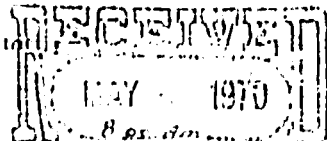


Water Right Number 1028-2

1. Considered July 22, 19 70
2. Name of Applicant Emma L. Eisenbraun
3. Post Office Address Wall, South Dakota
4. Amount of Water claimed 3.50
5. Source of Water supply Cheyenne River and dry draw.
6. Water to be used for irrigation
Acres to be irrigated 245
7. Water to be diverted and used in Pennington County
about 27 NORTH 3 miles WEST of WALL
8. Proof of Publication Received 7-20-70
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
10. Remarks:

No. 1028-2Map No. 591.2 Water Division No. 2 EAST CHEYENNE RIVER (Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE-Draw a line through items not applicable)

1. Name of Applicant Trask U + Ranch Partnership
 Postoffice address Creighton, State South Dakota
 If a corporation show date and place of incorporation ---
2. Method of accomplishing work (contract, employment of workers, or by direct labor) direct labor
3. Name of diversion work Eisenbraun Irrigation Project
4. Amount of water claimed (cubic feet per second) 3.50
5. Source of water supply Cheyenne River and Dry Draw
6. Location of point of diversion Between a point 1320' S 87°00' W of NW Cor. Sec. 32, T5N, R15E, and a point 2050' N 90°00' W of E 1/2 Cor. Sec. 28, T5N, R15E, 1090' S 22°45' W of NW Cor. Sec. 33, T5N, R15E. 825' E 66°30' W of E 1/2 Cor. Sec. 28, T5N, R15E County Pennington
7. Annual period or periods during which water is to be used April 1st to October 1st
8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use: Total number of acres to be irrigated 245
 List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Section 29, Township 5 North, Range 15 East

SE 1/4 15

Section 28, Township 5 North, Range 15 East

 NE 1/4 5
 SE 1/4 40
 SW 1/4 26
 NW 1/4 31
 TOTAL 102

Section 32, Township 5 North, Range 15 East

 NE 1/4 37
 SE 1/4 39
 TOTAL 76

Section 33, Township 5 North, Range 15 East

 NE 1/4 36
 SE 1/4 2
 SW 1/4 14
 TOTAL 52

TOTAL 245 Acres

B. Works proposed to transport water to place of use.

 Ditch repair \$50
 Pipe \$50

C. Works proposed to apply water to beneficial use.

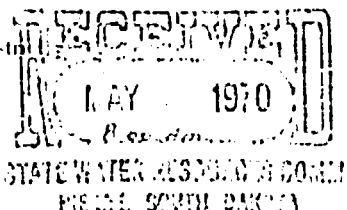
Pump \$500

Estimated Total Cost \$ 600.00
 Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of Pennington)I, Emma L. Eisenbraun, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Emma L. EisenbraunSubscribed and sworn to before me this 5th day of April 1970

Notary Public (or other qualified officer)

No. 1028-2Map No. 891-2 Water Division No. 2 EAST CHEYENNE 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 -Eman L. Kienbraun- Trask U + Ranch Partnership
 Postoffice address -mail- Creighton, State South Dakota
 If a corporation show date and place of incorporation ---
2. Method of accomplishing work (contract, employment of others, or by direct labor) direct labor
3. Name of diversion work Sidenbraun Irrigation Project
4. Amount of water claimed (cubic feet per second) 3.50
5. Source of water supply Cheyenne River and Dry Draws
6. Location of point of diversion between a point 1320' S 87°40' E of N.E. Cor. Sec. 32, T5N, R15E,
and a point 2050' S 90°00' E of E. Cor. Sec. 28, T5N, R15E. 1040' S 22°45' E of N.E.
Cor. Sec. 33, T5N, R15E. 825' S 66°30' E of E. Cor. Sec. 28, T5N, R15E Pennington
7. Annual period or periods during which water is to be used April 1st to October 1st
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, Total number of acres to be irrigated 245

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 5 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Pennington County Courier
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Completed

B. Works proposed to transport water to place of use.

Ditch repair \$50
 Pipe 250

C. Works proposed to apply water to beneficial use.

Pump \$500

Estimated Total Cost \$ 500.00

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Pennington

I, Eman L. Kienbraun the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Eman L. KienbraunSubscribe and sworn to before me this 8th day of April, 1970

Notary Public (or other qualified officer)

PLAT OF THE EISENBAUM IRRIGATION PROJECT

Located in Sections 28, 29, 32, and 33, Township 5 North, Range 15 East, B.M., in Pennington County, South Dakota, drawn and prepared as a part of the Application for Permit to appropriate water of Emma L. Eisenbaum, Hall, South Dakota, to supply water for irrigation of areas as shown on this plat.

SURVEYOR'S CERTIFICATE

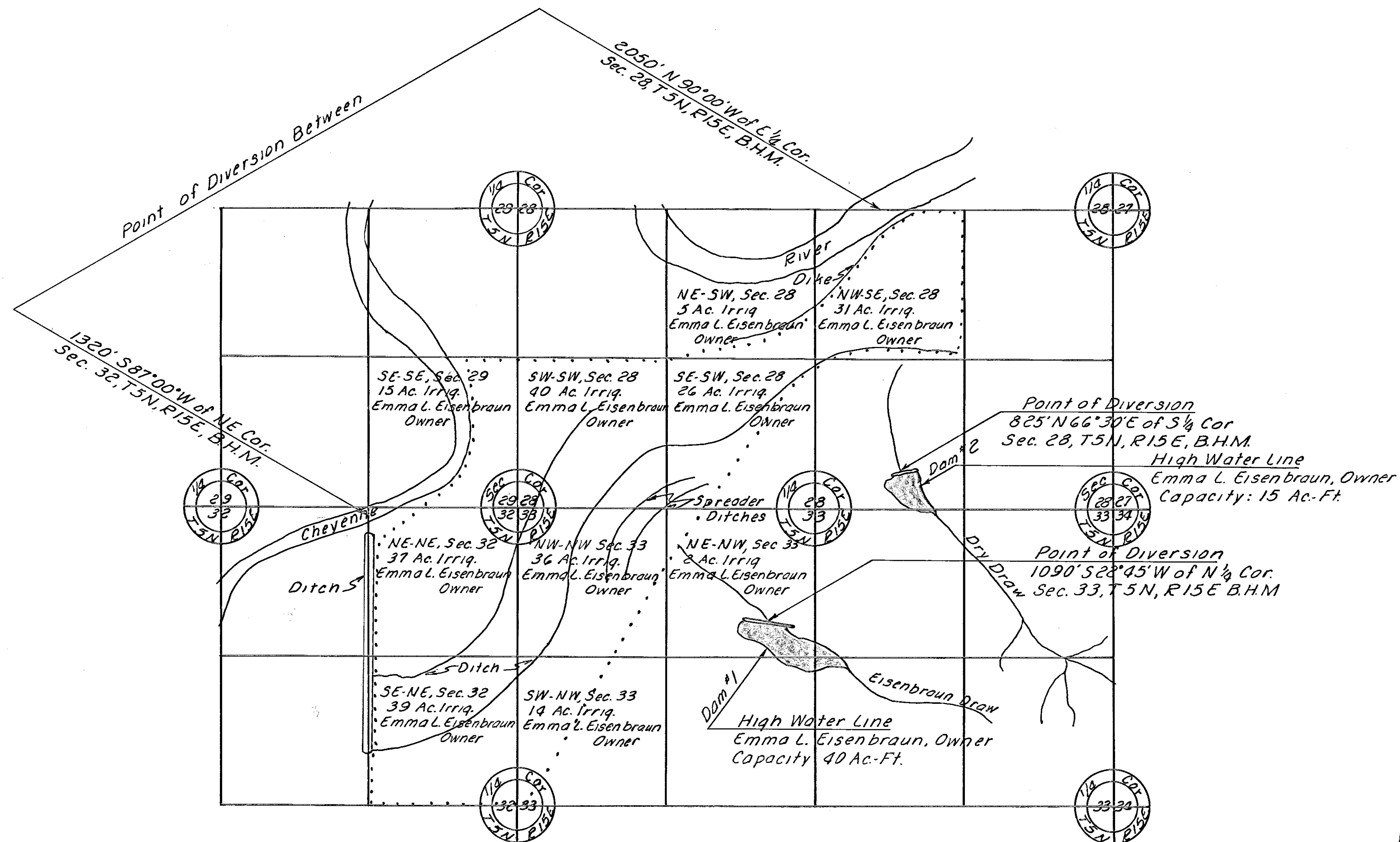
I, William C. Brengle, Registered Land Surveyor in and for the State of South Dakota, do hereby certify that at the request of Emma L. Eisenbaum, I have made a survey and have prepared this plat as a part of her application for a Permit to appropriate water for irrigation. I further certify that the bearings and lengths of all lines shown and their location with reference to the Government Land Corners shown, are correct to the best of my knowledge and belief.

William C. Brengle
William C. Brengle
Registered Land Surveyor No. 1517 (SEAL)

Subscribed and sworn to before me this 16th day of April, 1970.

Florence Brengle
Florence Brengle
Notary Public (SEAL)

FLORENCE BRENGLE
NOTARY PUBLIC HARDING CO., S. DAK.
My Commission Expires Aug. 1, 1978



WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1028-2

Frank U. + Ranch Partnership
EMMA L. EISENBERG
(Applicant)

WALL Creighton
(Post Office Address)

SOUTH DAKOTA 5729 With the following modifications:
(State)

DIVERSIONS OF WATER UNDER THIS PERMIT ARE CONTINGENT UPON WATER SUPPLIES BEING FIRST AVAILABLE TO PRIOR WATER RIGHTS DOWNSTREAM ON THE CHEYENNE RIVER. FLOW RECORDS SHOW THAT THERE ARE OCCASIONAL YEARS WHEN THE FLOWS OF THE CHEYENNE RIVER ARE DEFINITELY & RECOGNIZABLY LOWER THAN USUAL DURING THE MONTHS OF JULY, AUGUST AND SEPTEMBER. DIVERSIONS OF WATER ARE NOT TO BE MADE UNDER THIS PERMIT DURING SUCH LOW FLOW PERIODS. APPROVAL OF THIS PERMIT AUTHORIZES STORAGE ON THE DRY DRAIN DAMS OF 55 ACRE FEET OF WATER ANNUALLY.

Date of first receipt of application MAY 4 19 70

Date of return to applicant for correction, amendments or changes required — 19 —

Date of receipt of corrected application — 19 —

Approved JULY 22 19 70 Recorded in Book 11 Page 158

WATER RIGHT PERMIT NO. 1028-2

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1028-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is MAY 4 19 70
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 22 19 73
3. The whole of said work is to be completed on or before JULY 22 19 75
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 22 19 75
5. The water appropriated shall be used for the purpose of IRRIGATION

6. 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.

7. The amount of the appropriation herein granted shall not exceed 3.50 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and 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 JULY 22 19 75; said water to be used during the following described annual period: APRIL 1 TO OCTOBER 1

Witness my hand this 28TH day of JULY 19 70

WATER RESOURCES COMMISSION

By

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued January 19 19 81

Water License Issued January 19 19 81

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type _____, Diameter _____, Length _____
- (4) Gravel Pack. Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property _____ rds. On property owned by others _____ rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Dam #1

Height - 20'
Max. water depth - 15'
Surface Area - 4.6 Ac.
Capacity - 40 Ac-Ft.
24" Pipe with Headgate
Built about 1950

Dam #2

Height - 25'
Max. water depth - 20'
Surface Area - 2.3 Ac.
Capacity - 15 Ac-Ft.
24" Pipe with Headgate
Built about 1949

Emma L. Erickson
Signature of Applicant

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1028-2

(1) WHEREAS, On the 4th day of May A. D. 19 70
Emma L. Bisonbraun

made Water Right Application No. 1028-2 for a permit to use 3.50 cubic feet per second of the waters
of the Cheyenne River & dry draws
County of Pennington, State of South Dakota, for irrigation

purposes; and
(2) WHEREAS, On the 22nd day of July A. D. 19 70
Permit No. 1028-2, with a date of priority of May 4, 1970
was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 22nd day of July A. D. 19 75 and for the
application to beneficial use of said water on or before the 22nd day of July A. D. 19 70

Whereas on the 11th day of March, 1980 this Permit No. 1028-2 was
transferred to the Trask U + Ranch Partnership, Creighton, SD.

And:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert 2.31 cubic feet
per second of water for beneficial use and,

WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the application of water to beneficial use of the following extent,
to irrigate the following lands all in T5N-R15E

Section 28	Section 33
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 6	NW $\frac{1}{4}$ NW $\frac{1}{4}$ 24
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 30	SW $\frac{1}{4}$ NW $\frac{1}{4}$ 2
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 6	Total 162 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 18	
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 39	

Section 29
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 4

Section 32
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 26
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 7

(5) NOW, THEREFORE, by the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Trask U + Ranch Partnership

of Crested Butte, SD
the holder _____ and owner _____ of said permit No. 1028-2 a water right, dating from May 4, 1970
to use of 2.31 cubic feet per second of the waters
of the Cheyenne River & dry draws

in the County of Pennington and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbefore mentioned, to be diverted at between Point "A" S 87° W, 1320' from NE
Corner, Sec. 32; Point "B" 2010' W of E 1/4 Corner, Sec. 25-T5N-R15E. Dam
#1, 1090' S 22° 45' W of N 1/4 Corner Sec. 33 & Dam #2, 825' N 66° 30' E of
S 1/4 Corner Sec. 28-T5N-R15E

and conducted to and upon portions of land in Sections 28, 29, 32 and 33-
T5N-R15E, more fully described on the face of this License.

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1028-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 19 day of January A. D.
Nineteen Hundred and eighty-one

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer JOHN HATCH

Permit No. 1028-2

Water Diversion No. 2 East Cheyenne River Water District

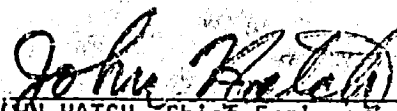
CERTIFICATE OF CONSTRUCTION

This is to Certify, That the Trask U + Ranch Partnership

_____ the holder S of
Permit No. 1028-2, issued upon Application No. 1023-2, bearing date of priority of May 4,
1970 authorizing the diversion of 3.50 cu. ft. per second of the waters of the
Cheyenne River & dry draws County of Pennington, State of South Dakota at between
Point "A" S 87° W, 1320' from NE Corner, Sec. 32; Point "B" 2010' W on
E $\frac{1}{2}$ Corner, Sec. 25-T5N-R15E. Dam #1, 1090' S 22° 45' W of NE Corner
Sec. 33 & Dam #2, 825' N 66° 30' E of S $\frac{1}{2}$ Corner Sec. 28-T5N-R15E for
irrigation

purposes have ve 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 20 (est) cu. ft. per second of water.

Date January 19, 1981


JOHN HATCH, Chief Engineer
Water Rights Division

Form 6 - Notice of Intent to Appropriate Water

102B-2

Publish first publication, on or before June 25, 1970

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

June 19, 1970, 1970

Notice is hereby given that Erma L. Eisenbraun

whose post office address is Wall, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.5 cubic feet of water per second of time from the Cheyenne River and dry draws through the Eisenbraun Irrigation Project

the point of diversion of which is to be located in the from the Cheyenne River between points in the NW 1/4 NE 1/4, Section 32 and in the NW 1/4 SE 1/4, Section 28, and from dry draws in the SW 1/4 SE 1/4, Section 28 and NW 1/4 NE 1/4, Section 33, all in T5N, R15E

of Section XXXXXX, Township XXXXXX, Range XXXXXX. Said water to be used for the purpose

of providing irrigation on the following described land:

NW 1/4 SE 1/4, E 1/4 SW 1/4, SW 1/4 SW 1/4, Section 28; SE 1/4 SE 1/4, Section 29; E 1/4 NE 1/4, Section 32; NW 1/4, Section 33, T5N, R15E

This application No. 102B-2 will be considered by the Water Resources Commission at their office at

Pierre upon the 22nd day of July, 1970, at 2:00 P. M. All interested persons may appear and be heard.

cc: W.E. Geigle, Creighton, S.D.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

No. 1128-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Pennington) ss.

I, R. F. Lewis hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Pennington Center

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 Wall

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

June 25 July 2, 9 & 16, 1970

R. F. Lewis
(Signature)

Editor
(Title)

July 12, 1970
(Date Signed)

NOTICE INTENT TO
APPROPRIATE WATER

Pierre, South Dakota

57501

June 10, 1970

Notice is hereby given that Emmo
L. Eisenbraun whose post office
address is Wall, South Dakota, has
made application in accordance
with the provisions of the water
laws of South Dakota for a permit
to appropriate for beneficial use 3.5
cubic feet of water per second of
time from the Cheyenne River and
dry draws through the Eisenbraun
Irrigation Project, the point of
which is to be located from the
Cheyenne River between points
in the NW 1/4 NE 1/4 Section 32 and
in the NW 1/4 SE 1/4 Section 28 and
from dry draws in the SW 1/4 SE 1/4
Section 28 and NE 1/4 NW 1/4 Sec-
tion 33, all in T5N, R15E. Said
water to be used for the purpose
of providing irrigation on the fol-
lowing described land:

NW 1/4 SE 1/4, E 1/2 SW 1/4, SW 1/4
SW 1/4, Section 28; SE 1/4, SE 1/4,
Section 20; E 1/2 NE 1/4, Section
32; NW 1/4, Section 33, T5N,
R15E.

The application No. 1028-2 will
be considered by the Water Re-
sources Commission at their office
at Pierre upon the 22nd day of
July, 1970, at 2:00 P. M. All in-
terested persons may appear and
be heard.

cc: W. E. Geigle,
Creighton, S. D.

WATER RESOURCES
COMMISSION

By: BURTON F. JONES,
Water Rights Specialist

Pub. June 25, July 2, 9, 16

RECEIVED
JUL 20 1970

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR EXTENSION OF TIME

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

Date 15 July 75

Dear Sirs:

In Water Right Permit No. 1028-2 it is specified that the water diversion system is to be completed by
July 22, 19 75 and that the water is to be put to the limit of beneficial use by
July 22, 19 75.

I hereby request that the date for completing the diversion system be extended to -----,
19 ----- and that the date for putting the water to the limit of beneficial use be extended to
July 22, 19 79.

The extension of time for the completion of these works is requested for the following reasons: -----
Not enough time requested in original application

Enclosed herewith is a fee of \$1.00 to pay the cost of filing this request for extension of time.

X [Signature]
(Signed) 1028-2
Holder of Permit No. -----

APPROVED: 9-10-75

WATER RESOURCES COMMISSION

By: [Signature]

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7378

March 11, 1980

PIERRE, _____

RECEIVED OF Emma L. Eisenbraun, Star Route, Wall, SD 57790

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

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____	
Fee for inspecting Construction, and issuing Cert. of Construction No. _____	
Fee for inspecting Beneficial Use, and issuing Water License No. _____	
Fee for issuing Location Certificate-Dry Draw, No. _____	
Fee for filing _____ transfer of water permit No. 1028-2 _____	2 50
Fee for certified copy of _____	
Fee for Print copy of map _____	
Fee for Certifying _____	
Fee for _____ (any other work as provided by law)	
TOTAL	2 50

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

FORM 22



NO. 1028-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

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

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 28; E $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 32;

N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33; all in T5N, R15E for a total of 275 acres

formerly owned by Emma L. Eisenbraun, Wall SD

has been transferred to Trask Ut Ranch - Creighton, S. Dak. 57729

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

Water Right Permit No. 1028-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of the Board of Water Management as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
) ss.
County of Pennington)

I, Emma L. Eisenbraun 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.

Emma L. Eisenbraun
(Signed)

Subscribed and sworn to before me this 1st Day of March, 1980

(Notary Public)

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7885

PIERRE, January 6, 1991

RECEIVED OF Tracy Trask, Trask U + Ranch Partnership, Creighton, SD 57729
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and issuing Cert. of Construction No. 1028-2	-----	1.00
Fee for Inspecting Beneficial Use, and issuing Water License No. 1028-2		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL		12.00

WATER RIGHTS COMMISSION

By *(Signature)*
Chief Engineer, Executive Officer
JOHN HATCH / 67

1028-2. Trp 11 to 12. 12. 12.

11-29-80 New Eko pump - M. A.

June - 30 H P 22.

Temp - 1800 ppm.

Blue jumps on white, rather fine.

Alpomp. Interactor, 4 Cyl

page 4-125

Young Berkeley St 100 94m

Sept. 7th 1890

April 8/2008

Good day, my dear

and Sweet Salt of Soap & Potash

John S. Hall, Esq., J.P.M.C.W.

10th [Lot # 7163542-1. 1800 g/m

Not heard on 1st Feb. 1897

Permit No. 1028-2Water Division 6 East Cheyenne River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Trask, H + Ranch Partnership, of Creighton, S. Dak. 57729 holder of Permit No. 1028-2, bearing date of priority of May 4, 1970 authorizing the diversion of 3.50 cu. ft. per second of the waters of Cheyenne River and Dry Ditches for Irrigation purposes, in Pennington County.

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

The Water Use System consists of,

A. Works used to divert the water:

Motor 30 HP. Monarch Electric
Pump 1800 gpm pump
Engine - International 4 cyl. Propane 41-123.
Pump - Berkeley - Est 1000 gpm.
Power take off pump - Berkeley - Model ECJPBM CCW - Ser # 7165842
1800 gpm.

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

3000' of 10" Aluminum Main and gated
1000' of 8" Aluminum.

C. Works used to apply water to beneficial use.

Ditches and Gated Pipe for Flood Irrigation.

The system is in the following condition: Good

The point of diversion is located Between Pt "A" S 97°W 1320' from NE Cor Sec. 32,
Pt "B" 2010' W of E 1/4 Cor Sec. 25 T5N R15E. Dam #1 = 1090' S 22°45'W
of N 1/4 Cor Sec. 33, Dam #2 = 825' N 66°30'E of S 1/4 Cor Sec. 29, T5N R15E

The works are capable of diverting and conveying to the place of use 20 (est)cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: The following in Sec. 28 T5N R15E

SW 1/4 NE 1/4 - 6 Ac, NW 1/4 SE 1/4 - 30 Ac, NE 1/4 SW 1/4 - 6 Ac, SE 1/4 SW 1/4 - 18 Ac.
SW 1/4 SE 1/4 - 39 Ac. The following in Sec. 27, T5N R15E, SE 1/4 SE 1/4 - 4 Ac.
The following in Sec. 32, T5N R15E, NE 1/4 NE 1/4 - 26 Ac, SE 1/4 NE 1/4 - 7 Ac.
The following in Sec. 33, T5N R15E, NW 1/4 NW 1/4 - 24 Ac, SW 1/4 NW 1/4 - 2 Ac.

comprising a total of 162 acres of land.

Dams: sizes as shown on application Form 2.

2.31

Date April 29, 1980
LeRoy J. Monnigh
 (Signature)



Department of Water & Natural Resources

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

June 28, 1988

Casey Trask
Creighton, South Dakota 57729

Dear Mr. Trask:

Enclosed are the copies of Water Right Nos. 382-2, 383-2 and 1028-2. If you have any questions, please contact us

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

GM:ms
Enc.



South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 12, 1991

1028-2

Tracy Trask
HC 85 Box 25
Creighton, SD 57729

Dear Mr. Trask:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 1028-2, currently listed in the name of Trask U + Ranch Partnership. The transfer form is being sent to you as a followup to last year's irrigation questionnaire.

The transfer form should be checked over for accuracy and signed in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

No. 1028-2

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: November 22, 1991I, We request that Water Permit/Right No. 1028-2formerly owned by: Trask U + Ranch Partnershipbe transferred to: (name & address) Tracy M. Trask
HC 85 Box 25, Creighton, SD 57729 (telephone no. 279-2372)

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

162 acres - SW $\frac{1}{2}$ NE $\frac{1}{2}$, NW $\frac{1}{2}$ SE $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{2}$, SW $\frac{1}{2}$ SW $\frac{1}{2}$ Sec 28; SE $\frac{1}{2}$ SE $\frac{1}{2}$ Sec 29; E $\frac{1}{2}$ NE $\frac{1}{2}$ Sec 32;W $\frac{1}{2}$ NW $\frac{1}{2}$ Sec 33, T5N, R15E

I/We understand that the validity of Water Permit/Right No. 1028-2 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 fee as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Pennington)

I/We Spencer E. Orvas 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.

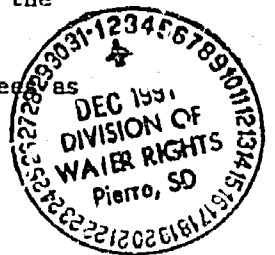
Tracy M. Trask
(Signed)

Subscribed and sworn to before me this 22 day of November, 1991.

Spencer E. Orvas
(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

Division of Water Rights

South Dakota Department of Water and Natural Resources

412948

Pierre, December 3, 1991

RECEIVED BY Tracy or Marlie Trask, HC 85, Box 25, Craighton, SD 57722

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____

Fee for Filing Transfer Form _____ Water Right No. 1028-2

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

2 50

By

Chief Engineer

South Dakota



GREAT FACES GREAT PLACES

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501 3181

December 4, 1991

No. 1028-2

Tracy and Marlie Trask
HC 85, Box 25
Creighton, SD 57729

Dear Mr. and Ms. Trask:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 1028-2.

Our records now show you as the owner of Water Right No. 1028-2.

Sincerely,

Cheryl F. Frost

Cheryl F. Frost
Secretary
Water Rights Division
605 773-3352

enclosure



1028-2

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

January 30, 1996

NOTICE

TO: TRACY OR MARLIE TRASK, 21100 SQUAW CRK, CREIGHTON, SD 57729

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Requirement to Submit 1995 Irrigation Questionnaire

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 1028-2. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:45 am, March 6, 1996, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1028-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before March 1, 1996 your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

your RETURN ADDRESS completed on the reverse side

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

TRACY OR MARLIE TRASK
21100 SQUAW CRK
CREIGHTON SD 57729

4a. Article Number

2 348 318 905

4b. Service Type

☐ Registered

☐ Express Mail

☐ Return Receipt for Merchandise

☒ Certified

☐ Insured

☐ COD

7. Date of Delivery

1-31-96

8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)

6. Signature (Addressee or Agent)

X

Domestic Return Receipt

Thank you for using Return Receipt Service.

1028-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 6, 1996

1028-2

Tracy or Marlie Trask
21100 Squaw Creek Rd
Creighton, SD 57729

Dear Mr. & Mrs. Trask:

I am writing to acknowledge receipt of your 1995 irrigation questionnaire. You may disregard the January 30, 1996, Notice of Violation of the Requirement to Submit the 1995 Irrigation Questionnaire.

During our telephone conversation, I located the questionnaire for Water Right No. 1028-2 in our files. I apologize for the error and appreciate you calling to inquire into this matter. Your names have been deleted from the agenda.

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

Sincerely,

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

EXHIBIT D

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3121

No. 1028-2

Date: May 31, 1996

I/We request that Water Right No. 1028-2

formerly owned by: Tracy or Marlie Trask

be transferred to: (name & address) BRUCE B. PURDY & BARBARA G. PURDY
TRUST UOT dtd 12-11-85 ^{PO Box 7818} Incline Village, NV Telephone No. 702-831-3133

Title to the following described land(s)/property has been transferred as described above: 89452

162 acres - SW 1/4 NE 1/4, NW 1/4 SE 1/4, E 1/2 SW 1/4, SW 1/4 SW 1/4 Section 28; SE 1/4 SE 1/4 Section 29; E 1/2 NE 1/4 Section 32; W 1/2 NW 1/4 Section 33, all in T5N, R15E

I/We understand that the validity of Water Right No. 1028-2 has not been determined by this transfer action. If I/We have any question on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-7-13.

STATE OF SOUTH DAKOTA)

County of Pennington)

I/We Tracy or Marlie Trask being first duly sworn or say 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.

X Tracy Trask
(Signed)

Subscribed and sworn to before me this 31 day of MAY, 1996.

Thomas A. Mitten
(Notary Public)
Ex. 10-17-96

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

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

415165

Division of Water Rights
South Dakota Department of Environment and Natural Resources
Pierre, South Dakota _____ Octob _____

October 21, 1996

Pierre.

RECEIVED OF Bruce B. Purdy, P.O. Box 7818, Incline Village, NV 89452
Pierre.
 in fees for services rendered as provided for by law:

RECEIVED OF Bruce B. Purdy, P.O. BOX 7
the following amount in fees for services rendered as provided for by law:

the following amount in fees for service:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____
_____ Permit No. _____ to Appropriate Water, for Future

Fee for Application for Permit No. _____
and to put water to beneficial use _____
Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____ after period of seven years.
_____ and issuing Water

Use _____ after period of seven years.

Use _____ after period of _____
 Fee to retain Future Use Permit No. _____
 Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
 License No. _____ Water Right No. 1028-2

License No. _____ Water Right No. 1028-2

Fee for Filing Extension Request

Free for

2150

Total

2150

(Any Other Work Provided by Law)

By



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

February 5, 1997

1028-2

Bruce & Barbara Purdy
PO Box 7818
Incline Village, NV 89452

Dear Mr. & Mrs. Purdy:

Thank you for taking the time today to visit with me about your Water Right No. 1028-2. Enclosed is a receipt in the amount of \$2.50 which you paid in October, 1996 for the "Transfer of Ownership". The transfer of the water right from Tracy or Marlie Trask to your names was effective the date it was filed (October 21, 1996).

As you requested, I have made a notation in the file to send future irrigation questionnaires to Greg Struensee. I contacted him and obtained the information needed for the 1996 questionnaire. We discussed the water right and I am forwarding a copy of it to him along with a sample irrigation questionnaire. This will give him a chance to review the information and know what type of records to keep for next season.

If you have any questions, please contact me.

Sincerely,

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

encl



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 1997

1028-2

Greg Struensee
21100 Squaw Creek Rd
Creighton, SD 57729

Dear Mr. Struensee:

Enclosed, as we discussed, is a copy of Water Right No. 1028-2. The water right was transferred in October, 1996, from Tracy and Marlie Trask to Bruce and Barbara Purdy.

Mr. Purdy has requested that any correspondence, such as the yearly irrigation questionnaire, be sent to you since you are the manager of the property. As I discussed with you on the phone, I inadvertently sent the 1996 irrigation questionnaire to Trask's rather than to you or to Mr. Purdy. Based on the information you gave me, I have completed the questionnaire for 1996 and placed it in the file. Future forms will be directed to your attention.

Enclosed is a copy of Water Right No. 1028-2. You may keep this for your records. I am also including a blank irrigation questionnaire to show you what type of records you will need to keep track of during the irrigation system. You do not need to return the enclosed form, I will mail you a 1997 irrigation questionnaire next October.

If you have any questions, please contact me.

Sincerely,

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

enc.



January 9, 1998

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

NOTICE

TO: GREG STRUENSEE, MGR, 21100 SQUAW CRK, CREIGHTON, SD 57729

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire has not been submitted for Permit No(s) 1028-2. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 9:45 am, February 25, 1998, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1028-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before February 20, 1998, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

cc: BRUCE & BARBARA PURDY, PO BOX 7818, INCLINE VILLAGE, NV 89452

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

In your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

1028-2
GREG STRUENSEE, MGR
21100 SQUAW CRK
CREIGHTON SD 57729

4a. Article Number

2119-141-164

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

1-14-98

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *[Signature]*

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

In your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

1028-2
BRUCE OR BARBARA PURDY
PO BOX 7818
INCLINE VILLAGE, NV 89452

4a. Article Number

4b. Service Type

- ☒ Registered ☐ Certified
- ☒ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *Bruce Purdy*

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 1998

1028-2

Greg Struensee
21100 Squaw Creek Rd
Creighton, SD 57729

Dear Mr. Struensee:

I am writing to acknowledge receipt of your 1997 irrigation questionnaire. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit No. 1028-2.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely, ...

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

c: Bruce & Barbara Purdy



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 25, 1999

1028-2

Clay Griffith
5409 Pinedale Heights
Rapid City SD 57702

Dear Mr. Griffith:

As you requested during your phone conversation with Eric Gronlund, enclosed are copies of Water Right Nos. 1028-2 and 1202-2.

Also, enclosed is a *Notice of Transfer of Ownership* form. The form needs to be completed, signed by the owner, notarized and returned with a \$2.50 filing fee.

Please submit \$2.50 to:

Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

NOTE: On check or money order, please specify the permit number. This will insure proper handling of the fee.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 19, 1999

1028-2

Clay Griffith
5409 Pinedale Heights Dr
Rapid City, SD 57702-2013

Dear Mr. Griffith:

I am contacting you in regard to ownership of land described in Water Right No. 1028-2. The water right is currently listed in the name of Bruce and Barbara Purdy. In June, 1999, we forwarded you a copy of the water right along with a "Notice of Transfer of Ownership" form. To date, we have not heard from you regarding the transfer.

The reason I am following up on the transfer today is that I received the 1999 irrigation questionnaire back from Mrs. Greg Struensee. She indicated you had purchased the land. Since the transfer of ownership was not completed prior to our mailing of this year's irrigation questionnaires, I mistakenly mailed the form to them.

I assume you still wish to have this transferred. I am enclosing an additional form in the event you no longer have the original one mailed in June. Please review the form for accuracy and complete as needed. Upon completion, please sign the form in the presence of a notary and return it to our office with a required filing fee of \$2.50.

I am also enclosing a 1999 irrigation questionnaire pertaining to Water Right No. 1028-2. Please complete the form and return it prior to December 1, 1999. I am enclosing postage paid envelope for your use returning the transfer form, filing fee and the irrigation questionnaire.

Thank you in advance for your help. If you have any questions concerning the water right or with completing the enclosed forms, please give me a call.

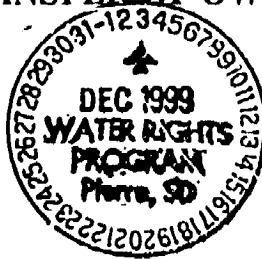
Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 1028-2

Date: 12/1/99

I/We request that Water Right No. 1028-2

formerly owned by: Bruce B Purdy & Barbara G Purdy

be transferred to: (name & address) Clay Griffith
5409 Pinedale Heights Rd, SD 57702 Telephone No. 342-7723

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

162 acres: SW 1/4 NE 1/4, NW 1/4 SE 1/4, E 1/4 SW 1/4, SW 1/4 SW 1/4 Sec 28; SE 1/4 SE 1/4 Sec 29; E 1/4 NE 1/4 Sec 32, W 1/4 NW 1/4 Sec 33, all in T5N, R15E

I/We understand that the validity of Water Right No. 1028-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

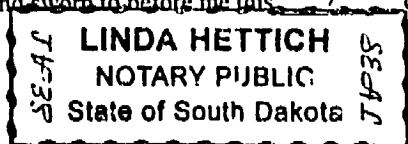
STATE OF SOUTH DAKOTA)

County of Minnehaha)

I/We Clay Griffith 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.

Clay Griffith
(Signed)

Subscribed and sworn to before me this 1st day of Dec, 19 99.



My Commission Expires Oct. 29, 2003

Linda Hettich
(Notary Public)

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 7, 1999

1028-2

Clay Griffith
5409 Pinedale Heights Dr
Rapid City, SD 57702-2013

Dear Mr. Griffith:

Thank you for returning the 1999 irrigation questionnaire for Water Right No. 1028-2 and the "Notice of Transfer of Ownership" form.

The transfer form was completed properly, however a \$2.50 filing fee is required prior to processing the ownership change. My initial letter may not have been clear with respect to the fee.

Please remit a total of \$2.50. The check or money order may be made payable to the "Water Rights Program". As soon as we receive the fee, the transfer will be processed and the Water Right will be listed in your name.

Thank you in advance for your help. If I can answer any questions for you, please let me know.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-31
www.state.sd.us/denr

December 7, 1999

1028-2

Clay Griffith
5409 Pinedale Heights Dr
Rapid City, SD 57702-2013

Dear Mr. Griffith:

Thank you for returning the 1999 irrigation questionnaire for Water Right No. 1028-2 and the "Notice of Transfer of Ownership" form.

The transfer form was completed properly, however a \$2.50 filing fee is required prior to processing the ownership change. My initial letter may not have been clear with respect to the fee.

Please remit a total of \$2.50. The check or money order may be made payable to the "Water Rights Program". As soon as we receive the fee, the transfer will be processed and the Water Right will be listed in your name.

Thank you in advance for your help. If I can answer any questions for you, please let me know.

Sincerely,

Genny McMath

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

*This is the smallest check
I've ever written!
Merry Christmas!
Genny*

RECEIPT

Water Rights Program:

South Dakota Department of Environment and Natural Resources

NE 416299

Pierre, _____ December 17, 19 99

RECEIVED OF Clay Griffith, 5409 Pinedale Heights, Rapid City, SD 57702-2013
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. 1028-2

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By John A. Nelson



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 20, 1999

1028-2

Clay Griffith
5409 Pinedale Heights Dr
Rapid City, SD 57702-2013

Dear Mr. Griffith:

Thank you for following up on the "Notice of Transfer of Ownership" for Water Right No. 1028-2. The transfer has been completed and the water right is now listed in your name.

Enclosed is your Receipt No. 416299 in the amount of \$2.50. You may keep this for your records.

If I can answer any questions for you, please let me know. Happy holidays to you!

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 13, 2003

1028-2

Greg Shearer
18870 222nd St
Wall SD 57790

Dear Mr. Shearer:

Thank you for letting us know about the ownership change for Water Right No. 1028-2. I have included a copy of the water right for your records.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, do not hesitate to give us a call.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1028-2

Date: _____

I/We request that Water Right No. 1028-2

formerly owned by: Clay Griffith

be transferred to: (name & address) Greg Shearer
18870 222nd St Wall S.D. 57790

Telephone No. 605-279-2956

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

162 acres - SW ¼ NE ¼, NW ¼ SE ¼, E ½ SW ¼, SW ¼ SW ¼ Section 28, SE ¼ SE ¼ Section 29,
E ½ NE ¼ Section 32, W ½ NW ¼ Section 33, all in T5N, R15E

I/We understand that the validity of Water Right No. 1028-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Greg Shearer, the new owner, certify that the above information is true and correct.

Greg Shearer
(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.

RECEIVED
NOV 26 2003
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 26, 2003

RECEIVED OF Greg Shearer, 18870 222nd St, Wall SD 57790

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 <u>1028-2</u>		2 50
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.

000000

By

Darland Ebel

Chief Engineer

gpm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 2, 2003

1028-2

Greg Shearer
18870 222nd St
Wall SD 57790

Dear Mr. Shearer:

I am writing to acknowledge receipt of the ownership change you submitted for Water Right No. 1028-2. The transfer has been completed. The water right, formerly held by Clay Griffith is now listed in your name.

Enclosed is your receipt No. 000928 in the amount of \$2.50 which you paid for filing the ownership change. You may keep this for your records.

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

Sincerely,

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

enclosure



1028-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 2005

NOTICE

TO: GREG SHEARER, 18870 222ND ST, WALL, SD 57790

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit No. 1028-2. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 2, 2005, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No. 1028-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire is received in this office on/or before February 25, 2005, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire, please contact Genny McMath at (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



1028-2

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 1848

Your item was delivered at 1:07 pm on January 27, 2005 in WALL, SD 57790. The item was signed for by L SHEARER.

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 1848

GREG SHEARER
18870 222ND ST
WALL SD 57790

Waiver of Signature ☐ YES ☐ NO

Postmark
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PS Form 153, July 2001

(See Reverse)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2005

1028-2

Greg Shearer
18870 222nd St
Wall SD 57790

Dear Mr. Shearer:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 1028-2.

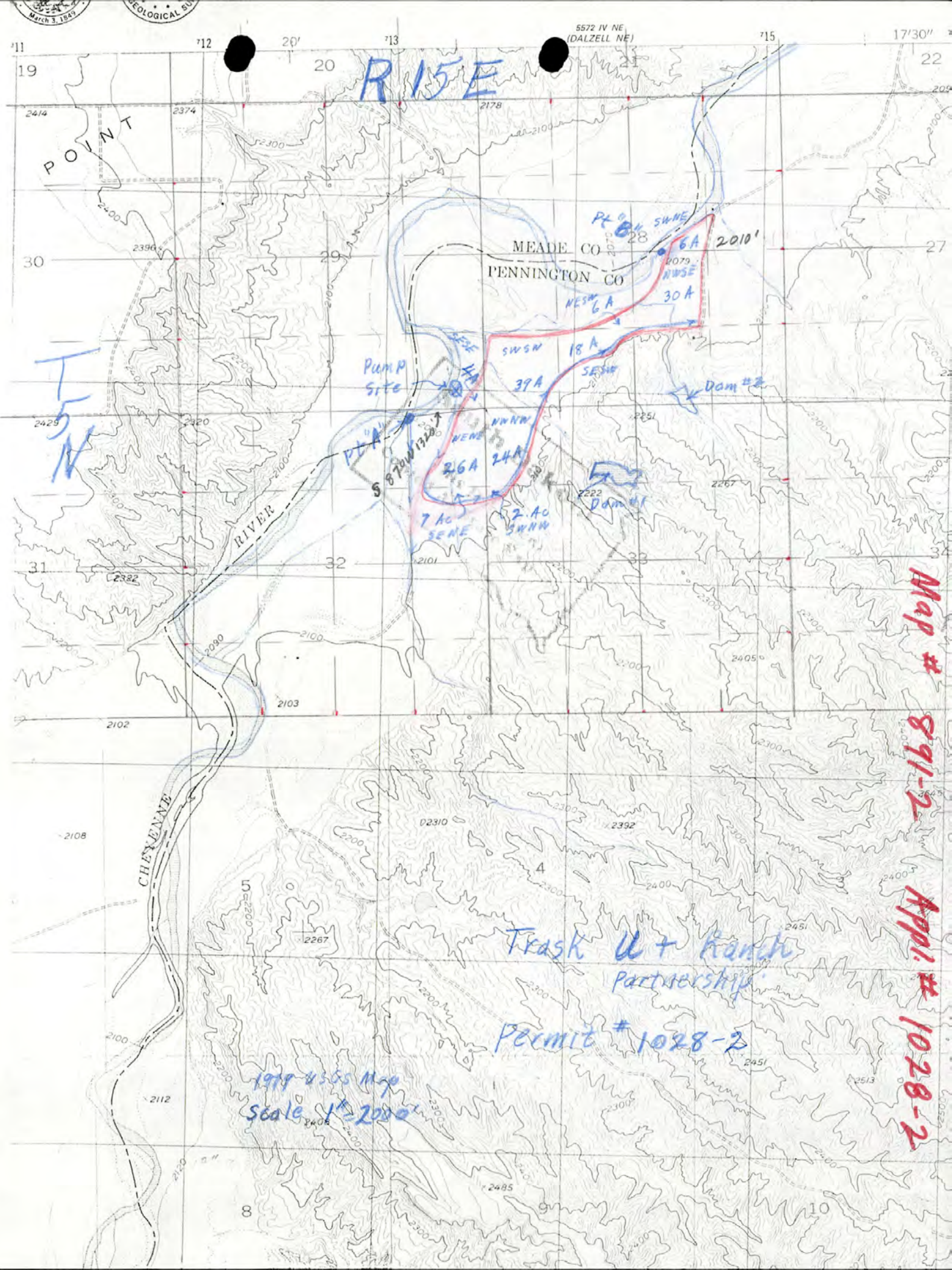
The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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



R 15 E

POINT

MEADE CO
PENNINGTON CO

PUMP
SITE

PL 8 SWNE

6A

30A

SWSW

18A

SESW

39A

NWSE

26A

24A

7 AC

SENE

2 AC

SWNW

5870W1360

5870W1360

5870W1360

5870W1360

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5870W1360

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5870W1360

Dam #1

Dam #2

Trask U + Ranch
Partnership

Permit # 1028-2

1919 USGS Map
Scale 1" = 2000'

Map #

891-2

Appl. #

1028-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 30, 2006

NOTICE OF SHUTOFF ORDER

TO: GREG SHEARER
18870 222ND ST
WALL SD 57790

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: Cheyenne River Shutoff Order for Junior Priority Date Water Rights

Shutoff Order for Water Right Nos. 1028-2

To protect the senior priority water rights, the department is issuing shutoff orders to junior water right holders with priority dates after January 1, 1970 from Angostura Dam to Belle Fourche River confluence. Effective immediately, no diversions of water from the Cheyenne River and tributaries will be allowed for those permits with a priority date after January 1, 1970.

Flow in the Cheyenne River has dropped to the point where domestic use of water, which includes livestock watering from the river, has become a concern. This order will be rescinded as soon as conditions improve. If conditions do not improve, this order will remain in effect until the end of the calendar year.

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river. If you have any questions, please contact Mark Rath or Lynn Beck with the Water Rights Program at (605) 773-3352. Thank you.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 5, 2006

1028-2

GREG SHEARER
18870 222ND ST
WALL SD 57790

Dear Sir:

This letter is to inform you that until further notice pumping **will be allowed** to continue under your junior priority water right(s) from the Cheyenne River. Due to recent rains and cooler temperatures, flow in the Cheyenne River has improved and appears to holding steady.

We will continue to monitor the daily stream flows. If flow conditions worsen and domestic use flow is again being impacted, DENR may be forced to again limit pumping.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the Cheyenne River and it's tributaries at the following web address:

<http://waterdata.usgs.gov/sd/nwis/rt>

If you have any questions, please contact Mark Rath or Lynn Beck with the Water Rights Program at (605) 773-3352. Thank you.

GARLAND ERBELE, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 5, 2007

Dear Water Right Holder;

Due to the ongoing drought I am advising Cheyenne River water right holders of the possibility of shutoff orders in 2007 for the river reach from Angostura Dam to the Belle Fourche River confluence. This is **not a shutoff order**.

As a result of the continuing lack of precipitation, tributary flows throughout the Cheyenne River basin remain well below the historical average. Angostura Reservoir ended February almost 21-feet below full and the forecast for improved conditions throughout the summer months is not favorable.

This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shut-off orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and trying to avoid wasting water.

South Dakota water law gives the highest priority to domestic use, which includes livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses, including irrigation, will begin to interfere with domestic use. If levels become critically low, the department must issue shut-off orders to protect domestic water uses. Once these orders are issued, the department will continue to monitor water availability and should conditions improve, the shutoff orders would be rescinded.

If you are interested, the US Geological Survey has an Internet site showing river flows at 150 stream gauging stations across the state. Go to sd.water.usgs.gov and click on "Realtime streamflow data via satellite".

Thank you for your cooperation. If you have any questions, please contact Mark Rath or Mike DeFea at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE OF SHUTOFF ORDER

June 27, 2007

TO: GREG SHEARER
18870 222ND ST
WALL SD 57790

FROM: GARLAND ERBELE, Chief Engineer
SD DENR Water Rights Program

SUBJECT: Cheyenne River Shutoff Order for Junior Priority Date Water Rights

Shutoff Order for Water Right Nos. 1028-2

To protect the senior priority water rights, the department is issuing shutoff orders to junior water right holders with priority dates between January 1, 1970 and present for the river reach between the Angostura Dam to Belle Fourche River confluence. Effective immediately, diversions of water from the Cheyenne River and tributaries will not be allowed for those permits with a priority date after January 1, 1970.

Flow in the Cheyenne River continues to decline to the point where domestic use of water, which includes livestock watering from the river, has become a concern. This order will be rescinded as soon as conditions improve. If conditions do not improve, this order will remain in effect until the end of the calendar year.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

<http://waterdata.usgs.gov/sd/nwis/rt>

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river.

If you have any questions concerning this order, please contact either Mark Rath at (605) 773-3352 or Aaron Tieman at (605) 394-2229. Thank you.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 18, 2008

NOTICE

TO: GREG SHEARER, 18870 222ND ST, WALL, SD 57790

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire has not been submitted for Permit No(s) 1028-2. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 11, 2008**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1028-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

1028-2

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FOIA



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SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 4438

GREG SHEARER
18870 222ND ST
WALL SD 57790

Waiver of Signature ☐ YES ☐ NO

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 2008

1028-2

Greg Shearer
18870 222nd St
Wall SD 57790

Dear Mr. Shearer:

I am writing to acknowledge receipt of your 2007 irrigation questionnaire. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right No. 1028-2.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES

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

January 22, 2010

NOTICE

TO: GREG SHEARER, 18870 222ND ST, WALL, SD 57790

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire has not been submitted for Permit No(s) 1028-2. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 10, 2010**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1028-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq.aspx>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

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Label/Receipt Number: 2303 2160 0000 0802 8306

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 9:34 AM on February 8, 2010 in WALL, SD 57790. The item was signed for by R HILLAGE.

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Detailed Results:

- Delivered, February 08, 2010, 9:34 am, WALL, SD 57790
- Notice Left, January 29, 2010, 9:26 am, WALL, SD 57790
- Notice Left, January 23, 2010, 9:33 am, WALL, SD 57790
- Arrival at Post Office, January 23, 2010, 7:40 am, WALL, SD 57790

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SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 8306

GREG SHEARER
18870 222ND ST
WALL SD 57790

Waiver of Signature ☐ YES ☐ NOPostmark
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(See Reverse)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 1, 2010

1028-2

Greg Shearer
18870 222nd St
Wall SD 57790

Dear Mr. Shearer:

I am writing to acknowledge receipt of your 2009 irrigation questionnaire. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right No. 1028-2.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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

Water Right/Permit No. 1028-2Date: September 14, 2010I/We request that Water Right/Permit No. 1028-2 formerly owned by:Greg Schearer

be transferred to:

New Owner Name: John E. LinkAddress: PO Box 33City, State, Zip Minong Wi 54859 Telephone No. 715-466-2234

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

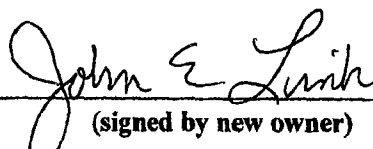
SW1/4NE1/4, NW1/4SE1/4, E1/2SW1/4, SW1/4SW1/4 section 28; SE1/4SE1/4 section 29;
E1/2NE1/4 section 32; W1/2NW1/4 section 33, all in T5N, R15E. 162 acres

- ☒ I understand that the validity of Water Right/Permit No. 1028-2 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, John E. Link, 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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/10, 20 10

RECEIVED OF John E Link Cheyenne River Ranch 21081 Cheney Rd Creighton SD 57790

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>1028-2</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. _____	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. **04609**

By *David Erbe*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 16, 2010

1028-2

John E Link
PO Box 33
Minong WI 54859-0033

Dear Mr. Link:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for filing an ownership change on Water Right No. 1028-2. The transfer has been completed. The water right formerly listed in the name of Greg Shearer is now listed in your name.

Enclosed for your records is Receipt No. 04609 in the amount of \$50.00.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath".

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

enclosure



1028-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2014

NOTICE

TO: JOHN E LINK, PO BOX 33, MINONG, WI 54859 0033

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire has not been submitted for Permit No(s) 1028-2 & 1202-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **9:00 am, March 6, 2014**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1028-2 & 1202-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office on/or before **March 3, 2014**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

1028-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 10, 2014

1028-2
1202-2

John E Link
PO Box 33
Minong WI 54859 0033

Dear Mr. Link:

I am writing to acknowledge receipt of your 2013 irrigation questionnaires. Larry Insley filed the forms on-line this morning.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Right Nos. 1028-2 and 1202-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

c: Larry Insley, 21081 Cheney Rd, Creighton SD 57790

1028-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

November 27, 2019

1028-2
1202-2

Joe Radzak
Link Realty Holdings LLC
PO Box 397
Minong WI 54859-0397

Dear Mr. Radzak:

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with Water Right Nos. 1028-2 and 1202-2. The water rights are currently listed in the name of John E Link.

Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

Copies of the entire administrative file for Water Right Nos. 1028-2 and 1202-2 can be found by following our DENR Water Rights home page at: <https://denr.sd.gov/des/wr/wr.aspx>. Once you get to the site, click on databases along the left side of the page and then click on Water Rights.

If you have any questions, please let me know.

Sincerely,

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



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

November 2, 2020

1028-2

1202-2

Larry Insley
43564 229th St
Howard SD 57349-6934

Dear Mr. Insley:

Enclosed is a "Notice" dated October 23, 2020 concerning the 2020 irrigation questionnaires for water rights we have you listed as manager.

The notice was originally mailed to Creighton SD. The post office notified us that your address has changed, and I will update our records accordingly. If you no longer farm for John Link, please let us know who to contact. Thank you!

If you have any questions, please contact me.

Sincerely,

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

enclosures



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

December 8, 2020

1028-2

1202-2

Riter, Rogers, Wattier & Northrup LLP
National Registered Agents Inc
319 Coteau St
Pierre SD 57501

Dear Sirs:

Your firm is listed on the Secretary of States web site as being the registered agent for Link Snacks Inc. I have tried to call the company and am getting no response.

The issue at hand is submission of the annual irrigation questionnaires for the property listed under John Link Trust. The forms were originally sent to the renter of the property – Larry Insley. We received an email from a relative of Mr. Insley indicating he had passed away. The property in question is the Cheyenne River Ranch out by Creighton SD.

The two irrigation questionnaires are for Water Right Nos. 1028-2 and 1202-2 with land in Pennington County. We need to know who will be responsible for the forms and how to get ahold of them. The deadline for submitting those forms was December 4th. As the registered agent, please have the owner contact us with the information so we can follow-up with them. Copies of the water rights can be found on our website at: <https://denr.sd.gov/des/wr/dbwrsearch.aspx>

Thank you in advance for your help.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

1028-2

RECEIVED

JAN 28 2021

WATER RIGHTS
PROGRAM

LAW OFFICES OF
BENNETT MAIN GUBBRUD & WILLERT
A PROFESSIONAL CORPORATION
618 STATE STREET
BELLE FOURCHE, SOUTH DAKOTA 57717-1419
TEL (605) 892-2011
FAX (605) 892-4084
Email: bellelaw@bellelaw.com

MAX MAIN*
DWIGHT A. GUBBRUD*
*LICENSED in SOUTH DAKOTA and WYOMING

Est. 1908

KELLEN B. WILLERT**
**LICENSED in SOUTH DAKOTA, WYOMING and COLORADO

January 26, 2021

PMB 2020
DENR – Water Rights Program
Attn: Genny McMath
523 E. Capitol Ave.
Pierre, SD 57501-3182

Re: Notices of Transfer of Ownership; Our File No. 6327.002020.

Dear Water Rights Program:

Enclosed for filing with your office are the following documents:

1. Notice of Transfer of Ownership for Water Right/Permit No. 1028-2; and
2. Amended Notice of Transfer of Ownership for Water Right/Permit No. 1202-2.

Also enclosed is our firm's check in the amount of \$50 for the filing fee for Water Right/Permit No. 1028-2.

Please return filed-stamped copies of these Notices to our office in the enclosed self-addressed stamped envelope.

Sincerely,

BENNETT MAIN GUBBRUD & WILLERT, P.C.



Joy Norlin, Legal Assistant

/jn
Enclosure

1028-2

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date January 28, 2021RECEIVED OF Bennett Main Gubbrud & Willert PC 618 State St. Belle Fourche SD 57717

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 <u>1028-2</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$50.00

By Eric Gronlund
Chief Engineer*vm*

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

PAID

JAN 28 2021

Ck# 003890

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

JAN 28 2021

WATER RIGHTS
PROGRAM

Water Right/Permit No. 1028-2

Date: 01/21/2021

I/We request that Water Right/Permit No. 1028-2 formerly owned by:

John E. Link

be transferred to:

New Owner Name: Link Realty Holdings LLC

Address: One Snack Food Lane, P.O Box 597

City, State, Zip Minong WI 54859 Telephone No. 715-466-2234

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

Township 5 North, Range 15 East, BHM, Pennington County, South Dakota:
Sec. 28: SW1/4NE1/4, NW1/4SE1/4, E1/2SW1/4, SW1/4SW1/4
Sec. 29: SE1/4SE1/4.
Sec. 32: E1/2NE1/4.
Sec. 33: W1/2NW1/4.

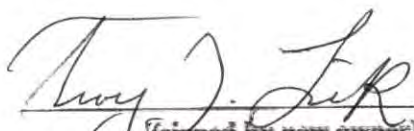
☒ I understand that the validity of Water Right/Permit No. 1028-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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, Troy Link, Managing Member of Link Realty Holdings LLC, the new owner, certify that the above information is true and correct.

LINK REALTY HOLDINGS LLC


(signed by new owner)
By: Troy Link, Managing Member

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.

10282



DENR
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

February 4, 2021

1028-2
1202-2

Dwight Gubbrud
Bennett Main Gubbrud & Willert PC
618 State St
Belle Fourche SD 57717

Dear Mr. Gubbrud:

Thank you for handling the ownership changes for Water Right Nos. 1028-2 and 1202-2.

The ownership changes have been completed. The water rights formerly held by John E Link are now listed under Link Realty Holdings LLC.

Enclosed for your records are receipts for the filing fees paid by your firm and copies of the transfer forms filed. If you have any questions, please let me know.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath".

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures

1028-2



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: LINK REALTY HOLDINGS LLC, TROY LINK, PO BOX 597, MINONG, WI 54859 0597

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire has not been submitted for Permit No(s) 1028-2 & 1202-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1028-2 & 1202-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: PGHCHO**

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

1028-2



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 7, 2022

616-2
1028-2
1202-2

Troy Link
PO Box 597
Minong WI 54859 0597

RE: Irrigation Questionnaires for Link SD Ranches LLC and Link Realty Holdings LLC

Dear Mr. Link:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires. The forms were completed on-line by Jace Shearer.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 616-2, 1028-2 and 1202-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

c: Jace Shearer, 18870 222nd St, Wall SD 57790



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2023

NOTICE

TO: LINK REALTY HOLDINGS LLC, TROY LINK, PO BOX 597, MINONG, WI 54859 0597

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire has not been submitted for Permit No(s) 1028-2 & 1202-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1028-2 & 1202-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: GEKNKH**

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 26, 2023

616-2
1028-2
1202-2

Troy Link
Link SD Ranches LLC
PO Box 597
Minong WI 54859-0597

Dear Mr. Link:

I am writing to acknowledge receipt of the 2022 irrigation questionnaires for Link SD Ranches LLC and Link Realty Holdings LLC.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right Nos. 616-2, 1028-2 & 1202-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 14, 2025

NOTICE

TO: LINK SD RANCHES LLC, PO BOX 597, MINONG, WI 54859 0597

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire has not been submitted for Permit No(s) 616-2, 1028-2 & 1202-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 616-2, 1028-2 & 1202-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: IJIONR**

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 21, 2025

616-2
1028-2
1202-2

Link Realty Holdings LLC
Link SD Ranches LLC
c/o Neil Muscat, Mgr
21432 Babcock Rd
Wall SD 57790

Dear Mr. Muscat:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 616-2, 1028-2 & 1202-2. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us