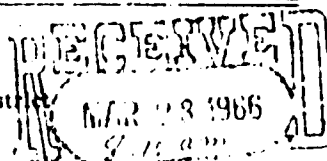


No. 1761-3

Water Division No. 3 Big Sioux River District
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT TO APPROPRIATE WATER WITHIN THE STATE OF SOUTH DAKOTA

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

1. Name of applicant FOX TURKEY FARMS, INC.
 Postoffice address Watertown, County Codington, State So. Dak

I. If a corporation

(a) Name of same Fox Turkey Farms, Inc.

(b) Date and place of incorporation 5-26-56 Watertown, So. Dak.

(c) Amount of capital stock \$100,000.00

(d) Amount paid in \$100,000.00

(e) Names and addresses of directors W. L. Fox, 5555 Sheridan Rd. Chicago, Ill.

Peter L. Fox, 5555 Sheridan Rd. Chicago, Ill.

F. E. Fox, 2800 Meadow Dr., Wilmette, Ill.

J. J. Fox, Jr., 541 Essex St., Wilmette, Ill. Zepp, 6522 Oak, Niles, Ill.

(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

(b) Cash on hand, \$ adequate

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work Fox Turkey Farm Irrigation Project

3. Amount of water claimed 5 cubic feet per second

4. Source of water supply stock pond

5. Location of point of diversion North 33rd 5 min. East 1460 ft. from SW corner Sec 34, T116N, R57W on East bank Codington County.

6. Annual period or periods during which water is to be used April 1 - Nov 1

7. To be used for:

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

(a) Number of acres to be irrigated 392 acres.

all lands in Section 34 except land east of RR track & Sioux

(b) Legal subdivisions to be irrigated river flood plains & farmland

(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. C-78-3

8. Estimated cost of work:

(a) Head Gates, \$..... (b) Pumping plant, \$1246.00
(c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
(e) Other structures \$..... Total, \$.....

9. Description of diversion works:

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

50 H.P. 1760 RPM - Stock Pond

II. Dimensions of works.

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

(b) Reservoir: Capacity when filledacre feet. Surface area at high water mark.....acres.

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

(c) Head gate: Width.....feet; heightfeet;
Material

(d) Canal: Total lengthmiles.

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 years.
11. Time required for complete application of water to the proposed beneficial use 5 years.
12. Choice of newspaper for publication of notice of intention to appropriate

Waterworks Public Opinion Inter-town, S.D. State of SOUTH DAKOTA } ss.
County of }
Winston

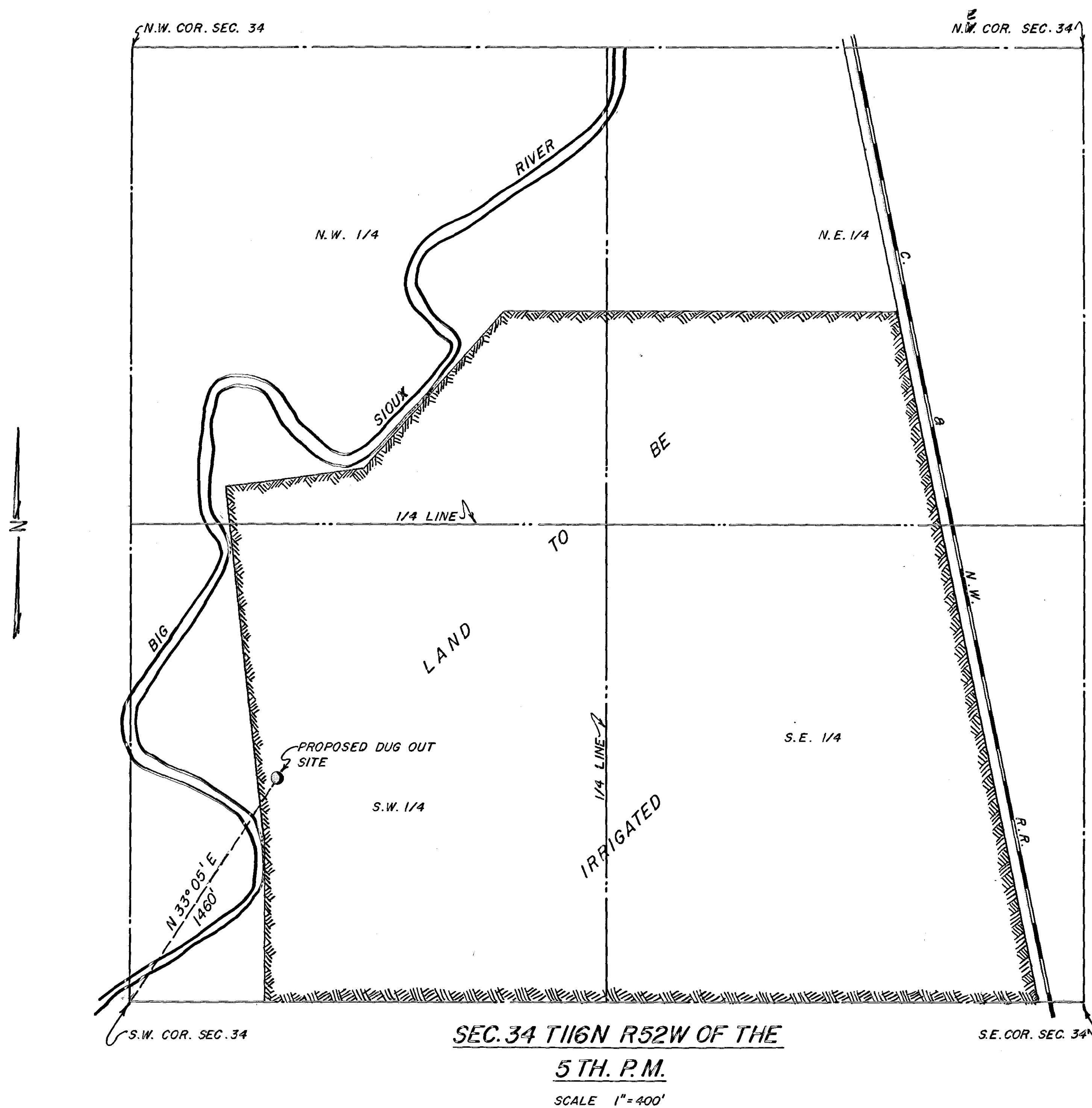
I, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed For the Farmer

Subscribed and sworn to before me this day of 1967

Hazel Blum
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device. My Com. Expires March 7, 1969



SURVEYORS CERTIFICATION

I, JOHN O. BABCOCK, A REG. PROF. ENG. & LAND SURVEYOR OF WATERTOWN, S. DAK., DO HEREBY CERTIFY THAT AT THE INSTANCE & REQUEST OF FOX TURKEY FARMS INC., DID ON OR PRIOR TO THE 25TH. DAY OF MARCH 1966, LOCATE BY COURSE & DISTANCE FROM THE CENTER OF SAID SECTION, THE DUG OUT SITE LOCATED IN SEC. 34 T116N R52W OF THE 5TH. P.M., CODINGTON COUNTY, SOUTH DAKOTA.

I HEREBY CERTIFY THAT THE ADJOINING PLAT SHOWS THE LOCATION OF THE PROPOSED DUG OUT SITE AS SURVEYED BY ME

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND & SEAL THIS 25TH. DAY OF MARCH 1966

John O. Babcock
REG. PROF. ENG. & LAND SURVEYOR

STATE OF SOUTH DAKOTA S.S.
COUNTY OF CODINGTON

ON THIS 25TH. DAY OF MARCH 1966 BEFORE ME THE UNDERSIGNED OFFICER, PERSONALLY APPEARED JOHN O. BABCOCK, A DULY REG. PROF. ENG. & LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA, KNOWN TO ME TO BE THE PERSON DESCRIBED IN THE FOREGOING INSTRUMENT & ACKNOWLEDGED THAT HE EXECUTED THE SAME IN THE CAPACITY THEREIN STATED AND FOR THE PURPOSE THEREIN CONTAINED.

IN WITNESS WHERE OF, I HAVE HEREUNTO SET MY HAND & SEAL

Hazel Blum
NOTARY PUBLIC

MY COMMISSION EXPIRES MARCH 1967

WATER RIGHTS APPLICATION MAP FOR:

FOX TURKEY FARMS INC.

SEC. 34 T116N R52W

PREPARED BY JOHN O. BABCOCK, REG. PROF. ENG. & LAND SURVEYOR
WATERTOWN, S. DAK.

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, MAY 20, 1966

This is to certify that the foregoing application was received by the Commission at 8:10 o'clock
A.m. upon the 28TH day of MARCH, 1966

State Water Resources Commission

By:

Burton Jones
for Chief Engineer, Executive Officer

Number of permit 1261-3

Date of first receipt of application MARCH 28, 1966

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 MARCH 28, 1966

Approved MAY 18, 1966, Recorded in Book 9 Page 120

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 NOVEMBER 18, 1968

2nd. The whole of said work is to be completed on or before MAY 18, 1971

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

MAY 18, 1971

4th. The water appropriated shall be used for the purpose of IRRIGATIONAL

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 5.6 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 MAY 18, 1971; said water to be used during the following described annual period:

APRIL 1 TO NOVEMBER 1

Witness my hand this 20TH day of MAY, 1966

State Water Resources Commission

By:

Burton Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation

150' x 70'

Depth

16'

Type of casing

(wood, concrete, steel, etc.)

Size of casing

Thickness of casing

Length of casing

If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen

Size of perforated screen

(diameter)

(length)

Thickness of gravel pack

length of gravel pack

(c) Water Bearing Materials

Distance to water

3'

Character of water bearing materials

8' - 16'

COARSE SAND & GRAVEL

Thickness of water bearing material

(d) Pump and Motor

Type of pump

(centrifugal, propeller, mixed flow, etc.)

Name of pump

BERKELEY

size

8"

Kind of motor

ELECTRIC

(gasoline, electric, diesel, etc.)

3 PHASE

Horsepower

60

Name of Motor

(e) Complete well

Capacity

1350

at drawdown of

?

Estimated cost

(f) Owner of land upon which well is located

FOX TURKEY FARMS, INC

Name

Address

(g) Distance to nearest existing wells

On same owner's property

3/4 MILE

On property owned by others

MORE THAN 1 MILE

1261-3

February 5, 1973

Mr. Marvin Czech
R.R. #3
Watertown, South Dakota 57201

Dear Mr. Czech:

As was discussed with you, and as Water License No. 1437-3 was issued, the applicable portions of Permit No. 1261-3 were included, and Permit No. 1261-3 has been cancelled by the Water Resources Commission.

Sincerely,

BURTON F. JONES
Water Rights Specialist

BFJ/wb

1261-3 & 1437-3

Water Permit No. 1261-3 authorizes the diversion of water from a dugout to irrigate 392 acres. Water Permit No. 1437-3 authorizes the diversion of water from the James River to irrigate the same 392 acres. The final inspection has been completed and one irrigation system has been completed under the two permits. Thus only one water license (No. 1437-3) needs to be issued, including the pertinent portion of the two permits and Permit No. 1261-3 can then be cancelled.

Note:: "Transfer of Water Permit" file 1437-3. The final inspection showed that all irrigation was on land owned by Marvin M. Czech. None of the land in which Mr. Gnat has an interest has been irrigated.

Water License and letter stating Water License is ready to be issued should be in the name of Marvin Czech, R.R. #3, Watertown, S.D., copy of notification letter should be sent to Francis C. Burns, Attorney.