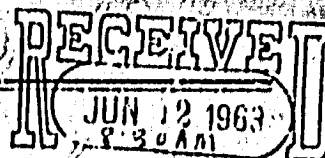


800-2

1. Considered 7-17, 1917
2. Name of Applicant LAWRENCE D. HARRISON
3. Post Office Address RAIDERS ARIZ
4. Amount of water claimed 2.41 c
5. Source of water supply RAIDERS
6. Water to be used for FIELD CULTIVATION
Acres to be irrigated _____
7. Water to be diverted and used in PENNINGTON County about
6 miles 12 of _____.
8. Proof of Publication Received 7-17
 Not Received _____
9. Application Approved _____
 Subject to _____
 Not Approved _____
 Action deferred _____
10. Remarks.

No. 800-2Water Division No. 2 RAPID CREEK
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

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

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

1. Name of applicant Lawrence H. Hardesty
Postoffice address 110 Indiana St., County Pennington State S. Dak.

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 work (Whether by contract, employment of others, or by direct labor)

Work completed (Dam constructed in 1959) by employment of others.(b) Cash on hand, \$5,000.00

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$5,000.002. Name of diversion work Hardesty Ranch Pond.3. Amount of water claimed 8 cubic feet per second4. Source of water supply Springs, which rise on the Hardesty Ranch.5. Location of point of diversion S74° 05' 34" E, 51th East 1/4 Sec. cor. of Sec. 36T1S R5E. on Right bank Pennington County.6. Annual period or periods during which water is to be used 1 April Through 30 Sept.

7. To be used for:

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

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

(b) Legal subdivisions to be irrigated _____

(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 FISH CULTURE + PUBLIC RECREATION

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 S84° 35'E 995.41 to East 1/4 Sec
Cor. of Sec 36 T1S R5E.

MAP No 689-2

A. Estimated cost of work:

(a) Head Gate, \$----- (b) Pumping plant, \$-----
 (c) Pumping, \$----- (d) Canal earth, \$-----
 (e) Other structures Dam & Trickle Pipe \$500.00 Rock, \$-----
 Total, \$-----

9. Description of diversion works:

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

Dam & Pond

II. Dimensions of works.

(a) Dam: Height Ten (10) feet; length at bottom Fifty (50) feet; length at top 125 feet; thickness at bottom 48 feet; thickness at top 6 feet; slope at front water face 3 to 1 slope at back face 2 to 1 material used in construction Earth

(b) Reservoir: Capacity when filled 0.75 acre feet. Surface area at highwater mark 0.2 acres

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	ACRE-Feet CAPACITY
5	0.2 (10 outlet)	0.75

(c) Head gate: Width Trickle pipe 10 inches; height five feet;

Material galvanized pipe.

(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 Completed ----- years.

11. Time required for complete application of water to the proposed beneficial use 1 1/2 years.

12. Choice of newspaper for publication of notice of intention to appropriate Rapid City Daily Journal

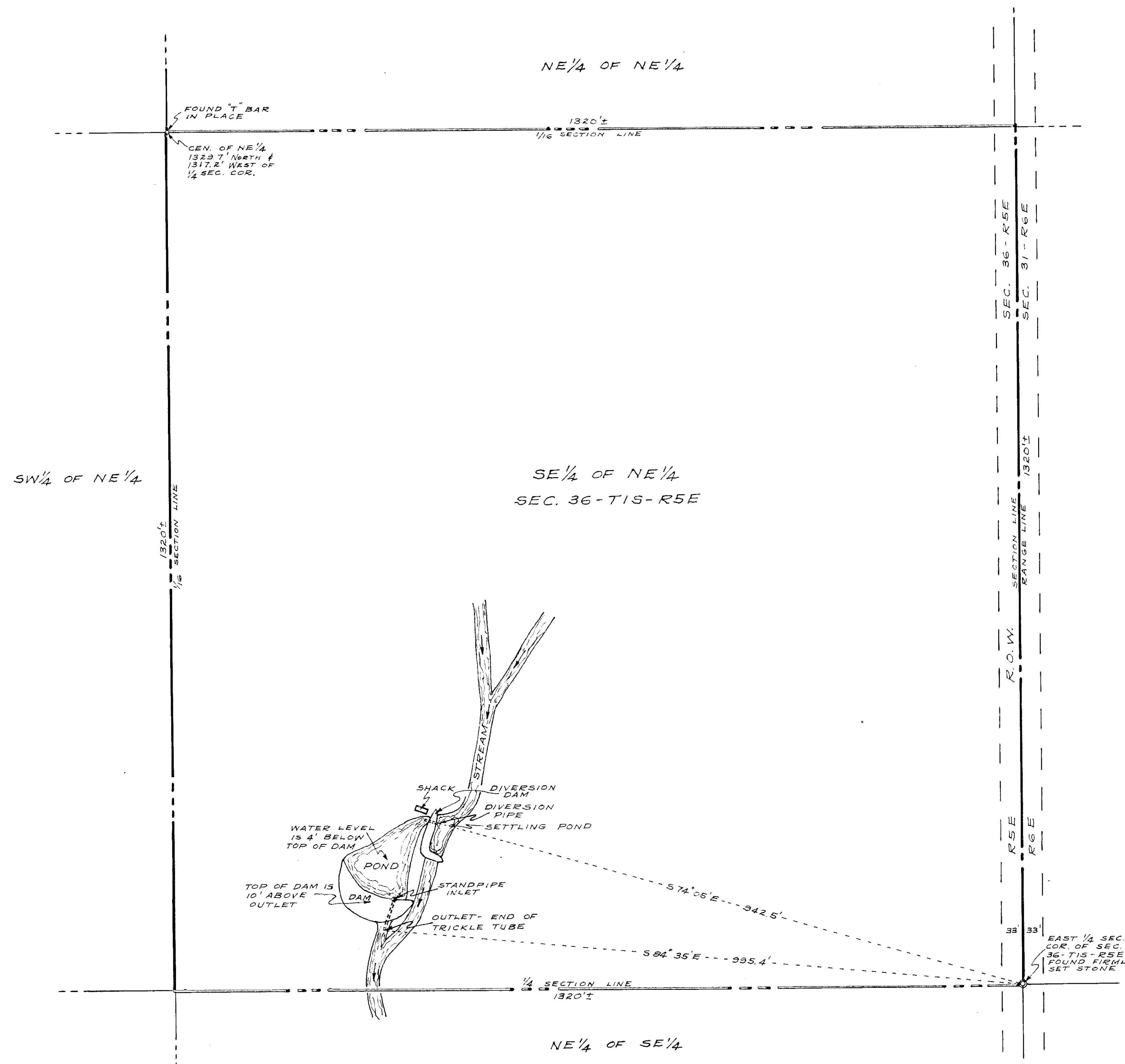
STATE OF SOUTH DAKOTA
 County of Pennington } ss.

I, Lawrence B. Hardesty, 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 Lawrence B. Hardesty

Subscribed and sworn to before me this 11th day of June, 1963

Maup L. Eberhard
 Notary Public (or other qualified officer.)



HARDESTY WATER RIGHT

LOCATED IN

SE 1/4 OF NE 1/4 OF SEC. 36, T1S, R5E, B.H.M.

PENNINGTON COUNTY
SOUTH DAKOTA

JUNE 1963

SCALE 1" = 100'

SURVEYORS' CERTIFICATE

STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON S.S.

I, Stuart D. Ferguson, Registered Land Surveyor No. 572 of the State of South Dakota, do hereby certify that being so authorized, I made the survey and within plat of the tract of land shown and described hereon and that same is correctly shown hereon.

Registered Land Surveyor *Stuart D. Ferguson*
Stuart D. Ferguson

On the 10th day of June, 1963, before me, a Notary Public, personally appeared Stuart D. Ferguson, known to me to be the person described in the foregoing instrument and acknowledged to me that he signed the same.

Notary Public: *Darrel L. Tenney*
Darrel L. Tenney
My Commission Expires: 14th June, 1970.

MAP NO 689-2
(APPL NO 800-2)

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, JULY 31, 1963

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock
a.m. upon the 12TH day of JUNE, 1963

State Water Resources Commission
By: [Signature]
for Chief Engineer, Executive Officer

Number of permit 800-2

Date of first receipt of application JUNE 12, 1963

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

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right JUNE 12, 1963

Approved JULY 17, 1963, Recorded in Book 8 Page 108

This is to certify that we have examined the foregoing application for a permit to appropriate water in 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 COMPLETED, 19____

2nd. The whole of said work is to be completed on or before COMPLETED, 19____

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is JANUARY 17, 1964

4th. The water appropriated shall be used for the purpose of FISH CULTURE AND PUBLIC RECREATION

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 2.0 cubic feet per second; neither shall it exceed the capacity of the above described system of distribution 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 used for FISH CULTURE AND PUBLIC RECREATION

and beneficially applied for irrigation on or before JANUARY 17, 1964; said water to be used during the following described annual period:

APRIL 1 THRU SEPTEMBER 30
Witness my hand this 31ST day of JULY, 1963

State Water Resources Commission

By: [Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued OCTOBER 9, 1963

Water License Issued OCTOBER 9, 1963

STATE OF SOUTH DAKOTA

WATER LICENSE No. 800-2

WHEREAS, On the 12th day of June A. D. 1963

Lawrence B. Hardesty

of Rapid City County of Pennington and State of

South Dakota duly made application (No. 800-2) to us for a permit to use 2.0

cubic feet per second of the waters of springs

County of Pennington, State of South Dakota, for fish culture and public recreation purposes; and

WHEREAS, On the 31st day of July A. D. 1963

Permit No. 800-2 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described is completed

and for the application to beneficial use of said water on or before the 17th day of January A. D. 1964 and,

WHEREAS, On the 11th day of September A. D. 1963

the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.0

cubic feet per second of said waters, as evidenced by our Certificate No. 800-2

dated October 9, 1963 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 2.0 cubic feet per second of water, with date of priority of June 12, 1963 and,

WHEREAS, On the 11th day of September A. D. 1963

proof was duly made of the application to beneficial use of 2.0 cubic feet per second of said water; for fish culture and public recreation

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 Lawrence B. Hardesty
of Rapid City the holder and owner of said permit No. 800-2
a water right, dating from June 12, 1963 to the use of 2.0
cubic feet per second of the waters of springs
in the County of Pennington and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinafter mentioned, to be diverted at a point S74°05'E 942.5 feet to the
E1 corner, Section 36, T15, R55
and ~~exhausted to and upon~~ stored in place

for the purpose of fish culture and public recreation

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 9th day of October A. D. Nineteen
Hundred and Sixty-Three

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 _____

Book _____ of _____ Page _____

Permit No. 800-2Water Division No. 2 Rapid Creek Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Lawrence B. Hardesty

of Rapid City, County of Pennington, and State of South Dakota, the holder of Permit No. 800-2, issued upon Application No. 800-2, bearing date of priority of June 12, 1963, authorizing the diversion of 2.0 cu. ft. per second of the waters of Springe

County of Pennington, State of South Dakota, at a point S74°05' E 942.5 feet to the E $\frac{1}{2}$ corner, Section 36, T1S, R5E

for fish culture and public recreation 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 2.0 cu. ft. per second of water; and that the ~~lands proposed to be irrigated by~~ use of said water are described as follows, to-wit: for fish culture and public recreation

Witness my hand this 9th day of October A. D. 1963

State Water Resources Commission

By:

J. W. GEDDES

on or before June 22, 1963.
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., June 17, 1963.

Notice is hereby given that Lawrence B. Hardesty, whose postoffice address is Rapid City, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.0 cubic feet of water per second of time from the springs through the Hardesty Ranch Pond, the point of diversion of which is to be located at the ~~XXXXXX~~ in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 36 Twp. 1 S Range 5 E. Said water to be used for ~~the purpose of providing water for the city of Rapid City~~ fish culture and public recreation.

~~and for~~ XXXXXX

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of July, 19 63, at 2 P. M. All interested persons may appear and be heard.

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

State Water Resources Commission

By:

CC: E.H. Lighter, Manager
Rapid City Daily Journal
Rapid City, South Dakota

BURTON F. JONES
Water Right Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Pennington } ss.

Don McDowell being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the

Rapid City Daily Journal 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 Rapid City County of

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

June 21, 1963

June 28, 1963

July 5, 1963

July 12, 1963

In each and every issue of the full number thereof, the first publication being made on the 21 day of June

1963 and the last publication on the 12 day of

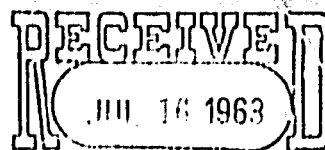
July 1963, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was Advertising Manager the printer and publisher of the said newspaper.

Don McDowell

Subscribed and sworn to before me this 12 day of July A. D. 1963

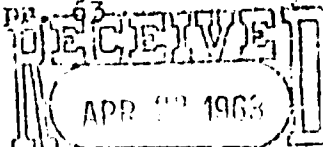
Notary Public Pennington County, S. D.



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

June 21, 28, July 5, 12, 1963
AFFIRMATION OF WATER
Office of State Water Resources Commission, Pierre, S. D., June 19, 1963.
Notice is hereby given that Lawrence B. Hardesty, whose post office address is Rapid City, S. D., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.0 cubic feet of water per second of time from springs through the Hardesty Ranch, the point of diversion of which is to be located in the SE 1/4 of the NE 1/4 of Section 36, Twp. 18, Range 62. Said water to be used for fish culture and public recreation.
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of July, 1963, 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.
State Water Resources Commission
By BURTON P. JONES
Water Right Specialist

119 Indiana St.
Rapid City, S. Dak.
22 Apr. 63



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

State Water Resources Commission
State Office Building
Pierre, South Dakota

Sirs:

Reference your letter 16 Apr. 1963.

In reviewing the booklet titled Water Rights law 1961, I find that the pond on my ranch comes under classification 61.0138 SDG Dry draw: Owner's right to use water, as the dam was originally constructed in 1959 on my land for use as a stock pond.

Accordingly, I'm filing a location notice in order to change the classification from domestic usage to beneficial usage. (Copy enclosed)

There will be no additional construction or alteration of the existing structure. The only change that will be made which will effect the pond is that a fence will be constructed above the pond to preclude stock from using the pond and placing fish in the pond. There will be no diversion of the water in any way. The nearest downstream resident is one and one fourth miles below the dam and the placing of fish in the pond will in no way effect his water rights or usage of the stream.

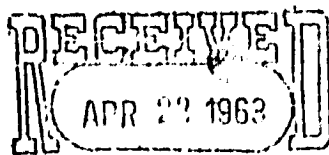
A petition for a certificate for water right under the provisions of 61.0139 Dry draw: Location Certificate will be forwarded as soon as it is completed.

Verification of statements contained herein may be made by contacting Mr. O. E. Glaseman, Fisheries Dept. and Mr. E. E. Allgier, Chief Warden, Game, Fish and Parks Dept., Rapid City Office who both investigated the site on 19 Apr. 1963.

A copy of the location notice has been filed with the register of deeds of Pennington County and one placed at the site of the dam.

Sincerely,

Lawrence B. Hardesty
Lawrence B. Hardesty



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Date 22 April 1963
Rapid City, S. Dak.
Pennington County.

LOCATION NOTICE: Dry draw: Owner's Right to Use Water.
SDC 61, 0138

Name and address of landowner and locator:

Lawrence B. Hardesty, 119 Indiana St., Rapid City, S. Dak.

Date of Notice and date of posting:

22 April 1963

Legal description of land upon which dam is located: SE $\frac{1}{4}$, NE $\frac{1}{4}$,
Sec. 30, T 15 Range 5 E., Black Hills Meridian, Pennington
County, S. Dak.

Number of Acre Feet of water claimed for all purposes for each
year: Thirty.

The above-noted storage capacity of the reservoirs: Thirty.

Estimated surface area of the storage basin: One tenth (1/10) acre.

Number of acres of watershed above the dam: Estimated Four hundred
eighty (480) acres.

STATE OF SOUTH DAKOTA, ss.
County of Pennington

On this 22nd day of April 1963, before me

WAYNE L. E. BERHARD, the undersigned officer,
personally appeared Lawrence B. Hardesty

known to me or satisfactorily proven to be the person whose name
is subscribed to the within instrument and acknowledged that he
executed the same for the purposes therein contained.

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

(SEAL)

My commission expires:

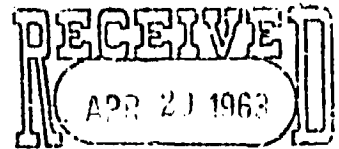
Wayne L. Eberhard
Notary Public
Title of Officer

No fee enclosed
fil

PETITION for Dry draw: Location
Certificate: 61.0139

Date: 26 April 1963

STATE OF SOUTH DAKOTA
County of Pennington, SS.



In the matter of Dry draw: Location
Certificate, S. D. C. 61.0139

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

I, Lawrence B. Hardesty, do hereby petition the Water Resources Commission of South Dakota for a certificate of Water right under Section 61.0139. SDC.

The petitioner owns the title to the agriculture land on which the dam was constructed approximately four years ago.

The following information was contained in the location notice at the time of filing 22 April 1963.

Name and address of landowner and locator:

Lawrence B. Hardesty, 119 Indiana St., Rapid City, S. Dak.

Date of Notice and date of posting:

22 April 1963

Legal description of land upon which dam is located: SE $\frac{1}{4}$, NE $\frac{1}{4}$,
Section 36, T 1S Range 5E, Black Hills Meridian, Pennington
County, S. Dak.

Number of Acre Feet of water claimed for all purposes for each
year: Thirty.

The acre-foot storage capacity of the reservoir: Thirty.

Estimated surface area of the storage basin: One tenth (1/10) acre.

Number of acres of watershed above the dam: Estimated Four hundred
eighty (480) acres.

Lawrence B. Hardesty
Lawrence B. Hardesty

Landowner & Locator

STATEMENT CORROBORATORS

Date 26 April 1963

To the best of my knowledge and belief the above is a true and factual statement concerning the dam located on the Hardesty ranch. I have no reason to believe that said petition should not be granted for beneficial use of the aforementioned water by Mr. Hardesty.

Corroborating Witnesses:

Date: 26 April 1963

Page 2

PETITION for Dry draw:

Name: Thomas A. Swift

Address: Hill City, S.D.

Date: April 26, 1963

Name: Paul Henderson

Address: Box 75 Star Rt. Hill City, S.D.

STATE OF SOUTH DAKOTA, } ss.
County of Pennington

On this 27th day of April 1963, Before me

Andrew J. Olson, the undersigned officer,

personally appeared Lawrence B. Hardesty

Known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal

Andrew J. Olson
ANDREW J. OLSON - Notary Public
Pennington County, South Dakota
My Commission Expires Dec. 8, 1968
Title of Officer

(Seal)

My commission expires:

LOCATION NOTICE—DRY DRAW

Pennington
County

26601
Dry Draw No.

I, Lawrence B. Hardesty, of
Name

119 Indiana St., Rapid City, S.D. Pennington County
Address Town County

Lawrence B. Hardesty, of the following described land, do hereby notify the Water
owner or operator

Resources Commission of the State of South Dakota and all others concerned that I am exercising my right under Section 61.0138 of the 1960 Supplement to the South Dakota Code of 1939, for construction of a Dry Draw dam for the purpose of storage
(storing, diverting, or both)
flood waters for livestock purposes.

The following data is presented in compliance with Section 61.0138, as amended:

(1) Dates of

(a) This application April 22, 1963

(b) Posting at construction site April 22, 1963

(2) Legal description of the land upon which the dam is located. SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of
Section 36, Township 1S, Range 5E. The dam is located rods
and rods of the corner of said Section
(N.S.E.W.) (N.S.E.W.) (NW,NE,SE,SW)
in the County of Pennington

The owner of the land is Lawrence B. Hardesty, 119 Indiana St., Rapid City, S.D.
Name Address

(3) Amount of water claimed for all purposes each year 30 acre feet.

(4) Storage capacity of reservoir 30 acre feet.

(5) Surface area of reservoir $\frac{1}{10}$ acres.

(6) Size of watershed above dam 430 acres.

(Over)

Law B. Hardesty

Enclosed herewith is one dollar (\$1.00). The Water Resources Commission is requested to file this Location Notice in their official records.

A copy of this Location Notice has been filed (do not record) with the Register of Deeds of Pennington County and has been posted at the structure site in accordance with Section 61.0138 of the Water Laws.

s/ Lawrence B. Hardesty

Owner

by _____
Locator

STATE OF SOUTH DAKOTA
County of Pennington } ss.

On this 22nd day of April, 1961, before me

Wayne L. Eberhard

Notary Public

(Notary Public or other Official having a seal)

in and for the County and State aforesaid, personally appeared Lawrence B. Hardesty to me personally known to be the person who executed the foregoing instrument and acknowledged that —he executed the same for the purposes therein set forth.

Witness my hand and official seal the day and date above written.

S/ Wayne L. Eberhard

Notary Public

Name

(SEAL)

Title

May 31, 1963

Mr. Lawrence B. Hardesty
119 Indiana Street
Rapid City, South Dakota

Dear Mr. Hardesty:

This concerns your letter of May 24, 1963, about your request for a Location Certificate under provisions of Section 61.0139 of the water laws.

The last sentence of Section 61.0139 states "Such certificate, signed by the Commission under seal of its office, is hereby declared to be a water right under the laws of this state and shall be accepted as prima facie evidence in all courts of this state that the petitioner therein named, or the lawful holder thereof, has fully complied with the laws of this state in obtaining the same". (underlining supplied).

Your Location Notice 26604 dated April 22, 1963, was filed in this office on April 23, 1963 in accordance with the provisions of Section 61.0138 of the water laws. This Location Notice claims use of 30 acre feet each year provided by a dam in the SE $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 36, T 1 N, R 5 E, J4M in a dry draw draining an estimated 480 acres. Under provisions of Section 61.0138, your right to develop and use this water supply is limited to stockwater use. This Location Notice does not provide a basis for a water right for exclusive use of this dam and reservoir for any other purpose, such as the fishing pond which you propose. Unless the water is used for stockwater, in which case incidental fishing is lawful, I do not believe that a Location Certificate can be issued by the Water Resources Commission. This matter will be brought to the attention of the Commission during its meeting on July 17, 1963. Your check and petition for a Location Certificate will be held pending such consideration by the Commission.

Lawrence B. Hardesty

2.

May 31, 1963

Water rights covering the conversion of your dam and reservoir from stockwater use to a commercial fishing use facility may be requested under provisions of Section 61.0110, forms and instructions for which were sent to you with our letter of April 16, 1963. In view of your urgency to open your camping and fishing establishment, the Commission does not object to use of your existing dam and reservoir for the new purpose nor the fencing off of stock from this water, provided, that a proper water right application has been received. I suggest that you send an application under Section 61.0110 to the Commission as soon as possible.

If you wish to discuss this matter with the Commission, you are most welcome to do so during the Commission meeting on July 17. I shall be pleased to help in any way that I can.

Sincerely,

JWG:ls

J. W. GRIMES

Permit No. 800-2Water Division No. 1 Rapid Creek Water DistrictRECEIVED
AUG 20 1963STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.) 1-9-Indiana St., Rapid City, S. Dak.(Date) 23 Aug 63

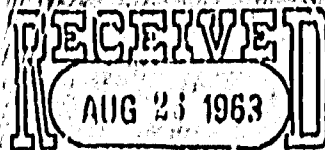
TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the 23rd day of Aug.
1963, at Rapid City County of Pennington State of South Dakota,
before _____ proof will be submitted of the application to beneficial use
(Examining Engineer or Officer)of 2.00 cubic feet per second of the waters of _____In accordance with the terms and conditions of Permit No. 800-2
heretofore issued by the Water Resources Commission of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are
Lawrence B. Hardesty, 119 Indiana St., Rapid City, S. Dak.
2. The use to which said water has been applied is Fish Culture & Public Recreation.
3. The amount applied to beneficial use is 2.00 Cubic Feet.
4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) S74°05'E 94B16 ft to East of 1 Sec. Cor. of Sec 26, T15 R5E,
Pennington County, S. Dak.
5. The name of the canal or ditch or other works by which said water is conducted to such place of use is
Hardesty Ranch Pond, Keystone, S. Dak.
6. The right to take the water from such works is based upon permit No. 300-2
7. The source of supply from which such water is diverted is Spring on Hardesty Ranch.
8. The date of priority which said user is prepared to establish is 12 June 1963.

(Sign)

Lawrence B. Hardesty

Permit No. 800-2Water Division No. 12 Rapid Creek Water District STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) 119 Indiana St., Rapid City, S. Dak.(Date) 8, 7, 1963

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of 2.0 Cubic
feet cu. ft. per second of the waters of the state from 1 April
through the September 30th
for Fish Culture and Public Recreation purposes

in accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is Lawrence B. Hardesty.
2. The postoffice address of such person or the place of business of such corporation is 119 Indiana St.,
County of Pennington State of South Dakota.
3. The number of such permit is 800-2 and the date set for the completion of such work is Completed.
4. Said water to be used for Fish Culture and Public Recreation purposes.
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 2.0 cubic feet per second.
6. The amount of land for which said water is available is Not applicable acres,
particularly described as follows: Not applicable

I hereby certify that the facts set forth in the above notice are true.

Lawrence B. Hardesty

(Signature of Owners)

Permit No. 800-2Water Division No. 2 Rapid Creek Water District

Certificate of Examination of Works

Report of Examining Engineer

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

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

12....., I have this day made a thorough examination of the diversion works constructed by

..... Lawrence B. Hordesty, of Pennington County, South Dakota, holder of Permit No. 800-2, issuedupon Application No. 800-2, bearing date of priority of 6-12, 1963, authorizing thediversion of 2.0 cu. ft. per second of the waters of Groundwater through Springs for Fish Culture & Pub. Rec.

purposes. I have to report on the condition of the same as follows:

The diversion works comprise: One dam, 10' high, 50' long @ Bot., 125' long @ top, 48' thick @ bot. & 6' thick @ top. Capacity when filled 0.75 acre ft. One 10" trickle tube through dam unobstructed, 98' long. Inlet approx. 9' from crest of dam w/outlet being approx. 9' below crest of dam. Surface area @ high water = 0.20 acres

and the system is in the following condition: Excellent

The point of diversion is located S74°05' 942.5' to east 1/4 Sec. Cor. SE 1 NE 1 Sec. 36 - T1S R5E

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 Fish culture & public recreation

The legal sub-divisions to be irrigated are:

..... comprising a total of acres of land.

The domestic use intended comprises Fish Culture, Public recreation & Stockwatering

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

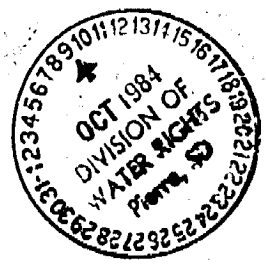
Witness my hand, this 11th day of September, A. D. 1963

—SEAL—

William H. Miller
Examining Engineer.

South Dakota Department of Water & Natural Resources

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



September 27, 1984

Triple R Ranch Camp
Keystone Rt., Box 1001
Rapid City, SD 57701

WATER address:
113 Pepper mill LN
Thermopolis, WY 82443

See attached
WATER RIGHT copy

Dear Mr. Hardesty:

The Division of Environmental Quality of this Department is conducting a survey of non-community public water supply systems. As a part of the survey, we have reviewed our records and we can not find any water rights on file for Triple R Ranch Camp.

A water permit is required pursuant to SDCL 46-1-15 to use water from a private source for commercial use. Any use of water, except for private domestic use, requires a water permit. Examples of commercial use are: truckstops, motels, restaurants, tourist attractions, commercial campgrounds and any other business operation. Examples of non-commercial use that require permits for private supplies are: churches, hospitals and nursing homes (any amount of water) and schools that pump more than 18 gallons per minute.

* If you have a water permit that has been issued under another name or if you believe a permit has been issued under another name, please contact us. We are enclosing the necessary permit application forms and instructions, if you need a permit. Please complete and submit with a (see instructions) filing fee.

An existing business without a water right has no right to the use of water. Except for private domestic use, any water user without a water right is not entitled to receive protection in the event of well interference by a new or future user who has a water right. The new user with a water right will have the senior priority over an existing user without a water right. In South Dakota, the first in time (senior priority) is the first in right, except for individual domestic use. Individual household, farm or ranch use does not require a permit and has preference over all other users of water.

If you have any questions or need assistance with completion of the forms, please feel free to contact us.

Sincerely,

Kevin C. Larson

Kevin C. Larson
Water Resources Engineer
Office of Water Rights
Phone: (605) 773-3352

Enclosures

C92602KS.WR

Form No. 20.

Permit No. 800-2

Water Division No. 2 Rapid Creek Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Lawrence B. Hardesty

FORMER OWNER

TRIPLE R RANCH CAMP NAME CAME INTO USE 1964

of Rapid City, County of Pennington, and State of

South Dakota, the holder of Permit No. 800-2, issued upon Application

No. 800-2, bearing date of priority of June 12, 1963, authorizing the diversion of

2.0 cu. ft. per second of the waters of springs

County of Pennington, State of South Dakota, at a point S74°05' E

942.5 feet to the E1 corner, Section 36, T1S, R5E

for fish culture and public recreation

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 2.0 cu. ft.

per second of water; and that the ~~works proposed to be constructed by the~~ use of said water are described as follows,

to-wit: for fish culture and public recreation

Witness my hand this 5th day of October A. D. 1963

State Water Resources Commission

By:

W. G. GIMES

W. G. GIMES
Chief Engineer, Executive Officer

Water Rights Division
605 773-3352

October 31, 1984

800-2

Arthur Hardesty
113 Peppermint Lane
Thermopolis WY 82443

Mr. Hardesty:

Thank you for your reply concerning Triple R Ranch Camp. I am enclosing a transfer form to be completed and returned to us to transfer water right No. 000-2 to your name. If you have any questions concerning the transfer form contact Genny McMath in our office.

Thank you,

KEVIN C LARSON
Natural Resources Engineer

KCL:ks

encl.

Mr. & Mrs. A. S. Hardesty
113 Peppermint Lane
Thermopolis, WY 82443

11/30/84

Mail WATER PERMIT TO my
WATER ADDRESS. TTT

A S Hardesty

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 11/30/84

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

SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, T1S, R5E

formerly owned by Lawrence B Hardesty
has been transferred to Triple R Ranch Camp, Keystone Rt, Box 1001, Rapid City SD 57701
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 800-2 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.

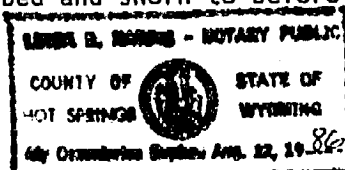
A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

WYOMING
STATE OF ~~SOUTH DAKOTA~~)
() ss.
County of Hot Springs)

I, Lawrence B Hardesty being first duly sworn on my oath 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.

Lawrence B Hardesty
(Signed)

Subscribed and sworn to before me this 30th Day of November, 1984.



Linda R. Harris
(Notary Public)

My Commission expires: August 22, 1984

RECEIPT

Division of Water Rights

No 4 9850

South Dakota Department of Water and Natural Resources

Pierre, December 4, 1984

December

RECEIVED OF Triple R Ranch Camp, Keystone Rt., Box 1001, Rapid City, SD 57701

following amount in fees for services rendered as provided for by law: SEND to A. S. Hardesty, 113 Peppermint Lane

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 for WR# 800-2

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

Thermopiles WY 82443

By

John Hatch
Chief Engineer JOHN HATCH ms

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

December 5, 1984

A. S. Hardesty
113 Peppermint Lane
Thermopolis, WY 82443

Dear Mr. Hardesty:

Enclosed is receipt No. 4 9850 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 800-2.

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

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

800-2

JAMES W. OLSON
ROBERT M. NASH

WILSON, OLSON, & NASH, P.C.
LAWYERS
CREEKSIDE PROFESSIONAL OFFICES
2640 JACKSON BOULEVARD
P. O. BOX 1552
RAPID CITY, SOUTH DAKOTA 57709

ERNEST GUNDERSEN (1915-1972)
J.H. BOTTUM (1903-1984)
JAMES H. WILSON (1927-1989)



(605) 342-7090
FAX (605) 342-9259

May 20, 1998

Chief Engineer
Water Rights Division, DWRN
523 East Capitol
Pierre, SD 57501-3181

Re: Water Right 800-2

Dear Sir:

I enclose herewith an Assignment of Water Right and Notice of Transfer of Ownership for the Water Right No. 800-2 from Ann D. Hardesty also known as Ann A. Hardesty to the Hardesty Family Living Trust dated April 21, 1998. Please acknowledge receipt and filing of the same and return the Assignment when you have completed your processes.

Thank you for your assistance.

Very truly yours,

WILSON, OLSON & NASH, P.C.

A handwritten signature in dark ink, appearing to read "James W. Olson", written over a horizontal line.

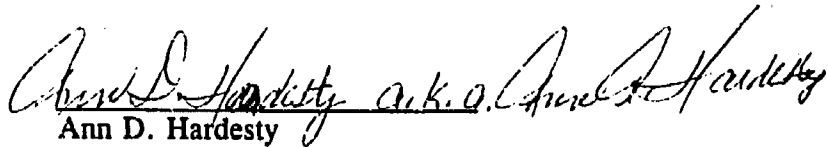
James W. Olson

JWO/lw
Enclosures

ASSIGNMENT OF WATER RIGHT

Ann D. Hardesty, for and in consideration of establishment of a living trust and other good and valuable consideration does hereby assign, transfer and set over unto the Hardesty Family Living Trust dated April 21, 1998, all right, title and interest of Assignor in and to Water Right Number 800-2 for the springs and diversion work on the Hardesty ranch in Pennington County, South Dakota.

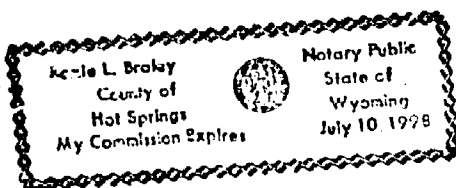
DATED this 13 day of ^{May}~~April~~, 1998.


Ann D. Hardesty

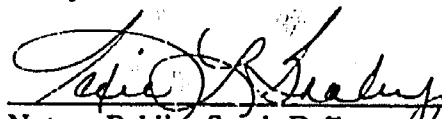
^{Wyoming}
State of ~~South Dakota~~)
^{Hot Springs}) ss:
County of ~~Pennington~~)

On this the 13 day of ^{May}~~April~~, 1998, before me, the undersigned officer, personally appeared Ann D. Hardesty, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

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



(SEAL)


Notary Public, ~~South Dakota~~ ^{Wyoming}
My Commission Expires: 7/10/98





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FACSIMILE TRANSMITTAL COVER SHEET

TRANSMITTAL DATE: May 21, 1998

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: James W Olson

DESTINATION: Wilson, Olson & Nash

PHONE: 605 342-7090

FAX: 605 342-9259

MESSAGE:

The following page is a copy of a transfer filed in 1984 for Water Right No. 800-2.

I am also faxing a blank transfer form for use in filing an ownership change with No. 800-2. It will need to be modified somewhat to reflect prior ownership. The filing fee has already been submitted and no further fees are necessary.

If you have any questions – please call me.

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 **EMAIL:** GennyM@denr.state.sd.us

****THIS TRANSMISSION INCLUDES 3 PAGES INCLUDING THIS PAGE****

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

THANK YOU

113 Peppermint Ln
Thermopolis, WY 82443

June 6, 1998

100 mi. So. of Yellowstone and 50 mi. N. of Hell's Half Acre
Where the Deer, Antelope and Buffalo Roam

RECEIVED
JUN 8 1998

Wilson, Olsen, Olsen & Nash, P.C.
P.O. Box 1552
Rapid City, South Dakota 57709

WILSON, OLSON & NASH, P.C.

James W. Olsen

Lawrence B. Hardesty obtained the Water Permit in order to obtain a permit from the South Dakota Fish & Game to be able to sell fish as done at Trout Haven. The Fish & Game permit necessitated your "right" to "run water" through fish similar to a private Fish Hatchery business, as evidenced by a Water Right issued by the State of South Dakota.

The Water Right is located on the original Hardesty Homestead, which L. B. Hardesty called the Triple R Ranch Camp. Ann A. and myself, Arthur S. Hardesty signed a Contract for Deed for the above mentioned land on June 9, 1972. I paid off the contract my birthday, March 19, 1984. At this time the Deed was registered in our names.

L. B. Hardesty then transferred the Water Right to the Triple R Ranch Camp.

We operated the camp one more year. The road change of '84, with our camp entrance across a cattle guard, and the people coming off a 7% grade, outside curve, was devastating to the business.

We closed the Camp in '85. When running a business, and putting in your time, it's not too profitable to be working and not making money!

Therefore, the Triple R Ranch is now referred to as the Hardesty Homestead and is part of the Hardesty Family Living Trust.

Respectfully

Arthur S. Hardesty
Ann A. Hardesty
Arthur S. Hardesty
Ann A. Hardesty

JAMES W. OLSON
ROBERT M. NASH



WILSON, OLSON, & NASH, P.C.
LAWYERS
CREEKSIDE PROFESSIONAL OFFICES
2640 JACKSON BOULEVARD
P. O. BOX 1552
RAPID CITY, SOUTH DAKOTA 57709

ERNEST GUNDERSEN (1915-1972)
J.H. BOTTUM (1903-1984)
JAMES H. WILSON (1927-1989)

(605) 342-7090
FAX (605) 342-9259

June 9, 1998

Genny McMath
DENR - Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181

Re: Triple R Ranch Camp Water Right

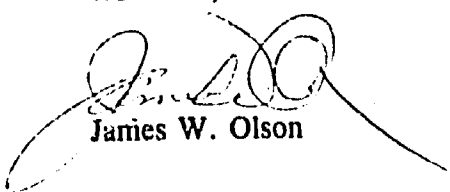
Dear Ms. McMath:

I have contacted Arthur and Ann Hardesty regarding your recent letter and have obtained the following information. The Water Right is located on the original Hardesty homestead which L.B. Hardesty or Lawrence B. Hardesty called the Triple R Ranch Camp. This was a d/b/a used first by Mr. L.B. Hardesty and then by Ann A. Hardesty and Arthur S. Hardesty as a d/b/a for a private fish hatchery and fishing camp business similar to the Trout Haven operation in the Black Hills. The business was closed in 1985 and the fictitious name retired, thus the owners of the business are seeking to register the Water Right in their personal names. If you would like, I can obtain further information in the form of an affidavit for this purpose. I have enclosed a copy of the letter from the Hardestys explaining the facts.

Please advise what additional information you require, if any, in order to record the transfer of Water Right No. 800-2 to the Hardestys.

You may note from the Notice of Transfer which you sent me from 1984 that Arthur S. Hardesty indicated that he was the owner at that time of the Triple R Ranch Camp.

Very truly yours,
WILSON, OLSON & NASH, P.C.


James W. Olson

JWO/lw
Enclosure
cc: Arthur and Ann Hardesty



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 11, 1998

James W Olson
WILSON, OLSON & NASH, PC
PO Box 1552
Rapid City, SD 57709

Hardesty Family Living Trust
% Ann D Hardesty
113 Peppermint Ln
Thermopolis, WY 82443

Dear Mr. Olson and Ms. Hardesty:

I am contacting you in regard to the "Notice of Transfer of Ownership" form filed to transfer Water Right No. 300-2 to the Hardesty Family Living Trust. The form, originally filed on May 21, 1998, will be accepted and filed for record.

I believe the letter documentation you submitted describing ownership of the land and the chain of events surrounding the name change is more than sufficient. Thank you for sending the letters in and clearing up any discrepancies.

Water Right No. 800-2 is now listed in the name of "The Hardesty Family Living Trust". Any future correspondence will be directed to the trust, in-care-of Ann D Hardesty. The receipt for \$2.50 is being forwarded to Hardesty's.

If you have any questions, please contact me.

Sincerely,

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

enclosure: receipt

NOTICE OF TRANSFER OF OWNERSHIP

No. 800-2

TO: Chief Engineer
Water Rights Division, DENR
523 East Capitol
Pierre, SD 57501-3161

Date: MAY 4 1998I, We request that Water Permit/Right No. 800-2formerly owned by: ANN D. HARDESTYbe transferred to: (name & address) HARDESTY FAMILY LIVING TRUST
(telephone No.) 307 864 3879

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

TO THE HARDESTY FAMILY LIVING TRUST

I, We understand that the validity of Water Permit/Right No. 800-2 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 at the Division of Water Rights, as evidence of the change of ownership.

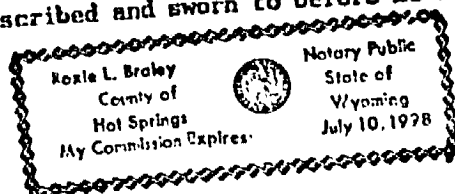
A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF Wyoming
~~SOUTH DAKOTA~~
County of Hot Springs

I/We ANN D. HARDESTY 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.

Ann D. Hardesty a.k.a. Ann D. Hardesty
(signed)

Subscribed and sworn to before me this 13th day of May, 1998.



Roxie L. Braley
(Notary Public)

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

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 415793

Pierre, June 11, 19 98

RECEIVED OF Hardesty Family Living Trust, 113 Peppermint Lane, Thermopolis, WY 82443
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. 800-2

Fee for Filing Extension Request _____

Fee for _____

2 50

Total

2 50

(Any Other Work Provided by Law)

By _____
Chief Engineer

John H. Hatten