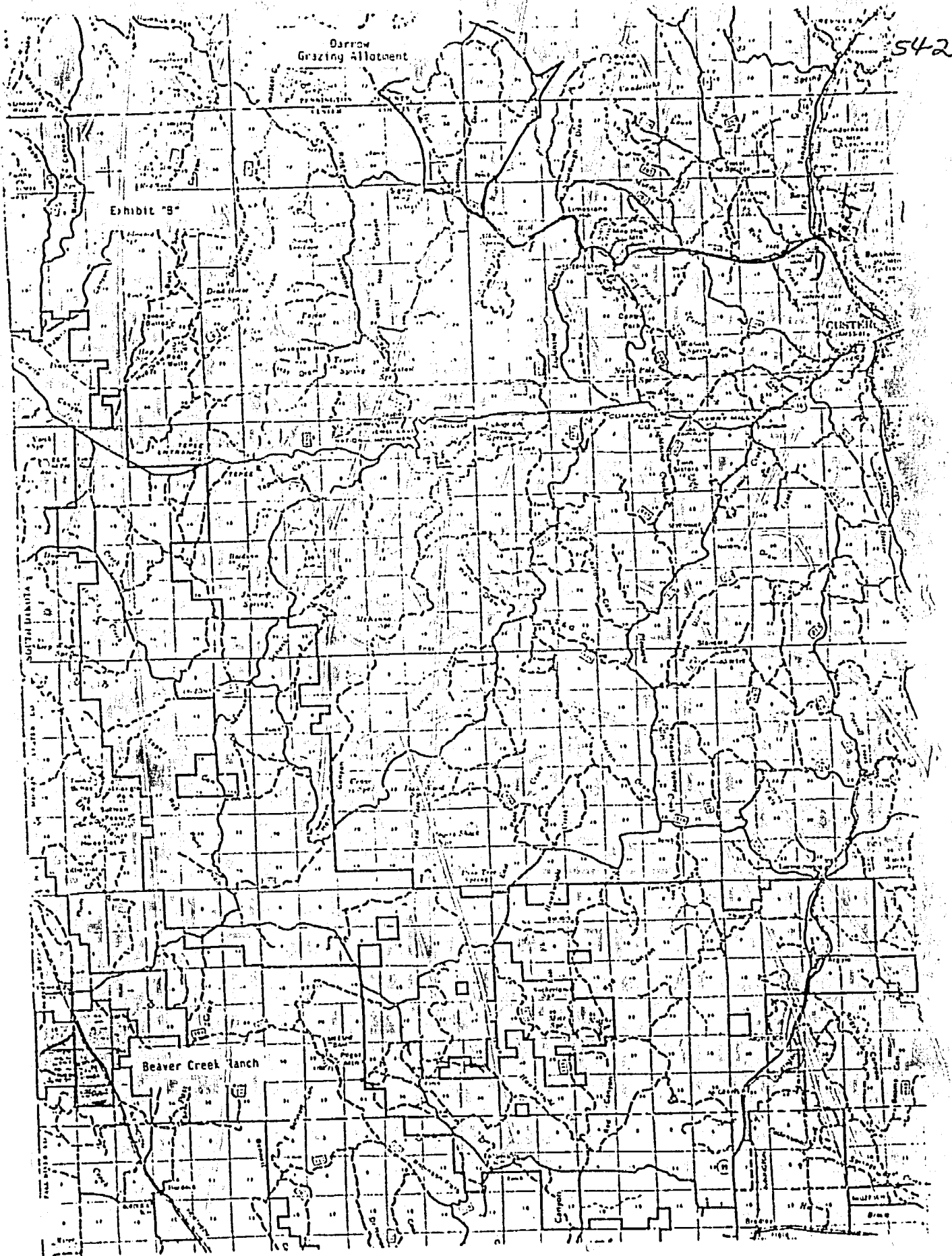
Section 17: S $\frac{1}{2}$ SE $\frac{1}{4}$
Section 19: S $\frac{1}{2}$ NE $\frac{1}{4}$, Lots 1, 2, 3 and 4, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$
Section 20: All
Section 21: SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 28: N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 29: All
Section 30: Lots 1, 2, 3 and 4, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$
Section 31: Lot 1
Section 32: N $\frac{1}{2}$

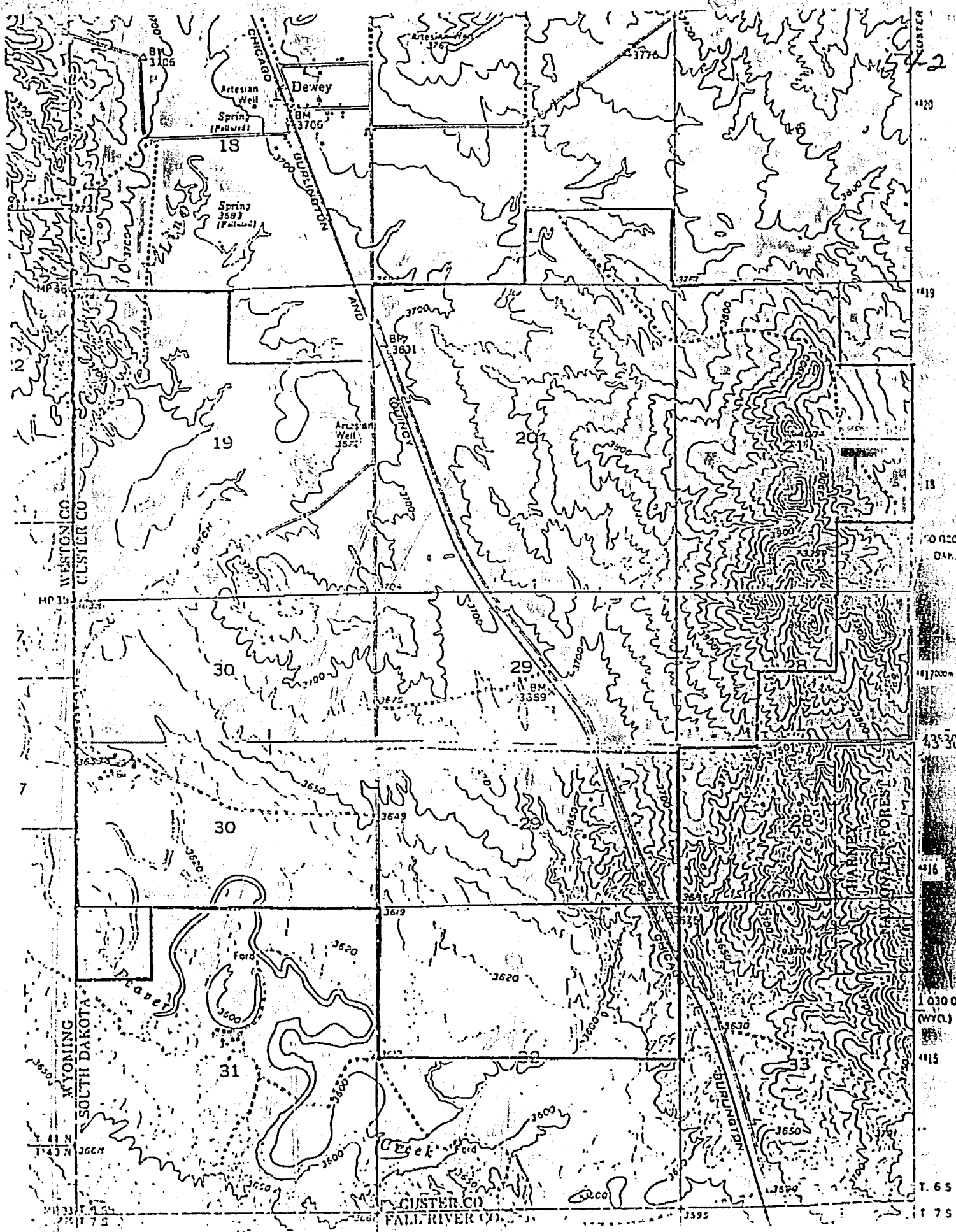
Consisting of approximately 3406 acres

ALSO

A Forest Service permit for 343 yearling cattle in the Black Hills
National Forest, Darrow Allotment of the Harney District.

Period of Use - June 20th to October 5th.





SOUTH DAKOTA
Department of
Water & Natural Resources

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

July 1, 1988

54-2

293-2

294-2

Jane M. Farrell
Farrell, Farrell & Ginsbach
441 N. River Street
Hot Springs, South Dakota 57747

Dear Ms. Farrell:

Enclosed is the "Notice of Transfer" you submitted for filing a name change on Water Right Nos. 54-2, 293-2 and 294-2, along with the \$2.50 check from Barnard & Lowham Partners. A "Notice of Transfer" does need to be filed for each of the three water rights. A fee of \$2.50 is also required for each transfer.

I have enclosed a partially completed "Notice of Transfer" for Water Right Nos. 54-2, 293-2 and 294-2. I have completed the forms with the land authorized for irrigation under each water right. The forms should be completed by Mr. & Mrs. Bonham, and should include their complete mailing address.

Please return the forms to our office with the \$2.50 filing fee for each, total of \$7.50. Upon receipt of the forms and filing fees, the water rights can be transferred to O. Duane Bonham and Carol R. Bonham.

If you have any questions, please contact us.

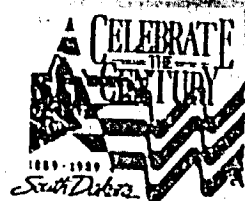
Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

GM:ms

Enc.



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411352

Pierre, August 15, 1968

RECEIVED OF Barnard & Lowham Partners, PO Box 567, Casper, WY 82502
the following amount in fees for services rendered as provided for by law: (For Duane & Carol Bonham)

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>54-2</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

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

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

WATER RIGHTS DIVISION
(605) 773-3352

August 16, 1988

Jane M. Farrell
Farrell, Farrell & Ginsbach
441 N. River Street
Hot Springs, South Dakota 57747

Dear Ms. Farrell:

Enclosed are receipt Nos. 411351, 411352 and 411353 in the amount of \$2.50 each which Barnard & Lowham Partners paid for the transfer of Water Right Nos. 293-2, 54-2 and 294-2.

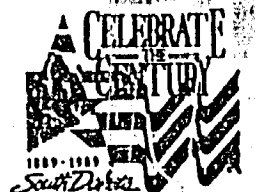
Our records now show O. Duane and Carol R. Bonham as the owners of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc. 3

cc: Barnard & Lowham Partners
Duane & Carol Bonham



Water Rights Division - DWNR
Conversation or File Documentation

File No. WR 58-2
LN 280-2

NAME OF PERSON OR FILE: Barnard & Lowham, Partners
ADDRESS: P.O. Box 567, Casper, WY 82602 COUNTY Custer
DATE: May 21, 1987 TELEPHONE _____
RE: Incorporating Location Notice LN 280-2 with Water Right 58-2

COMMENTS:

I made a field inspection of this project with Maurice Neville, Farm Manager, on August 27, 1986. I had a final discussion with Mr. Neville on April 28, 1987. He agreed with my analysis of the project.

LeRoy Mernough conducted an inspection of this project on 10-3-1978. Mr. Mernough did not include the dike in the SW 1/4 NE 1/4 of Sec 19, T6S, R1E in his inspection report. This dike was constructed at the same time as the dam that is listed in the Water Right. I also found Location Notice LN 280-2. The dike and ditch ^{for LN 280-2} exist and are in operating condition.

WR 58-2 should be reissued with the following additions:
Add diversion point located at S53°W 3010 feet from the NE corner of Sec 19, T6S, R1E. Priority date = July 30, 1908

Incorporate LN 280-2 with diversion point located at S19°W 1050 feet from the NE corner of Sec 19, T6S, R1E. Priority date = October 25, 1910

The acreage irrigated remains as listed on WR 58-2

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: Merwin W. Brong, P.E.
Hydrologist

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 54-2

(1) Norris Darrow of Edgemont, SD 57735 was issued Water License No. 54-2, December 6, 1978, for a water right to appropriate 1.2 cubic feet of water per second from a dam, Custer County, South Dakota for irrigation purposes. Water License No. 54-2, with a priority date of July 30, 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.

February 12, 1979, Water Right No. 54-2 was transferred to Francis and Paul Jozwik. November 3, 1983, the water right was transferred to Barnard and Lowham, Partners. August 15, 1988, the water right was transferred to O Duane Bonham and Carol R Bonham.

A field inspection conducted August 27, 1986 and a subsequent review of Water License No. 54-2 found an omission of a diversion point location. A dike located in the SW 1/4 NE 1/4 Section 19, T6S, R1E (constructed at the same time as the dam authorized under No. 54-2) was omitted from the original inspection report and Water License issued December 6, 1978.

Further review of the files found the diversion point authorized under Location Notice No. 280-2 irrigates the same land as covered under Water Right No. 54-2. The diversion point under Location Notice No. 280-2 carries a priority date of October 25, 1910.

Water License No. 54-2 is being reissued to incorporate the diversion point omitted from the original licence and to incorporate the applicable portions of Location Notice No. 280-2.

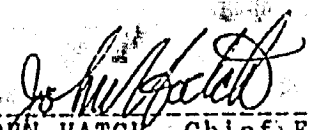
(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.2 cubic feet of water per second for beneficial use. The location of the diversion points are:

2000 ft W and 2350 ft N of the SE corner of Section 19; S53°W 3010 ft from the NE corner of Section 19; S19°W 1050 ft from the NE corner of Section 19, (Location Notice No. 280-2) all in T6S, R1E.

(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:

Section 30, T6S, R1E	NW 1/4 NW 1/4	23.0 acres
	NE 1/4 NW 1/4	8.5 "
	SW 1/4 NW 1/4	32.8 "
	SE 1/4 NW 1/4	20.6 "
	TOTAL	84.9 acres

(4) Pursuant to Section 46-5-30.1 O Duane Bonham and Carol R Bonham of HCR 59 Box 28, Edgemont, SD 57735 the holder(s) and/or owner(s) of Water Right No. 54-2 is issued a license to appropriate water, the right to use 1.20 cubic feet of water per second from a dam with priority dates of July 30, 1908 and October 25, 1910 from the location specified in (2) of this license. The water 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, conditions or qualifications listed in Water Right No. 54-2 and subject to South Dakota State Law.


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

DEC 22 1988

SOUTH



Department of Water & Natural Resources

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

DEC 22 1988

54-2

O Duane & Carol R Bonham
HCR 59 Box 28
Edgemont, SD 57735

Dear Mr. & Mrs. Bonham:

Enclosed is your Water License No. 54-2. The water license has been reissued to include the applicable portions of Location Notice No. 280-2. The relicense is based on an August 27, 1986 inspection of the water use system.

If you have any questions concerning the enclosed Water License, please contact us.

Very truly yours,

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

enclosures



SOUTH DAKOTA
Department of
Water & Natural Resources

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

May 16, 1989

54-2
293-2
294-2

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

Dear Ms. Farrell:

In response to our telephone conversation of May 15, 1989, enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 54-2, 293-2, and 294-2. The water rights are currently listed in the name of O Duane and Carol R Bonham.

The forms will need to be completed and signed in the presence of a notary public by the new owner. Upon completion of the forms, return them to our office with a required filing fee of \$2.50 each (total of \$7.50). The water rights will then be transferred to the proper names.

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 me.

Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosures



NO. 54-2

NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: June 6, 1989

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

NW 1/4 Section 30, T6S, R1E

formerly owned by O. Duane Bonham & Carol R. Bonham

has been transferred to Barnard & Lowham Partners, a Partnership, P. O. Box 567, Casper, WY 82602 (please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right ~~Rxxxx~~ No. 54-2 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.

Paul Lowham, a partner of
I, Barnard & Lowham, Partners, 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.

Barnard & Lowham Partners
by Paul Lowham, a partner
(Signed)

Subscribed and sworn to before me this 6th Day of June, 1989.

[Signature]
(Notary Public)
My commission expires 9-17-90.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, June 12, 1989

RECEIVED OF Farrell, Farrell, & Ginsbach, 441 N. River St., 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 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 Water Right No. 5402

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

2 50

By

John H. Hatcher
Chief Engineer

54-2

FARRELL, FARRELL & GINSBACH

LAWYERS

441 NORTH RIVER STREET
HOT SPRINGS, SOUTH DAKOTA 57747

Martin P. Farrell
Jane M. Farrell
Patrick M. Ginsbach

(605) 745-5151

June 8, 1989

South Dakota Dept. of Water
and Natural Resources
Joe Foss Bldg.
523 East Capitol
Pierre, SD 57501-3181



Attn: Jenny McMath
Natural Resources Analyst

Re: Water Rights 54-2, 293-2, and 294-2

Dear Ms. McMath:

Enclosed please find the Notice of Transfer of Water Permit for the above set forth transfers. Also enclosed, please find the filing fee in the amount of \$7.50. Please let me know if I can be of further assistance.

Sincerely,


JANE M. FARRELL
JMF/bji

Enclosures



**Department of
Water & Natural Resources**

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

July 14, 1989

Jane M. Farrell
Farrell, Farrell & Ginsbach
441 N. River St.
Hot Springs, SD 57747-1499

Dear Ms. Farrell:

Enclosed are Receipt Nos. 411792, 411793, & 411794 in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 293-2, 54-2, and 294-2 respectively.

Our records now reflect Barnard & Lowham, Partners as the owner of this Water Right.

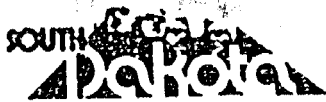
Sincerely,

Marie R. Arthur

MARIE R. ARTHUR
Secretary
for Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352

cc: Barnard & Lowham, Partners, PO Box 567, Casper, WY
82602-0567





Department of Water & Natural Resources

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

September 7, 1989

54-2
293-2
294-2

Martin P Farrell
441 N River Street
Hot Springs, SD 57747

Dear Mr. Farrell:

In followup to our telephone conversation, enclosed are copies of the "Notice of Transfer" forms filed by Barnard & Lowham Partners. The transfers were filed with our office in June, 1989.

You indicated the land is in the process of being sold again. Enclosed are blank transfer forms for use in filing an ownership change on Water Right Nos. 54-2, 293-2 and 294-2. The forms need to be completed, signed and notarized before returning them to our office. A \$2.50 filing fee is required for each transfer (total of \$7.50) and must be submitted with the completed forms.

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 me.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosures



FARRELL, FARRELL & GINSBACH

LAWYERS

441 NORTH RIVER STREET
HOT SPRINGS, SOUTH DAKOTA 57747

Martin P. Farrell
Jane M. Farrell
Patrick M. Ginsbach

(505) 745-5161

October 31, 1989

Dept. of Water and Natural Resources
State of South Dakota
Pierre, SD 57501

Attn: Water Rights Division

Gentlemen:

The Partnership of Barnard & Lowham has sold the Beaver Creek Ranch to Chance Reynolds and Neteri Reynolds, husband and wife, as joint tenants.

Enclosed are three Notices of Transfer of Water Permits.

These Permits relate to Water Right Permit No. 54.2, 293-2, and 294-2.

Also enclosed is a check for \$7.50. If this is incorrect, please let me know.

When the transfer has been made on your books, please notify both Chance and Neteri Reynolds, HCR Rt. 59, Box 28, Edgemont, SD 57735, and my office.

Thank you very much.

Sincerely,

Martin P. Farrell

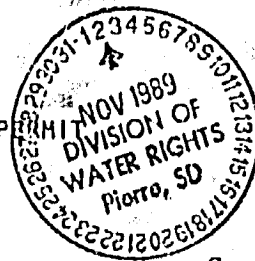
MARTIN P. FARRELL
HPG/bji

Enclosures

cc: Attorney Daniel P. Edwards
Chance and Neteri Reynolds
Paul Lowham



NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: September 14, 1989

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

NW1/4 Section 30, T6S, R1E

Barnard & Lowham Partners, a Partnership, P.O. Box 567
formerly owned by Casper, Wyoming 82602
has been transferred to Chance and Neteri Reynolds c/o Beaver Creek Ranch
Dewey Route HCR Route 59-Box 28 Edgemont, SD 57735
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 54.2 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, Barnard & Lowham Partners 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.

Barnard & Lowham Partners
by [Signature]
(Signed)

Subscribed and sworn to before me this 30 Day of October, 1989.

M. P. Farrell
(Notary Public)

M.P. FARRELL, NOTARY PUBLIC
MY COMMISSION EXPIRES
April 1, 1990

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

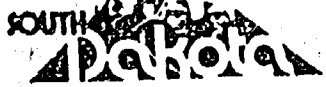
411959

Pierre, November 2, 1989

RECEIVED OF Farrell, Farrell & Ginsbach, for Barnard & Lowham Partners, PO Box 560,
the following amount in fees for services rendered as provided for by law: Casper WY

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>HC. 54-2</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 (15)



Department of Water & Natural Resources

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

November 8, 1989

54-2
293-2
294-2

Martin P Farrell
441 North River St
Hot Springs SD 57747

Dear Mr. Farrell:

Enclosed are receipts in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 54-2, 293-2 and 294-2.

Our records now show Chance & Meteri Reynolds as the owners of these Water Rights.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Senior Secretary
Water Rights Division
605 773-3352

enclosure

cc: Chance & Meteri Reynolds



Department of Water & Natural Resources

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

March 23, 1990

54-2

NOTICE

TO: Chance/Neteri Reynolds
HCR 59 BOX 28
EDGEMONT, SD 57735

FROM: *John Hatch*
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. 54-2 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).



54-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 16, 1997

54-2

Jerry DeFord
HIC 59 Box 28
Edgemont, SD 57735

Dear Mr. DeFord:

In January, I wrote to you regarding Water Right Nos. 293-2 & 294-2 held by Chance and Neteri Reynolds. In reviewing our files, I found an additional water right listed in their names. Enclosed is a copy of Water Right No. 54-2 showing what was authorized for irrigation.

In my last letter to you, I inquired about the status of irrigation done on land formerly owned by the Reynolds. The water rights may or may not be active depending on how long the land has not been irrigated and whether or not legal excuse exists for the non-use of water.

We will try and schedule an investigation of the area sometime this summer. I am sending a copy of the enclosed documents to Farm Credit Services for their review. If you have any questions, please contact me.

Sincerely,

Genny McMath

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

c: Marlin Norling, Farm Credit Services, PO Box 10, Pierre, SD 57501-0010 (w/copies)
Jeff Marvin, Receiver, PO Box 7713, Rapid City, SD 57709 (w/copies)

McMath, Genny

From: McMath, Genny
To: Gronlund, Eric
Subject: legal excuse/declaratory ruling
Date: Monday, April 21, 1997 4:09PM

When I get back to the office - I need to visit with you about the procedure for petitioning the WMB for a declaratory ruling.

I spoke with Martin w/Farm Credit Services about the Chance and Neteri Reynolds property. He inquired if the permits were in jeopardy of being cancelled. I told him it would depend on use and legal excuse for the years the land had not been irrigated. He said the reason it's not being irrigated now is because the current tenants are "short time" leasors and are not willing to spend the money to irrigate if they will not get any benefit out of it. I told him I did not know if that type of situation would be legal excuse or not. He said the land is in foreclosure and the Reynolds have a 180 day redemption period. At any rate - the land may be auctioned by this time in 1998.....

I told him to be sure water rights were intact for the land, he (or the new owner) would have to petition the WMB for a declaratory ruling. He said he would do this a couple months ahead of when they needed to know.

My thought is that we should write him now and let him know the process and the time frames involved for doing this. That way he wouldn't have any surprises close to auction time.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 26, 1997

Marlin Norling
Farm Credit Services
PO Box 10
Pierre, SD 57501-0010

Dear Mr. Norling:

I am contacting you as a follow-up to our phone conversation last week on the status of Water Right Nos. 54-2, 293-2 & 294-2, currently in the name of Chance and Neteri Reynolds. I have compiled and enclosed the irrigation questionnaires for Water Right Nos. 293-2 & 294-2 that we have on file for the years 1982 to present.

Irrigation questionnaires are submitted each fall by irrigators to reflect that season's water use. You will note that there is not a questionnaire for each year. I believe this is because a questionnaire was not submitted the year that Mr. Reynolds took possession of the property and there was a period during 1994 and 1995 when the water rights were suspended for failure to submit previous year's questionnaire.

I encourage you to review the questionnaires. Specifically, make note of the comment section on the form. The comment section provides insight into whether legal excuse exists for nonuse of water in a given year (ie. adequate rainfall that year or insufficient stream flow).

Mr. Norling, I know you want a Water Rights Program determination on the validity of these water rights. However, only the Water Management Board can make this type of official determination. Unfortunately, it is not possible to get this type of Board determination prior to land being auctioned the first week in October. What I have attempted to do in our phone conversation is inform you of what might subject a water right to cancellation and what constitutes legal excuse for nonuse of water. Water Right No. 54-2, 293-2 & 294-2 are currently water rights on file with the Water Rights Program. If there has been three years of nonuse of water without legal excuse in the past history, the water rights may be subject to cancellation for nonuse.

Finally, I am enclosing some of the statutes that are pertinent to our discussion. Please feel free to contact me if you have any questions.

Sincerely,

Eric Gronlund
Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

FACSIMILE TRANSMITTAL COVER SHEET

TRANSMITTAL DATE: October 1, 1997

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: Jim Strain

PHONE: 605 342-2509

FAX: same

MESSAGE:

Jim: I am forwarding three letters in our files pertaining to the Chance and Neteri Reynolds property in Fall River County. I believe the letters address your questions concerning Water Right Nos. 54-2, 293-2 and 294-2.

To summarize the letters and our current position - we, as a staff, can not address validity issues. The Water Management Board is the entity making this type of determination. Whether or not the water rights are valid is dependent on past water use.

FROM: GENNY MCMATH AGENCY: DENR - WATER RIGHTS PROGRAM

ADDRESS: JOE FOSS BUILDING, 523 E CAPITOL, PIERRE, SD 57501-3181

PHONE: (605) 773-3352

FAX: (605) 773-4068

****THIS TRANSMISSION INCLUDES 4 PAGES INCLUDING THIS PAGE****

IF THERE IS ANY PROBLEM WITH THIS TRANSMITTAL, PLEASE CALL (605) 773-3352.

THANK YOU



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 14, 1997

54-2
293-2
294-2

Jim Strain
500½ W Blvd, Suite 3
Rapid City, SD 57701

Dear Mr. Strain:

Enclosed, as you requested, are copies of Water Right Nos. 54-2, 293-2 and 294-2. I included past copies of ownership changes and maps of the area.

Also enclosed, are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with each of the water rights. The forms should be reviewed for accuracy and completed as needed. Upon completion, they will need to be signed in the presence of a notary, by the new owner(s). A filing fee of \$2.50 is required for each transfer (total of \$7.50).

Please keep in mind that filing ownership changes on these water rights does not insure their validity. As we have discussed, whether or not the water rights are valid is dependent on past water use and subsequent legal excuse. The new owner(s) should be made aware of these issues.

If you have any questions, please give us a call.

Sincerely,

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

enclosures

JIM STRAIN & ASSOCIATES

500 1/2 West Blvd. - Suite 3
Rapid City, SD 57701
Phone (605) 342-0922

Agriculture Land Brokers

"We Know Ranches"

November 22, 1997



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

Dear Sir/Madam:

Please find enclosed three Notice of Transfer of Ownership forms in connection with lands recently acquired by Allen L. Scovel, Trustee. Please process these transfers and you may either send them to Mr. Scovel or myself at the address on this letterhead. I am Mr. Scovel's ranch manager, which is why you are receiving the forms from me.

Thank you for your attention to this matter.

Sincerely,


Jim Strain
enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 9, 1997

54-2
293-2
294-2

Allen L Scovel, Trustee
2902 West Main St
Rapid City, SD 57702

Dear Mr. Scovel:

Enclosed, as we discussed, are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with Water Right Nos. 54-2, 293-2 and 294-2. These water rights are currently listed in the name of Chance and Neteri Reynolds.

On November 24th, Jim Strain filed transfer notices for these water rights on your behalf. I am returning these documents to you. Ownership changes need to be signed by the new owner rather than the old owner.

Please review the transfer forms (new set) and make any necessary corrections. Upon completion, please sign the forms in the presence of a notary and return them to our office with a required filing fee of \$2.50 each (total of \$7.50). The set of transfer forms filed by Mr. Strain did not include filing fees.

Thank you for your assistance and if you have any questions, please contact me.

Sincerely,

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

encl

SCOVEL LAW OFFICE

DAKOTA PROFESSIONAL BUILDING
2932 WEST MAIN STREET
RAPID CITY, SOUTH DAKOTA 57702

AL SCOVEL
Attorney

Telephone (605) 343-6336
Fax (605) 343-5379

December 18, 1997

Genny McMath
Environmental Scientist
Department of Environment
and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

RE: Water Rights Transfers
My file No. 96-40



Dear Ms. McMath:

I have enclosed herewith pursuant to your request executed Notice of Transfer of Ownership No. 54-2, Notice of Transfer of Ownership No. 293-2, and Notice of Transfer of Ownership No. 294-2. I have also enclosed draft # 1195 in the amount of \$7.50 for the filing fee.

Kindest regards,

Al Scovel

AS:ljo
Enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 54-2

Date: 12-18-97

I/We request that Water Right No. 54-2

formerly owned by: Chance & Neterl Reynolds (later owned by Farm Credit Services)

be transferred to: (name & address) Allen L Scovel, Trustee, 2902 West Main St., Rapid City, SD 57702

Telephone No. (605) 343-6336

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

34.9 acres - NW 1/4 Section 36, T4S, R1E

I/We understand that the validity of Water Right No. 54-2 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 Pennings)

I/We Allen L. Scovel, Trustee 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.

Allen L. Scovel, Trustee
(Signed)

Subscribed and sworn to before me this 18th day of December, 19 97.

Louetta J. Olson
(Notary Public)

My Commission Expires 10-3-2000

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.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

415568

Pierre, December 19, 1997

RECEIVED OF Allen L. Scovel, Trustee, 2902 West Main St., Rapid City, SD 57702
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 Water Right No. 54-2

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By

Chief Engineer

John Hatch



54-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 17, 1998

Nos. 54-2
293-2
294-2

Allen L. Scovel, Trustee
2902 West Main Street
Rapid City, SD 57702

Dear Mr. Scovel:

Enclosed are receipts in the amount of \$2.50 which you paid for the transfer of Water Right Nos. 54-2, 293-2 and 294-2.

Our records now show you as the owner of Water Right Nos. 54-2, 293-2 and 294-2.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

enclosure

54-2

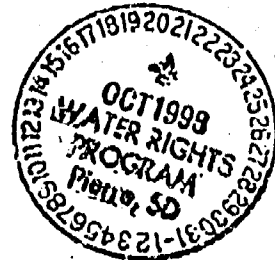
SCOVEL LAW OFFICE
DAKOTA PROFESSIONAL CENTER
2902 WEST MAIN STREET, SUITE 1
RAPID CITY, SD 57702-8174

AL SCOVEL
ATTORNEY AT LAW

TELEPHONE (605) 343-6338
FAX (605) 343-5379

October 20, 1998

John Hatch, Chief Engineer
Water Rights Program
Dept. of Environment &
Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181



Re: Al Scovel, Trustee
My File No. A96C40

Dear Mr. Hatch:

Please be advised that all future correspondence from your department should be directed to Steve Zellmer, Dakota Cement Plant, at P.O. Drawer 360, Rapid City, South Dakota 57702. The reason for this is that when I purchased this land I was acting as trustee on behalf of the Dakota Cement Plant.

Accordingly, as I say, please direct all future correspondence directly to Steven Zellmer at the Dakota Cement Plant as above designated.

If you have any questions in this regard, please feel free to give me or Steve Zellmer a call.

Kindest regards,

AL SCOVEL

AS/dmw

cc: Steve Zellmer
James S. Nelson



54-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

November 30, 1998

54-2
293-2
294-2

Jim Strain, Manager
Dakotah Cement Plant
500 1/2 W Blvd, Suite 3
Rapid City, SD 57701

Dear Mr. Strain:

Enclosed, as we discussed, are partially completed "Notice of Transfer of Ownership" forms for use in transferring Water Right Nos. 54-2, 293-2 and 294-2 to the Cement Plant.

Please review the forms and make any necessary corrections. You will need to fill in the portion titled "be transferred to: (name & address)....".

Upon completion, please sign the forms in the presence of a notary and return them to our office. A filing fee will not be required.

If you have any questions, please contact me.

Sincerely,

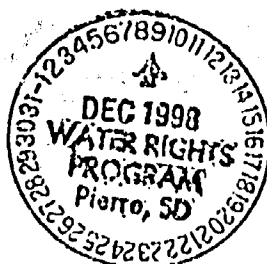
Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 54-2

Date: December 8, 1998



I/We request that Water Right No. 54-2

formerly owned by: Allen L Scovel, Trustee

be transferred to: (name & address) State of South Dakota, acting by and through the State Cement Plant

Commission, d/b/a Dacotah Cement

Telephone No. (605) 394-5200

PO Box 360, Rapid City, SD 57709

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

84.9 acres - NW 1/4 Section 30, T6S, R1E

I/We understand that the validity of Water Right No. 54-2 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 Pennington)

I/We Steve Zellmer 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.

(Signature)

Subscribed and sworn to before me this 7th day of December, 1998

Donita J. Hamer
(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.



54-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 8, 1998

54-2
293-2
294-2

Steve Zellmer
Dakotah Cement
PO Box 360
Rapid City, SD 57709-0360

Dear Mr. Zellmer:

Thank you for sending in the transfer of ownership forms for Water Right Nos. 54-2, 293-2 and 294-2. The transfers have been completed and the water rights are now listed as "State of South Dakota, acting by and through the State Cement Plant Commission, dba Dakotah Cement".

All correspondence will be directed to "Dakotah Cement" in care of you. If you have any questions concerning the water rights or the transfers, please get in touch with me.

Sincerely,

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

Department of Environment and Natural Resources
 Air and Surface Water Program
 Ine Foss Building
 523 East Capitol
 Pierre, SD 57501-3181
 Telephone: (605) 773-3351



STATE OF SOUTH DAKOTA

BEFORE THE SECRETARY OF

THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

IN THE MATTER OF THE)
 APPLICATION OF GCC DAKOTAH, INC.)
 See Exhibit A attached hereto)
 (FACILITY NAME))
 STATE OF _____)
 COUNTY OF _____) SS

I, GCC DAKOTAH, INC., the applicant in the above matter after being duly sworn upon oath hereby certify the following information in regard to this application:

South Dakota Codified Laws Section 1-40-27 provides:

"The secretary may reject an application for any permit filed pursuant to Titles 34A or 45, including any application by any concentrated swine feeding operation for authorization to operate under a general permit, upon making a specific finding that:

(1) The applicant is unsuited or unqualified to perform the obligations of a permit holder based upon a finding that the applicant, any officer, director, partner or resident general manager of the facility for which application has been made:

- (a) Has intentionally misrepresented a material fact in applying for a permit;*
- (b) Has been convicted of a felony or other crime involving moral turpitude;*
- (c) Has habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage;*
- (d) Has had any permit revoked under the environmental laws of any state or the United States; or*
- (e) Has otherwise demonstrated through clear and convincing evidence of previous actions that the applicant lacks the necessary good character and competency to reliably carry out the obligations imposed by law upon the permit holder; or*

(2) The application substantially duplicated an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Nothing in this subdivision may be construed to prohibit an applicant from submitting a new application for a permit previously denied, if the new application represents a good faith attempt by the applicant to correct the deficiencies that served as the basis for the denial in the original application.

All applications filed pursuant to Titles 34A and 45 shall include a certification, sworn to under oath and signed by the applicant, that he is not disqualified by reason of this section from obtaining a permit. In the absence of evidence to the contrary, that certification shall constitute a prima facie showing of the suitability and qualification of the applicant. If at any point in the application review, recommendation or hearing process, the secretary finds the applicant has intentionally made any material misrepresentation of fact in regard to this certification, consideration of the application may be suspended and the application may be rejected as provided for under this section.

Applications rejected pursuant to this section constitute final agency action upon that application and may be appealed to circuit court as provided for under chapter 1-26."

Pursuant to SDCL 1-40-27, I certify that I have read the forgoing provision of state law, and that I am not disqualified by reason of that provision from obtaining the permit for which application has been made.

Dated this 08, day of March, 2001

GCC DAKOTA, INC.

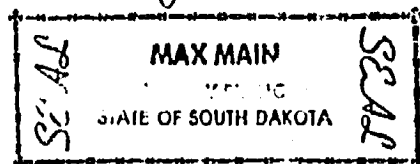
By: Martha Rodriguez
Applicant Martha Rodriguez, Treasurer

Subscribed and sworn before me this 13th day of March, 2001

Max Main
Notary Public

My commission expires: May 15, 2002

(SEAL)



PLEASE ATTACH SHEET DISCLOSING ALL FACTS PERTAINING TO
SDCL 1-40-27 (1) (a) THROUGH (e).
ALL VIOLATIONS MUST BE DISCLOSED, BUT WILL NOT
AUTOMATICALLY RESULT IN THE REJECTION OF AN APPLICATION.



LAW OFFICES OF
BENNETT, MAIN, BAILEY & GUBBRUD
A PROFESSIONAL CORPORATION
618 STATE STREET

BELLE FOURCHE, SOUTH DAKOTA 57717-1489

TEL (605) 892-2011

FAX (605) 892-4084

Email: bellelaw@bellelaw.com

MAX MAIN*

KEVIN S. BAILEY

DWIGHT A. GUBBRUD

*ALSO LICENSED IN WYOMING

RETIRED
DORR BENNETT

March 20, 2001

Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3182



RE: State Cement Plant Commission - GCC Dacotah, Inc. Water Right Transfers.

Dear Chief Engineer:

Enclosed are original NOTICES OF TRANSFER OF OWNERSHIP for the following water rights:

1. Vested Water Right No. 815-2.
2. Water Right No. 54-2.
3. Water Right No. 293-2.
4. Water Right No. 294-2.

Also enclosed is a check payable to the order to SDDENR in the amount of \$10 as payment of the filing fees for the transfers. Please return confirmation of the change in ownership to me at the above address.

Thank you for your assistance, and if you have any questions, please feel free to contact me.

Sincerely,

BENNETT, MAIN, BAILEY & GUBBRUD, P.C.

Max Main

MM/njo

cc (via fax): Jim Nelson
Lori Anne Czepiel
Gene Nelson

NOTICE OF TRANSFER OF OWNERSHIP



No. 54-2

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

Date: Mar. 16, 2001

I/We request that Water Right No. 54-2

formerly owned by: the State of South Dakota, acting by and through the State Cement Plant Commission, dba Dacotah Cement

be transferred to: (name & address) GCC Dacotah, Inc. d/b/a Dacotah Cement

PO Drawer 360, Rapid City, SD 57709-0360

Telephone No. (605) 394-5200

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

84.9 acres - NW 1/4 Section 30, T6S, R1E

I/We understand that the validity of Water Right No. 54-2 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 Pennington

I/We Manuel A. Milan 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.

GCC Dacotah, Inc.

(Signature of new owner)
Manuel Milan
President

Subscribed and sworn to before me this 15 day of March, 2001.

JAMES S. NELSON
Notary Public, South Dakota
My Commission Expires April 7, 2003

(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.

Water Rights Program

South Dakota Department of Environment and Natural Resources

Pierre, March 22, 2001

RECEIVED OF Robert Mair Bailey & Gubrud, 618 State St., Belle Fourche, SD 57717 (CCC Dacotah)
the following amount in fees for services rendered as provided for by law: (State Court Plant)

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 54-2

Fee for Filing Extension Request

Free for

(Any Other Work Provided by Law)

Total

2 | 50

21 50

132

CO. 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107

LAW OFFICES OF
BENNETT, MAIN, BAILEY & GUBBRUD

A PROFESSIONAL CORPORATION

618 STATE STREET

BELLE FOURCHE, SOUTH DAKOTA 57717-1489

TEL (605) 892-2011

FAX (605) 892-4084

Email: bellelaw@bellelaw.com

MAX MAIN*

KEVIN S. BAILEY

DWIGHT A. GUBBRUD

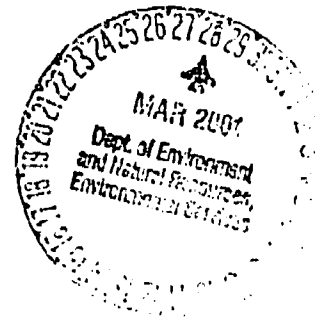
*ALSO LICENSED IN WYOMING

RETIRED

DONALD BENNETT

March 27, 2001

S.D. Department of Environment & Natural Resources
Attn: Tim Tollefsrud
Joe Foss Bldg.
523 E. Capitol
Pierre, SD 57501-3181



RE: Sale of Dacotah Cement to GCC Dacotah, Inc.

Dear Tim:

As a followup to Talbot Wieczorek's March 2, 2001 letter to you, please be advised that the sale from the South Dakota State Cement Plant Commission to GCC Dacotah, Inc. closed Friday, March 16, 2001.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

BENNETT, MAIN, BAILEY & GUBBRUD, P.C.

A handwritten signature in cursive script that reads "Max Main".

Max Main

MM/ra

cc: Gene Nelson @ Dacotah Cement



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-5132
www.state.sd.us/dep

April 5, 2001

Gene Nelson
Dacotah Cement
PO Drawer 360
Rapid City, SD 57709-0360

Dear Mr. Nelson:

Enclosed is a copy of the letter sent to Max Main verifying that the water rights and the vested water right once held by the State Cement Plant were transferred to GCC Dacotah, Inc. d/b/a Dacotah Cement.

Also enclosed is a sample copy of the yearly irrigation questionnaire. Two of the water rights (Nos. 293-2 and 294-2 – in Custer County) contain a qualification that requires submission of the annual irrigation questionnaire. I am sending you the sample copy of the form as a reminder of what type of information to keep track of during the irrigation season. The actual forms that need completion will be mailed to you in October 2001.

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

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3102
www.state.sd.us/denr

April 5, 2001

Max Main
Bennett, Main, Bailey & Gubbrud, PC
618 State St
Belle Fourche, SD 57717-1489

RE: State Cement Plant - GCC Dacotah, Inc
Vested Water Right No. 815-2, Water Right Nos. 54-2, 293-2 & 294-2

Dear Mr. Main:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" forms and filing fees you submitted for Vested Water Right No. 815-2, and Water Right Nos. 54-2, 293-2 and 294-2.

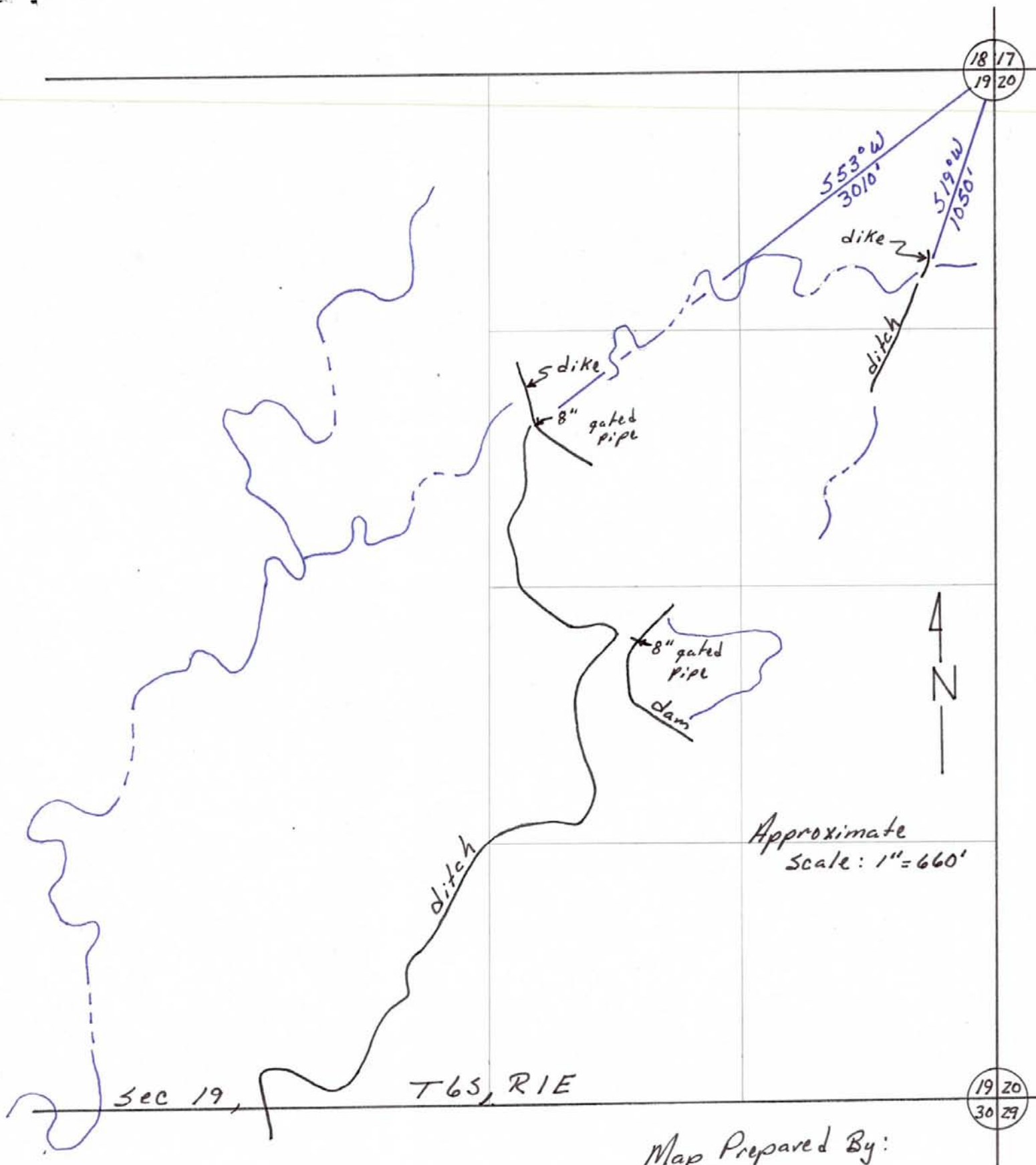
The ownership changes have been completed. Vested Water Right No. 815-2 and Water Right Nos. 54-2, 293-2 and 294-2, once held by the State Cement Plant are now listed in the name of GCC Dacotah, Inc., d/b/a Dacotah Cement.

Enclosed are your Receipt Nos. 416806, 416807, 416808 and 416809 in the amount of \$2.50 each. If we can answer any questions for you concerning the ownership changes or the water rights in general, please get in touch with us.

Sincerely,

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

c: Gene Nelson



Map Prepared By:
Delwin D. Brong, P.E.
Hydrologist
Division of Water
Rights
License No. 54-2

Norris Darrow

NW 1/4 NW 1/4
Sec 30-6-1

NE $\frac{1}{4}$ NW $\frac{1}{4}$
Sec. 30-6-1

23.0 Ac

8.5 Ac.

Permit
54-2

SW¹/₄ NW¹/₄
Sec 30-6-1

20.6 AC.

SE $\frac{1}{4}$ NW $\frac{1}{4}$
Sec 30-6-1

32.8 A-c'

T 65

30

NW¹/₄ SE¹/₄ Sec 30 6-1

Pump 11

Pump Site

21.0 Ac.

5.0 Ac

Permit
294-5

NE 1/4 SW 1/4
8.5
permi

293-2

5,0 Ac.

U.D.A.

12.6

percent
2.93-2

741mp. ③

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 17.6 AC

SW₂ SW₄ - 16 AC

6-1

NW¹/₄ NW¹/₄ Sec 31-6-1

26.0