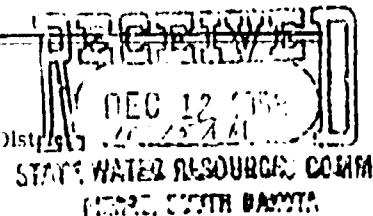


No. 570-2Water Division No. 2 Butte Creek
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

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

1. Name of applicant Robert Sharpe
Postoffice address Hermosa, County Custer, State South Dakota

I. If a corporation

- (a) Name of same
(b) Date and place of incorporation
(c) Amount of capital stock
(d) Amount paid in
(e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

Already accomplished

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

2. Name of diversion work
- Robert Sharpe water spreader projects number 1,2,3,4

3. Amount of water claimed
- 2.44
- cubic feet per second
- 512.4

4. Source of water supply
- Surface runoff from local water sheds

5. Location of point of diversion
- See attached sheet 1

- on
- both
- bank
- Custer
- County.

6. Annual period or periods during which water is to be used
- Any time flow occurs during annual period

7. To be used for:

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

- (a) Number of acres to be irrigated
- 170.8
- acres.

- (b) Legal subdivisions to be irrigated
- See sheet #2

(NOTE—A list of lands to be irrigated, giving each subdivision and tract on with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

- (c) Statement as to domestic use (giving location, etc.)

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

- (a) Nature of use
-
- Name any of the above uses claimed

- (b) Amount of power to be generated
-
- horse power.

Amount claimed for engine cooling

- (c) Location of plant

- (d) Method of developing power

- (e) Point where water will be returned to stream

8. Estimated cost of work:

(a) Head Gates, \$-----

(b) Pumping plant, \$-----

(c) Fluming, \$-----

(d) Canal arth, \$700.00

Rock, \$-----

(e) Other structures Dams (plugs)-----\$ 800.00

Total, \$-----

9. Description of diversion works:

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

Dam (plugs) used to lift water out of dry draws into supply ditches then into
 broader ditches onto irrigable area.

II. Dimensions of works:

- (a) Dam: Height See attached sheet 3 feet; length at bottom ----- feet; length at top ----- feet; thickness at bottom ----- feet; thickness at top ----- feet; slope at front water face -----; slope at back face ----- material used in construction -----
- (b) Reservoir: Capacity when filled ----- acre feet. Surface area at highwater mark ----- acres.

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

- (c)* Head gate: Width ----- feet; height ----- feet;
 Material -----

- (d) Canal: Total length 2.4 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work --Completed-----~~XXXX~~11. Time required for complete application of water to the proposed beneficial use being applied years.

12. Choice of newspaper for publication of notice of intention to appropriate -----

STATE OF SOUTH DAKOTA

County of Custer

} ss.

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

Signed Robert Sharpe

December

58

Subscribed and sworn to before me this

9

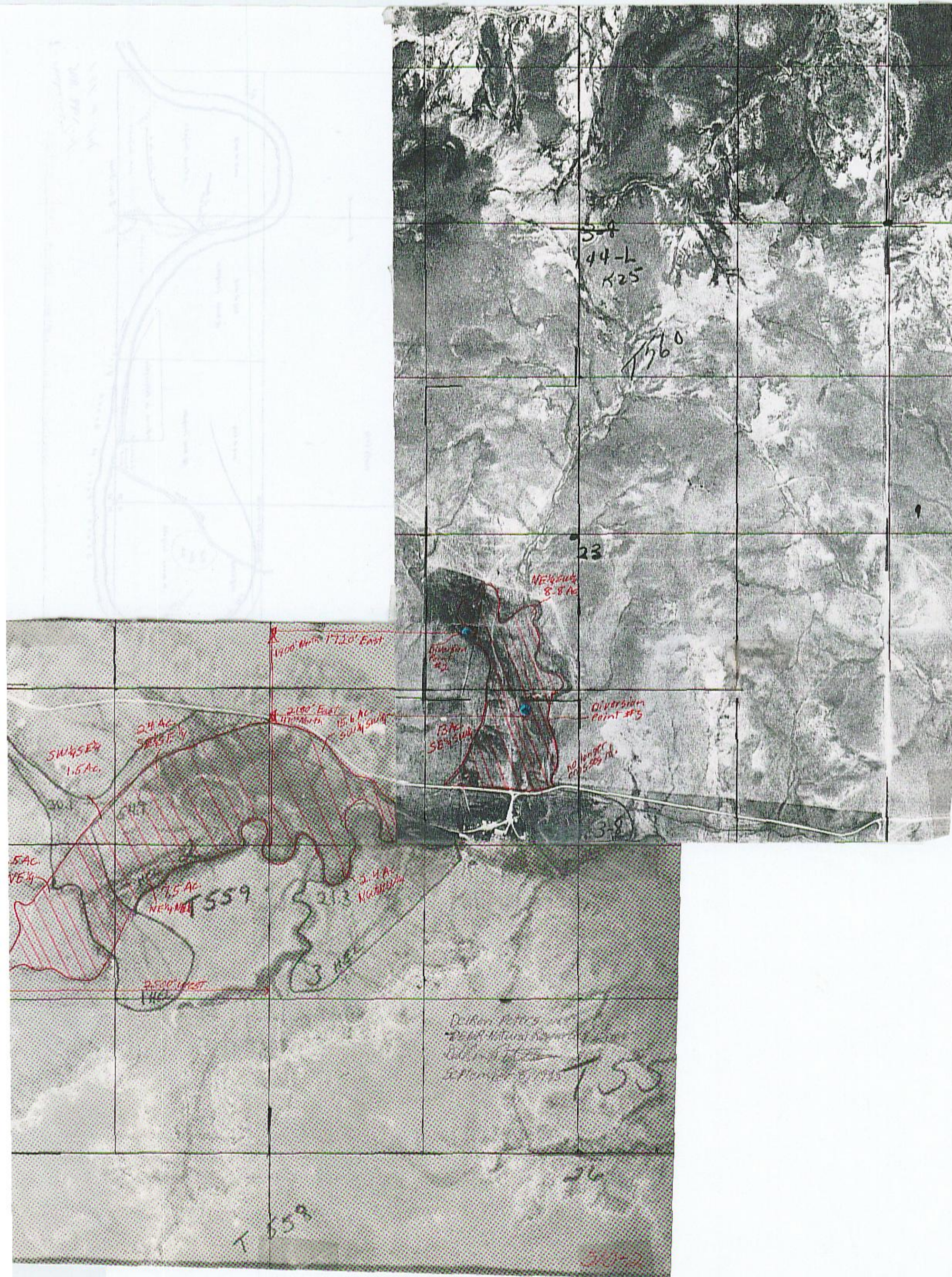
day of

19

Martin Sharpe
 Notary Public (or other qualified officer.)

My commission expires Sept. 25, 1965

*Each diversion must have a headgate or measuring device.



Remarks by State Water Resources Commission:

"Vested Right" claimed

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

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, December 17, 1958

This is to certify that the foregoing application was received by the Commission at 10:45 o'clock
9 a.m. upon the 12 day of December, 1958

State Water Resources Commission

By:

G. W. R. Jones
Chief Engineer, Executive Officer

Vested Right
Number of permit 570-2

Date of first receipt of application December 12, 1958

Date of return to applicant for correction, amendments or changes required as follows: December 17, 1958

Date of receipt of corrected application January 3, 1959

Date from which applicant may claim right 0.67 c.f.s. from 1920
1.77 c.f.s. from 1938

Approved January 6, 1959, Recorded in Book 55 Page 108

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before Completed, 1958

2nd. The whole of said work is to be completed on or before Completed, 1958

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

Completed, 1958

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

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 2.44 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one twentieth (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 Completed, 1958; said water to be used during the following described annual period:

April to October inclusive

Witness my hand this 3 day of March, 1959

State Water Resources Commission

By:

G. W. R. Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued March 3, 1959

Water License Issued March 3, 1959

Permit No. 510-2Water Division No. 2 Battle Creek Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Robert Sharpe

of Horn, Pa, County of Custer, and State of South Dakota, the holder of Vested Right Permit No. 510-2 issued upon Application No. 510-2, bearing date of priority of 1920 for 0.67 c.f.s. and 1938 for 1.77 c.f.s., authorizing the diversion of 2.44 cu. ft. per second of the waters of Day draws

County of Custer, State of South Dakota, at see attachment to this Certificate of Completion of Works

for irrigation purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of Vested Right completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 2.44 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit: <u>SW$\frac{1}{4}$ NE$\frac{1}{4}$ Sec. 27)</u>	<u>2.4 acres</u>
<u>NW$\frac{1}{4}$ NE$\frac{1}{4}$ Sec. 27)</u>	<u>26.6 acres</u>
<u>NE$\frac{1}{4}$ NE$\frac{1}{4}$ Sec. 27)</u>	<u>11.2 acres</u>
<u>NW$\frac{1}{4}$ NW$\frac{1}{4}$ Sec. 26)</u>	<u>2.4 acres</u>
<u>NE$\frac{1}{4}$ NW$\frac{1}{4}$ Sec. 26)</u>	<u>1.2 acres</u>
<u>NW$\frac{1}{4}$ NE$\frac{1}{4}$ Sec. 26)</u>	<u>11.0 acres</u>
<u>NE$\frac{1}{4}$ NE$\frac{1}{4}$ Sec. 26)</u> <u>all in T 3S, R 8E, B1M</u>	<u>30.4 acres</u>
<u>SW$\frac{1}{4}$ SW$\frac{1}{4}$ Sec. 23)</u>	<u>15.6 acres</u>
<u>NE$\frac{1}{4}$ SW$\frac{1}{4}$ Sec. 23)</u>	<u>8.8 acres</u>
<u>SE$\frac{1}{4}$ SW$\frac{1}{4}$ Sec. 23)</u>	<u>17.6 acres</u>
<u>SW$\frac{1}{4}$ SE$\frac{1}{4}$ Sec. 23)</u>	<u>5.0 acres</u>
<u>SE$\frac{1}{4}$ SE$\frac{1}{4}$ Sec. 23)</u>	<u>1.2 acres</u>
<u>SW$\frac{1}{4}$ SE$\frac{1}{4}$ Sec. 22)</u>	<u>3.2 acres</u>
<u>SE$\frac{1}{4}$ SE$\frac{1}{4}$ Sec. 22)</u>	<u>28.4 acres</u>
Total	170.8 acres

Witness my hand this 3 day of March A. D. 1959

State Water Resources Commission

By:

J. W. URIMES,

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 510-2.....

WHEREAS, On the 12th day of December A. D. 1958

Robert Sharpe

of Hermosa County of Custer and State of
South Dakota duly made application (No. 510-2) to us for a permit to use 2.44
cubic feet per second of the waters of dry draws
County of Custer, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 3rd day of March 1938
 Vested Right recognizing
 Permit No. 510-2 was issued to said applicant... for the diversion of said water, and providing for the
 completion of the works of diversion therein described ~~on or before the~~ in 1920 and 1938
~~XXXXXX~~ and ~~XXXXXX~~ application to beneficial use of said
 water on ~~XXXXXX~~ XXXXXX in 1920 and 1938 ~~XXXXXX~~
 and,

WHEREAS, On the 12th day of December A. D. 1958
the holder of said Vested Right permit duly made proof of the completion of adequate works for the diversion of 2.44
cubic feet per second of said waters, as evidenced by our Certificate No. 510-2
dated March 3, 1959 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 2.44 cubic feet per second of water, with date of
priority of 1920 for 0.67 cfs and 1938 for 1.77 cfs

WHEREAS, On the 12th day of December A. D. 1958
proof was duly made of the application to beneficial use of 2.44 cubic feet per second of said water;
on 170.8 acres located in parts of W $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 27; N $\frac{1}{2}$ NW $\frac{1}{4}$ and
N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 26; E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{2}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 23; S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 22 all
in T 3 S, R 3 E BHM more particularly described in Certificate of
Completion of Works No. 510-2

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,

We hereby grant and confirm to Robert Sharpe
of Hermosa, South Dakota the holder and owner of said Vested Right No. 510-2

a water right, dating from 1920 for 0.67 cfs and 1938 for 1.77 cfs the use of 2.44
cubic feet per second of the waters of dry draws

In the County of Custer and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at

see attachment to this Water License

and conducted to and upon the W¹/₄NE¹/₄ and NE¹/₄NE¹/₄, Sec. 27; N¹/₄NW¹/₄ and N¹/₄NE¹/₄, Sec. 26;

SW¹/₄SW¹/₄, E¹/₄SW¹/₄ and S¹/₄SE¹/₄, Sec. 23; S¹/₄SE¹/₄, Sec. 22 all in T 3 S, R 8 E

BHM more particularly described in Certificate of Completion of Works

No. 510-2
for the purpose of irrigation

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

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 3rd day of March A. D. Nineteen
Hundred and Fifty-nine.

State Water Resources Commission

By:

J. W. GRIMES,

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Amt't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

APPLICATION FOR PERMIT

5. Location of points of diversion.

Water Spreader #1:

175.8 rods S $60^{\circ} 30' W$
from the NE Corner of
Section 27-T3S-R8E, BHM

Water Spreader #2:

152.7 rods N $43^{\circ} 30' E$
of the SW Corner of
Section 23-T3S-R8E, BHM

Water Spreader #3:

148.6 rods N $64^{\circ} 30' E$
of the SW Corner of
Section 23-T3S-R8E, BHM

Water Spreader #4

149.7 rods N $65^{\circ} 30' E$
of the NW Corner
of Section 26-T3S-R8E,
BHM

APPLICATION FOR PERMIT

7(I)(b) Level Subdivisions to be irrigated (with Acres):

✓ SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 27	-	2.4	Acres
✓ NW $\frac{1}{4}$ NE $\frac{1}{4}$ " 27	-	26.4	"
✓ SW $\frac{1}{4}$ SE $\frac{1}{4}$ " 22	-	3.2	"
✓ SE $\frac{1}{4}$ SE $\frac{1}{4}$ " 22	-	28.4	"
✓ NE $\frac{1}{4}$ NE $\frac{1}{4}$ " 27	-	11.2	"
✓ SW $\frac{1}{4}$ SW $\frac{1}{4}$ " 23	-	15.6	"
✓ NW $\frac{1}{4}$ NW $\frac{1}{4}$ " 26	-	2.4	"
✓ NE $\frac{1}{4}$ SW $\frac{1}{4}$ " 23	-	8.6	"
✓ SE $\frac{1}{4}$ SW $\frac{1}{4}$ " 23	-	17.6	"
✓ NE $\frac{1}{4}$ NW $\frac{1}{4}$ " 26	-	1.2	"
✓ NW $\frac{1}{4}$ NE $\frac{1}{4}$ " 26	-	14.0	"
✓ SW $\frac{1}{4}$ SE $\frac{1}{4}$ " 23	-	8.0	"
✓ NE $\frac{1}{4}$ NE $\frac{1}{4}$ " 26	-	30.4	"
✓ SE $\frac{1}{4}$ SE $\frac{1}{4}$ " 23	-	1.2	"

all above are located in T 3 S - R 8 E, BHM

APPLICATION FOR PERMIT

9(II) Dimensions of works

(a) Dams:

water spreader # 1 dam (plug)

height ————— 12'
length of bottom — 30'
" " top — 150'
thickness of bottom — 30.0'
" " top — 4.0'
slope (front) — 1:1
slope (back) — 1:1
material ————— earth

water spreader # 2 dam (plug)

height ————— 5.0'
length of bottom — 25'
" " top — 140'
thickness of bottom — 60'
" " top — 10'
slope (front) — 3:1
slope (back) — 2:1
material ————— earth

9 II (Dimension of Works - Continued)

(a) Dams ;

Water spreader #3 dam (plug)

Height — 5.0'

Length of top — 75'

" " Bottom — 20'

Thickness of bottom — 35'

" " top — 10'

Slope (front) — 3:1

Slope (back) — 2:1

Material — earth

Water spreader #4 dam (plug)

Height — 8.0'

Length of top — 150'

" of bottom — 70'

Slope (front) — 3:1

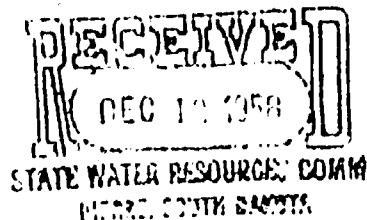
Slope (back) — 2:1

Thickness of top — 10'

" " bottom — 50'

Location No. 510-2Water Division No. 2Little Creek

Water District



Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. Robert Sharpe, Hermosa, South Dakota

Occupation: Rancher

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

Ans. No

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

Ans. No appropriated water rights on system. Application for permit to appropriate is now being submitted ^{with} proof of application.

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

Ans. Surface runoff from local water sheds. For location of points of diversion, refer to attached sheet 1 of form 2, "Application For Permit."

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

Ans. For length and height of each dam, refer to attached sheet 3 of form 2, "Application For Permit." Ditches are capable of conveying the amount of water claimed - 2.44 cfs. Date of completion.

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

Ans. Water is used for irrigation. For place of use and number of acres, refer to attached sheet 2 of form 2, "Application for Permit."

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

Ans. No

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

Ans. 512.4 Acre feet during annual period or the equivalent of 2.44 cfs.

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

Ans. _____

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

Ans. Water is applied when ever flow occurs during annual period by gravitational means. Water is applied in the amount that is available to the extent claimed and authorized.

(Sign) X Robert E. Sharpe

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Custer, County of Custer, State of South Dakota, on this 9 day of December, 1958

Witnesses. Martin J. Fackler
My commission expires Sept. 25, 1965
Notary Public or Qualified Officer

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

Witnesses: Paul J. Garmann
Paul J. Garmann

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

NOTICE OF TRANSFER OF WATER PERMIT

April 19 61

TO: Office of State Water Resources Commission

Pierre, South Dakota the Robert S. Sharpe to whom water license 510-2 was issued on

March 3, 1959, which license covers 170.8 acres, died on
This is to notify you that October 25, 1960, and that on March 27, 1961, Edith J. Gardner,
Administratrix of the Estate of Robert S. Sharpe, deceased, Custer County, South Dakota,
sold all the lands of the decedent, and described below, and

who previously owned the land described below has sold his interests to Lee F. Harrison,

whose postoffice address is Hermosa, South Dakota

together with any rights to the beneficial use of water thereon as evidenced by State Water Permit No. 510-2
and as provided for in section 61.0141 of the SDC of 1939 and elsewhere. The lands sold were: Southwest Quarter
and South Half of the Southeast Quarter, section 22; East Half and Southeast Quarter of the
Northwest Quarter and East Half of the Southwest Quarter and Southwest Quarter of the
Southwest Quarter, section 23; and the North Half of Section 26; and the Northeast
Quarter and the Northwest Quarter of the Southeast Quarter of Section 27, all in township
three south range eight, RBHM, Custer County, South Dakota.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at
the OFFICE OF WATER RESOURCES COMMISSION as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 55.1806 of the SDC of 1939.

STATE OF SOUTH DAKOTA

County of

Pennington

ss.

I, Lee F. Harrison

being first duly sworn on my

oath depose and say: That my relation to the above described undertaking is that of Owner, and I have read the
above foregoing statement and I know of my own personal knowledge that the information herein stated is true.

Signed

Lee F. Harrison

Subscribed and sworn to before me this

15

day of

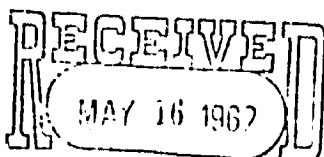
May

19 61

Notary Public

Edith J. Gardner

My Comm. Expires 7/1/68



STATE WATER RESOURCES COMMI.
PIERRE, SOUTH DAKOTA

 **Department of
Water & Natural Resources**

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

September 21, 1988

NOTICE

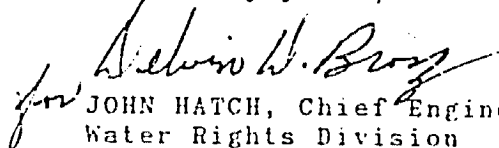
Welsey Harrison
Rt 3, Box 4
Hermosa SD 57744

Dear Mr. Harrison:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 491-2, (510-2) until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

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

Very truly yours,


for JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3350



Report for Validation of Water License No. 510-2
Wesley R. Harrison
September 8, 1995



Water License No. 510-2 requires validation of a vested right claim for the appropriation of 2.44 cubic feet of water per second from surface runoff to irrigate 170.8 acres. The construction dates for the system originally applied for were 1920 for 0.67 cfs and 1938 for 1.77 cfs.

The inspection revealed a reduction in acreage from the time of application from 170.8 acres to 90.3 acres with 1.29 cfs as detailed in the Table 1.

Table 1. Lands applied for under Water License No. 510-2 all in T3S-R8E.

1/4, 1/4	ACRES IN APPLICATION	PRESENT ACRES IRRIGATED
SW1/4 NE1/4 SEC. 27	2.4	
NW1/4 NE1/4 SEC. 27	26.4	17.5
NE1/4 NE1/4 SEC. 27	11.2	7.5
NW1/4 NW1/4 SEC. 26	2.4	2.4
NE1/4 NW1/4 SEC. 26	1.2	
NW1/4 NE1/4 SEC. 26	14	
NE1/4 NE1/4 SEC. 26	30.4	
SW1/4 SW1/4 SEC. 23	15.6	15.6
NE1/4 SW1/4 SEC. 23	8.8	8.8
SE1/4 SW1/4 SEC. 23	17.6	13
SW1/4 SE1/4 SEC. 23	8	
SE1/4 SE1/4 SEC. 23	1.2	
SW1/4 SE1/4 SEC. 22	3.2	1.5
SE1/4 SE1/4 SEC. 22	28.4	24
TOTAL	<u>170.8</u>	<u>90.3 @ 1.29 cfs</u>

An inspection of Water License 510-2 revealed three remaining diversion points located as shown in Table 2.

Table 2. Diversion Points for Water License No. 510-2.

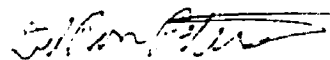
Diversion	Legal location - T3S-R8E	Distance from section corner
#1	NW1/4 NE1/4 SEC. 27	2500' west 1250' south of NE corner SEC. 27
#2	NE1/4 SW1/4 SEC. 23	1720' east 1800' north of SW corner SEC. 23
#3	SE1/4 SW1/4 SEC. 23	2180' east 1110' north of SW corner SEC. 23

The water is utilized for irrigation via a water spreading system of 90.3 acres located in the NE 1/4 Section 27, the SW 1/4 Section 23, S 1/2 SE 1/4 Section 22, and the NW 1/4 NW 1/4 Section 26; all in T3S-R8E.

Conclusions

1. The project consists of three diversion dams diverting water to a gravity water spreading system. The system was inspected and found to exist with a reduction in the number of acres irrigated to 90.3 acres at 1.29 cfs.
2. Water has been used when available since the time that the system was constructed.
3. The priority date for this vested water right claim should be 1920 for 0.67 cfs and 1938 for 0.62 cfs for a total of 1.29 cfs.
4. No increase in the diversion rate or the number of acres irrigated authorized by the vested right application.

DATE COMPLETED: January 4, 1996



DelRon V. Peters
Natural Resources Engineer
DENR



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 4, 1996

Wesley Harrison
HC 83
Hermosa, SD 57744

Dear Mr. Harrison,

Location Notices 1214-2, 1419-2, 1420-2, 1421-2, 1422-2, 1424-2, 1425-2 and 1426-2 are all under the name Sam Wedmore. As we discussed during the inspection, these location notices must be transferred into the name of the owner in order to be licensed. Additionally, vested water license (510-2) needs to be transferred to your name from the name Lee Harrison in order to be validated.

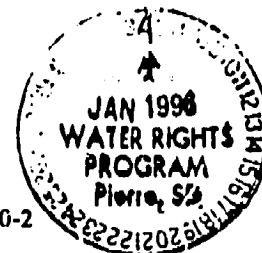
Partially completed 'Transfer of Ownership' forms are enclosed. Please complete and notarize these forms and send them to the address on the top, left of the form along with the associated filing fees.

We have a notary in the office if you wish to stop in. The office is located across from Bacon Park along the railroad tracks at 2050 West Main in Rapid City. If you have any questions, you may contact DelRon with our Rapid City Regional Office at (605) 394-2229.

Very truly yours,

DelRon Peters
Natural Resources Engineer
Water Rights Program

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 510-2

Date: _____

I/We request that Water Permit No. 510-2

formerly owned by: Lee Harrison

be transferred to: (name & address) Wesley Harrison HC83, Box 4 Hermosa, SD 57744

Telephone No. (605) 255-4136

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

NE 1/4 Sec. 27; N 1/2 Sec. 26; S1/2 Sec. 23; SE 1/4 Sec. 22 all in T3S-R8E

I/We understand that the validity of Water Permit No. 510-2 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 SOUTH DAKOTA)

County of Pennington)

I/We, Wesley Harrison, 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.

Wesley Harrison
(Signed)

Subscribed and sworn to before me this 9th day of January, 1996.

Lee Harte
(Notary Public)
Commission Expires 5-4-97

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.



January 31, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Wesley Harrison
HIC 83
Hermosa SD 57744

Dear Mr. Harrison:

On January 8, 1996 you stopped in at our Rapid City regional office and submitted nine Transfer of Ownership forms. DelRon Peters with that office has forwarded the forms to us. The filing fee for each of these transfers will be \$2.50 for a total of \$22.50. The check can be made out to the Water Rights Program and sent to the Water Rights Program at the address given above.

If you have any questions, please contact DelRon Peters at (605) 394-2229 or me at (605) 773-3352.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program

510-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 26, 1996

Wesley Harrison
HC 83
Hermosa SD 57744

Dear Mr. Harrison:

On January 31, 1996, a letter was sent to you requesting the filing fee for the transfer of several Location Notices which you filed at our Rapid City regional office. The filing fee for each of these transfers will be \$2.50 for a total of \$22.50. As of today, we have not received this amount. Before we can continue processing the location notices, the filing fee is required.

If you have any questions, please contact DelRon Peters at (605) 394-2229 or me at (605) 773-3352.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program

RECEIPT

414882

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ April 4, 19 96

RECEIVED OF Wesley Harrison, HC 83, Box 4, Hermosa, SD 57744

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 Permit No. 510-2</u>		2 50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch CE
Chief Engineer



August 30, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: Wesley Harrison
HC 83
Hermosa SD 57744

FROM: John Hatch, Chief Engineer
Water Rights Program
605 773-3352

SUBJECT: Hearing to Consider Validation of Recognize Vested Right Claim No. 510-2

A Notice of Intent to validate Claim No. 510-2 was published on June 22 and 29, 1988 in the Custer County Chronicle. The Water Rights Program opposed validation of No. 510-2 for purposes of completing an on-site inspection of the claim. The inspection of Claim No. 510-2 was completed on September 8, 1995, by DelRon Peters, staff engineer. The inspection found that the number of acres being irrigated has been reduced from 170.8 acres to 90.3 acres. The diversion rate is to be reduced, accordingly, from 2.44 cubic feet of water per second (cfs) to 1.29 cfs. This reduced diversion rate is based on the statutory application rate of 1 cfs per 70 acres ($90.3 \text{ acres}/70 = 1.29 \text{ cfs}$).

The Water Management Board will consider validation of Claim No. 510-2 at 10:00 am, October 2, 1996, in the Floyd Matthews Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The agenda time is an estimate. The actual time of the hearing may be later than 10:00 am due to prior agenda items.

Pursuant to the findings of the on-site inspection, validation of Claim No. 510-2 is recommended for a diversion rate of 1.29 cfs from dry draws to irrigate 90.3 acres. Following the hearing, the Board is authorized to 1) validate the claim as recommended for 90.3 acres and 1.29 cfs 2) validate the claim as licensed prior to the on-site inspection, 3) validate the claim based on evidence presented at the public hearing, or 4) defer validation of the claim. Applicable provisions of the published notice of intent to validate Claim No. 510-2 will still apply at this hearing. A copy of the June 22 and 29, 1988 publication is available upon request.

This hearing is an adversary proceeding. You have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by September 20, 1996 at the above Water Rights Program address to request copies of information pertaining to this validation, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

c: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on August 30, 1996, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated August 30, 1996, regarding Hearing to Consider Validation of Recognized Vested Right Claims Nos. 496-2 and 510-2, addressed as stated below:

V.R.C. #496-2: Richard D. Rausch, HC 89, Box 257, Hermosa, SD 57744.

V.R.C. #510-2: Wesley Harrison, HC 83, Hermosa, SD 57744.

Copies of the above described Notices were sent Inter-office to:

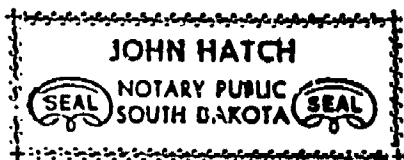
Diane Best, Assistant Attorney General, Capitol Building.

Karen Schlaak

Karen Schlaak
Environmental Scientist

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 3rd day of September, 1996



John Hatch

Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 26 1996

Wesley Harrison
HC 83
Hermosa SD 57744

Dear Mr. Harrison:

The Water Management Board has validated the enclosed Vested Water Right Nos. 491-2 and 510-2. These validations give legal status to the claims and are the final document for your vested right. Enclosed are the reissued water licenses which reflect the acreage and the diversion rates as validated by the Board.

Also, enclosed are Location Notice Water License Nos. 1214-2, 1419-2, 1420-2, 1421-2, 1422-2, 1424-2, 1425-2, and 1426-2, as well as the receipts for transfer of the location notices and water right.

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

Very truly yours,

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

enclosures

SOUTH DAKOTA

VESTED WATER RIGHT NO. 510-2 FOR IRRIGATION

Date of Receipt of Claim December 12, 1958.

Date of Validation October 2, 1996.

The Water Management Board validated Vested Water Right Claim No. 510-2 for irrigation purposes for Wesley Harrison, HC 83, Hermosa SD 57744 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 510-2 appropriates 1.29 cubic feet of water per second from dry draws located in the NE 1/4 SW 1/4, SE 1/4 SW 1/4 Section 23 and NW 1/4 NE 1/4 Section 27; all in T3S-R8E to irrigate 90.3 acres located in the S 1/2 SE 1/4 Section 22, E 1/2 SW 1/4, SW 1/4 SW 1/4 Section 23, NW 1/4 NW 1/4 Section 26 and the N 1/2 NE 1/4 Section 27; all in T3S-R8E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. The water is to be used during the following annual period: April 1 - October 1.
3. The priority dates of the Vested Water Right are: 0.67 cfs - January 1, 1920
 0.62 cfs - January 1, 1938
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: John Hatch
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 26 1996

date



REISSUED STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 510-2 FOR IRRIGATION

(1) Robert Sharpe, Hermosa SD was issued Vested Right License No. 510-2, March 3, 1959 for a right to appropriate 2.44 cubic feet of water per second (cfs) from dry draws, Custer County, South Dakota, for irrigation purposes. Vested Water Right No. 510-2 with priority dates of 1920 and 1938 was issued to the applicant for diversion of water with construction of the described water supply system completed and application of water to beneficial use completed.

On January 8, 1996, Vested Right No. 510-2 was transferred to Wesley Harrison.

On October 2, 1996, the Water Management Board validated Vested Right No. 510-2. Vested Right No. 510-2 is being reissued to reduce the amount of water claimed and the number of acres irrigated to the actual amount applied to beneficial use and the actual number of acres being irrigated, based on a September 8, 1995 inspection of the system

(2) The vested right owner is entitled to divert 1.29 cubic feet of water per second for beneficial use. The location of the diversion points are as follows: all in T3S-R8E

Diversion #1 - 2,500 feet west and 1,250 feet south of the NE corner of Section 27 (NW 1/4 NE 1/4)

Diversion #2 - 1,720 feet east and 1,800 feet north of the SW corner of Section 23 (NE 1/4 SW 1/4)

Diversion #3 - 2,180 feet east and 1,110 feet north of the SW corner of Section 23 (SE 1/4 SW 1/4).

The location of the irrigated acreage is: all in T3S-R8E

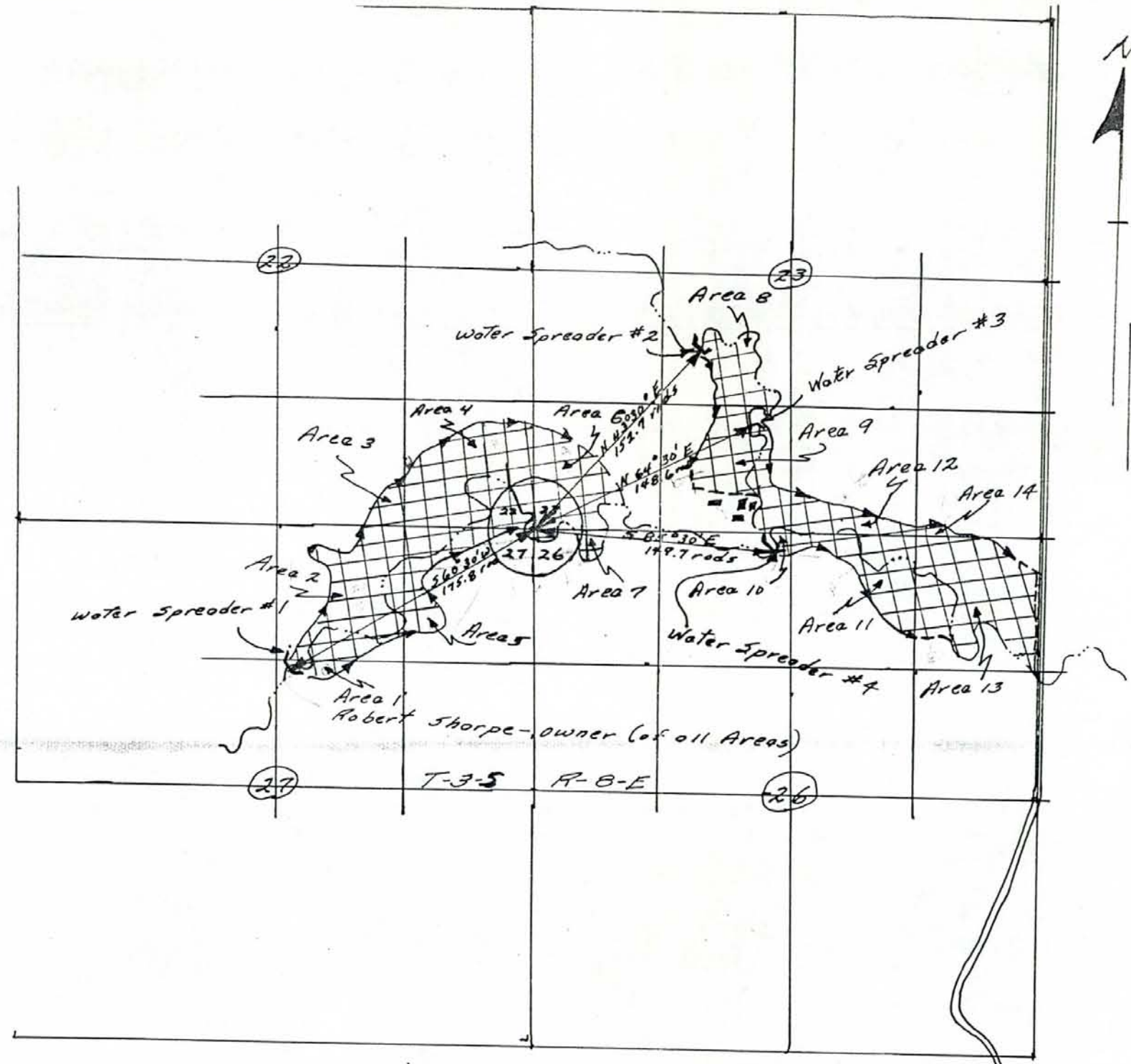
Section 22	SW 1/4 SE 1/4	1.5 acres
	SE 1/4 SE 1/4	24.0 acres
Section 23	SW 1/4 SW 1/4	15.6 acres
	NE 1/4 SW 1/4	8.8 acres
	SE 1/4 SW 1/4	13.0 acres
Section 26	NW 1/4 NW 1/4	2.4 acres
Section 27	NW 1/4 NE 1/4	17.5 acres
	NE 1/4 NE 1/4	7.5 acres
TOTAL		90.3 acres

(3) Pursuant to Section 46-5-30.1 Wesley Harrison, HC 83, Hermosa SD 57744 the holder and/or owner of Vested Water Right No. 510-2 is reissued a license to appropriate 1.29 cubic feet of water per second from dry draws with priority dates of January 1, 1920 (0.67 cfs) and January 1, 1938 (0.62 cfs) from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 510-2 and subject to South Dakota State Law.


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

DEC 26 1996
date





- Legend:
- Intermittent Stream
 - Irrigable Area
 - Irrigable Boundary
 - Four Section Corner
 - ==== Public Road

LOCATION OF LAND TO BE IRRIGATED					
Robert Sharpe Water Spreader Projects #1, 2, 3, 4					
Location	Sec	Twp	Range	Acres	Subdivision
Area 1	27	3 S	8 E	2.4	SW 1/4 NE 1/4 27
" 2	27	3 S	8 E	26.4	NW 1/4 NE 1/4 27
" 3	22	3 S	8 E	3.2	SW 1/4 SE 1/4 22
" 4	22	3 S	8 E	28.4	SE 1/4 SE 1/4 22
" 5	27	3 S	8 E	11.2	NE 1/4 NE 1/4 27
" 6	23	3 S	8 E	15.6	SW 1/4 SW 1/4 23
" 7	26	3 S	8 E	2.4	NW 1/4 NW 1/4 26
" 8	23	3 S	8 E	8.8	NE 1/4 SW 1/4 23
" 9	23	3 S	8 E	17.6	SE 1/4 SW 1/4 23
" 10	26	3 S	8 E	1.2	NE 1/4 NW 1/4 26
" 11	26	3 S	8 E	14.0	NW 1/4 NE 1/4 26
" 12	23	3 S	8 E	8.0	SW 1/4 SE 1/4 23
" 13	26	3 S	8 E	30.4	NE 1/4 NE 1/4 26
" 14	23	3 S	8 E	1.2	SE 1/4 SE 1/4 23
Total				170.8	

Robert Sharpe
Water Spreader Projects
Number 1, 2, 3, 4
United States Department
of Agriculture
Soil Conservation Service

Traced by Walter H. Christman
SCS - Engineer
Date November 5, 1958
Sheet 1 of 1

Map # Novu (Appl. # 510-2)

510-2

RECEIVED

NOV 07 2014

WATER RIGHTS
PROGRAM

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

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

Est. 1908

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

November 4, 2014

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

RE: Water License No. 510-2.

Dear Water Rights Program:

Enclosed for filing is an original Notice of Transfer of Ownership for Water License No. 510-2.

Also enclosed is payment of the \$50 filing fee.

Can you please send me a copy of the file stamped Notice in the enclosed self-addressed stamped envelope?

Sincerely,

BENNETT, MAIN & GUBBRUD, P.C.



Max Main

MM/njo
Encs.
cc: client - Letter Only

RECEIVED

NOV 07 2014

WATER RIGHTS
PROGRAM

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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

Water Right/Permit No. 510-2

Date: October 31, 2014

I/We request that Water Right/Permit No. 510-2 formerly owned by:
Wesley Harrison be transferred to:

New Owner Name: Tyler J. Robertson and Tiffani J. Robertson

Address: 15251 SD Hwy 40

City, State, Zip Hermosa SD 57744 Telephone No. 605-545-7865

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

NE1/4 of Section 27, T3S, R8E, BHM, Custer County, SD

☒ I understand that the validity of Water Right/Permit No. 510-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

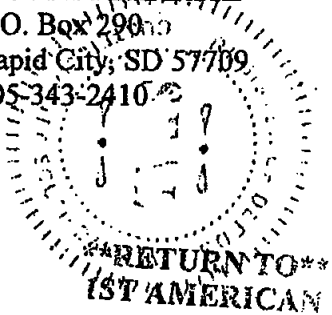
I, Tyler J. and Tiffani J. Robertson, the new owner, certify that the above information is true and correct.


(signed by new owner)


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

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

739, 8/11.
PREPARED BY:
JESS M. PEKARSKI
P.O. Box 290
Rapid City, SD 57709
605-343-2410



Doc #66162 Recording Fee \$30.00
CUSTER COUNTY REGISTER OF DEEDS
Recorded 10/27/2014 at 1:13 PM, Book 51 DEED 711
Dennis Zellner, Register of Deeds

FA 115444

TRUSTEES' DEED

KAREN L. RYPKEMA and LUCINDA M. LUCAS, Co-Trustees of the ROSE HARRISON FAMILY TRUST dated December 13, 2006, GRANTORS, of 1128 Flormann Street, Rapid City South Dakota 57701, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, grant and convey to TYLER J. ROBERTSON and TIFFANI J. TAYLOR-ROBERTSON, husband and wife, as joint tenants with right of survivorship and not as tenants in common, GRANTEES, whose mailing address is 15251 SD Highway 40, Hermosa, South Dakota 57744, all interest in the following described real estate in the County of Custer in the State of South Dakota:

Township 3 South, Range 8 East of the Black Hills Meridian, Custer County, South Dakota:

- Section 22: S1/2SE1/4; and NE1/4 and N1/2SE1/4, EXCEPTING therefrom Tract No. S-2-100 located in the N1/2SE1/4, N1/2NE1/4 and SE1/4NE1/4 AND EXCEPTING therefrom Tract No. S-2-101 located in the SW1/4NE1/4, as more fully described by metes and bounds descriptions and as conveyed to Hermosa Water User Association in Quit Claim Deed recorded April 26, 1976, in Book 28 of Deeds, Page 120,
- Section 23: All,
- Section 25: N1/2; and N1/2S1/2,
- Section 26: N1/2; and N1/2S1/2,
- Section 27: NE1/4; and N1/2SE1/4,

subject to all existing roads, highways, rights-of-way, existing oil, gas, and mineral leases, patent reservations, easements, statutory section line easements, and prior oil, gas, and mineral reservations, and the rights of state and federal governments, easements, covenants, and declarations of record, if any.

TRANSFER FEE \$

Dated this 22 day of October 2014.

ROSE HARRISON FAMILY TRUST

TRANSFER FEE PAID \$ 740⁰⁰
~~EXEMPT FROM TRANSFER FEE~~

By: Karen L. Rypkema TTR
Karen L. Rypkema
Its Co-Trustee

By: Lucinda M. Lucas TTR
Lucinda M. Lucas
Its Co-Trustee

STATE OF SOUTH DAKOTA)
COUNTY OF PENNINGTON) SS.

On this the 22 day of October 2014, personally appeared Karen L. Rypkema, who acknowledged herself to be the Co-Trustee of the Rose Harrison Family Trust known to me or satisfactorily proven to be the person described in the foregoing instrument, and acknowledged that she executed the foregoing instrument in such capacity for the purposes therein contained.

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

PAULETTE M. HUTCHINGS
NOTARY PUBLIC
(SEAL) State of South Dakota

Paulette M. Hutchings
Notary Public
My Commission Expires: 3.8.2016

STATE OF SOUTH DAKOTA)
COUNTY OF PENNINGTON) SS.

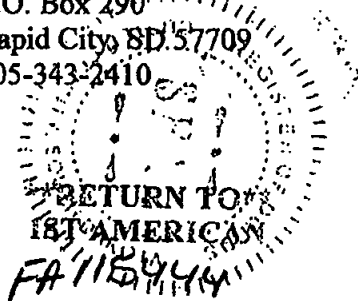
On this the 22 day of October 2014, personally appeared Lucinda M. Lucas, who acknowledged herself to be the Co-Trustee of the Rose Harrison Family Trust known to me or satisfactorily proven to be the person described in the foregoing instrument, and acknowledged that she executed the foregoing instrument in such capacity for the purposes therein contained.

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

PAULETTE M. HUTCHINGS
NOTARY PUBLIC
(SEAL) State of South Dakota

Paulette M. Hutchings
Notary Public
My Commission Expires: 3.8.2016

PREPARED BY:
JESS M. PEKARSKI
P.O. Box 290
Rapid City, SD 57709
605-343-2410



Doc #66163 Recording Fee \$30.00
CUSTER COUNTY REGISTER OF DEEDS
Recorded 10/27/2014 at 1:13 PM, Book 51 DEED 712
Dennis Zellner, Register of Deeds

CO-PERSONAL REPRESENTATIVES' DEED

KAREN L. RYPKEMA and LUCINDA M. LUCAS were appointed Co-Personal Representatives of the Estate of **WESLEY R. HARRISON** by the Clerk of the Circuit Court of Custer County, South Dakota, on February 6, 2014, and Letters of Personal Representative were issued on February 6, 2014, which Letters are unrevoked and remain in full force and effect; a copy of the Letters certified is attached.

KAREN L. RYPKEMA and LUCINDA M. LUCAS, as the duly appointed, qualified, and acting Co-Personal Representatives of the Estate of **WESLEY R. HARRISON**, **GRANTOR**, sell, convey, transfer, assign, and release to **TYLER J. ROBERTSON and TIFFANI J. TAYLOR-ROBERTSON**, husband and wife, as joint tenants with right of survivorship and not as tenants in common, **GRANTEES**, whose mailing address is 15251 SD Highway 40, Hermosa, South Dakota 57744, all interest of the decedent and the estate of decedent in the following-described real estate in Custer County, South Dakota:

Township 3 South, Range 8 East of the Black Hills Meridian, Custer County, South Dakota:

Section 22: S1/2SE1/4; and NE1/4 and N1/2SE1/4, EXCEPTING therefrom Tract No. S-2-100 located in the N1/2SE1/4, N1/2NE1/4 and SE1/4NE1/4 AND EXCEPTING therefrom Tract No. S-2-101 located in the SW1/4NE1/4, as more fully described by metes and bounds descriptions and as conveyed to Hermosa Water User Association in Quit Claim Deed recorded April 26, 1976, in Book 28 of Deeds, Page 120,

Section 23: All,

Section 25: N1/2; and N1/2S1/2,

Section 26: N1/2; and N1/2S1/2,

Section 27: NE1/4; and N1/2SE1/4.

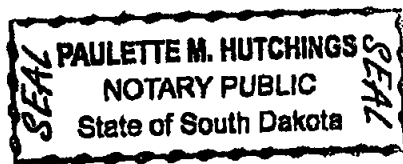
Quenita M. Hutchings
Notary Public
My Commission Expires: 3.8.2016

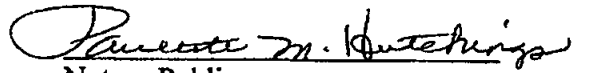
State of South Dakota)
) ss.
County of Pennington)

On this the 22 day of October 2014, before me, the undersigned notary public, personally appeared Karen L. Rypkema, known to me or satisfactorily proven to be the person described in the Co-Personal Representatives' Deed, and acknowledged that she executed the foregoing Co-Personal Representatives' Deed as Co-Personal Representative of the Estate of Wesley R. Harrison and for the purposes therein contained.

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

(SEAL)




Notary Public
My Commission Expires: 3.8.2016

STATE OF SOUTH DAKOTA)
) SS.
COUNTY OF CUSTER)

IN CIRCUIT COURT
SEVENTH JUDICIAL CIRCUIT

PRO. NO. 14-06

IN THE MATTER OF THE ESTATE)
OF)
WESLEY R. HARRISON, Deceased.)

LETTERS OF CO-PERSONAL REPRESENTATIVES

On the 6th day of February 2014, Karen L. Rypkema and Lucinda M. Lucas were appointed by this Court and qualified as Co-Personal Representatives of the Estate of Wesley R. Harrison.

These Letters are issued as evidence of the appointment, qualification, and authority of Karen L. Rypkema and Lucinda M. Lucas to do and perform all acts authorized by law.

Dated this 6th day of January 2014.

FILED IN CIRCUIT COURT
CUSTER COUNTY, SOUTH DAKOTA
DATE 2-7-14
DEBBIE SALZIEDER, CLERK OF COURT
BY KS DEPUTY

FEBRUARY
2.8.

BY THE COURT:

Robert Gusinsky
Robert Gusinsky
Circuit Court Judge

ATTEST:

Debbie Salzieder
Clerk of Courts

By: KS
Deputy

(SEAL)

State of South Dakota) Seventh Judicial
County of Custer) Circuit Court

I hereby Certify that the foregoing instrument
is a true and correct copy of the original as the
same appears on record in my office this 15
day of February, 20 14.

DEBBIE SALZIEDER, Clerk of Court
By KS Deputy

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/7, 20 14

RECEIVED OF Bennett, EMin & Gubbrud PC 618 State St Belle Fourche SD 57717

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>510-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **06981**

By *James Goodman*
Chief Engineer

McMath, Genny

From: Max Main <max@bellelaw.com>
Sent: Thursday, August 06, 2015 3:50 PM
To: McMath, Genny
Cc: 'Rene' Anderson'
Subject: RE: Water Right No. 510-2, Wesley Harrison to Tyler J & Tiffani J Robertson

Genny-

I looked in our file, and the information we have, which is just a search result printout, shows Wesley Harrison as owner, and the NE1/4 of Section 27-3S-8E as being the only lands under License 510-2. Can you email me copy of 510-2?

Thanks. Robertsons will probably call me, and I would like to be ready.

Max Main
BENNETT, MAIN & GUBBRUD, P.C.
Telephone: 605.892.2011

From: McMath, Genny [<mailto:Genny.McMath@state.sd.us>]
Sent: Thursday, August 06, 2015 2:26 PM
To: 'Max Main'
Subject: RE: Water Right No. 510-2, Wesley Harrison to Tyler J & Tiffani J Robertson

I checked with the Custer County Register of Deeds and the entire property under Vested Water Right No. 510-2 is owned by Tyler & Tiffani Robertson. The lady with the Deeds office emailed me the documents. I will give the Robertsons a call and see if I can have them file a transfer for the entire acreage and then will get you a copy of the document. Your law firm already paid the filing fee so nothing further is needed with respect to fees.

From: Max Main [<mailto:max@bellelaw.com>]
Sent: Thursday, August 06, 2015 9:44 AM
To: McMath, Genny
Subject: FW: Water Right No. 510-2, Wesley Harrison to Tyler J & Tiffani J Robertson

Genny-

Thanks. This had fallen off my radar screen, so glad you have picked it up.

Max Main
BENNETT, MAIN & GUBBRUD, P.C.
Telephone: 605.892.2011

From: Bennett, Main & Gubbrud, PC [<mailto:bellelaw@bellelaw.com>]
Sent: Thursday, August 06, 2015 8:24 AM
To: Max Main
Subject: FW: Water Right No. 510-2, Wesley Harrison to Tyler J & Tiffani J Robertson

From: McMath, Genny [<mailto:Genny.McMath@state.sd.us>]
Sent: Thursday, August 06, 2015 6:35 AM
To: bellelaw@bellelaw.com
Subject: FW: Water Right No. 510-2, Wesley Harrison to Tyler J & Tiffani J Robertson

I may have just figured out why this was laid aside, my notes are that Wesley Harrison is deceased – I need to find out who owns the rest of the land.

From: McMath, Genny
Sent: Thursday, August 06, 2015 7:18 AM
To: bellelaw@bellelaw.com
Subject: Water Right No. 510-2, Wesley Harrison to Tyler J & Tiffani J Robertson

Mr. Main,
Today I found the paperwork laying off to the side of my desk on a transfer of ownership your office submitted back in November. I have no idea why it was laid aside. The effective date of the ownership change will be the date you filed it. The water right appears to need to be divided and reissued to reflect separate ownership.

Water Right No. 510-2 is for 90.3 acres in portions of Section 22, 23, 26 and 27, T3S, R8E. The ownership change filed is for only the NE ¼ Section 27, T3S, R8E and will be for Tyler J Robertson and Tiffani J Robertson.

The division will be as follows:

510A-2: Wesley Harrison, 65.3 acres in portions of Sections 22,23 and 26, T3S, R8E (0.93 cfs or approximately 417 gallons per minute) from dry draws

510B-2: Tyler J Robertson and Tiffani J Robertson, 25 acres in the N ½ NE ¼ Section 27, T3S, R8E (0.36 cfs or approximately 162 gallons per minute) from a dry draw

Again, I apologize for the delay in getting the transfer processed. I will get it taken care of right away. If you have any questions, let me know.

Thanks,
Genny McMath
Water Rights Program
605.773.5455

McMath, Genny

Subject: FW: Water Permit/Right

From: Max Main [<mailto:max@bellelaw.com>]
Sent: Friday, August 07, 2015 10:23 AM
To: McMath, Genny
Subject: RE: Water Permit/Right

Genny-

Thanks. I would like to check the legals for any other water rights held by Wesley Harrison. If you can get them to me, we will compare with what Robertsons purchased. I thought I did, and only came up with 510-2, but we better confirm. Thanks for your help.

Max Main
BENNETT, MAIN & GUBBRUD, P.C.
Telephone: 605.892.2011

From: McMath, Genny [<mailto:Genny.McMath@state.sd.us>]
Sent: Friday, August 07, 2015 5:47 AM
To: 'Max Main'
Subject: RE: Water Permit/Right

You are welcome! And if you want to use the one I was working on yesterday, I am forwarding it to you. It only has the legal descriptions of what is actually covered by the water right. It's a word document so it can be edited.

By the way, there are actually "other" water rights held by Wesley Harrison that may have land under it that the Robertson's now own. We can cross that bridge sometime when you have time!

Thanks Max.
Genny

From: Max Main [<mailto:max@bellelaw.com>]
Sent: Thursday, August 06, 2015 5:01 PM
To: McMath, Genny
Cc: 'Rene' Anderson'
Subject: RE: Water Permit/Right

Genny-

Thanks for the documents. We will double check the legals and will do a new Notice of Transfer for Robertsons to sign. I appreciate you bringing this up.

Max Main
BENNETT, MAIN & GUBBRUD, P.C.
Telephone: 605.892.2011

From: McMath, Genny [<mailto:Genny.McMath@state.sd.us>]
Sent: Thursday, August 06, 2015 3:05 PM
To: Max Main (max@bellelaw.com)
Subject: Water Permit/Right

Max,
Here is a copy of Vested Right No. 510-2.

Genny McMath
Water Rights Program
605.773.5455

510-2

RECEIVED
AUG 31 2015
WATER RIGHTS
PROGRAM

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

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

Est. 1908

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

August 27, 2015

Genny McMath
PMB 2020 - 523 E Capitol
Water Rights Program
Pierre SD 57501

RE: Water Right/Permit No. 510-2; Tyler and Tiffani Robertson;
Our File No. 5378.001014.

Dear Genny:

MAX MAIN

Enclosed please find the original signed Notice of Transfer of Ownership for Water Right/Permit No. 510-2.

In reviewing the documents you emailed to us relating to other water rights owned by Wesley Harrison, we find that none of them are located on the real property purchased by the Robertsons from the Harrison family entities.

As you stated that you had received our earlier check for the transfer fee, we are not sending another.

Thank you for your assistance in this matter.

Sincerely,

BENNETT, MAIN & GUBBRUD, P.C.


Max Main

MM/ra

Encs.

cc: Client (letter only)

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

AUG 31 2015

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 510-2Date: Effective 10/31/14

I/We request that Water Right/Permit No. 510-2 formerly owned by:
WESLEY HARRISON be transferred to:

New Owner Name: TYLER J. ROBERTSON and TIFFANI J. ROBERTSONAddress: 15251 SD Hwy 40City, State, Zip Hermosa SD 57744 Telephone No. 605-545-7865

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

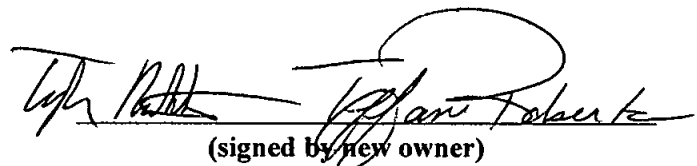
90.3 acres in T3S, R8E, BHM, Custer County, SD:Sec. 22: S2SE4.Sec. 23: E2SW4 and SW4SW4.Sec. 26: NW4NW4.Sec. 27: N2NE4.

☒ I understand that the validity of Water Right/Permit No. 510-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

I, Tyler J. and Tiffani J. Robertson, the new owner, certify that the above information is true and correct.


(signed by new owner)

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

August 31, 2015

510-2

Tyler J & Tiffani J Robertson
15251 SD Hwy 40
Hermosa SD 57744

RE: Vested Water Right No. 510-2

Dear Mr. & Mrs. Robertson:

I am writing to acknowledge receipt of the transfer of ownership form submitted on your behalf by Max Main with Bennett, Main & Gubbrud in Belle Fourche SD.

The ownership change has been completed. Vested Water Right No. 510-2 formerly held by Wesley Harrison is now listed in your names.

If you have any questions concerning the water right, please let us know.

Sincerely,

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

c: Max Main, Law offices of Bennett, Main & Gubbrud w/Receipt No. 06981



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

September 9, 2015

510-2

Tyler J & Tiffani J Robertson
14537 Missile Rd
Hermosa SD 57744-5405

RE: Vested Water Right No. 510-2

Dear Mr. & Mrs. Robertson:

Enclosed is a letter dated August 31st to you concerning the transfer of ownership of Vested Water Right No. 510-2.

The post office returned the original letter to us indicating you had a new mailing address. We have changed our records accordingly.

If you have any questions concerning the water right, please let us know.

Sincerely,

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

c: Max Main, Law offices of Bennett, Main & Gubbrud