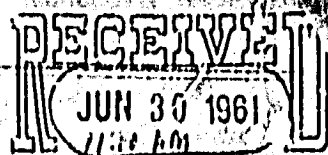


No. 717-2

Water Division No. 2 KEYAPAPA RIVER
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT To Appropriately Water within the State of South Dakota

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

1. Name of applicant Ray Carr Carr Ranch Inc., % David G Carr
Postoffice address Uniontown, County Todd, State S.D.

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 _____

RECORDED
PERMIT NO. 1744-2
1/27/81

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

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

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

CONTRACT & DIRECT LABOR

- (b) Cash on hand, \$
- ADEQUATE

(c) Treasury stock, \$ _____

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

(e) Other resources, \$ _____

2. Name of diversion work RALEIGH CARR IRRIGATION PROJECT3. Amount of water claimed 74 cubic feet per second4. Source of water supply ROCK CREEK5. Location of point of diversion Between a point S65°0'E 1660' & a point S79°3'E 3750' from the NW corner Sec 12, T37N R27W on UPPER bank TODD County.6. Annual period or periods during which water is to be used APRIL THRU OCTOBER

7. To be used for:

- I. Irrigation or domestic use: Gravity, or overhead sprinkling or combination system?
- Sprinkling

- (a) Number of acres to be irrigated
- 52612
- acres.

(b) Legal subdivisions to be irrigated SEE ATTACHMENT
(NOTE--A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

- (c) Statement as to domestic use (giving location, etc.) _____

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

- (a) Nature of use _____
-
- Name any of the above uses claimed

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

Amount claimed for engine cooling _____

- (c) Location of plant _____

- (d) Method of developing power _____

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

MAP NO. 626-2

8 Estimated cost of work:

(a) Head Gates, \$.....

(c) Fluming, \$.....

(e) Other structures

(d) Canal-earth, \$.....

(b) Pumping plant, \$.....

Pipe Main Rock, \$.....

Total, \$.....

9. Description of diversion works:

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

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottom.....feet; length at top.....feet; thickness at bottom.....feet; thickness at top.....feet; slope at front water face.....; slope at back face.....material used in construction.....

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

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

(c)* Head gate: Width.....feet; height.....feet;
Material

(d) Canal: Total length.....miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work.....2.....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.....

MISSION TODD COUNTY TRIBUNE

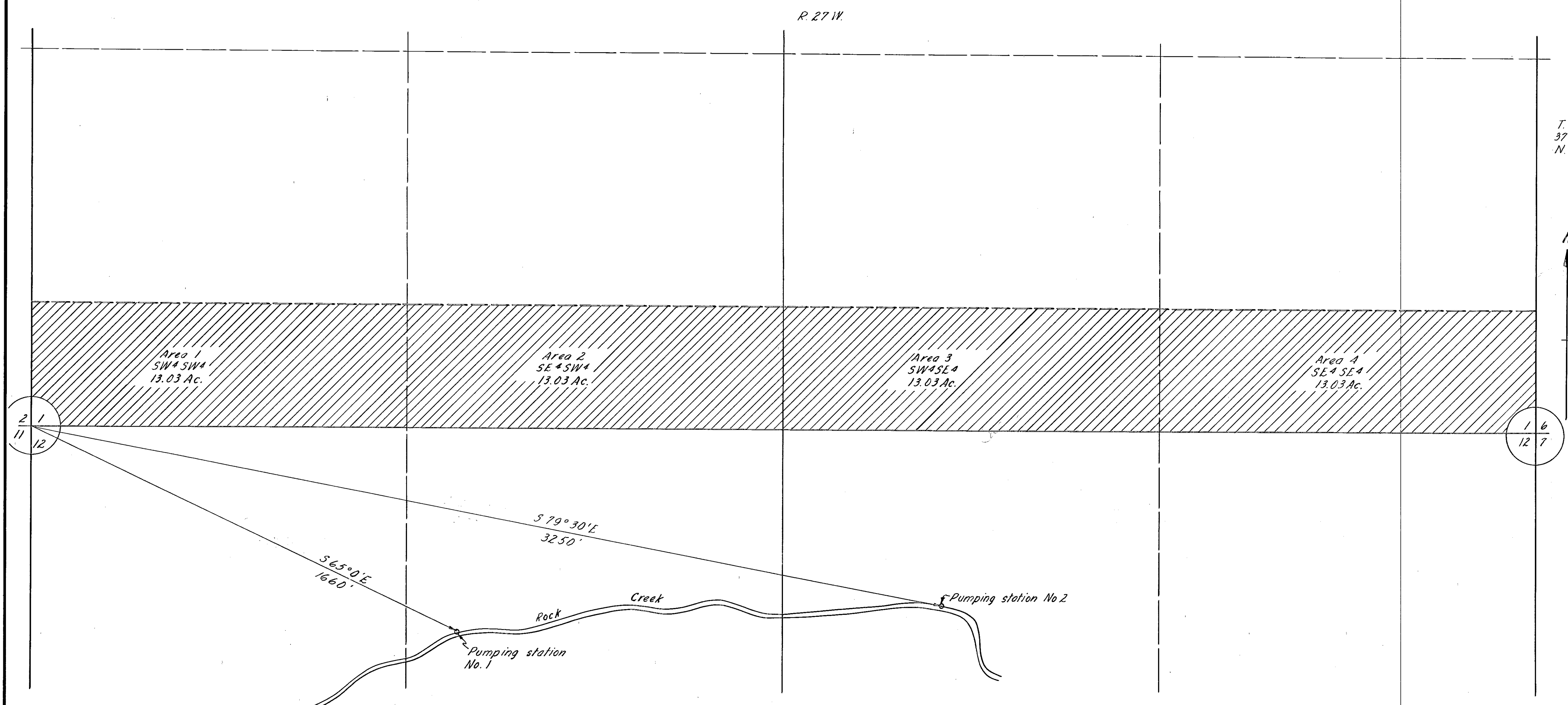
STATE OF SOUTH DAKOTA

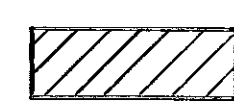
County of Butte

ss.

I, Reuben Carr, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.Signed Reuben CarrSubscribed and sworn to before me this 18 day of August 1911

Notary Public (of other qualified officer.)



 Land to be irrigated

All lands to be irrigated owned by Raleigh Carr

LOCATION OF LAND TO BE IRRIGATED					
AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	SW 1/4 SW 1/4	1	37N	27W	13.03
2	SE 1/4 SW 1/4	1	37N	27W	13.03
3	SW 1/4 SE 1/4	1	37N	27W	13.03
4	SE 1/4 SE 1/4	1	37N	27W	13.03
TOTAL					52.12

I, Lauritz E. Pedersen DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE Raleigh Carr Irrigation Project No. 1 AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE Todd County SOIL CONSERVATION DISTRICT.

SIGNATURE: Lauritz E. Pedersen
 TITLE: Ag. Engineer
 U. S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 27 DAY OF JUNE, 1961, A.D.

Walter S. Wright
 NOTARY PUBLIC

MY COMMISSION EXPIRES OCT. 29, 1962.

Scale: 1" = 200'

**RALEIGH CARR
IRRIGATION PROJECT
NUMBER 1**

Todd County, South Dakota

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed.....	Date.....	Approved by.....
Drawn.....		Title.....
Traced.....		Title.....
Checked.....		Sheet No. 1 of 7
		Drawing No.

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota,

September 13, 1961

This is to certify that the foregoing application was received by the Commission at 11:00 o'clock
a.m. upon the 30th day of June, 1961.

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Number of permit 717-2

Date of first receipt of application June 30, 1961

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right June 30, 1961

Approved September 13, 1961, Recorded in Book 6 Page 334

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

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before September 13, 1962

2nd. The whole of said work is to be completed on or before September 13, 1963

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

September 13, 1965

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

and beneficially applied for irrigation on or before September 13, 1965; said water to be used during the following described annual period:

April Thru October

Witness my hand this 15th day of September, 1961

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction issued AUGUST 28, 1961

Water License issued AUGUST 28, 1961

STATE OF SOUTH DAKOTA

WATER LICENSE No. 717-2 .

WHEREAS, On the 30th day of June A. D. 1961

Raleigh Carr

of Valentine County of Cherry and State of

Nebraska duly made application (No. 717-2) to us for a permit to use .74

cubic feet per second of the waters of Rock Creek

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

WHEREAS, On the 15th day of September A. D. 1961

Permit No. 717-2 was issued to said applicant... for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 13th day of

September A. D. 1963 and for the application to beneficial use of said water on or before the 13th day of September A. D. 1965 and,

WHEREAS, On the 17th day of August A. D. 1965

the holder... of said permit duly made proof of the completion of adequate works for the diversion of

1.0 cubic feet per second of said waters, as evidenced by our Certificate No. 717-2

dated August 22, 1967 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.0 cubic feet per second of water, with date of priority of June 30, 1961 and,

WHEREAS, On the 17th day of August A. D. 1967

proof was duly made of the application to beneficial use of .74 cubic feet per second of said water;

for irrigation of 52.12 acres in the S $\frac{1}{4}$ S $\frac{1}{4}$ Section 1, T37N, R27E.

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 Raleigh Carr

of Valentine, Nebraska the holder... and owner... of said permit No. 717-2

a water right, dating from June 30, 1961 to the use of .74

cubic feet per second of the waters, of Rock Creek

in the County of Todd and State of South Dakota, or so much thereof as may be

necessary for the purposes hereinbelow mentioned, to be diverted at between a point S65° E, 1660'

and a point S79°30' E, 3250' from the NW Corner, Section 12, T37N, R27W

and conducted to and upon S½ S½ Section 1, T37N, R27W

for the purpose... of irrigation subject to any limitations listed in the
permit to appropriate water, and

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 seal of our office at Pierre, South Dakota,
this 28th day of August A. D. Nineteen
Hundred and Sixty-seven

State Water Resources Commission

By:

J.W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Permit No. 717-2

KEYAPAH

Water Division No. 2 RIVER Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Raleigh Carr

of Valentine, County of Cherry, and State of Nebraska, the holder of Permit No. 717-2, issued upon Application No. 717-2, bearing date of priority of June 30, 1961, authorizing the diversion of 74 cu. ft. per second of the waters of Rock Creek, County of Todd, State of South Dakota, at between points S65° E, 1660' and S79° 30' E, 3250' from the NW corner, Section 12, T37N, R27W. for irrigation

purposes, has fully 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 1.0 cu. ft. per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows:

to-wit: All in Section 1, T37N, R27WS4 SW4 26.06 AcresS1 SE4 26.06 Acres) will be covered under permit 6442Total 52.12 AcresWitness my hand this 28th day of August A. D. 1967

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

on or before August 17, 1961
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., August 7, 1961

Notice is hereby given that **Raleigh Carr** whose postoffice address is **Valentine** S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use **.74** cubic feet of water per second of time from **Black Creek** through the **Raleigh Carr Irrigation Project #1** the point of diversion of which is to be located on the **north** bank of said stream in the **NW** 1/4 of the **NE** 1/4 of Section **12** portions of Twp. **37N** Range **27W**. Said water to be used for the purpose of providing irrigation on the following described land:

S 1/2 SW 1/4 and S 1/2 SE 1/4, Section 1, T 37N, R 27W

XXXXX

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the **13th** day of **September**, 19**61**, at **2 P.M.** All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

CC: C.W. Figert, Publisher
Todd County Tribune
Mission, S. Dak.

State Water Resources Commission

By:

BURTON F. JONES
Water Right Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA } ss.
County Todd

Leon B. Fiebert being duly sworn, deposes and says the annexed printed copy of Notice of Intention to appropriate Water was taken from the Todd County Tribune 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 Todd County of Todd

Todd and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Thursday, August 17th;

Thursday, August 17th;

Thursday, August 17th;

Thursday, August 17th.

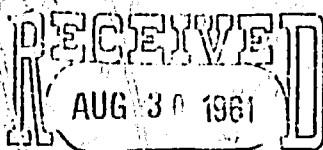
In each and every issue of the full number thereof, the first publication being made on the 17th day of August

1961 and the last publication on the 17th day of August 1961 upon which days or times

of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Ass't. Bus. Mgr. of the printer and publisher of the said newspaper.

Leon B. Fiebert

Subscribed and sworn to before me this 17th day of August A. D. 1961



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Notary Public Todd County, S. D.

No. 717-2
(First publication on or before August 17, 1961)

APPROPRIATION OF WATER

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

August 7, 1961.

Notice is hereby given that Raleigh Carr whose postoffice address is Valentine, Nebr., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 74 cubic feet of water per second of time from Rock Creek through the Raleigh Carr Irrigation Project (No. 1), the point of diversion of which is to be located on the north bank of said stream between a point in the NE 1/4 NW 1/4 and a point in the NW 1/4 of the NE 1/4 of Section 12, Twp. 37N, R. 7E 27W. Said water to be used for the purpose of providing irrigation on portions of the following described land: S 1/2 SW 1/4 and S 1/2 SE 1/4, Section 1, T. 37N, R. 27W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 13th day of September, 1961, at 2:00 P. M. All interested persons may appear and be heard. Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources
Commission

By: Carlton K. Jones,

Water Right Specialist.

Publ. August 10-17-24-31.

Permit No. 717-2Water Division No. 2Kepapahia

Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated _____

19____, I have this day made a thorough examination of the diversion works constructed by Raleigh Park of Valentine, Neb. with works in Todd County, South Dakota, holder of Permit No. 717-2, issued upon Application No. 717-2, bearing date of priority of June 30, 1961, authorizing the diversion of 0.74 cu. ft. per second of the waters of Rock Creek for irrigation purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Fairbanks Morse portable pump serial # 67072, size 4" x 5.532 with 6" intake & 4" output. Pump powered by 6 cylinder propane engine. System includes 1200' 6" mainline pipe, 2400' 4" sprinkler pipe & 1 60 No. 30 Rainbird sprinkler heads.

and the system is in the following condition: Good

The point of diversion is located As shown on map.

The works are capable of diverting and conveying to the place of use 1.0 cu. ft. per second of water, which is to be used for irrigation

The legal sub-divisions to be irrigated are: As shown on map

comprising a total of 52.12 acres of land.

The domestic use intended comprises None

The utilization for power, mining, or other beneficial uses comprises: None

Witness my hand, this 17th day of August, A. D. 1962.

--SEAL--

Richard D. Schuyler
Examining Engineer.
Water Right Specialist

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7350

PIERRE, February 29, 1980

RECEIVED OF David G Carr, Carr Ranch Inc., Valentine, NE 69201

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 No. 717-2		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		50

WATER RIGHTS COMMISSION

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

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

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

52.12 acres in the S $\frac{1}{2}$ SW $\frac{1}{4}$, & S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 1, T37N, R27Wformerly owned by Raleigh Carr, Valentine, NEhas been transferred to Carr Ranch Inc., 2 David G Carr, Valentine, NE 69201

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

Water Right Permit No. 717-2 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 the Board of Water Management 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 Hughes) ss.

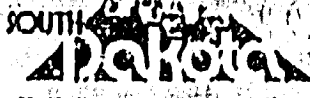
I, David G. Carr being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

David G. Carr
(Signed) David G. Carr Vice Pres.

Subscribed and sworn to before me this 27th Day of February, 1980.

Barry W. Wernomann
(Notary Public)

No. 1744-2



Department of Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501
March 12, 1981

(605) 773-3352

Carr Ranch Inc.
Hidden Timber Rt.
Valentine NE 69271

Dear Sir:

Enclosed herewith is your Water Right Permit No. 1744-2 as approved by the Water Management Board authorizing you to construct your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 1744-2.

Also enclosed is FORM 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Water Management Board when you have completed the system and/or have put the water to beneficial use. The Board can then schedule an inspection so that your Certificate of Construction and/or Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

kw

enclosure

NOTE: For your information the Office of the Solicitor, U.S. Department of the Interior in a letter dated January 26, 1981 and the Rosebud Sioux Tribe in a letter dated January 26, 1981, contends that the State of South Dakota lacks jurisdiction with respect to the issuance of permits to use waters within the exterior boundaries of an Indian Reservation.

WNR-809-7/79

Forwarding Permit to Appropriate Water