

Considered: _____

Vested Right
WATER PERMIT NO. 1979-2

MAP No. 1979-2

Name of Applicant Pfister Ranch

Post Office Address Box 1208, Lusk, WY 82225

Amount of Water Claimed 4.3 Total Acres 304

Source of Water Supply Cottonwood Creek

Water to be used for irrigation County Fall River

About 8W, 3 miles South of Provo

PROOF OF PUBLICATION: Received 8/18/86 Not Received _____

APPLICATION: Approved Sept. 3, 1986 Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received 6-26-85 Fee \$10.50 Remarks _____

5/28/07

Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31

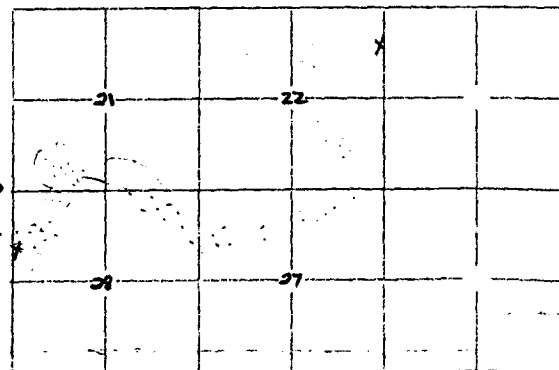
WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

^{between points in}
Diversion Point SW 1/4 NW 1/4 Sec 28, and E 1/2 NE 1/4 Sec 22;

T10S, R1E

Land to be Irrigated S 1/2 SW 1/4, SW 1/4 SE 1/4 Sec 21; SE 1/4 NW 1/4,
NE 1/4, NW 1/4 SE 1/4, S 1/2 SE 1/4 Sec 22; N 1/2 NE 1/4, NW 1/4 Sec 27;
E 1/2 NE 1/4, NW 1/4 NE 1/4, N 1/2 NW 1/4, SW 1/4 NW 1/4 Sec 28;
NE 1/4 NE 1/4 Sec 29, T10S-R1E



Well Log: Driller N/A Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

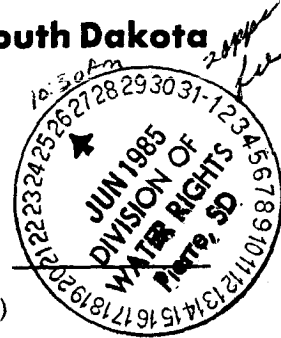
Type of Map Sketch PREPARED BY Del Brasz Reviewed and the Number

assigned on July 8, 1986 By Genny McEach

No. <u>1979-2</u>	Hydrologic Unit <u>10120106</u>
Map No. <u>same</u>	Basin <u>Upper Cheyenne</u>
Newspaper <u>Hot Springs Star</u>	

Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application: Check one or more of the following;

New ☐ Vested Right ☒ Future Use ☐☐ Application to amend Permit No. _____ with old priority date retained☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____1. Name of Applicant Pfister Ranch Phone No. _____Post Office Address Box 1208 Lusk Wyoming State 82225
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s) 4.3 Total acres irrigated 304.003. Source of Water supply Cottonwood Creek4. Location of point of diversion Between the following two points: due south 1580 feet from
the NW Corner of Section 28 and N52°E, 6470 feet from the NE Corner of Section 28,
T10S, R1E County Fall River5. Counties where water will be used Fall River6. Annual period during which water is to be used All year Jan 1 - Dec 31

7. 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.
SEE ATTACHMENTS	

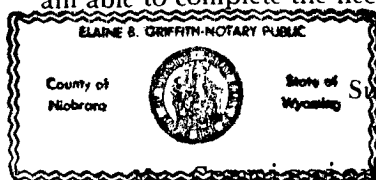
Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

A series of dikes have been constructed across the channel of Cottonwood Creek for a distance of approximately three miles. The dikes force the water onto the adjoining lowlands.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF WYOMING)
County of NIOBRARA)ssI, Richard G. Pfister the applicant, certify that I have read the foregoing application, 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 [Signature]Subscribed and sworn to before me this 24th day of June 1985

Expires: 3-6-88

Notary Public (or other qualified officer)

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. _____

(Applicant)

(Post Office Address)

(State)

(Zip Code)

With the following qualifications.

See Form VR-1

~~The applicable portions of Location Notice No. 4-2 were incorporated into this Vested Water Right No. 1979-2 and the abandoned portions of the location notice have been cancelled.~~

Date of first receipt of application _____, 19____.

Date of return to applicant for correction, amendments or changes required _____, 19____.

Date of receipt of corrected application _____, 19____. Approved _____, 19____.

The Water Management Board hereby approves this Water Permit No. _____ authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is _____, 19____.
2. One-fifth of the work is to be completed on or before _____, 19____.
3. The whole of said work is to be completed on or before _____, 19____.
4. The time limit for proof of beneficial use of water is _____, 19____.
5. The water appropriated shall be used for the purpose of _____.
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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed _____ 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. For irrigation purposes said appropriation must be limited to not more than 2 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 _____, 19____; said water to be used during the following described annual period: _____.

WATER MANAGEMENT BOARD

By: _____
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

_____, 19____

Land Description	No Acres Irrigated
Section 21, T10S, R1E	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	22
SE $\frac{1}{4}$ SW $\frac{1}{4}$	23
SW $\frac{1}{4}$ SE $\frac{1}{4}$	17
Section 22, T10S, R1E	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	3
NW $\frac{1}{4}$ NE $\frac{1}{4}$	1
NE $\frac{1}{4}$ NE $\frac{1}{4}$	3
SW $\frac{1}{4}$ NE $\frac{1}{4}$	25
SE $\frac{1}{4}$ NE $\frac{1}{4}$	23
NW $\frac{1}{4}$ SE $\frac{1}{4}$	16
SW $\frac{1}{4}$ SE $\frac{1}{4}$	13
SE $\frac{1}{4}$ SE $\frac{1}{4}$	17
Section 27, T10S, R1E	
NE $\frac{1}{4}$ NE $\frac{1}{4}$	3
NW $\frac{1}{4}$ NE $\frac{1}{4}$	22
NE $\frac{1}{4}$ NW $\frac{1}{4}$	19
SE $\frac{1}{4}$ NW $\frac{1}{4}$	3
NW $\frac{1}{4}$ NW $\frac{1}{4}$	9
SW $\frac{1}{4}$ NW $\frac{1}{4}$	8
Section 28, T10S, R1E	
NE $\frac{1}{4}$ NE $\frac{1}{4}$	23
SE $\frac{1}{4}$ NE $\frac{1}{4}$	3
NW $\frac{1}{4}$ NE $\frac{1}{4}$	8
NE $\frac{1}{4}$ NW $\frac{1}{4}$	2
NW $\frac{1}{4}$ NW $\frac{1}{4}$	23
SW $\frac{1}{4}$ NW $\frac{1}{4}$	15
Section 29, T10S, R1E	
NE $\frac{1}{4}$ NE $\frac{1}{4}$	3
TOTAL ACRES	304

VESTED WATER RIGHT

The Water Management Board hereby validates Vested Water Right Claim No. 1979-2.

Pfister Ranch

(applicant)

Box 1208, Lusk

(post office address)

Wyoming

(state)

82225

(zip code)

Date of receipt of Application June 26, 19 85.

Validated September 3, 19 86.

The Water Management Board hereby validates the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Vested Water Right, subject, however, to the following limitations and conditions:

1. The date from which the applicant may claim right is May 20, 19 07.
2. The whole of said work has been completed and water has been applied to beneficial use as described on Form 2B of this application.
3. The water appropriated is used for the purpose of irrigation.
4. The prior rights 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 unlawfully impaired by this appropriation.
5. The amount of the appropriation hereby validated shall not exceed _____

4.30 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. For irrigation purposes said appropriation must be limited to not more than 2 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 has been actually and beneficially applied for irrigation. The water is to be used during the following described annual period Jan 1 - Dec 31.

WATER MANAGEMENT BOARD

By: John H. Hatch

(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

NOV 25 1986

, 19 ____.

State of South Dakota

VESTED RIGHT Water License No. 1979-2

(1) Pfister Ranch

of Box 1208, Lusk, Wyoming 82225

made Application No. 1979-2, June 26, 1985, for validation of vested water right claim for a water permit to appropriate

4.3 cubic feet per second of water from Cottonwood Creek,

Fall River County, South Dakota for irrigation purposes.

Vested Water Right Permit No. 1979-2, with a priority date of May 20, 1907

validated September 3, 1986 was approved, and issued to applicant(s) for diversion of water with construction of the described

water supply system to be completed on or before and for the application to beneficial use of said

water on or before completed

and

(2) It is certified that the application 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 4.3 cubic feet per second of water

for beneficial use. The location of the diversion point(s) is are between the following two points:

due south 1580 feet from the NW corner of Section 28 and N52°E, 6470 feet from the NE corner of Section 28, T10S, R1E

and

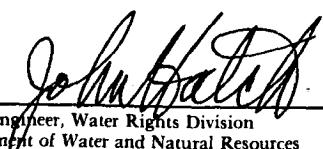
(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following lands all in T10S-R1E

Section 21 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 22 acres				Section 27 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 22 acres			
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 23 "				NE $\frac{1}{4}$ NW $\frac{1}{4}$ 19 "			
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 17 "				SE $\frac{1}{4}$ NW $\frac{1}{4}$ 3 "			
Section 22 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 3 "				NW $\frac{1}{4}$ NW $\frac{1}{4}$ 9 "			
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 1 "				SW $\frac{1}{4}$ NW $\frac{1}{4}$ 8 "			
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 3 "				Section 28 NE $\frac{1}{4}$ NE $\frac{1}{4}$ 23 "			
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 25 "				SE $\frac{1}{4}$ NE $\frac{1}{4}$ 3 "			
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 23 "				NW $\frac{1}{4}$ NE $\frac{1}{4}$ 8 " "			
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 16 "				NE $\frac{1}{4}$ NW $\frac{1}{4}$ 2 "			
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 13 "				NW $\frac{1}{4}$ NW $\frac{1}{4}$ 23 "			
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 17 "				SW $\frac{1}{4}$ NW $\frac{1}{4}$ 15 " TOTAL ACRES: 304			
Section 27 NE $\frac{1}{4}$ NE $\frac{1}{4}$ 3 "				Section 29 NE $\frac{1}{4}$ NE $\frac{1}{4}$ 3 "			

(4) Pursuant to §46-5-30.1 Pfister Ranch
of Box 1208, Lusk WY 82225
the holder(s) and/or owner(s) of Vested Water Right
~~Water Permit~~ No. 1979-2 is issued a license to appropriate water, the right to use
4.3 cubic feet per second of water from Cottonwood Creek with a priority date
of May 20, 1907 from the location specified in (2) of this license. The water to be
conducted to and upon lands specified in (3) of this license for the purpose of irrigation

Vested Water Right

This license is subject to any limitations or qualifications listed in ~~Water Permit~~ No. 1979-2 and subject to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources

NOV 25 1986

Affidavit of Water Use

No. _____

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.

Affidavit Of Construction Of Water Use System And Application Of Water To Beneficial Use

Name of Applicant (Same as Form 2) Pfister Ranch

Post Office Address P.O. Box 1208, Lusk, Wyoming 82225
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation Approx. 1907 Date of Posting 20 May 1907

Date of recording Same Recording date Pierre, S.D. 312.2
Where Book Page

B. Date of start of construction of water supply system 1910

C. Date that water was first applied to beneficial use 1910

D. Name of owner of original water supply system Maggie Porter and Otto Cape

E. Amount of water originally applied to beneficial use 8 cubic ft. plus 1500 miners inches

F. Present Use of Water - Amount of water now being used 608 acre feet

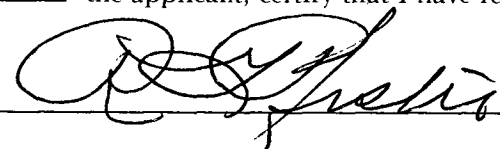
Date that this water was first used 1907

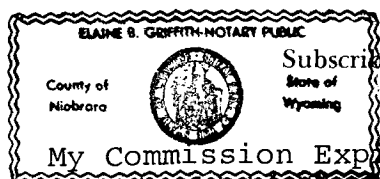
G. Chronological History of Water Use : Cottonwood Creek has a meandering flood plain and narrow quite shallow channel historically that lends itself to irrigation by flood via small dams. This was begun at the turn of the century and completed in the 1900-1960 era as recorded partially in location notices on file May 20, 1907, Jan. 30, 1911, Mar. 1910, April 1910, Nov. 1910 with State Engineer Samuel H. Lea, Pierre S.D. Later additions in the 1920's, 30's, 40's, 50's and to date have placed 304 acres under irrigation.

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

Wyoming Location notices are available at the State Engineers's office, Pierre, S.D.
State of ~~South Dakota~~) See recording pages at that office.
County of Niobrara) ss 4-2, 227-2, 311-2, 372-2, 290-2

I, Richard G. Pfister the applicant, certify that I have read the foregoing
(print or type)
and that the matters therein stated are true.

Signed 
Elaine B. Griffith
Notary Public or other qualified officer



Subscribed and sworn to before me June 24, 19 85

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein stated are true.

(Print name) 19

(Print name) 19

Permit No. 1979-2Upper Cheyenne Water District
10/20/06**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Pfister
Ranch of Box 1208 Lusk, WY 82225 holder of
 Permit No. 1979-2, bearing the priority of January 1 1907 authorizing
 the diversion of 4.3 cu. ft. per second of the waters of Cottonwood Creek
 for irrigation purposes, in Fall River County.

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

- A. Works used to divert the water: A series of spreader dikes constructed across the channel of cottonwood creek for a distance of approximately three miles.
- B. Works used to transport water to place of use: water flows around the end of the dikes onto the lowlands.
- C. Works used to apply water to beneficial use: water spreading

The system is in the following condition good

The point of diversion is located Between the following two points: due south 1580 ft. from the NW corner of section 28 and N52°E, 6470 feet from the NE corner of section 28,
OTIOS-RIE

The works are capable of diverting and conveying to the place of use 4.3
 cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows:

See attached sheetcomprising a total of 302 acres of land and the license should be issued for 4.3 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date May 8, 1985

William W. Brog, P.E.
 (signature) Hydrologist

WATER RIGHTS DIVISION
(605) 773-3352

November 27, 1984

Dick Phister
Box 1208
Lusk, Wyoming 82225

Dear Mr. Phister:

Enclosed are copies of the Location Notices that I mentioned to you on the telephone. As you can see these Notices are fairly old. We are trying to determine the status of these old Notices. If the Notices are still in use we would like to up-date them and Issue Water Licenses for the operating systems. If they are not in use the Notices should be cancelled.

According to South Dakota Water Law, Notices such as these are no longer valid when the appropriated water is not put to beneficial use for a period of three years. If irrigation has continually taken place, the Notices are valid.

I will be contacting you the next time I plan to be in Fall River County. If I can answer any questions, please contact me.

Sincerely,

Delvin D. Brosz, P.E.
Hydrologist

DDB:ms
Enc.

WATER RIGHTS DIVISION
(605) 773-3352

May 31, 1985

Dick Pfister
Box 1208
Lusk, Wyoming 82225

Dear Dick:

Enclosed are the forms for a Vested Right Application for your waterspreading system on Cottonwood Creek. I have completed the application form for you. You will need to complete the Affidavit of Water Use Form. The forms should then be signed in the presence of a notary and returned to this office with a filing fee of \$10.50. You may keep the map for your files.

Location Notices 290-2 and 311-2 are being combined into Water Rights LN311-2A and 311-2B. Water Right LN 311-2B will be for the northern part of the project and will be issued to the Forest Service. Water Right LN311-2A will be for the southern part of the project and will be issued to you. Enclosed is a Notice of Transfer of Water Permit for LN311-2A. Please sign this in the presence of a notary and return to our office with a fee of \$2.50. The map is yours to keep.

I have also enclosed a map for your files of the project in Sections 19, 29 and 30, T9S, R1E. The Forest Service is completing a Vested Right Application for this project.

If I can answer any questions, please contact me.

Sincerely,

Delvin D. Brosz, P.E.
Hydrologist

DDB:ms
Enc.

RICHARD G. PFISTER

Box 1208

LUSK, WYOMING 82225

June 24, 1985

Delvin D. Broz P.E. Hydrologist
S.D. Dept. of Water & Natural Resources
Joe Foss Bldg. 523 East Capital
Pierre, S.D. 57501-3181

Dear Del:

Enclosed find Vested Right Application (Form #2) for waterspreading on Cottonwood Creek and filing fee of \$10.50.

Also included is Affidavit of Water Use form completed as I see it and it is signed and notarized. Also Notice of Transfer of Water Permit form # Ln311-2a has been signed and notarized. A filing fee of \$2.50 is enclosed.

Hoping this is satisfactory I am.

Sincerely,



Richard G. Pfister

Encl.

1s/RGP

RECEIPT

Division of Water Rights

No 4 10092

South Dakota Department of Water and Natural Resources

Pierre, June 26, 1985

RECEIVED OF Pfister Ranch, Richard G. Pfister, Box 1208, Lusk, WY 82225

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

Fee for Application for Permit No. LN 311-2A to Appropriate Water, to construct works and to put water to beneficial use	8	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.	2	50
Fee for Filing Transfer Form		
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	10 50

By

Chief Engineer

JOHN HATCH/MS



Department of Water & Natural Resources

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

July 24, 1986

Pfister Ranch
Box 1208
Lusk WY 82225

Dear Sir:

Your Application No. 1979-2 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publisher of the HOT SPRINGS STAR printed at Hot Springs SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid for by the Water Rights Division.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Duvall". The signature is written in a cursive, flowing style.

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures



Department of Water & Natural Resources

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

July 24, 1986

HOT SPRINGS STAR
Box 1000
Hot Springs SD 57747

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1972-2, 1973-2, 1974-2, 1975-2, 1977-2, 1978-2, 1979-2 and 1980-2. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before July 29, 1986.

Please bill the Water Right Division for the cost of the publication.

Please receipt for the notice IMMEDIATELY after first publication attaching a copy of the first publication so that it may be compared with the records. For your convenience, you may use the printed form below for this purpose.

After final publication please complete and mail to this office, the enclosed Form to furnish Proof of Publication. The application can not be considered by the Water Management until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
Date _____ TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

We are in receipt of your letter of _____ enclosing
Notice of Hearing to Validate Vested Right Applications which was
first published in our issue of _____.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

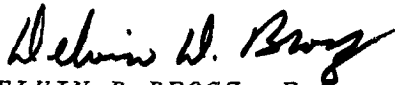
Newspaper

REPORT ON VESTED RIGHT APPLICATION NO. 1979-2
PFISTER RANCH
July 24, 1986

Application No. 1979-2 requests validation of a vested right claim to appropriate 4.3 cfs from Cottonwood Creek. The water has been used following construction of the system after January 1, 1907 to irrigate 304 acres. The points of diversion and irrigated acreage are located in Sections 21, 22, 27, 28 and 29 in T10S, R1E.

Conclusions

1. The project is a water spreading system. It was inspected by Delvin D. Brosz and found to exist as described.
2. The system was constructed after January 1, 1907 and water has been put to beneficial use since that time.
3. It is recommended that the vested right claim be validated.



DELVIN D BROSZ, P.E.
Hydrologist

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 1979-2

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Validation of Vested Water Right Application No. 1979-2, Pfister Ranch, Box 1208, Lusk, Wyoming.

The Chief Engineer is recommending VALIDATION of Application No. 1979-2 because 1) water has been appropriated as described, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

See the attached report for additional information.

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
July 24, 1986

NOTICE OF HEARING
To Validate Vested Right Application
Nos. 1972-2, 1973-2, 1974-2, 1975-2,
1977-2, 1978-2, 1979-2 & 1980-2 to
Appropriate Water

Notice is given that Charles W. Eng whose mailing address is: Buffalo Gap, South Dakota, has filed Application No. 1972-2 to validate a vested right claim to appropriate 1.2 cubic feet of water per second from dry draws to irrigate 85 acres with a priority date of October 12, 1903. The point of diversion is located in the SW 1/4 SE 1/4 of Section 14, T7S, R7E and the irrigated acreage is in the SE 1/4 SE 1/4 Section 14; NE 1/4 SW 1/4, S 1/4 SW 1/4 Section 13; NE 1/4 NE 1/4 Section 23; N 1/4 NW 1/4 Section 24; all in T7S, R7E.

Notice is given that A.J. Nelson whose mailing address is Broadus Stage, Miles City, Montana, has filed Application No. 1973-2 to validate a vested right claim to appropriate 2.3 cubic feet of water per second from Duck Creek to irrigate 163 acres with a priority date of December 12, 1949. The points of diversion are located at points between and including the SE 1/4 SE 1/4 of Section 35 and the SE 1/4 NE 1/4, NE 1/4 SE 1/4 of Section 36 all in T11S, R3E. The irrigated acreage is located in the E 1/4 SE 1/4 Section 35; SW 1/4, S 1/4 NE 1/4, N 1/4 SE 1/4, SW 1/4 SE 1/4 Section 36, all in T11S, R3E.

Notice is given that George LeBar whose mailing address is Box Q, Douglas Wyoming, has filed Application No. 1974-2 to validate a vested right claim to appropriate 1.9 cubic feet of water per second from Duck Creek and dry draws to irrigate 134 acres with a priority date of June 12, 1912. The points of diversion are located at points between and including the NE 1/4 NW 1/4 Section 33 and the NE 1/4 SW 1/4 Section 34 all in T11S, R3E. The irrigated acreage is located in the NE 1/4 NW 1/4, N 1/4 NE 1/4, SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 33; S 1/4 NW 1/4, N 1/4 SW 1/4 Section 34; all in T11S, R3E.

Notice is given that the USDA Forest Service whose mailing address is Star Route, Box 200, Hot Springs, South Dakota, has filed Application No. 1975-2 to validate a vested right claim to appropriate 0.91 cubic feet of water per second from dry draws to irrigate 64 acres with a priority date of June 9, 1938. The points of diversion are located in the SW 1/4 SE 1/4 Section 19; SW 1/4 NW 1/4 Section 29; and the irrigated acreage is located in the S 1/4 NW 1/4, N 1/4 SW 1/4, SW 1/4 NE 1/4 Section 29; all in T9S, R1E.

Notice is given that Claude Plumb whose mailing address is Box 466, Provo, South Dakota, has filed Application No. 1977-2 to validate a vested right claim to appropriate 0.3 cubic feet of water per second from a dry draw to irrigate 22 acres with a priority date of March 31, 1911. The points of diversion are located at points between and including the NW 1/4 NW 1/4 and the SE 1/4 NE 1/4 of Section 32, T11S, R3E. The irrigated acreage is located in N 1/4 NW 1/4, S 1/4 NE 1/4, N 1/4 SE 1/4 Section 32; SW 1/4 NW 1/4 Section 33; all in T11S, R3E.

Notice is given that Claude Plumb whose mailing address is Box 466, Provo, South Dakota, has filed Application No. 1978-2 to validate a vested right claim to appropriate 0.4 cubic feet of water per second from a dry draw to irrigate 27 acres with a priority date of April 2, 1908. The points of diversion are located at points between and including the NW 1/4 SW 1/4 Section 32 and the SW 1/4 SW 1/4 Section 33 all in T11S, R3E. The irrigated acreage is located in the NW 1/4 SW 1/4, S 1/4 S 1/4 Section 32; SW 1/4 SW 1/4 Section 33; All in T11S, R3E.

Notice is given that Pfister Ranch whose mailing address is Box 1208, Lusk, Wyoming, has filed application No. 1979-2 to validate a vested right claim to appropriate 4.3 cubic feet of water per second from Cottonwood Creek and dry draws to irrigate 304 acres with a priority date of January 1, 1907. The points of diversion are located at points between and including the SW 1/4 NW 1/4 Section 28 and the E 1/4 NE 1/4 Section 22 all in T10S, R1E. The irrigated acreage is located in the S 1/4 SW 1/4, SW 1/4 SE 1/4 Section 21; SE 1/4 NW 1/4, NE 1/4, NW 1/4 SE 1/4, S 1/4 SE 1/4 Section 22; N 1/4 NE 1/4, NW 1/4 Section 27; N 1/4 NE 1/4, SE 1/4 NE 1/4, N 1/4 NW 1/4, SW 1/4 NW 1/4 Section 28; NE 1/4 NE 1/4 Section 29; all in T10S, R1E.

Notice is given that Don W. Henry, whose mailing address is Box 276, Ardmore, South Dakota, has filed Application No. 1980-2 to validate a vested right claim to appropriate 2.3 cubic feet of water per second and store 16 acre feet of water annually from Short Branch Creek and a dry draw dam to irrigate 158 acres with a priority date of November 21, 1944. The dry draw dam is located in the SE 1/4 SE 1/4 Section 12 and other points of diversion

are at points between and including NE 1/4 SE 1/4 Section 13 and the NE 1/4 NE 1/4 Section 14 all in T12S, R4E. The irrigated acreage is located in the SW 1/4 SE 1/4 Section 12; E 1/2 NE 1/4, NE 1/4 SE 1/4 Section 14; NW 1/4, N 1/2 SW 1/4, NW 1/4 NE 1/4, S 1/2 NE 1/4, NW 1/4 SE 1/4 Section 13; all in T12S, R4E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application Nos. 1972-2, 1973-2, 1974-2, 1975-2, 1977-2, 1978-2, 1979-2 and 1980-2 because 1) water has been appropriated as described for irrigation with the priority dates listed above, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of these applications will be considered by the Water Management Board in Room 216, Joe Foss Building, Pierre SD on September 3, 1986 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve validation, 2) approve a validation with qualifications, 3) defer, or 4) deny validation of an application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by August 22, 1986.

The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

These hearings are adversary proceedings. The applicant or any person, after filing a petition, 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 State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on an application or to assure access to the hearing by the handicapped can contact the Water Rights Division, Joe Foss Bldg., Pierre, SD (605-773-3352) for assistance prior to the hearing date.

The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by August 22, 1986. July 28, Aug. 5

AFFIDAVIT OF PUBLICATION

State of South Dakota)
) ss.
 County of Fall River)

Charles Najacht of Hot Springs, Fall River County, South Dakota, being duly sworn, upon oath says that he is the publisher of the Hot Springs Star, a legal weekly newspaper published at Hot Springs, county and state aforesaid; that the advertisement headed—

Notice of Hearing

#1972-2, 1973-2, 1974-2,
1975-2, 1977-2, 1978-2,
1979-2 & 1980-2 to
Appropriate Water

a true printed copy thereof is hereunto annexed, was published in the said Hot Springs Star, in the regular and entire issue of said paper,

for two

successive issues, beginning with the

issue dated _____

July 28, 19 86

and ending with the issue dated _____

August 5, 19 86

That the full amount of the fee charged for the publication of said

notice is \$ 90.00, and that no agreement or understanding, for the division thereof, has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever, that the whole amount insures to the benefit of the publishers of said newspaper.

Charles Najacht

Subscribed and sworn to before me

this 5 day of August

19 86

Raime M Leonard
 Notary Public



Instruction to Newspaper - Publish first publication of the following Notice on or before July 29, 1986 with 2nd publication 1 week later.

NOTICE OF HEARING To Validate
Vested Right Application Nos. 1972-2, 1973-2, 1974-2,
1975-2, 1977-2, 1978-2, 1979-2 & 1980-2 to Appropriate Water

Notice is given that Charles W. Eng whose mailing address is Buffalo Gap, South Dakota has filed Application No. 1972-2 to validate a vested right claim to appropriate 1.2 cubic feet of water per second from dry draws to irrigate 85 acres with a priority date of October 12, 1903. The point of diversion is located in the SW 1/4 SE 1/4 of Section 14, T7S, R7E and the irrigated acreage is in the SE 1/4 SE 1/4 Section 14; NE 1/4 SW 1/4, S 1/2 SW 1/4 Section 13; NE 1/4 NE 1/4 Section 23; N 1/2 NW 1/4 Section 24; all in T7S, R7E.

Notice is given that A. J. Nelson whose mailing address is Broadus Stage, Miles City, Montana has filed Application No. 1973-2 to validate a vested right claim to appropriate 2.3 cubic feet of water per second from Duck Creek to irrigate 163 acres with a priority date of December 12, 1949. The points of diversion are located at points between and including the SE 1/4 SE 1/4 of Section 35 and the SE 1/4 NE 1/4, NE 1/4 SE 1/4 of Section 36 all in T11S, R3E. The irrigated acreage is located in the E 1/2 SE 1/4 Section 35; SW 1/4, S 1/2 NE 1/4, N 1/2 SE 1/4, SW 1/4 SE 1/4 Section 36; all in T11S, R3E.

Notice is given that George LeBar whose mailing address is Box Q, Douglas, Wyoming has filed Application No. 1974-2 to validate a vested right claim to appropriate 1.9 cubic feet of water per second from Duck Creek and dry draws to irrigate 134 acres with a priority date of June 12, 1912. The points of diversion are located at points between and including the NE 1/4 NW 1/4 Section 33 and the NE 1/4 SW 1/4 Section 34 all in T11S, R3E. The irrigated acreage is located in the NE 1/4 NW 1/4, N 1/2 NE 1/4, SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 33; S 1/2 NW 1/4, N 1/2 SW 1/4 Section 34; all in T11S, R3E.

Notice is given that the USDA Forest Service whose mailing address is Star Route, Box 200, Hot Springs, South Dakota has filed Application No. 1975-2 to validate a vested right claim to appropriate 0.91 cubic feet of water per second from dry draws to irrigate 64 acres with a priority date of June 9, 1938. The points of diversion are located in the SW 1/4 SE 1/4 Section 19; SW 1/4 NW 1/4 Section 29; and the irrigated acreage is located in the S 1/2 NW 1/4, N 1/2 SW 1/4, SW 1/4 NE 1/4 Section 29; all in T9S, R1E.

Notice is given that Claude Plumb whose mailing address is Box 466, Provo, South Dakota has filed Application No. 1977-2 to validate a vested right claim to appropriate 0.3 cubic feet of water per second from a dry draw to irrigate 22 acres with a priority date of March 31, 1911. The points of diversion are located at points between and including the NW 1/4 NW 1/4 and the SE 1/4 NE 1/4 of Section 32, T11S, R3E. The irrigated acreage is located in the N 1/2 NW 1/4, S 1/2 NE

1/4, N 1/2 SE 1/4 Section 32; SW 1/4 NW 1/4 Section 33; all in T11S, R3E.

Notice is given that Claude Plumb whose mailing address is Box 466, Provo, South Dakota has filed Application No. 1978-2 to validate a vested right claim to appropriate 0.4 cubic feet of water per second from a dry draw to irrigate 27 acres with a priority date of April 2, 1908. The points of diversion are located at points between and including the NW 1/4 SW 1/4 Section 32 and the SW 1/4 SW 1/4 Section 33 all in T11S, R3E. The irrigated acreage is located in the NW 1/4 SW 1/4, S 1/2 S 1/2 Section 32; SW 1/4 SW 1/4 Section 33; all in T11S, R3E.

Notice is given that Pfister Ranch whose mailing address is Box 1208, Lusk, Wyoming has filed application No. 1979-2 to validate a vested right claim to appropriate 4.3 cubic feet of water per second from Cottonwood Creek and dry draws to irrigate 304 acres with a priority date of January 1, 1907. The points of diversion are located at points between and including the SW 1/4 NW 1/4 Section 28 and the E 1/2 NE 1/4 Section 22 all in T10S, R1E. The irrigated acreage is located in the S 1/2 SW 1/4, SW 1/4 SE 1/4 Section 21; SE 1/4 NW 1/4, NE 1/4, NW 1/4 SE 1/4, S 1/2 SE 1/4 Section 22; N 1/2 NE 1/4, NW 1/4 Section 27; N 1/2 NE 1/4, SE 1/4 NE 1/4, N 1/2 NW 1/4, SW 1/4 NW 1/4 Section 28; NE 1/4 NE 1/4 Section 29; all in T10S, R1E.

Notice is given that Don W Henry whose mailing address is Box 276, Ardmore, South Dakota has filed Application No. 1980-2 to validate a vested right claim to appropriate 2.3 cubic feet of water per second and store 16 acre feet of water annually from Short Branch Creek and a dry draw dam to irrigate 158 acres with a priority date of November 21, 1944. The dry draw dam is located in the SE 1/4 SE 1/4 Section 12 and other points of diversion are at points between and including NE 1/4 SE 1/4 Section 13 and the NE 1/4 NE 1/4 Section 14 all in T12S, R4E. The irrigated acreage is located in the SW 1/4 SE 1/4 Section 12; E 1/2 NE 1/4, NE 1/4 SE 1/4 Section 14; NW 1/4, N 1/2 SW 1/4, NW 1/4 NE 1/4, S 1/2 NE 1/4, NW 1/4 SE 1/4 Section 13; all in T12S, R4E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application Nos. 1972-2, 1973-2, 1974-2, 1975-2, 1977-2, 1978-2, 1979-2 and 1980-2 because 1) water has been appropriated as described for irrigation with the priority dates listed above, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of these applications will be considered by the Water Management Board in Room 216, Joe Foss Building, Pierre SD on September 3, 1986 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve validation, 2) approve a validation with qualifications, 3) defer, or 4) deny validation of an application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be

affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by August 22, 1986. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

These hearings are adversary proceedings. The applicant or any person, after filing a petition, 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 State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on an application or to assure access to the hearing by the handicapped can contact the Water Rights Division, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by August 22, 1986.

199

NOTICE OF HEARING

To Validate Vested Right Application
Nos. 1972-2, 1973-2, 1974-2, 1975-2,
1977-2, 1978-2, 1979-2 & 1980-2 to
Appropriate Water

Notice is given that Charles W. Eng whose mailing address is Buffalo Gap, South Dakota, has filed Application No. 1972-2 to validate a vested right claim to appropriate 1.2 cubic feet of water per second from dry draws to irrigate 85 acres with a priority date of October 12, 1903. The point of diversion is located in the SW ¼ SE ¼ of Section 14, T7S, R7E and the irrigated acreage is in the SE ¼ SE ¼ Section 14; NE ¼ SW ¼, S ½ SW ¼ Section 13; NE ¼ NE ¼ Section 23; N ½ NW ¼ Section 24; all in T7S, R7E.

Notice is given that A.J. Nelson whose mailing address is Broadus Stage, Miles City, Montana, has filed Application No. 1973-2 to validate a vested right claim to appropriate 2.3 cubic feet of water per second from Duck Creek to irrigate 163 acres with a priority date of December 12, 1949. The points of diversion are located at points between and including the SE ¼ SE ¼ of Section 35 and the SE ¼ NE ¼, NE ¼

SE ¼ of Section 36 all in T11S, R3E. The irrigated acreage is located in the E ½ SE ¼ Section 35; SW ¼, S ½ NE ¼, N ½ SE ¼, SW ¼ SE ¼ Section 36, all in T11S, R3E.

Notice is given that George LeBar whose mailing address is Box Q, Douglas Wyoming, has filed Application No. 1974-2 to validate a vested right claim to appropriate 1.9 cubic feet of water per second from Duck Creek and dry draws to irrigate 134 acres with a priority date of June 12, 1912. The points of diversion are located at points between and including the NE ¼ NW ¼ Section 33 and the NE ¼ SW ¼ Section 34 all in T11S, R3E. The irrigated acreage is located in the NE ¼ NW ¼, N ½ NE ¼, SE ¼ NE ¼, NE ¼ SE ¼ Section 33; S ½ NW ¼, N ½ SW ¼ Section 34; all in T11S, R3E.

Notice is given that the USDA Forest Service whose mailing address is Star Route, Box 200, Hot Springs, South Dakota, has filed Application No. 1975-2 to validate a vested right claim to appropriate 0.91 cubic feet of water per second from dry draws to irrigate 64 acres with a priority date of June 9, 1938. The points of diversion are located in the SW ¼ SE ¼ Section 19; SW ¼ NW ¼ Section 29; and the irrigated acreage is located in the S ½ NW ¼, N ½ SW ¼, SW ¼ NE ¼ Section 29; all in T9S, R1E.

Notice is given that Claude Plumb whose mailing address is Box 466, Provo, South Dakota, has filed Application No. 1977-2 to validate a vested right claim to appropriate 0.3 cubic feet of water per second from a dry draw to irrigate 22 acres with a priority date of March 31, 1911. The points of diversion are located at points between and including the NW ¼ NW ¼ and the SE ¼ NE ¼ of Section 32, T11S, R3E. The irrigated acreage is located in N ½ NW ¼, S ½ NE ¼, N ½ SE ¼ Section 32; SW ¼ NW ¼ Section 33; all in T11S, R3E.

Notice is given that Claude Plumb whose mailing address is Box 466, Provo, South Dakota, has filed Application No. 1978-2 to validate a vested right claim to appropriate 0.4 cubic feet of water per second from a dry draw to irrigate 27 acres with a priority date of April 2, 1908. The points of diversion are located at points between and including the NW ¼ SW ¼ Section 32 and the SW ¼ SW ¼ Section 33 all in T11S, R3E. The irrigated acreage is located in the NW ¼ SW ¼, S ½ S ½ Section 32; SW ¼ SW ¼ Section 33; All in T11S, R3E.

Notice is given that Pfister Ranch whose mailing address is Box 1208, Lusk, Wyoming, has filed application No. 1979-2 to validate a vested right claim to appropriate 4.3 cubic feet of water per second from Cottonwood Creek and dry draws to irrigate 304 acres with a priority date of January 1, 1907. The points of diversion are located at points between and including the SW ¼ NW ¼ Section 28 and the E ½ NE ¼ Section 22 all in T10S, R1E. The irrigated acreage is located in the S ½ SW ¼, SW ¼ SE ¼ Section 21; SE ¼ NW ¼, NE ¼, NW ¼ SE ¼, S ½ SE ¼ Section 22; N ½ NE ¼, NW ¼ Section 27; N ½ NE ¼, SE ¼ NE ¼, N ½ NW ¼, SW ¼ NW ¼ Section 28; NE ¼ NE ¼ Section 29; all in T10S, R1E.

Notice is given that Don W. Henry, whose mailing address is Box 276, Ardmore, South Dakota, has filed Application No. 1980-2 to validate a vested right claim to appropriate 2.3 cubic feet of water per second and store 16 acre feet of water annually from Short Branch Creek and a dry draw dam to irrigate 158 acres with a priority date of November 21, 1944. The dry draw dam is located in the SE ¼ SE ¼ Section 12 and other points of diversion are at points between and including NE ¼ SE ¼ Section 13 and the NE ¼ NE ¼ Section 14 all in T12S, R4E. The irrigated acreage is located in the SW ¼ SE ¼ Section 12; E ½ NE ¼, NE ¼ SE ¼ Section 14; NW ¼, N ½ SW ¼, NW ¼ NE ¼, S ½ NE ¼, NW ¼ SE ¼ Section 13; all in T12S, R4E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application Nos. 1972-2, 1973-2, 1974-2, 1975-2, 1977-2, 1978-2, 1979-2 and 1980-2 because 1) water has been appropriated as described for irrigation with the priority dates listed above, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of these applications will be considered by the Water Management Board in Room 216, Joe Foss Building, Pierre SD on September 3, 1986 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve validation, 2) approve a validation with qualifications, 3) defer, or 4) deny validation of an application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by August 22, 1986.

The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

These hearings are adversary proceedings. The applicant or any person, after filing a petition, 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 State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on an application or to assure access to the hearing by the handicapped can contact the Water Rights Division, Joe Foss Bldg., Pierre, SD (605-773-3352) for assistance prior to the hearing date.

The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed a petition to o/pose or support the application. The request for extension must be filed with the Chief Engineer by August 22, 1986. July28, Aug.5

ANGOSTURA IRRIGATION DISTRICT

P. O. BOX 346

ORAL, SOUTH DAKOTA 57766

August 7, 1986

water Rights Specialist
Water Management Board
Joe Foss Building
Pierre, South Dakota



Dear Sir:

The Board of Directors of Angostura Irrigation District, along with the member Water Users of the District, hereby make known their objections to the following applications for validation of vested rights: Charles W. Eng, Buffalo Gap, South Dakota (Application No. 1972-2); A. J. Nelson, Miles City, Montana (Application No. 1973-2); George LeBar, Douglas, Wyoming; USDA Forest Service, Hot Springs, South Dakota (Application No. 1975-2; Claude Plumb, Provo, South Dakota (Applications No. 1977-2 and 1978-2); Pfister Ranch, Lusk, Wyoming (Application No. 1979-2) and Don W. Henry, Ardmore, South Dakota (Application No. 1980-2). All of the above applications to be considered on September 3, 1986, by the Water Management Board in Room 216, Joe Foss Building, Pierre, South Dakota.

The Board and the Water Users on the Angostura Project feel that these or any future water rights on the Cheyenne River and its tributaries and drainage basin, should be denied, because the inflows at Angostura Reservoir, over recent years seem to indicate that little water is available for irrigation purposes.

The Angostura Irrigation District, through the Bureau of Reclamation, has the right to one (1) filling of the Angostura Reservoir each year, and feel that any more rights issued will further jeopardize the water supply to the Water Users on the project.

Sincerely,

Russell Sanders, President
Board of Directors
Angostura Irrigation District

cc: Mr. Richard E. Brohl, Project Manager
Bureau of Reclamation
Belle Fourche Projects Office
Newell, South Dakota



Department of Water & Natural Resources

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

August 18, 1986

Russell Sanders, President
Angostura Irrigation District
PO Box 346
Oral SD 57766

Dear Mr. Sanders:

I am writing in answer to your letter of August 7, 1986 opposing validation of seven vested rights in Fall River County. SDCL 46-1-9 defines vested rights. This section states that a riparian owner who put water to beneficial use prior to March 2, 1955 or was constructing works on this date to put water to beneficial use has a right to the use of the water. Use of water under a vested right not subsequently abandoned or forfeited is a legal and valid water right according to South Dakota statutes.

Validation of a vested right cannot be denied due to shortage of water. Validation can be denied if use of water was not as described in the application or notice. All of the vested rights you are objecting to were field inspected by Delvin Brosz, Hydrologist with the Division of Water Rights. The inspections indicated that use of water was as described. If you have information contrary to this, please submit the information and it will be presented at the hearing on September 3rd.

If we can answer any questions, please contact us.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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

JH:DB:ks

cc: Richard E Brohl
Bureau of Reclamation
Belle Fourche Project Office
Newell SD

SOUTH Dakota Department of
Water & Natural Resources

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

NOV 25 1986

Pfister Ranch
Richard G Pfister
Box 1208
Lusk WY 82225

Dear Mr. Pfister:

Enclosed are your Validated Vested Water Right and Water License No. 1979-2.
As long as you use the water beneficially, as stated in the Water License,
the State Water Laws provide that you have a continuing right to use the
water.

Very truly yours,



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

JH:ks

enclosures

Conversation or File Documentation

NAME OF PERSON OR FILE: Pfister RanchADDRESS: Box 1208, Lusk, Wyoming COUNTY DATE: November 25, 1986 TELEPHONE RE: Priority date for vested right

COMMENTS:

The affidavit of water use submitted with the vested right claim listed the following location notices for use in determining a priority date: 4-2, 227-2, 311-2, 372-2, 290-2. A review of these location notices found them to be in different areas than described in the vested right claim. Location Notices No. 4-2, 227-2, 311-2, 372-2 and 290-2 do not pertain to this vested right No. 1979-2.

The priority date for vested right No. 1979-2 will be the date specified on the affidavit of water use as the date of posting and recording which is May 20, 1907.

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

NAME: Menny Matriak



Department of Water & Natural Resources

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

March 23, 1990

1979-2
LN311-2A

NOTICE

TO: Pfister Ranch
BOX 1208
LUSK, WY 82225

FROM: *for Delvin H. Brosz* JOHN HATCH, CHIEF ENGINEER
Water Rights Division
(605)773-3352

SUBJECT: Low Water Levels in Angostura Reservoir

The water level in Angostura Reservoir on March 6, 1990 was at 3171.1 feet above mean sea level (msl). This is approximately 16 feet below the full elevation of 3187.2 msl. The present estimates are that the Angostura Irrigation District will be able to deliver less than 50% of full service water to project lands during the 1990 irrigation season. We are contacting you to advise you of the actions we have taken due to the low water situation in Angostura Reservoir. Junior Water Right owners above Angostura have been ordered not to use water until Angostura fills.

Since your Water Right No. 1979-2 and Location Notice No. 311-2A have a priority date that is senior to the April 11, 1941 priority for Angostura Irrigation Water Right No. 579-2, your permits are not directly affected by the Junior Priority Order. However, I am requesting that all Senior Water Right holders comply with any qualifications and limitations as stated on their water rights. With the existing low runoff conditions, we expect to monitor all water rights above Angostura Reservoir.

I want to thank all Water Right Holders above Angostura for the cooperation that we have received up to this time. If you have any questions, please contact Del Brosz (605 773-3352).

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1979-2

Date: 1/19/00



I/We request that Water Right No. 1979-2

formerly owned by: Pfister Ranch

be transferred to: (name & address) _____

Telephone No. _____

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

S 1/2 SW 1/4, SW 1/4 SE 1/4 Sec 21, SE 1/4 NW 1/4, NE 1/4, W 1/2 SE 1/4, SE 1/4 SE 1/4 Sec 22, N 1/2 NE 1/4, NW 1/4 Sec 27, E 1/2 NE 1/4, NW 1/4 NE 1/4, N 1/2 NW 1/4, SW 1/4 NW 1/4 Sec 28, NE 1/4 NE 1/4 Sec 29; all in T10S-R1E

I/We understand that the validity of Water Right No. 1979-2 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 attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF WYOMING)

County of Niobrara)

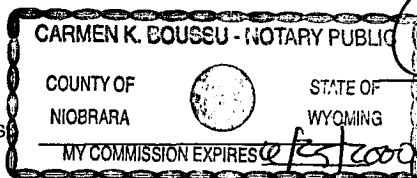
I/We Robert E. Pfister being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

PFISTER BROTHERS d/b/a PFISTER RANCH

By [Signature]

(Signed)
[Signature]

Subscribed and sworn to before me this 19th day of January, 2000.



My Commission Expires

Carmen K. Boussu
(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.

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1979-2

Date: January 19, 2000



I/We request that Water Right No. 1979-2

formerly owned by: Pfister Ranch

be transferred to: (name & address) Walter Scott, Jr., PO Box 159, Elk Mountain, Wyoming 82324

Telephone No. 307-348-7766

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

S 1/2 SW 1/4, SW 1/4 SE 1/4 Sec 21, SE 1/4 NW 1/4, NE 1/4, W 1/2 SE 1/4, SE 1/4 SE 1/4 Sec 22, N 1/2 NE 1/4, NW 1/4 Sec 27, E 1/2 NE 1/4, NW 1/4 NE 1/4, N 1/2 NW 1/4, SW 1/4 NW 1/4 Sec 28, NE 1/4 NE 1/4 Sec 29; all in T10S-R1E

I/We understand that the validity of Water Right No. 1979-2 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 attached to cover the filing fees as required under SDCL 46-2-13.

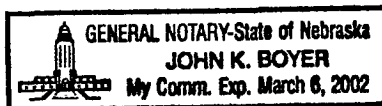
STATE OF Nebraska)

County of _____)

I/We Walter Scott, Jr. 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.

Walter Scott, Jr.
(Signed)

Subscribed and sworn to before me this 15th day of January, 19 2000.



[Signature]
(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.

MACPHERSON LAW OFFICES, LLC
ATTORNEYS AT LAW
P.O. BOX 999
419 WEST MAPLE
RAWLINS, WYOMING 82301

JOHN A. MACPHERSON
CATHERINE MACPHERSON
WILLIAM M. MACPHERSON
*ALSO ADMITTED IN COLORADO

TELEPHONE (307) 324-2713
FACSIMILE (307) 324-7348
EMAIL ADDRESS mlolaw@coffey.com

February 25, 2000

Karen Schlaak
Water Rights Program
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: Pfister Ranch - Walter Scott, Jr.

Dear Ms. Schlaak:



I am now transmitting to you herewith the following:

1. Notice of Transfer of Ownership relating to water right no. 1979-2 and executed by Pfister Brothers, dba Pfister Ranch
2. Notice of Transfer of Ownership relating to water right no. 1979-2 and executed by Walter Scott, Jr.
3. Notice of Transfer of Ownership relating to water right no. 311-2A and executed by Pfister Brothers, dba Pfister Ranch
4. Notice of Transfer of Ownership relating to water right no. 311-2A and executed by Walter Scott, Jr.
5. Notice of Transfer of Ownership relating to water right no. 2393-2 and executed by Pfister Brothers, dba Pfister Ranch
6. Notice of Transfer of Ownership relating to water right no. 2393-2 and executed by Walter Scott, Jr.

The foregoing transfers were part of an overall sale under the terms of which the Pfisters sold their entire ranch holdings, with the South Dakota portion of such ranch holdings being conveyed to Walter Scott, Jr. A copy of the recorded Warranty Deed is enclosed. We would ask that you process the transfers of ownership forms enclosed. Will you please provide us confirmation of the transfer?

Robert E. Pfister
Attorney at Law
P. O. Box 1077
Lusk, WY 82225
(307) 334-3300

NO-4303 P. 2/10

62 4104 47



STATE OF SOUTH DAKOTA }
COUNTY OF FALL RIVER } ss

WARRANTY DEED

ROBERT B. PFISTER and BRENDA J. PFISTER, husband and wife;
RONSON B. PFISTER and DORY R. PFISTER, husband and wife; and RODNEY
A. PFISTER and ANN E. PFISTER, husband and wife; Grantors, of Lusk, Niobrara
County, Wyoming, for and in consideration of Ten and No/100 Dollars (\$10.00) and
other good and valuable consideration, grant, convey and warrant to WALTER
SCOTT, JR., Grantee, with mailing address of P. O. Box 159, Elk Mountain,
Wyoming 82324, the following described real estate in the County of Fall River in
the State of South Dakota, to-wit:

Township 10 South, Range 1 East of the B. H. M.

Section 7: $S\frac{1}{2}$
Section 8: $S\frac{1}{2}$
Section 9: $W\frac{1}{2}SW\frac{1}{4}$
Section 16: $W\frac{1}{2}W\frac{1}{2}$
Section 17: All
Section 18: All
Section 19: All
Section 20: All
Section 21: All
Section 22: $W\frac{1}{2}, S\frac{1}{2}NE\frac{1}{4}, W\frac{1}{2}SE\frac{1}{4}$
Section 27: All
Section 28: All
Section 29: All
Section 30: All
Section 31: All
Section 32: All
Section 33: All
Section 34: All

Transfer Fee
Paid \$ 2624.00

Township 11 South, Range 1 East of the B. H. M.

Section 1: All
Section 2: $NW\frac{1}{4}, W\frac{1}{2}NE\frac{1}{4}, SE\frac{1}{4}NE\frac{1}{4}, S\frac{1}{2}$
Section 3: All
Section 4: $E\frac{1}{2}, E\frac{1}{2}W\frac{1}{2}$
Section 9: $E\frac{1}{2}$
Section 10: All
Section 11: $N\frac{1}{2}, N\frac{1}{2}S\frac{1}{2}, S\frac{1}{2}SW\frac{1}{4}$
Section 12: $N\frac{1}{2}, NW\frac{1}{4}SW\frac{1}{4}$

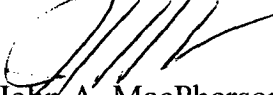
TOGETHER WITH all water and water rights, ditch and
ditch rights, reservoirs and reservoir rights, water well

Karen Schlaak
February 25, 2000
Page -2-

Also enclosed herein is our check in the amount of \$7.50. If anything further is required to assure the completion of this matter, please let me know.

Thanking you for your consideration, I remain

Sincerely yours,



John A. MacPherson

:js

Enc.

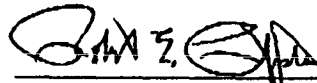
cc: G. Preston Williams
Jeff Williams

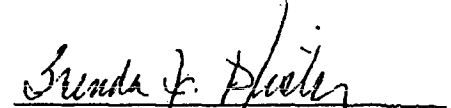
and water well rights appurtenant to, used on or in connection with the real property.

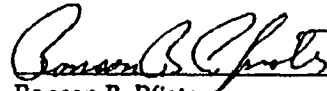
SUBJECT, HOWEVER, to reservations and restrictions in patents of record, easements, and rights-of-way of record and upon the ground (including, but not limited to, surface use agreements with mineral developers and producers), county roadways, prior mineral and/or royalty reservations, conveyances and leases, shortages in area, discrepancies in fence boundary lines, land use trades with adjoining landowners and such other facts and matters as might be determined by a physical inspection and survey of the premises.

FURTHER EXCEPTING AND RESERVING unto the Grantors, their heirs and assigns, seventy-five percent (75%) of Grantors' presently owned interest in and to all metallic and non-metallic minerals (intending to encompass all inorganic substances having any intrinsic value separate and apart from their location in, upon and under the surface of the earth), rock, stone, sand, gravel, aggregate, oil, gas, hydrocarbons, coal, and the derivatives of all or any of the foregoing that may be found in, upon and under the property, together with an equal fifty percent (50%) interest in all fossil remains, imprints and artifacts of flora and fauna ("fossils") which may be found in, upon and under the property. Notwithstanding the foregoing reservation, and with respect solely and specifically to rock, stone, sand, gravel, aggregate or fossils, Grantee shall be granted the sole and exclusive executive rights to negotiate and execute all leases, agreements and other documents of whatsoever nomenclature relating to the commercial development or sale of any fossils, rock, stone, sand, gravel or aggregate. In the exercise of said executive rights over Grantors' reserved interests in fossils, rock, stone, sand, gravel or aggregate, Grantee shall act in good faith, shall hold any funds received in trust, and shall timely disclose, pay and account to Grantors for Grantors' equitable and proportionate share of all compensation or consideration of whatsoever nature which shall be due and payable with respect to any and all such agreements. Grantors shall have no independent right of ingress and egress with respect to development of any fossils, rocks, stone, sand, gravel or aggregate. Grantee shall be entitled to fair and reasonable compensation for surface damages incurred in any such development. Grantee, its successors and assigns, shall be permitted to extract rock, stone, sand, gravel or aggregate from the property for use on the property without payment of any lease, royalty or other payment to Grantors.

DATED this 19th day of January, 2000.

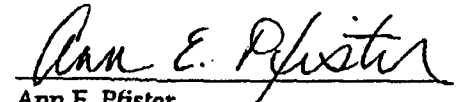

Robert E. Pfister


Brenda J. Pfister


Ronson B. Pfister


Dory R. Pfister


Rodney A. Pfister

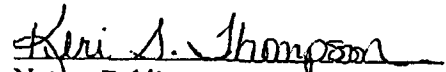

Ann E. Pfister

STATE OF WYOMING }
COUNTY OF NIOBRARA } ss

The above and foregoing Warranty Deed was acknowledged before me by Robert E. Pfister and Brenda J. Pfister, husband and wife this 19th day of January, 2000.

Witness my hand and official seal.




Notary Public

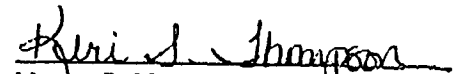
My Commission Expires: July 12, 2001

STATE OF WYOMING }
COUNTY OF NIOBRARA } ss

The above and foregoing Warranty Deed was acknowledged before me by Ronson B. Pfister and Dory R. Pfister, husband and wife this 19th day of January, 2000.

Witness my hand and official seal.

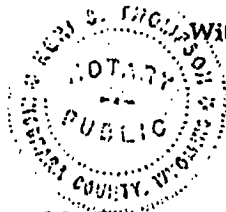



Notary Public

My Commission Expires: July 12, 2001

STATE OF WYOMING
COUNTY OF NIOBRARA

The above and foregoing Warranty Deed was acknowledged before me
by Rodney A. Pfister and Ann E. Pfister, husband and wife this 19th day of January,
2000.



Witness my hand and official seal.

Keri S. Thompson
Notary Public

My Commission Expires: July 12, 2001

Prepared by:

Robert E. Pfister
Attorney at Law
P.O. Box 1077
Lusk, Wy 82225
(307)334-3300

022587 ✓

Robert E. Pfister, et al

TO

Walter Scott, Jr.

State of South Dakota
County of Fall River

SS

Filed For Record

21st Day of January, 2000

at 2:30 P M, and recorded in

Book 117 Page 285 thru 288

Anita Cope

Register of Deeds

Recording \$ 16.00 pd

FEES

Transfer \$ 2624.00 pd

Return to: First American Title

RECORDED ✓

COMPARED ✓

INDEXED *h*

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 416404

Pierre, March 1, 2000

RECEIVED OF Macpherson Law Offices, LEC (Walter Scott, Jr.), P.O..Box 999, Rawlins, WY 82301
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>Water Rights No. 1979-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By Macland Ervile
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 25, 2000

LN 311-2A
1979-2
2393-2

John A MacPherson
MacPherson Law Offices, LLC
PO Box 999
Rawlins, WY 82301-0999

Dear Mr. MacPherson:

The "Notice of Transfer of Ownership" forms you submitted for filing ownership changes on Location Notice No. 311-2A and Water Right Nos. 1979-2 and 2393-2 were received March 1, 2000. The transfers have been completed and the above location notice and water rights are now listed in the name of Walter Scott, Jr.

Enclosed are your Receipt Nos. 416403, 416404 and 416405 in the amounts of \$2.50 each. You may keep these for your records.

The transfers were effective the day we received completed forms and the filing fees. I apologize for the length of time it took for me to send you verification of the ownership changes.

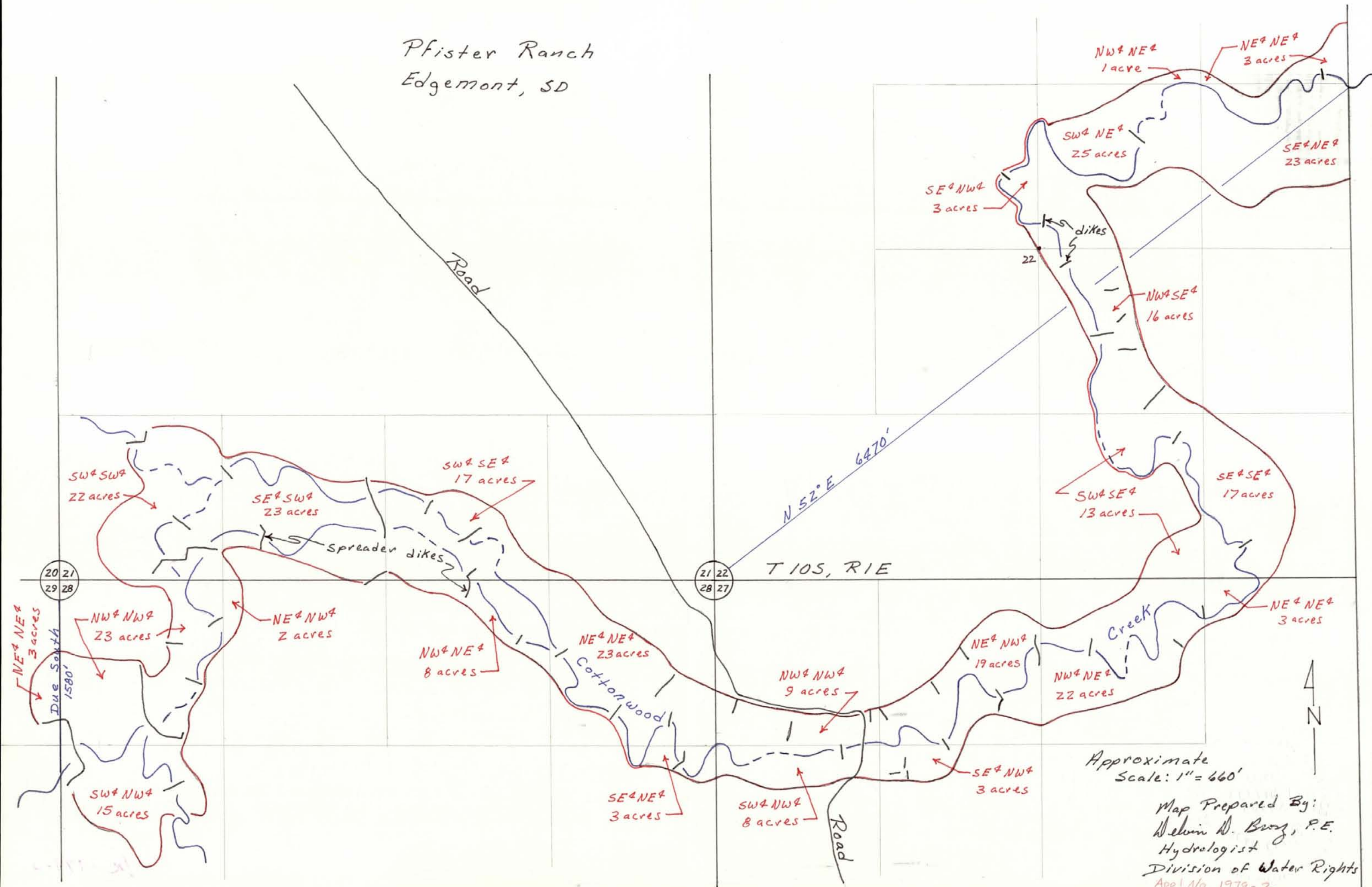
If I can answer any questions for you, please get in touch with me.

Sincerely,

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

c: Walter Scott, Jr
w/copies of transfer forms

Pfister Ranch
Edgemont, SD





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 14, 2008

John A MacPherson
MacPherson Law Offices LLC
PO Box 999
Rawlins WY 82301-0999

RE: Location Notice No. 311-2A, Vested Water Right No. 1979-2, Water Permit Nos. 2383-2
and 2440-2

Dear Mr. MacPherson:

Thank you for your call concerning the changes needed for the above listed files.

Enclosed, as we discussed, are partially completed Notice of Transfer of Ownership forms for making the changes. Please review the forms and make any necessary corrections. The forms will need to be submitted along with a required filing fee of \$2.50 each (total of \$10.00). The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

1979-2

RECEIVED

DEC 29 2008

MacPHERSON, KELLY & THOMPSON, LLC

Attorneys at Law

WATER RIGHTS
PROGRAM
Of Counsel

Kurt Kelly, P.C.
William M. MacPherson, P.C.
Thomas A. Thompson, P.C.

616 West Buffalo
P.O. Box 999
Rawlins, WY 82301
Telephone (307) 324-2713
Facsimile (307) 324-7348

John A. MacPherson, P.C.
Catherine MacPherson, P.C.

Brandon W. Snyder
Also admitted in Colorado

e-mail mktlaw@wyomingattorneys.net
www.wyomingattorneys.net

December 22, 2008

Genny McMath
Environmental Scientist
Water Rights Program
Department of Environment and Natural Resources
Joe Foss Building, PMB 2020
523 East Capitol
Pierre, SD 57501-3182

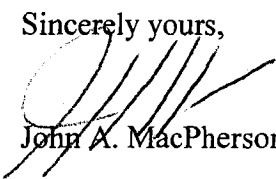
Re: Location Notice Nos. 311-2A, Vested Water Right No. 1979-2, Water Permit Nos.
2383-2 and 2440-2

Dear Ms. McMath:

Consistent with your letter of October 14, 2008, please find enclosed the four Notice of Transfer of Ownership forms as completed and executed on behalf of Tetrad Corporation, a Wyoming corporation, together with our check in the amount of \$10.00 to cover the filing fees.

Please provide confirmation that the transfers have been completed.

If anything further is required, please let me know.

Sincerely yours,

John A. MacPherson

:js
Enc.

RECEIVED

DEC 29 2008

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1979-2

Date: _____

I/We request that Vested Water Right No. 1979-2

formerly owned by: Walter Scott Jr

be transferred to: (name & address) Tetrad Corporation, a Wyoming corporation

PO Box 159, Elk Mountain, WY 82524

Telephone No. 307-348-7766

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

S ½ SW ¼, SW ¼ SE ¼ Sec 21; SE ¼ NW ¼, NE ¼, NW ¼ SE ¼, S ½ SE ¼ Sec 22; N ½ NE ¼, NW ¼

Sec 27; E ½ NE ¼, NW ¼ NE ¼, N ½ NW ¼, SW ¼ NW ¼ Sec 28; NE ¼ NE ¼ Sec 29; all in T10S, R1E

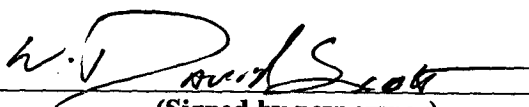
I/We understand that the validity of Vested Water Right No. 1979-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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.

Tetrad Corporation, a
I/We Wyoming corporation, the new owner, certify that the above information is true and correct.

Tetrad Corporation, a Wyoming corporation


(Signed by new owner)

W. David Scott, President

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 12/29, 2008

RECEIVED OF MacPherson Kelly & Thompson LLC PO Box 999 Rawlins WY 82301

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>1979-2</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. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

03863

By

Richard E. Schaefer
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

December 29, 2008

John A MacPherson
MacPherson, Kelly & Thompson LLC
PO Box 999
Rawlins WY 82301

RE: Ownership changes on Location Notice No. 311-2A, Vested Water Right No. 1979-2 and
Water Permit Nos. 2383-2 and 2440-2

Dear Mr. MacPherson:

I am writing to acknowledge receipt of the transfer of ownership forms and filing fees for the above referenced Location Notice, Vested Water Right and Water Permits. The ownership changes have been completed. Nos. LN311-2A, 1979-2, 2383-2 and 2440-2 formerly held by Walter Scott Jr. are now listed in the name of Tetrad Corporation, a Wyoming Corporation.

Enclosed are your Receipt Nos. 03862, 03863, 03864 and 03865 in the amounts of \$2.50 each.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosures

c: W David Scott, President, Tetrad Corporation