

No. 543-1
 Water Division No. 1 LOWER CHEYENNE
 (Blanks to be Filled by the Engineer for the W. R. C.)

STATE OF SOUTH DAKOTA
 FEB 21 1961
 8:00 AM

STATE WATER RESOURCES BOARD
 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 Maynard K. Newnomba
 Postoffice address Plainville, County Meade, State So. Dak.

I. If a corporation Not 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)

Project completed.

- (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Maynard Newnomba Irrigation Project #2
 3. Amount of water claimed 1814 cubic feet per second 381 acre feet
 4. Source of water supply Tee Pee Creek, a tributary of the Cheyenne River.
 5. Location of point of diversion 116 rods from the corner common to sections 19, 20, 29 & 30, T6N, R16E, BHM, Meade Co., S.D. on a bearing of S 83 degrees West, whenever available
 6. Annual period or periods during which water is to be used Year-around.
 7. To be used for:

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

- (a) Number of acres to be irrigated 1270 acres.

(b) Legal subdivisions to be irrigated See remarks section.

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written out, 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 None

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 4681

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$-----
 (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.)

One dike for transfer and storage for flooding.

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	FEET	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-----0-----years.

11. Time required for complete application of water to the proposed beneficial use-----0-----years.

12. Choice of newspaper for publication of notice of intention to a propiate Sturgis Tribune
Sturgis, South Dakota

STATE OF SOUTH DAKOTA
 County of Meade } ss.

I, Maynard K. Heronome, 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 Maynard K. Heronome

Subscribed and sworn to before me this-----day of February-----1961.

My commission expires 12/7/68

James C. Heron
 Notary Public (or other qualified officer.)

MAYNARD NEWCOMB IRRIGATION PROJECT #2

ALL LANDS DESCRIBED HEREIN ARE OWNED BY MAYNARD NEWCOMB

SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA) ss
COUNTY OF MEADE

I, Meric D. Giger, Registered Land Surveyor, do hereby certify that this map was made from field notes and aerial photographs of the area, and that to the best of my knowledge, it correctly represents the lands involved and the locations indicated.

IN WITNESS WHEREOF I hereunto set my hand and official seal on this 9th day of February, 1961.

Meric D. Giger
Registered Land Surveyor #1007

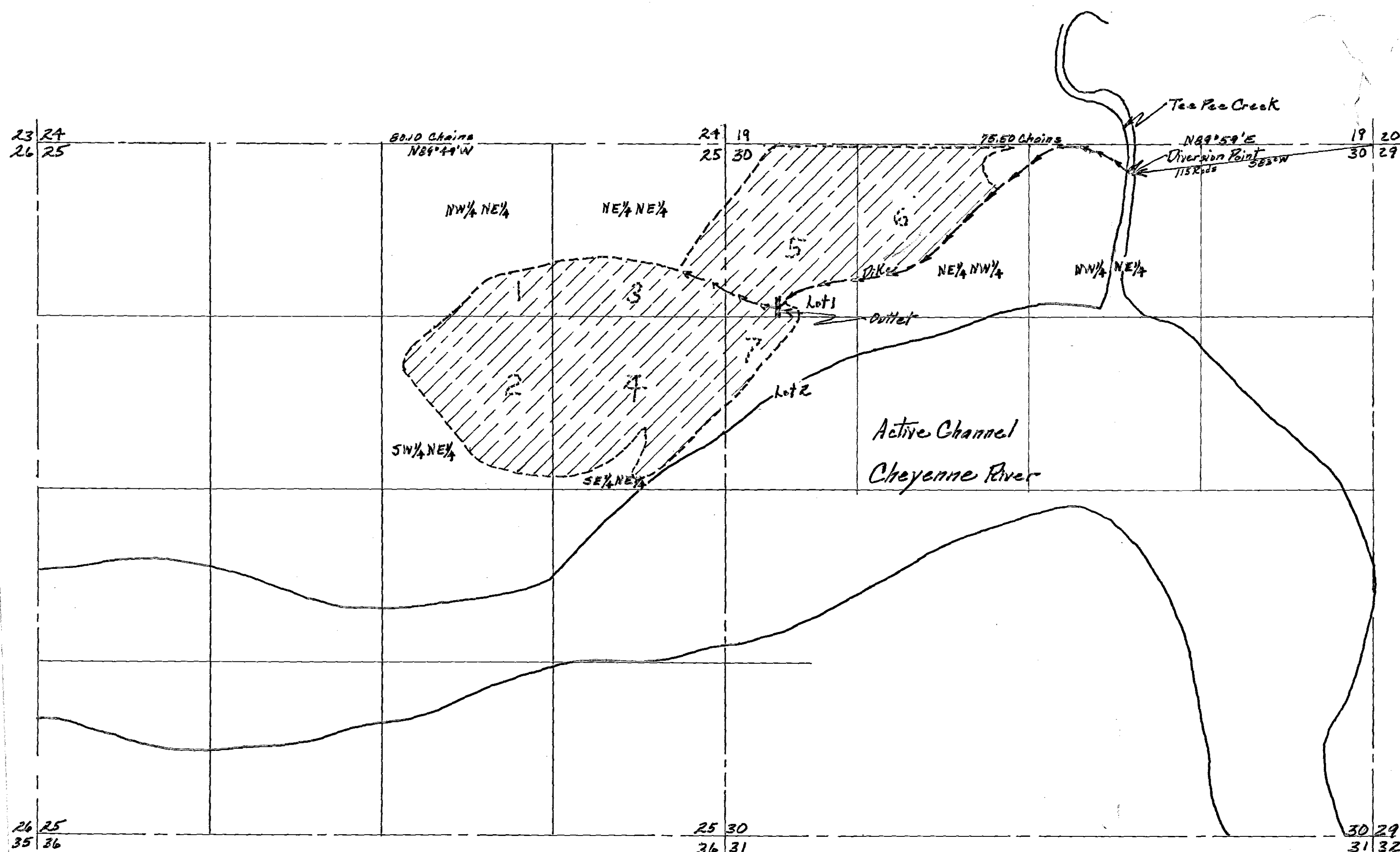
STATE OF SOUTH DAKOTA) ss
COUNTY OF MEADE

On this 9th day of February, 1961, before me, James B. Kinney, the undersigned officer, personally appeared Meric D. Giger, known to me to be the person whose name is subscribed to the above written instrument, and acknowledged that he executed the same for the purpose therein contained.

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

My commission expires 12/7/68

James B. Kinney
James B. Kinney Notary Public



Location of Lands to be Irrigated					
Area	Location	Sec.	T4p	Range	Acres
1	NW 1/4 NE 1/4	25	6N	15E	5.4
2	SW 1/4 NE 1/4	25	6N	15E	25.2
3	NE 1/4 NE 1/4	25	6N	15E	17.8
4	SE 1/4 NE 1/4	25	6N	15E	33.0
5	Lot 1	30	6N	16E	25.4
6	NE 1/4 NW 1/4	30	6N	16E	18.7
7	Lot 2	30	6N	16E	4.8
Total					127.0

Scale 8" = 1 mile
(from aerial photo)

--- Dike
Irrigable Area

Remarks by State Water Resources Commission:

"Vested right Claimed"

The diversion rate limitation of 1 cubic foot per second for each 70 acres irrigated shall not apply to this Dry Draw irrigation diversion during periods of flood flows, when such flows are in excess of the amount of water required to satisfy domestic use requirements and other water rights.

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, July 27, 1961

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
a.m. upon the 24th day of February, 1961.

State Water Resources Commission

By:

Burton J. Jones
Chief Engineer, Executive Officer

Number of permit 543-1

Date of first receipt of application February 24, 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 \$ 1453, 19____

Approved July 27, 1961, Recorded in Book 6 Page 277

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~~

2nd. The whole of said work is ~~to be~~ completed ~~on or before~~

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

completed, 19____

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 1.21 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 used

and beneficially applied for irrigation on or before June 30, 1955; said water to be used during the following described annual period:

Whenever available
Witness my hand this 27th day of July, 1961

State Water Resources Commission

By:

Geo. Bruns
Chief Engineer, Executive Officer

Certificate of Construction Issued July 27, 1961

Water License Issued July 27, 1961

Remarks by the Applicant:

LOCATION OF LANDS TO BE IRRIGATED

AREA	LOCATION	SEC.	T'SHP	RANGE	ACRES
1	NW 1/4 NE 1/4	25	T6N	R15E	<u>5.1</u>
2	SW 1/4 NE 1/4	25	T6N	R15E	<u>25.2</u>
3	NE 1/4 NE 1/4	25	T6N	R15E	<u>15.8</u>
4	SE 1/4 NE 1/4	25	T6N	R15E	<u>33.0</u>
5	LOT 1	30	T6N	R16E	<u>25.4</u>
6	NE 1/4 NW 1/4	30	T6N	R16E	<u>16.7</u>
7	LOT 2	30	T6N	R16E	<u>4.8</u>
TOTAL					<u>0 122.0</u>

STATE OF SOUTH DAKOTA

WATER LICENSE No. 543-1

WHEREAS, On the 24th day of February A. D. 1961

Maynard E. Nantumba

of Plainview County of Meade and State of

South Dakota duly made application (No. 543-1) to us for a Vested Right permit to use 1.81

cubic feet per second of the waters of Tee Pee Creek

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

WHEREAS, On the 27th day of July A. D. 1961

Vested Right

Permit No. 543-1 was issued to said applicant for the diversion of said water, recognizing the completion of the works of diversion therein described as follows:

XXXXXX and XXXXXX application to beneficial use of said water XXXXXX before the XXXXXX day of XXXXXX A. D. 1961 and,

WHEREAS, On the 24th day of February A. D. 1961

the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.81

cubic feet per second of said waters, as evidenced by our Certificate No. 543-1

dated July 27, 1961 confirming the completion of works of sufficient capacity for

diverting and conveying to the place of intended use 1.81 cubic feet per second of water, with date of

priority of 1953 251 and,

WHEREAS, On the 24th day of February A. D. 1961

proof was duly made of the application to beneficial use of 1.81 cubic feet per second of said water;

to provide irrigation on 127 acres located in Section 25, T 6N, R 15E and Section 30, T 6N, R 16E.

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 Maynard K. Newcombe **Vested Right**
of Plainview the holder and owner of said permit No. 543-1
a water right, dating from 1953 to the use of 1.81
cubic feet per second of the waters of Tee Pee Creek
in the County of Head and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at a point S 83° W 115 rods from the
NE Corner Section 30, T 6N, R 16E
and conducted to and upon portions of Section 25, T 6N, R 15E, and Section 30, T 6N,
R 16E

for the purpose of irrigation

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

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 27th day of July A. D. Nineteen
Hundred and Sixty-One

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J.W. GRIMES

STATE OF SOUTH DAKOTA

Water License No. _____
To _____

Source of Supply _____

County _____
Am't _____
Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____
Recorded _____
in Book _____ of _____ Page _____

Permit No. 543-1Water Division No. 1 BELLE FOURCHE Water District
RIVER**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Maynard K. Newcombe

of Plainview, County of Deade, and State of
South Dakota, the holder of Water Right
No. 543-1, bearing date of priority of 1953, issued upon Application
1.81 cu. ft. per second of the waters of The Pee Creek

County of Deade, State of South Dakota, at a point S 83°W 115 rods
from the NE corner Section 30, T 6N, R 16E

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 recognized as
satisfactory for diverting and conveying to the place of intended use _____ 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:

<u>Section 25, T 6N, R 15E</u>	<u>NW$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>2.4 acres</u>
	<u>SW$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>25.2 acres</u>
	<u>NE$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>14.8 acres</u>
	<u>SE$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>33.0 acres</u>
<u>Section 30, T 6N, R 16E</u>	<u>Lot 1</u>	<u>25.4 acres</u>
	<u>Lot 2</u>	<u>4.8 acres</u>
	<u>NE$\frac{1}{4}$ NW$\frac{1}{4}$</u>	<u>18.4 acres</u>
	<u>Total</u>	<u>127.0 acres</u>

Witness my hand this 27th day of July A. D. 1961

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J.W. GRIMES

Location No.-----

Water Division No.----- Water District-----

Proof of Application of Water to Beneficial Use**PETITION OF HOLDER**

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

Ans. Maynard K. Newcombe Sec 30, T6N, R16E, B1M, Meade Co., So. Dak.
Ranching Plainview, South Dakota

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

Ans. Not a corporation.

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. No posting of recording date.

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

Ans. Tee Pee Creek, a tributary of the Cheyenne River at a point 115 rods from the sec. corner common to 19, 20, 29 & 30 T6N, R16E, B1M, Meade Co. South Dakota on a bearing of south 83 degrees west.

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

Ans. One large dike is used to hold the water for flooding and also to convey the water past the extremity of the dike. This dike has been completed since 1953 but constant maintainance is necessary due to extreme silting.

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

Ans. The water is used to irrigate hay meadows. The areas which are effected are indicated on the supplemental sheet.

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

Ans. Used for irrigation only.

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

Ans. 1 cfs Cu. Ft./Sec.

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

Ans. -----

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. Tee Pee Creek flows in the spring runoff period and in the case of heavy rains on the drainage area. It is not possible to contain the the flow of this stream entirely with the present structure but a sufficient amount can be contained to cover the indicated areas. This has been done whenever water has been available.

(Sign) Margaret Kuntz

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

State of South Dakota, on this _____ day of February A. D. 1961

Witnesses

James E. Haring - Notary Public
MY COMMISSION EXPIRES 12-7-68

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Meade D. Hickey
Lawrence A. McDaniel

Location No. _____	
PROOF OF APPLICATION OF WATER TO BENEFICIAL USE	
PETITION OF HOLDER	
Amount of Water _____ c. f. s.	
Source _____	
County _____	
Purpose _____	
Place of Use _____	
Date of recording _____	
Received and filed _____	

LOCATION OF LANDS TO BE IRRIGATED

AREA	LOCATION	SEC.	T'SHP	RANGE	ACRES
1	NW 1/4 NE 1/4	25	T6N	R15E	<u>5.4</u>
2	SW 1/4 NE 1/4	25	T6N	R15E	<u>25.2</u>
3	NE 1/4 NE 1/4	25	T6N	R15E	<u>19.8</u>
4	SE 1/4 NE 1/4	25	T6N	R15E	<u>33.0</u>
5	LOT 1	30	T6N	R16E	<u>25.4</u>
6	NE 1/4 NW 1/4	30	T6N	R16E	<u>19.4</u>
7	LOT 2	30	T6N	R16E	<u>4.8</u>
TOTAL					<u>127.0</u>

**OVERSIZE
DOCUMENT IS
SUPPLEMENTARY
TO MICROFILM FILE**

South Dakota
Department of
Water & Natural Resources

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

September 16, 1988

Senator Bruce Walker
PO Box 159
Sturgis SD 57785

RE: Mattie Newcombe Water Rights

Re: Senator Walker:

I am writing in answer to your letter that was received on September 9, 1988. The following water rights are on file with the Division of Water Rights:

1. Vested Water Right Claim No. 542-1, Maynard K. Newcombe
2. Vested Water Right Claim No. 543-1, Maynard K. Newcombe
3. Water Right No. 1053-1, Mattie E. Newcombe
4. Water Permit No. 1060-1, Maynard Newcombe

Copies of these are enclosed for your information.

Water rights can not be renewed. A water right is valid as long as there has been water use at least once every three years. Legal excuse for nonuse of water, such as unavailability of water to satisfy a permit or right or legal proceeding which prevent the use of water, suspends the period of nonuse. If there has been nonuse of water, a water permit/right is subject to cancellation due to abandonment or forfeiture.

Vested Water Right Claim Nos. 542-1 and 543-1 have been noticed as being eligible for validation. Next week a notice will be mailed stating that I am opposing validation of these claims until field inspections of the claims can be completed. The inspections are needed to determine the current status of the claims.

Enclosed also, are partially completed transfer forms for Vested Water Right Claim Nos. 542-1 and 543-1 and for Water Permit No. 1060-1. These should be completed and then signed by Mrs. Newcombe in the presence of a notary. The transfer forms should then be returned to this office with a \$2.50 filing fee for each (total of \$7.50).

If we can answer any other questions, please contact us.

Very truly yours,

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

enclosure



NO. 543-1

NOTICE OF TRANSFER OF WATER RIGHTS PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 9/19/88

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

127 acres; NE 1/4 Section 25, T6N, R15E and lots 1 & 2, NE 1/4 NW 1/4 Section 30, T6N, R16E

formerly owned by Maynard K. Newcombe, Plainview SD

has been transferred to Mattie E. Newcombe 1404 Fulton St
Sturgis, S. Dak 57785
(please include complete mailing address)

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

Water Right Permit No. 543-1 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 Meade) ss.

I, Mattie E. Newcombe 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.

Mattie E. Newcombe
(Signed)

Subscribed and sworn to before me this 19 Day of September 1988

Bruce Walker
(Notary Public)

BRUCE J. WALKER, Notary Public
My Commission Expires April 7, 1991

WNR-820-9/83

Notice of Transfer of Water Permit

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

411415

E.

Pierre, September 20, 1988

RECEIVED OF Mattie Newcombe, 1404 Fulton St., Sturgis, SD 57735

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 Permit No. 543-1 _____	2	0
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 0

By *John Hatch*
Chief Engineer

JOHN HATCH (ms)

South Dakota Department of
Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-2352

September 21, 1988

Senator Bruce Walker
PO Box 159
Sturgis, South Dakota 57785

RE: Mattie E. Newcombe Water Rights Nos. 542-1, 543-1 and 1060-1

Dear Senator Walker:

Enclosed are receipts Nos. 411415, 411416 and 411417 in the amount of \$2.50 each which Mattie E. Newcombe paid for transfer of Water Right Nos. 543-1, 542-1 and 1060-1.

Our records now show Mattie E. Newcombe as the owner of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc. 3



South Dakota
Department of
Water & Natural Resources

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

September 21, 1988

NOTICE

Mattie Newcombe
1404 Fulton St
Sturgis SD 57785

Dear Ms. Newcombe:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 542-1, 543-1 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,

for *Delvin W. Bross*
JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



Water Rights Division - DWRNR

File No.

542-1
543-1

Conversation or File Documentation

NAME OF PERSON OR FILE: Mattie NewcombeADDRESS: 1404 Fulton St. Sturgis, SD COUNTY MeadeDATE: 4-12-89

TELEPHONE _____

RE: Validation of Vested Right Nos. 542-1 & 543-1

COMMENTS:

985-5390

On this date I inspected these rights with Jim O'Grady (operator). Mr. O'Grady showed me the entire system which has been developed ~~at~~ and is used. There is one main dike which diverts and spreads water under W.R. No. 543-1. There are some smaller assorted dikes near the river which prevent loss of irrigated water into the river. There is no specific diversion of water under W.R. No. 542-1 which consists entirely of natural runoff to irrigate the described lands. The total number of irrigated acres described on the licenses is ^{basically} the same, however, the locations of the irrigated acreage is not exactly accurate in a couple of instances.

File it or other file as necessary. Use to document conversations and what party was told; why action or decision was made.

4/82

NAME:

James L. Weirich



MAR 5 1993

543-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Mattie Newcombe
1404 Fulton St
Sturgis SD 57785

Dear Ms. Newcombe:

The Water Management Board has validated the enclosed Vested Water Right Nos. 542-1 and 543-1. These validations give legal status to the claims and are the final document for your vested rights.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

enclosure

543-1

SOUTH DAKOTA

VESTED WATER RIGHT NO. 543-1 FOR IRRIGATION

Date of Receipt of Claim February 24, 1961.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 543-1 for irrigation purposes for Mattie Newcombe, 1404 Fulton St., Sturgis, SD, 57785 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 543-1 appropriates 1.81 cubic feet per second of water from Tee Pee Creek to irrigate 127 acres. The point of diversion is located in NW1/4 NE1/4 Section 30, T6N, R16E. The irrigated lands are located in the NE1/4 Section 25, T6N, R15E and Lot 1, Lot 2 and NE1/4 NW1/4 Section 30, T6N, R16E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: January 1 to December 31.
3. The priority date of the Vested Water Right is January 1, 1953.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

The diversion rate limitation of 1 cubic foot per second for each 70 acres irrigated shall not apply to this Dry Draw irrigation diversion during periods of flood flows, when such flows are in excess of the amount of water required to satisfy domestic use requirements and other water rights.

WATER MANAGEMENT BOARD

By: 
Chief Engineer

MAR 5 1993

date

Division of Water Rights
Dept. of Environment and Natural Resources



543-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 20 1993

543-1

Mattie Newcombe
1404 Fulton Street
Sturgis, SD 57785

Dear Ms. Newcombe:

Enclosed is your Reissued Vested Right Water License No. 543-1. The license has been reissued to correct an error in the amount of acres described in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, T6N, R15E. Reissuance of the license to correct the error does not alter the remaining portions of Vested Right No. 543-1.

As long as you use the water beneficially as stated in Vested Right No. 543-1, SD Water Laws provide that you have a continuing right to the use of the water.

Very truly yours,

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

enclosure

gm

STATE OF SOUTH DAKOTA
REISSUED VESTED RIGHT WATER LICENSE NO. 543-1

(1) Mattie Newcombe of 1404 Fulton St. Sturgis, SD 57785, made Application No. 543-1, February 24, 1961 for validation of a vested right claim to appropriate 1.81 cubic feet of water per second from Tee Pee Creek, Meade County, South Dakota, for irrigation purposes. Vested Water Right No. 543-1 was validated September 30, 1992 with a priority date of January 1, 1953. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

A review of the original license found an error in the amount of acres irrigated in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25. The license described 2.4 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and should have stated 5.4 acres. The license is being reissued to correct the error in the acreage description. Reissuance of the license does not alter the remaining portions of Vested Right No. 543-1.

(2) The vested right owner is entitled to divert 1.81 cubic feet of water per second for beneficial use. The location of the diversion point is: a point S 83 degrees W 115 rods from the NE corner of Section 30, T6N, R16E (NW $\frac{1}{4}$ NE $\frac{1}{4}$).

The location of the irrigated acreage is:

T6N, R15E Section 25

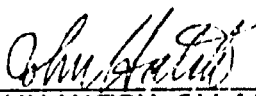
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 5.4 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 25.2 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 14.8 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 33.0 acres

T6N, R16E, Section 30

Lot 1 25.4 acres
Lot 2 4.8 acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 18.4 acres

Total acres irrigated: 127.0 acres

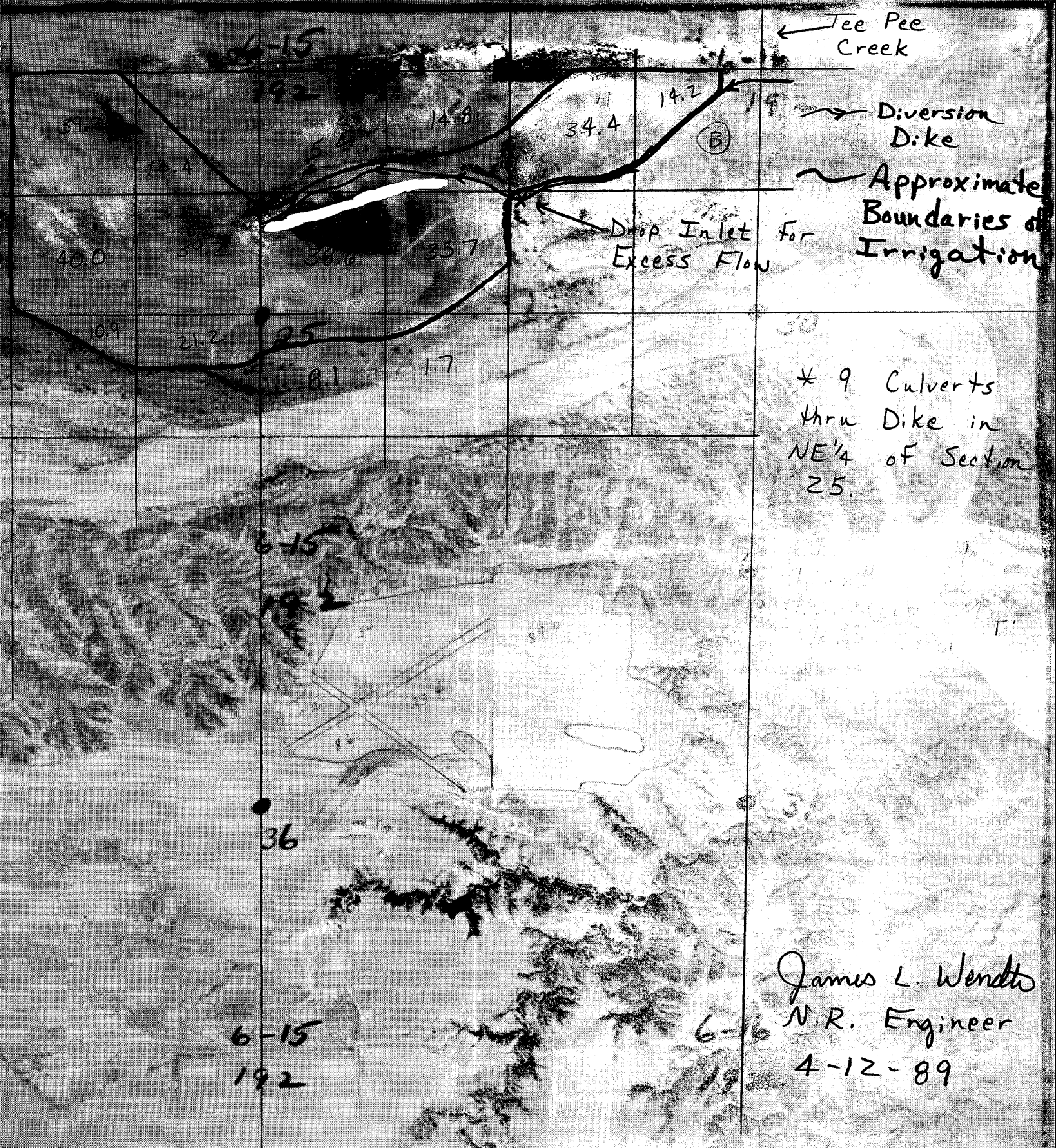
(3) Pursuant to Section 46-5-30.1 Mattie Newcombe of 1404 Fulton St., Sturgis, SD 57785 the holder and/or owner of Vested Water Right No. 543-1 is issued a license to appropriate 1.81 cubic feet of water per second from Tee Pee Creek with a priority date of January 1, 1953 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 543-1 and subject to South Dakota State Law.



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

SEP 20 1993

NOT TO SCALE

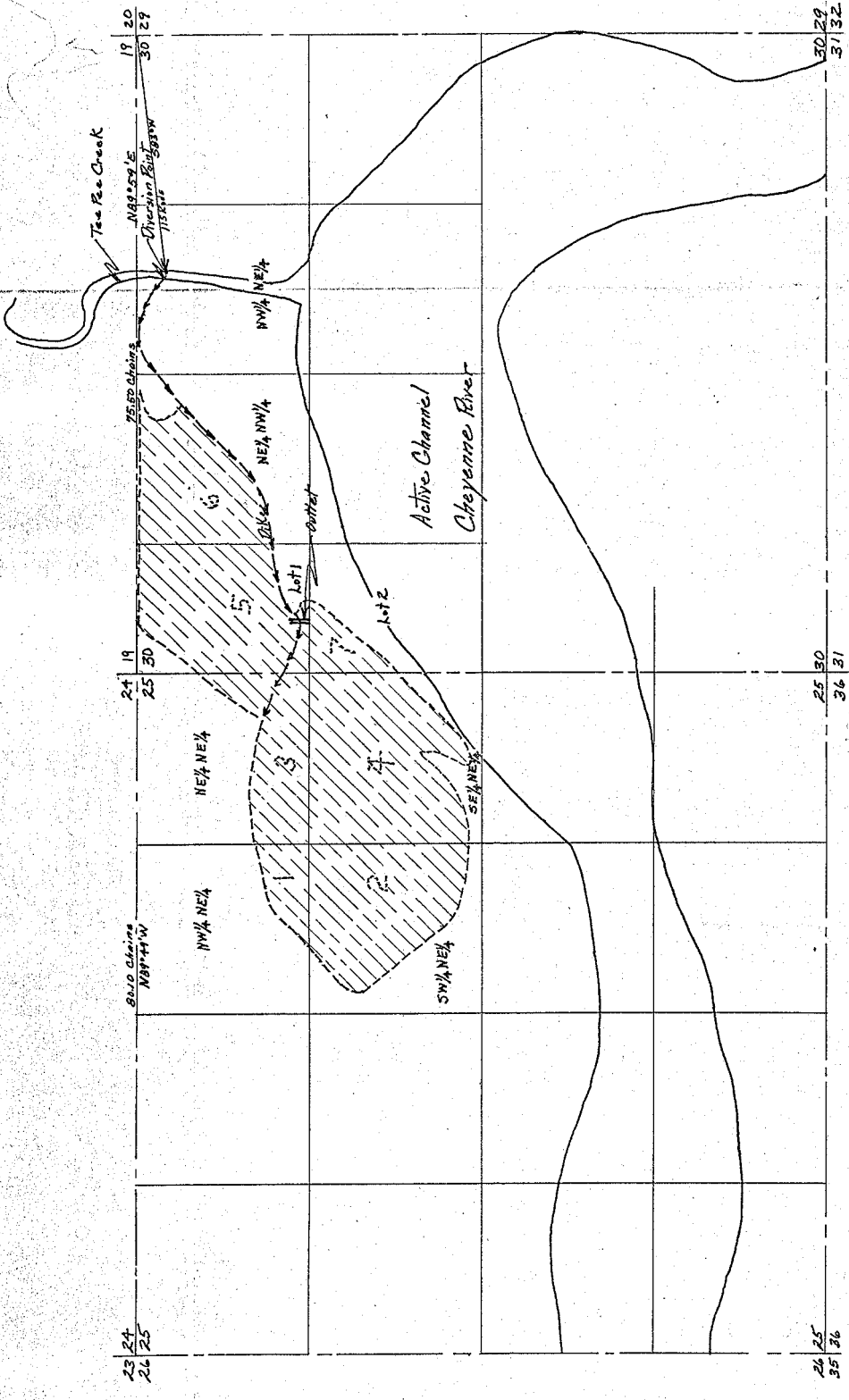


MAYNARD NEVADIAN IRRIGATION PROJECT #2

ALL LANDS DESCRIBED HEREIN ARE OWNED BY MAYNARD NEVADIAN
SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA) ss
COUNTY OF MEADE)
I, Meric D. Giger, Registered Land Surveyor, do hereby certify
that this map was made from field notes and aerial photographs
of the area, and that to the best of my knowledge, it correctly
represents the lands involved and the locations indicated.
IN WITNESS WHEREOF I hereunto set my hand and official seal on
this 9th day of February, 1961.
Meric D. Giger
Registered Land Surveyor #1007

STATE OF SOUTH DAKOTA) ss
COUNTY OF MEADE)
On this 9th day of February, 1961, before me, James B. Kinney,
Notary Public, appeared Meric D. Giger,
known to me to be the person whose name is subscribed to the
above written instrument, and acknowledged that he executed the
same for the purpose therein contained.
IN WITNESS WHEREOF I have hereunto set my hand and official seal.
My commission expires 12/7/63
James B. Kinney
Notary Public



Location of lands to be irrigated				
Area	Location	Sec.	Twp	Range
1	NW 1/4 NE 1/4	25	6N	16E
2	SW 1/4 NE 1/4	25	6N	16E
3	NE 1/4 NE 1/4	25	6N	16E
4	SE 1/4 NE 1/4	25	6N	16E
5	Lot 1	30	6N	16E
6	NE 1/4 NW 1/4	30	6N	16E
7	Lot 2	30	6N	16E
Total				1270

Scale 8" = 1 mile
(from aerial photo)
Dike
Irrigable Area



October 19, 2005

Lucy Sundstrom
PO Box 368
Sturgis SD 57785

RE: 542-1, 543-1, 1053-1 and 1060-1

Dear Ms. Sundstrom:

I am contacting you in regard to water rights held by Mattie Newcombe. The annual irrigation questionnaires will be mailed out next week and I wanted to touch base with you to find out if the above listed water rights should be transferred to your name or if the land has possibly sold.

Water Right No. 1053-1 and Water Permit No. 1060-1 are for irrigation from the Cheyenne River. Both of these require submission of an annual irrigation questionnaire. Our records show the irrigation systems described in Vested Water Right Nos. 542-1 and 543-1 are spreader type systems and no irrigation questionnaires are required. No. 542-1 is for irrigation from Pine Creek and No. 543-1 is for irrigation from Tee Pee Creek.

I have enclosed copies of all of them for your review. Please get in touch with us regarding ownership and whether or not changes need to be made to them.

Thank you in advance for helping to update the water rights.

Sincerely,

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

enclosures

543-1
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

543-1

LAW OFFICES

THOMAS NOONEY BRAUN SOLAY & BERNARD, LLP

1301 OMAHA STREET, SUITE 224

P.O. Box 8108

RAPID CITY, SOUTH DAKOTA 57709-8108

TIMOTHY L. THOMAS*

JOHN K. NOONEY*

LONNIE R. BRAUN†

KURT E. SOLAY

GREGORY J. BERNARD

JOHN W. BURKE**

OF COUNSEL

MICHELLE C. BRATTON

* ALSO LICENSED IN WYOMING

† ALSO LICENSED IN NEBRASKA

** ALSO LICENSED IN MINNESOTA

April 25, 2006

[e-mail: jknnooney@mtnlaw.com]

TELEPHONE (605) 348-7516

FAX (605) 348-5852

www.lawyers.com/thomasnooneylaw

Chief Engineer

Water Rights Program, DENR

523 E Capitol

Pierre SD 57501-3181

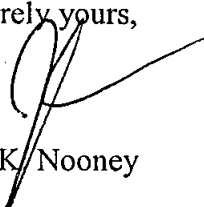
Re: Water Permit Nos.: 1053-1, 1060-1, 543-1, and 542-1
Our File No. 06N153

Dear Chief Engineer:

I am forwarding to you four (4) original Notice of Transfer of Ownerships as it concerns the above-mentioned water rights/permit numbers. I would respectfully request that you transfer the same. I am forwarding to you a transfer fee in the amount of \$2.50 for each of the enclosed Notices.

If you have any questions, please let me know.

Sincerely yours,



John K. Nooney

JKN/clr

Enclosures

cc: Steve Roy (w/enclosures)

Ike Rainey (w/enclosures)

RECEIVED

APR 25 2006

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 543-1

Date: April 24, 2006

I/We request that Water Right/Permit No. 543-1 formerly owned by:

Mattie E. Newcombe

be transferred to:

New Owner Name: Cabbage Patch River Ranch, LLLP

Address: 1301 Omaha St., #224 / PO Box 8108

City, State, Zip Rapid City, SD 57709-8108

Telephone No. 605/348-7516

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

See attached

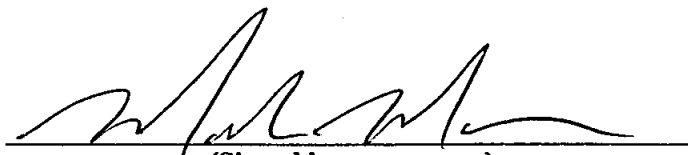
RECEIVED
APR 26 2006
WATER RIGHTS
PROGRAM

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

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

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

Mark Morris, as General Partner of
I, Cabbage Patch River Ranch, LLLP, the new owner, certify that the above information is true and correct.


(Signed by new owner)
TRUSTEES GENERAL PARTNER

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 26, 2006

RECEIVED OF Thomas Nooney Braun Selay & Pernard LLP, PO Box 8108k, Rapid City SD 57709

cabbage Patch River Ranch LLP

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	2	50
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>543-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

02411

By

Darland Erbe
Chief Engineer



543-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

April 27, 2006

John K Nooney
THOMAS, NOONEY, BRAUN, SOLAY & BERNARD LLP
1301 Omaha St, Suite 224
PO Box 8108
Rapid City SD 57709-8108

RE: Water Permit/Right Nos. 542-1, 543-1, 1053-1, 1060-1
Cabbage Patch River Ranch LLLP

Dear Mr. Nooney:

I am writing to acknowledge receipt of the ownership changes filed for Water Permit/Right Nos. 542-1, 543-1, 1053-1 and 1060-1. The transfers have been completed. The permits/rights once held by Mattie or Maynard Newcombe are now listed in the name of Cabbage Patch River Ranch LLLP. Enclosed are Receipt Nos. 02409, 02410, 02411 and 02412 in the amounts of \$2.50 each which were paid to cover the filing fees.

Also enclosed are sample copies of the annual irrigation questionnaire. Both Water Right No. 1053-1 and Water Permit No. 1060-1 are for systems utilizing water from the Cheyenne River. Water Management Board Rules require submission of the annual questionnaire for both Nos. 1053-1 and 1060-1. The sample forms will give you an idea of what type of information will need to be kept track of during the irrigation season. The actual forms that will need to be returned will be sent out in October, 2006.

For information purposes for Cabbage Patch River Ranch, South Dakota Water Law states water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water right. The three year period may be waived if legal excuse exists for the period of non-use. Enclosed are excerpts dealing with these issues.

If I can answer any questions concerning the transfers or any of the enclosed materials, please contact me."

Sincerely,

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

enclosures

542-1

RECEIVED

AUG - 4 2016

GUNDERSON, PALMER, NELSON & ASHMORE, LLP

ATTORNEYS AT LAW

506 SIXTH STREET
POST OFFICE BOX 8045
RAPID CITY, SOUTH DAKOTA 57709-8045

TELEPHONE (605) 342-1078

www.gundersonpalmer.com

ATTORNEYS LICENSED TO PRACTICE IN
SOUTH DAKOTA, NORTH DAKOTA,
NEBRASKA, WYOMING, MONTANA,
MINNESOTA, KENTUCKY, AND PENNSYLVANIA

J. CRISMAN PALMER
JAMES S. NELSON
DANIEL E. ASHMORE
DONALD P. KNUDSEN
PATRICK G. GOETZINGER
TALBOT J. WIECZOREK
DAVID E. LUST
TERRI LEE WILLIAMS
SARA FRANKENSTEIN
JASON M. SMILEY
QUENTIN L. RIGGINS

RONALD G. SCHMIDT
JEFFREY R. CONNOLLY
REBECCA L. MANN
ANDREW J. KNOTSON
KYLE L. WIESE
JANA SMOOT WHITE
TYLER C. WETERING
NATHAN R. CHICOINE
KATELYN A. COOK

WYNN A. GUNDERSON
Of Counsel

Writer's E-mail Address: dlust@gpnalaw.com

Writer's Fax No.: (605) 342-9503

August 2, 2016

PMB 2020
DENR - Water Rights Program
523 E. Capitol Ave.
Pierre, SD 57501-3182

Re: Notice of Transfer of Ownership
Water Right Permits
GPNA File No. 12770.0003

Dear Sir/Madam:

Enclosed please find four Notices of Transfer of Ownership with attached documentation pertaining to Water Right Permits numbered 542-1, 543-1, 1921-1, and 1922-1. Also enclosed is a check drawn on my firm for \$200 to cover the filing fees for these Transfers.

It is my understanding that an irrigation water use questionnaire must be filed annually for Water Right Permits 1921-1 and 1922-1 and request that notice of the same, as well as any other communication regarding these water rights be provided to Mr. James Feist as follows:

James Feist
P.O. Box 25
Enning, SD 57737
(605) 985-5501

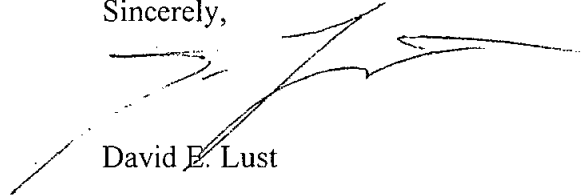
GUNDERSON, PALMER, NELSON & ASHMORE, LLP

August 2, 2016

Page - 2 -

Should there be any question, or if you need anything further on the transfers, please contact me.
Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "David E. Lust", written over a horizontal line.

David E. Lust

DEL:bjs
Enclosures
C: Client

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/4, 20 16

RECEIVED OF Gunerson, Palmer, Nelson & Ashmore PO Box 8045 Rapid City SD 57709

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
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 _____ 542-1		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
	50	00

No. **07868**

By James Goodman
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

AUG - 4 2016

WATER RIGHTS
PROGRAM

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 542-1Date: July 2016

I/We request that Water Right/Permit No. 542-1 formerly owned by:
Cabbage Patch River Ranch, LLLP be transferred to:

New Owner Name: James FeistAddress: P.O. Box 25City, State, Zip Enning SD 57737 Telephone No. 605-985-5501

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

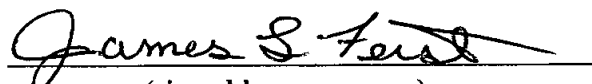
Real Property located in Section 25, Township 6 N, Range 16, EBHM, Meade County, SD totalling
190.8 acres per attached documents

☒ I understand that the validity of Water Right/Permit No. 542-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, James Feist, the new owner, certify that the above information is true and correct.


(signed by new owner)

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

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

NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 542-1

Date: April 24, 2006

I/We request that Water Right/Permit No. 542-1 formerly owned by:

Mattie E. Newcombe

be transferred to:

New Owner Name: Cabbage Patch River Ranch, LLLP

Address: 1301 Omaha St., #224 / PO Box 8108

City, State, Zip Rapid City, SD 57709-8108 Telephone No. 605/348-751

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

See attached

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

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

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

Mark Morris, as General Partner of
I, Cabbage Patch River Ranch LLLP, the new owner, certify that the above information is true and correct.



(Signed by new owner)

TRUSTEE AS General Partner

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

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

542-1

SOUTH DAKOTA

VESTED WATER RIGHT NO. 542-1 FOR IRRIGATION

Date of Receipt of Claim February 24, 1961.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 542-1 for irrigation purposes for Mattie Newcombe, 1404 Fulton St., Sturgis, SD, 57785 with the following limitations, conditions and qualifications:

1. Vested Water Right, No. 542-1 appropriates 2.72 cubic feet per second of water from Pine Creek to irrigate 190.8 acres. The points of diversion are located in Section 25, T6N, R15E. The irrigated lands are located in the NE1/4, SE1/2 NE1/4, NE1/2 SE1/4 and NE1/2 SW1/4 Section 25, T6N, R15E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: January 1 to December 31.
3. The priority date of the Vested Water Right is December 15, 1937.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

The diversion rate limitation of 1 cubic foot per second for each 70 acres irrigated shall not apply to this Dry Draw irrigation diversion during periods of flood flows, when such flows are in excess of the amount of water required to satisfy domestic use requirements and other water rights.

WATER MANAGEMENT BOARD

By: J. Hubbard
Chief Engineer

MAR 5 1993

date

Division of Water Rights
Dept. of Environment and Natural Resources

Form No. 12

STATE OF SOUTH DAKOTA

WATER LICENSE No. 542-1

WHEREAS, On the 24th day of February, A. D. 1961
Raymond K. Newcombe

Harvard K. Newgate

of Platteville County of Nebraska and State of South Dakota duly made application (No. 542-1) to us for a Water Right to use 2.72 cubic feet per second of the waters of Pine Creek County of Nebraska, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 27th day of July, A. D. 1961
Permit No. 542-1 was issued to said applicant... for the diversion of said water ^{recognizing} ~~and under~~ the
completion of the works of diversion therein described ~~as set forth~~ ^{in the permit} ~~and~~ ^{for} application to beneficial use of said
water ~~as set forth~~ ^{in the permit} ~~and~~

WHEREAS, On the 24th day of February A. D. 1962
the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.72
cubic feet per second of said waters, as evidenced by our Certificate No. 542-1
dated July 27, 1961 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 2.72 cubic feet per second of water, with date of
priority of December 15, 1937 and

WHEREAS, On the 24th day of February A. D. 1962
proof was duly made of the application to beneficial use of 2.72 cubic feet per second of said water,
for irrigation on 290.80 acres in Section 25, T 6N, R 15E

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 Harvard E. Newcomb of Plains the holder and owner of said right No. 512-1 a water right, dating from December 15, 1917 to the use of Pine Creek cubic feet per second of the waters of Blade and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at points in Section 25, T. 6N, R. 15E and conducted to and upon portions of Section 25, T. 6N, R. 15E, more specifically described in the Certificate of Completion of Work for the purpose of irrigation

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

WITNESS, My hand and seal of our office at Pierre, South Dakota, this 27th day of July A. D. Nineteen Hundred and Sixty-Six

State Water Resources Commission
By:

Chief Engineer, Executive Officer
J.M. GATHES

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Point of Diversion _____ c. f. s. _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Prepared by: Marli A. Schippers
Nooney & Solay, LLP
P.O. Box 8030
Rapid City, SD 57709
(605) 721-5846

WARRANTY DEED

Cabbage Patch River Ranch, LLLP, a South Dakota limited liability limited partnership, Grantor, of 1020 Lake Sumter Landing, The Villages, FL 32162, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, grants, conveys and warrants to James Feist, Grantee, of P.O. Box 25, Enning, SD 57737, the following described real estate in the County of Meade, in the State of South Dakota:

Township 6 North, Range 15 East of the Black Hills Meridian, Meade County,

South Dakota:

Section 1: SW1/4NW1/4; W1/2SW1/4; and SE1/4SW1/4
Section 2: Lots 1, 2 and 3; SE1/4NW1/4; E1/2SW1/4; S1/2NE1/4; and SE1/4
Section 11: NE1/4NW1/4; S1/2NW1/4; NE1/4; E1/2SW1/4; and SE1/4
Section 12: NW1/4; W1/2NE1/4; and S1/2
Section 13: All
Section 14: NE1/4; E1/2SE1/4
Section 24: All
Section 25: Lots 1, 2, 3 and 4; and N1/2

Township 7 North, Range 15 East of the Black Hills Meridian, Meade County,

South Dakota:

Section 9: W1/2
Section 14: W1/2SE1/4; and SW1/4
Section 15: S1/2N1/2; and S1/2
Section 16: All
Section 21: E1/2; and E1/2SW1/4
Section 22: All
Section 23: W1/2; NE1/4; and E1/2SE1/4
Section 24: NE1/4NW1/4; S1/2NW1/4; and SW1/4
Section 25: NW1/4; and E1/2SW1/4
Section 26: E1/2NE1/4; SW1/4; and W1/2SE1/4
Section 27: W1/2; W1/2E1/2; and E1/2SE1/4
Section 35: W1/2E1/2; NE1/4NW1/4; and E1/2SW1/4
Section 36: All

Township 6 North, Range 16 East of the Black Hills Meridian, Meade County,
South Dakota:

Section 5: S1/2; SE1/4NE1/4; and SW1/4NW1/4

Section 6: N1/2SE1/4

Section 8: NE1/4

Section 18: Lot 4; SE1/4SW1/4; and SE1/4

Section 19: Lots 1, 2, 3 and 4; E1/2W1/2; and E1/2

Section 30: Lots 1 and 2; E1/2NW1/4; and NE1/4

Subject to easements, restrictions, covenants, reservations, and rights-of-way of record, if any.

Transfer Fee: \$ _____

Dated this 28th day of July, 2016.

CABBAGE PATCH RIVER RANCH, LLLP

By: _____

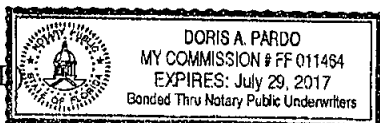
Mark G. Morse, as Trustee of the Mark G.
Morse Ranch Trust - General Partner

STATE OF FLORIDA)
)SS
COUNTY OF SUMTER)

On this 26 day of July, 2016, before me, the undersigned officer, personally appeared Mark G. Morse, as Trustee of the Mark G. Morse Ranch Trust, known to me or satisfactorily proven to be a General Partner of Cabbage Patch River Ranch, LLLP, and acknowledged that, being so authorized, he executed the same in the capacity and for the purposes therein contained.

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

(SEAL)



Doris A. Pardo

Notary Public – State of FLORIDA
My Commission Expires: 7/29/2017



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

August 4, 2016

James Feist
PO Box 25
Enning SD 57737-0025

RE: Water Right Nos. 542-1, 543-1, 1921-1 and 1922-1

Dear Mr. Feist:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted on your behalf by Gunderson, Palmer, Nelson & Ashmore Law Firm in Rapid City.

The ownership changes have been completed. Water Right Nos. 542-1, 543-1, 1921-1 & 1922-1 formerly held by Cabbage Patch River Ranch LLLP are now listed in your name.

For informational purposes, each October our program mails out irrigation questionnaires to water right holders in South Dakota who utilize pumping systems. The forms are typically due back in our office by the first week in December. I have enclosed a copy of last years' forms for your review and to give you an idea of what type of information is required. The actual forms you will need to complete and return will be mailed to you in October.

If you have any questions concerning the water rights, please give me a call.

Sincerely,

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

c: David Lust, Gunderson, Palmer, Nelson & Ashmore LLP (with receipts)

543-1
RECEIVED

AUG - 4 2016

GUNDERSON, PALMER, NELSON & ASHMORE, LLP

ATTORNEYS AT LAW

506 SIXTH STREET
POST OFFICE BOX 8045
RAPID CITY, SOUTH DAKOTA 57709-8045

TELEPHONE (605) 342-1078

www.gundersonpalmer.com

ATTORNEYS LICENSED TO PRACTICE IN
SOUTH DAKOTA, NORTH DAKOTA,
NEBRASKA, WYOMING, MONTANA,
MINNESOTA, KENTUCKY, AND PENNSYLVANIA

**WATER RIGHTS
PROGRAM**

J. CRISMAN PALMER
JAMES S. NELSON
DANIEL E. ASHMORE
DONALD P. KNUDSEN
PATRICK G. GOETZINGER
TALBOT J. WIECZOREK
DAVID E. LUST
TERRI LEE WILLIAMS
SARA FRANKENSTEIN
JASON M. SMILEY
QUENTIN L. RIGGINS

RONALD G. SCHMIDT
JEFFREY R. CONNOLLY
REBECCA L. MANN
ANDREW J. KNUTSON
KYLE L. WIESE
JANA SMOOT WHITE
TYLER C. WETERING
NATHAN R. CHICOINE
KATELYN A. COOK

WYNN A. GUNDERSON
Of Counsel

Writer's E-mail Address: dlust@gpnalaw.com

Writer's Fax No.: (605) 342-9503

August 2, 2016

PMB 2020
DENR - Water Rights Program
523 E. Capitol Ave.
Pierre, SD 57501-3182

Re: Notice of Transfer of Ownership
Water Right Permits
GPNA File No. 12770.0003

Dear Sir/Madam:

Enclosed please find four Notices of Transfer of Ownership with attached documentation pertaining to Water Right Permits numbered 542-1, 543-1, 1921-1, and 1922-1. Also enclosed is a check drawn on my firm for \$200 to cover the filing fees for these Transfers.

It is my understanding that an irrigation water use questionnaire must be filed annually for Water Right Permits 1921-1 and 1922-1 and request that notice of the same, as well as any other communication regarding these water rights be provided to Mr. James Feist as follows:

James Feist
P.O. Box 25
Enning, SD 57737
(605) 985-5501

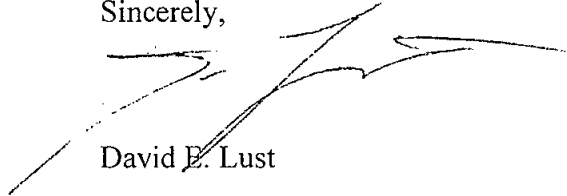
GUNDERSON, PALMER, NELSON & ASHMORE, LLP

August 2, 2016

Page - 2 -

Should there be any question, or if you need anything further on the transfers, please contact me.
Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "David E. Lust", with a long horizontal stroke extending to the right.

David E. Lust

DEL:bjs
Enclosures
C: Client

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/4, 20 16

RECEIVED OF Gunerson, Palmer, Nelson & Ashmore PO Box 8045 Rapid City SD 57709

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
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>543-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **07889**

By Jeanne Goodman
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

AUG - 4 2016

WATER RIGHTS
PROGRAM

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 543-1Date: July 2016

I/We request that Water Right/Permit No. 543-1 formerly owned by:
Cabbage Patch River Ranch, LLLP be transferred to:

New Owner Name: James FeistAddress: P.O. Box 25City, State, Zip Enning SD 57737 Telephone No. 605-985-5501

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

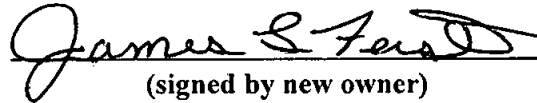
Real Property located in Section 25, Township 6 N, Range 15, EBHM, Meade County, SD
AND in Section 30, Township 6 N, Range 16, EBHM, Meade County, SD totalling 127 acres per
attached documents

☒ I understand that the validity of Water Right/Permit No. 543-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, James Feist, the new owner, certify that the above information is true and correct.


(signed by new owner)

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

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

NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 543-1

Date: April 24, 2006

I/We request that Water Right/Permit No. 543-1 formerly owned by:

Mattie E. Newcombe

be transferred to:

New Owner Name: Cabbage Patch River Ranch, LLLP

Address: 1301 Omaha St., #224 / PO Box 8108

City, State, Zip Rapid City, SD 57709-8108 Telephone No. 605/348-75

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

See attached

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

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

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

Mark Morris, as General Partner of
I, Cabbage Patch River Ranch, LLLP, the new owner, certify that the above information is true and correct.


(Signed by new owner)
MARK MORRIS GENERAL PARTNER

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

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

543-1

SOUTH DAKOTA

VESTED WATER RIGHT NO. 543-1 FOR IRRIGATION

Date of Receipt of Claim February 24, 1961.Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 543-1 for irrigation purposes for Mattie Newcombe, 1404 Fulton St., Sturgis, SD, 57785 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 543-1 appropriates 1.81 cubic feet per second of water from Tea Pee Creek to irrigate 127 acres. The point of diversion is located in NE1/4 NE1/4 Section 30, T6N, R16E. The irrigated lands are located in the NE1/4 Section 25, T6N, R15E and Lot 1, Lot 2 and NE1/4 NW1/4 Section 30, T6N, R16E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: January 1 to December 31.
3. The priority date of the Vested Water Right is January 1, 1963.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

The diversion rate limitation of 1 cubic foot per second for each 70 acres irrigated shall not apply to this Dry Draw irrigation diversion during periods of flood flows, when such flows are in excess of the amount of water required to satisfy domestic use requirements and other water rights.

WATER MANAGEMENT BOARD

By: [Signature]
Chief Engineer

MAR 5 1993

date

Division of Water Rights
Dept. of Environment and Natural Resources

**STATE OF SOUTH DAKOTA
REISSUED VESTED RIGHT WATER LICENSE NO. 543-1**

(1) Mattie Newcombe of 1404 Fulton St. Sturgis, SD 57785, made Application No. 543-1, February 24, 1961 for validation of a vested right claim to appropriate 1.81 cubic feet of water per second from Tee Pee Creek, Meade County, South Dakota, for irrigation purposes. Vested Water Right No. 543-1 was validated September 20, 1992 with a priority date of January 1, 1953. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

A review of the original license found an error in the amount of acres irrigated in the NW1/4NE1/4 Section 25. The license described 2.4 acres in the NW1/4NE1/4 and should have stated 5.4 acres. The license is being reissued to correct the error in the acreage description. Reissuance of the license does not alter the remaining portions of Vested Right No. 543-1.

(2) The vested right owner is entitled to divert 1.81 cubic feet of water per second for beneficial use. The location of the diversion point is: a point S 83 degrees W 115 rods from the NE corner of Section 30, T6N, R16E (NW1/4NE1/4).

The location of the irrigated acreage is:

T6N, R16E Section 25

NW1/4NE1/4 5.4 acres
SW1/4NE1/4 25.2 acres
NE1/4NE1/4 14.8 acres
SE1/4NE1/4 33.0 acres

T6N, R16E, Section 30

Lot 1 25.4 acres
Lot 2 4.8 acres
NE1/4NW1/4 18.4 acres

Total acres irrigated: 127.0 acres

(3) Pursuant to Section 48-5-30.1 Mattie Newcombe of 1404 Fulton St. Sturgis, SD 57785 the holder and/or owner of Vested Water Right No. 543-1 is issued a license to appropriate 1.81 cubic feet of water per second from Tee Pee Creek with a priority date of January 1, 1953 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 543-1 and subject to South Dakota State Law.


SEP 20 1993
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

Prepared by: Marli A. Schippers
Nooney & Solay, LLP
P.O. Box 8030
Rapid City, SD 57709
(605) 721-5846

WARRANTY DEED

Cabbage Patch River Ranch, LLLP, a South Dakota limited liability limited partnership, Grantor, of 1020 Lake Sumter Landing, The Villages, FL 32162, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, grants, conveys and warrants to James Feist, Grantee, of P.O. Box 25, Enning, SD 57737, the following described real estate in the County of Meade, in the State of South Dakota:

Township 6 North, Range 15 East of the Black Hills Meridian, Meade County,

South Dakota:

Section 1: SW1/4NW1/4; W1/2SW1/4; and SE1/4SW1/4
Section 2: Lots 1, 2 and 3; SE1/4NW1/4; E1/2SW1/4; S1/2NE1/4; and SE1/4
Section 11: NE1/4NW1/4; S1/2NW1/4; NE1/4; E1/2SW1/4; and SE1/4
Section 12: NW1/4; W1/2NE1/4; and S1/2
Section 13: All
Section 14: NE1/4; E1/2SE1/4
Section 24: All
Section 25: Lots 1, 2, 3 and 4; and N1/2

Township 7 North, Range 15 East of the Black Hills Meridian, Meade County,

South Dakota:

Section 9: W1/2
Section 14: W1/2SE1/4; and SW1/4
Section 15: S1/2N1/2; and S1/2
Section 16: All
Section 21: E1/2; and E1/2SW1/4
Section 22: All
Section 23: W1/2; NE1/4; and E1/2SE1/4
Section 24: NE1/4NW1/4; S1/2NW1/4; and SW1/4
Section 25: NW1/4; and E1/2SW1/4
Section 26: E1/2NE1/4; SW1/4; and W1/2SE1/4
Section 27: W1/2; W1/2E1/2; and E1/2SE1/4
Section 35: W1/2E1/2; NE1/4NW1/4; and E1/2SW1/4
Section 36: All

Township 6 North, Range 16 East of the Black Hills Meridian, Meade County,
South Dakota:

Section 5: S1/2; SE1/4NE1/4; and SW1/4NW1/4

Section 6: N1/2SE1/4

Section 8: NE1/4

Section 18: Lot 4; SE1/4SW1/4; and SE1/4

Section 19: Lots 1, 2, 3 and 4; E1/2W1/2; and E1/2

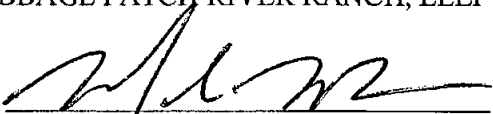
Section 30: Lots 1 and 2; E1/2NW1/4; and NE1/4

Subject to easements, restrictions, covenants, reservations, and rights-of-way of record, if any.

Transfer Fee: \$ _____

Dated this 28th day of July, 2016.

CABBAGE PATCH RIVER RANCH, LLLP

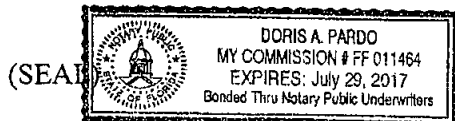
By: 

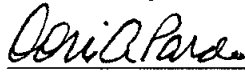
Mark G. Morse, as Trustee of the Mark G.
Morse Ranch Trust - General Partner

STATE OF FLORIDA)
)SS
COUNTY OF SUMTER)

On this 26 day of JULY, 2016, before me, the undersigned officer, personally appeared Mark G. Morse, as Trustee of the Mark G. Morse Ranch Trust, known to me or satisfactorily proven to be a General Partner of Cabbage Patch River Ranch, LLLP, and acknowledged that, being so authorized, he executed the same in the capacity and for the purposes therein contained.

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




Notary Public – State of FLORIDA
My Commission Expires: 7/29/2017



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

August 4, 2016

James Feist
PO Box 25
Enning SD 57737-0025

RE: Water Right Nos. 542-1, 543-1, 1921-1 and 1922-1

Dear Mr. Feist:

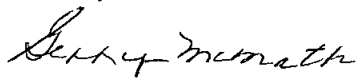
I am writing to acknowledge receipt of the transfer forms and filing fees submitted on your behalf by Gunderson, Palmer, Nelson & Ashmore Law Firm in Rapid City.

The ownership changes have been completed. Water Right Nos. 542-1, 543-1, 1921-1 & 1922-1 formerly held by Cabbage Patch River Ranch LLLP are now listed in your name.

For informational purposes, each October our program mails out irrigation questionnaires to water right holders in South Dakota who utilize pumping systems. The forms are typically due back in our office by the first week in December. I have enclosed a copy of last years' forms for your review and to give you an idea of what type of information is required. The actual forms you will need to complete and return will be mailed to you in October.

If you have any questions concerning the water rights, please give me a call.

Sincerely,


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

c: David Lust, Gunderson, Palmer, Nelson & Ashmore LLP (with receipts)