

RECEIVED

MAR 30 2006

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1806B-2

Date: 3-10-06

I/We request that Partial Vested Water Right No. 1806B-2

formerly owned by: Glendon Shearer, Cow Creek Ranch

be transferred to: (name & address) Grant Shearer, 22023 Trask Rd. Wall, SD 57790

Telephone No. 605-279-2300

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

Land descriptions circled on enclosed sheet
SW section 7^{3N 15E} + sections 7, 18^{7N 15E}, 17, 19, + Sec 13¹³ + 24 in 3N 14E

I/We understand that the validity of Partial Vested Water Right No. 1806B-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 Grant Shearer, the new owner, certify that the above information is true and correct.
Gilbert L. Shearer

Grant Shearer / Gilbert L. 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.

COW CREEK RANCH

© Glendon Shearer

	acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 31, T4N, R15E	8
NE $\frac{1}{4}$ SE $\frac{1}{4}$ "	3
SW $\frac{1}{4}$ SE $\frac{1}{4}$ "	23
SE $\frac{1}{4}$ SE $\frac{1}{4}$ "	21
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 32, T4N, R15E	4
NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 6, T3N, R15E	23
NE $\frac{1}{4}$ NE $\frac{1}{4}$ "	32
SE $\frac{1}{4}$ NE $\frac{1}{4}$ "	25
NW $\frac{1}{4}$ SE $\frac{1}{4}$ "	11
NE $\frac{1}{4}$ SE $\frac{1}{4}$ "	35
SE $\frac{1}{4}$ SW $\frac{1}{4}$ "	3
SW $\frac{1}{4}$ SE $\frac{1}{4}$ "	38
SE $\frac{1}{4}$ SE $\frac{1}{4}$ "	16

NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 5, T3N, R15E	13
SW $\frac{1}{4}$ NW $\frac{1}{4}$ "	14
NW $\frac{1}{4}$ SW $\frac{1}{4}$ "	9
NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 7, T3N, R15E	8
NW $\frac{1}{4}$ NE $\frac{1}{4}$ "	40
NE $\frac{1}{4}$ NE $\frac{1}{4}$ "	5
SE $\frac{1}{4}$ NW $\frac{1}{4}$ "	5
SW $\frac{1}{4}$ NE $\frac{1}{4}$ "	32

NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 7, T3N, R15E	32
NE $\frac{1}{4}$ SE $\frac{1}{4}$ "	16
SE $\frac{1}{4}$ SW $\frac{1}{4}$ "	9
SW $\frac{1}{4}$ SE $\frac{1}{4}$ "	39
SE $\frac{1}{4}$ SE $\frac{1}{4}$ "	23

NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 18, T3N, R15E	3
NE $\frac{1}{4}$ NW $\frac{1}{4}$ "	33
SW $\frac{1}{4}$ NW $\frac{1}{4}$ "	30
SE $\frac{1}{4}$ NW $\frac{1}{4}$ "	40
NW $\frac{1}{4}$ NE $\frac{1}{4}$ "	40
NE $\frac{1}{4}$ NE $\frac{1}{4}$ "	36
SW $\frac{1}{4}$ NE $\frac{1}{4}$ "	40
SE $\frac{1}{4}$ NE $\frac{1}{4}$ "	40
NE $\frac{1}{4}$ SW $\frac{1}{4}$ "	40
SW $\frac{1}{4}$ SW $\frac{1}{4}$ "	38
SE $\frac{1}{4}$ SW $\frac{1}{4}$ "	27
NW $\frac{1}{4}$ SE $\frac{1}{4}$ "	40
NE $\frac{1}{4}$ SE $\frac{1}{4}$ "	40
SW $\frac{1}{4}$ SE $\frac{1}{4}$ "	33
SE $\frac{1}{4}$ SE $\frac{1}{4}$ "	18
NW $\frac{1}{4}$ SW $\frac{1}{4}$ "	39

	acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 17, T3N, R15E	3
NW $\frac{1}{4}$ SW $\frac{1}{4}$ "	9
NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 19, T3N, R15E	10
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 13, T3N, R14E	6
SE $\frac{1}{4}$ SE $\frac{1}{4}$ " 13	20
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 24, T3N, R14E	25

TOTAL 1,097 acres

Type Error

Should be Sec 13

Not 19

Pump Site

Sec 24 To Sec 13

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 30, 20 06

RECEIVED OF Grant Sheerer, 22023 Trask Rd, 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	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1806P-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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
		2.50

No. 02382

By Darland Ebele
Chief Engineer *gm*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 02 2006

1806B-2

Grant Shearer
22023 Trask Ranch Rd
Wall SD 57790

Dear Mr. Shearer:

Enclosed is your Water License No. 1806B-2. Based on an ownership change you filed with Water Right No. 1806-2, the water license was divided and reissued to reflect separate ownership. Also enclosed is your Receipt No. 02381 in the amount of \$2.50 which you paid for filing the ownership change.

We have included with your water license, excerpts of the water right laws and Water Management Board rules dealing with abandonment and/or forfeiture and legal excuse for not irrigating. As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

In a couple weeks, you will be receiving the 2006 irrigation questionnaire. If you have any questions concerning completion of the questionnaire, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1806B-2
DIVISION OF NO. 1806-2 INTO 1806A-2 AND 1806B-2

(1) Glendon Shearer, Cow Creek Ranch, 22025 Trask Rd, Wall SD 57790 was issued Water License No. 1806-2, December 20, 1982 for a water right to divert 15.67 cubic feet of water per second (cfs) from the Cheyenne River and watershed above project (storage dam), Pennington County, South Dakota for irrigation purposes. Water License No. 1806-2, with priority dates of 1934, December 11, 1972 and January 10, 1975 was issued to the permit holder for diversion of water with construction of the described water supply system completed and the application to beneficial use of water completed.

On March 30, 2006, an ownership change was filed with Partial Vested Water Right No. 1806-2. The license is being divided and reissued based on that ownership change as follows:

- **No. 1806A-2, Glendon Shearer, Cow Creek Ranch, 22025 Trask Rd, Wall SD 57790**, authorizing withdrawal of 5.26 cfs from the Cheyenne River to irrigate 368 acres. The acreage and diversion rate were established under Water Permit No. 1130-2 and retains a December 11, 1972 priority date.
- **No. 1806B-2, Grant Shearer, 22023 Trask Ranch Rd, Wall SD 57790**, authorizing withdrawal of 10.41 cfs from the Cheyenne River and local watershed (storage dam) to irrigate 729 acres. The acreage and diversion rate were established by Vested Water Right No. 745-2 and Water Permit No. 1230-2 and retain priority dates of January 1, 1934 and January 10, 1975 respectively.

(2) It is certified that the water right holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 10.41 cubic feet of water per second for beneficial use. The location of the diversion points (on land owned by Grant Shearer) are on the Cheyenne River between points in the N ½ Section 24, T3N, R14E and the S ½ Section 7, T3N, R15E; storage dam located 750 feet north and 650 feet west of the SE corner (SE ¼ SE ¼) Section 18, T3N, R15E.

(3) The water right holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 7 T3N, R15E		Section 18, T3N, R15E		Section 18, T3N, R15E (continued)	
NW ¼ SE ¼	32.0 acres	NW ¼ NW ¼	3.0 acres	NW ¼ SE ¼	40.0 acres
NE ¼ SE ¼	16.0 acres	NE ¼ NW ¼	33.0 acres	NE ¼ SE ¼	40.0 acres
SW ¼ SE ¼	39.0 acres	SW ¼ NW ¼	30.0 acres	SW ¼ SE ¼	33.0 acres
SE ¼ SE ¼	23.0 acres	SE ¼ NW ¼	40.0 acres	SE ¼ SE ¼	18.0 acres
SE ¼ SW ¼	9.0 acres	NW ¼ NE ¼	40.0 acres		
Section 17, T3N, R15E		NE ¼ NE ¼	36.0 acres	Section 13, T3N, R14E	
SW ¼ NW ¼	3.0 acres	SW ¼ NE ¼	40.0 acres	NE ¼ SE ¼	6.0 acres
NW ¼ SW ¼	9.0 acres	SE ¼ NE ¼	40.0 acres	SE ¼ SE ¼	20.0 acres
Section 19, T3N, R15E		NE ¼ SW ¼	40.0 acres		
NW ¼ NW ¼	10.0 acres	SW ¼ SW ¼	38.0 acres	Section 24, T3N, R14E	
		SE ¼ SW ¼	27.0 acres	NE ¼ NE ¼	25.0 acres
		NW ¼ SW ¼	39.0 acres		
Total: 729 acres					

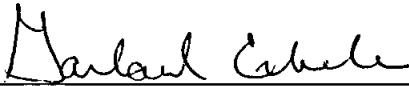
continued

Water License No. 1806B-2

(4) Pursuant to South Dakota Water Law 46-5-30.1 Grant Shearer, 22023 Trask Rd, Wall SD 57790 the holder and/or owner of Water Right No. 1806B-2 is issued a license to appropriate water, the right to use 10.41 cubic feet of water per second from the Cheyenne River and local watershed (storage dam) with priority dates of January 1, 1934 (4.28 cfs) and January 10, 1975 (6.13 cfs) from the locations specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation.

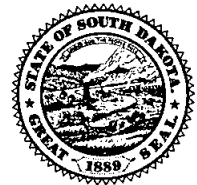
This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1806-2 and subject to the following qualifications:

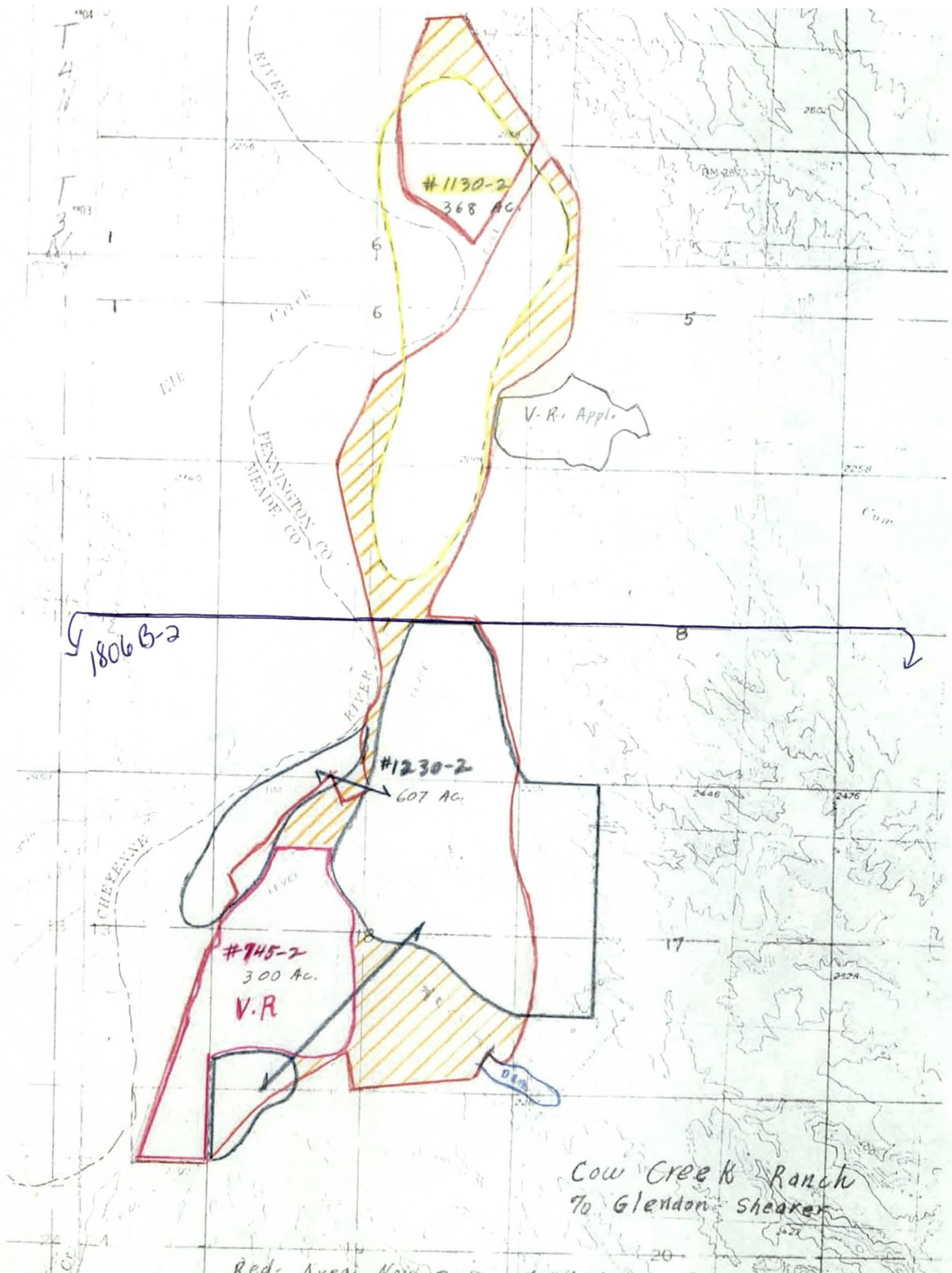
- Diversion of water under this Water Right is contingent upon water supplies being first available to prior water rights on the Cheyenne River. Flow records show that there are occasional years when the flows of the Cheyenne River are definitely and recognizably lower than usual during the months of July, August and September. Diversions of water are not to be made under this water right during such low flow periods.
- This water right is approved subject to the irrigation water use questionnaire being submitted each year.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 02 2006
date







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
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

NOTICE OF SHUTOFF ORDER

June 27, 2007

TO: GRANT SHEARER
22023 TRASK RD
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. 1806B-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. This shutoff order applies only to the junior priority portion of No. 1806B-2 for 6.13 cfs.

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.