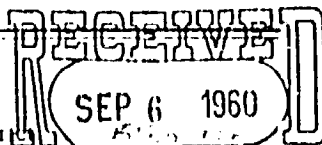


- [illegible]

No. 633-2Water Division No. 2 WHITE RIVER District  
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.  
PIERRE, SOUTH DAKOTA

# APPLICATION FOR PERMIT To appropriate Water within the State of South Dakota

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

1. Name of applicant Doughty Glen Whidby Bros.Postoffice address Kadoka County Jackson State S. Dak.

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)

Direct Labor

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$ Govt. Cost Share2. Name of diversion work Doughty Glen Whidby Irrigation Project (Enlargement)3. Amount of water claimed 4.26 cubic feet per second 893.1 Acre Feet4. Source of water supply White River5. Location of point of diversion Coming onto lands—19.0 rods S. 0 degrees and 0 minutes from the NE Corner of Section 36-3S-21E, BHM  
Going off lands 52 rods S. 68 degrees and 30 minutes S. of the NE Corner 36-3S-21E, BHM  
on both banks Jackson & Washa Counties.6. Annual period or periods during which water is to be used April 1 to Sept 30

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Irrig. Gravity(a) Number of acres to be irrigated 297.5 acres.(b) Legal subdivision to be irrigated See attached sheet #1

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction 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

Map No 568-2

7(1)b. Legal subdivisions to be irrigated:

*All lands described are owned by Glen Whidby*

| LOCATION OF LAND TO BE IRRIGATED                              |         |          |       |       |
|---------------------------------------------------------------|---------|----------|-------|-------|
| LOCATION                                                      | SECTION | TOWNSHIP | RANGE | ACRES |
| LOT 2                                                         | 31      | 3S       | 22E   | 2.4   |
| LOT 3                                                         | 31      | 3S       | 22E   | 13.2  |
| LOT 1                                                         | 36      | 3S       | 21E   | 24.8  |
| LOT 2                                                         | 36      | 3S       | 21E   | 71.6  |
| LOT 1                                                         | 36      | 44N      | 36W   | 8.0   |
| LOT 2                                                         | 36      | 44N      | 36W   | 24.0  |
| LOT 3                                                         | 36      | 44N      | 36W   | 7.2   |
| LOT 4                                                         | 36      | 44N      | 36W   | 39.5  |
| LOT 5                                                         | 36      | 44N      | 36W   | 23.6  |
| LOT 6                                                         | 36      | 44N      | 36W   | 54.4  |
| LOT 7                                                         | 36      | 44N      | 36W   | 2.5   |
| NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> | 36      | 44N      | 36W   | 12.8  |
| SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> | 36      | 44N      | 36W   | 4.5   |
| SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> | 36      | 44N      | 36W   | 4.4   |
| SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> | 36      | 44N      | 36W   | 4.8   |
| TOTAL ACRES                                                   |         |          |       | 297.7 |

8. Estimated cost of work:

(a) Head Gates, \$..... (n) Pumping plant, \$7500.00--  
 (c) Fluming, \$..... (d) Canal-earth, \$1100.00-- Rock, \$.....  
 (e) Other structures Pump site and laterals \$2000.00-- Total, \$.....

9. Description of diversion works:

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

Pump out of white river into main supply canal which feeds onto irrigated fields.

II. Dimensions of works:

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

| DEPTH AT<br>OUTLET FEET | SURFACE AREA AT EACH<br>DEPTH AT OUTLET--ACRES | FEET | ACRE-Feet<br>CAPACITY |
|-------------------------|------------------------------------------------|------|-----------------------|
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |

(c)\* Head gate: Width.....feet; height.....feet;  
 Material.....  
 (d) Canal: Total length 2.0 miles.

| LOCATION BELOW<br>HEADGATE | DEPTH      | BOTTOM<br>WIDTH | WIDTH AT<br>WATER-LINE | GRADE<br>PER MILE |
|----------------------------|------------|-----------------|------------------------|-------------------|
| At 0.0 Mile                | 2.0 feet   | 0.0 feet        | 4.0 feet               | 5.28 feet         |
| At 0.5 Mile                | 2.0 feet   | 0.0 feet        | 4.0 feet               | 5.28 feet         |
| At 1.0 Mile                | 2.0 feet   | 0.0 feet        | 4.0 feet               | 5.28 feet         |
| 2nd Ditch:<br>At 0.0 M     | 2.0 feet   | 0.0 feet        | 4.0 feet               | 5.28 feet         |
| At 1.5 Mile                | 2.0 feet   | 0.0 feet        | 4.0 feet               | 5.28 feet         |
| At ..... Mile              | ..... feet | ..... feet      | ..... feet             | ..... feet        |

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 5 years.  
 11. Time required for complete application of water to the proposed beneficial use 4 years.  
 12. Choice of newspaper for publication of notice of intention to appropriate Kadoka Chronicle

STATE OF SOUTH DAKOTA

County of Jackson } ss.

I, August Whalley, 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

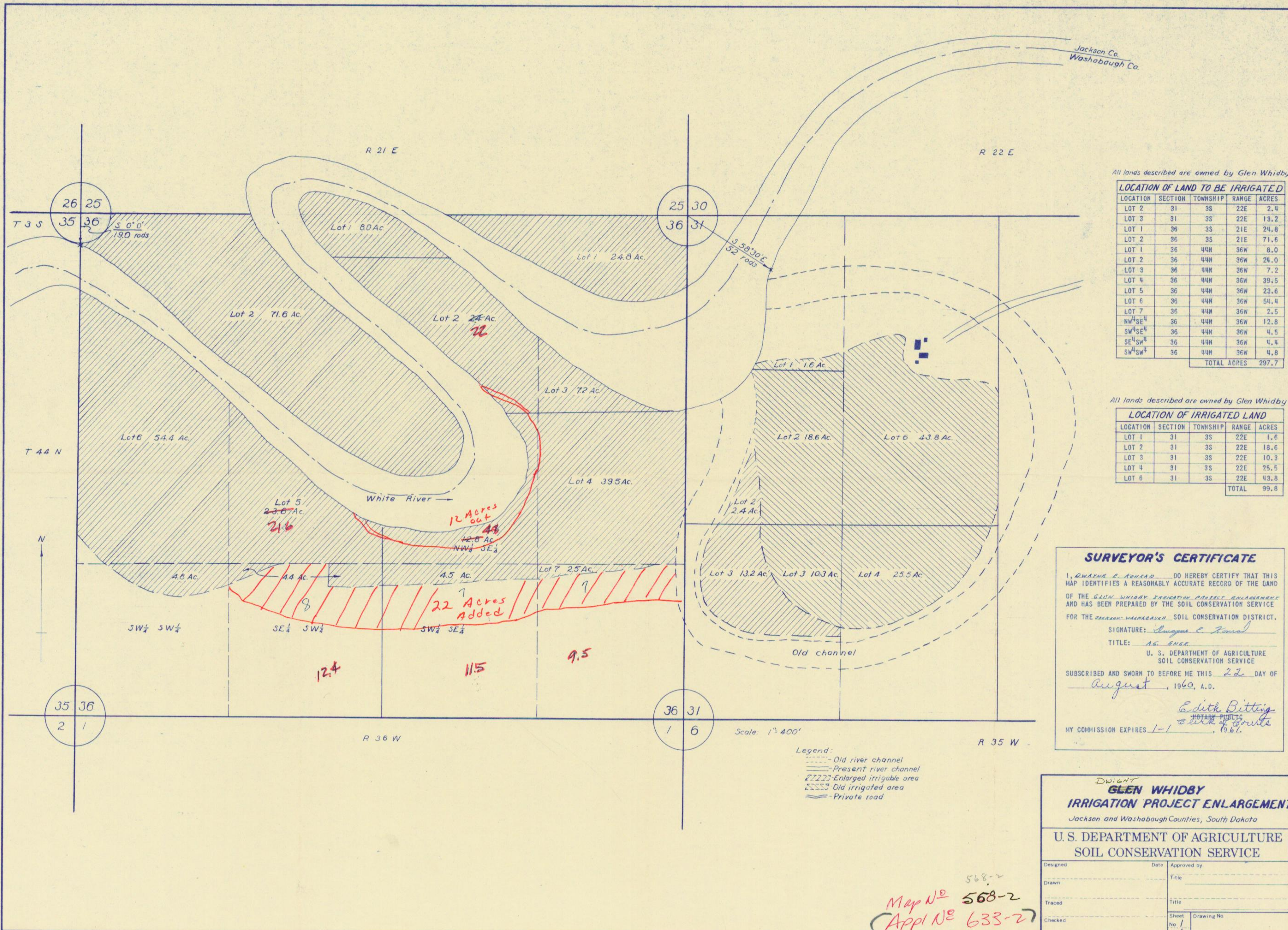
Subscribed and sworn to before me this

day of

1960

Notary Public (or other qualified officer.)

\*Each diversion must have a headgate or measuring device.



All lands described are owned by Glen Whidby

| LOCATION OF LAND TO BE IRRIGATED |         |          |       |       |
|----------------------------------|---------|----------|-------|-------|
| LOCATION                         | SECTION | TOWNSHIP | RANGE | ACRES |
| LOT 2                            | 31      | 3S       | 22E   | 2.4   |
| LOT 3                            | 31      | 3S       | 22E   | 13.2  |
| LOT 1                            | 36      | 3S       | 21E   | 24.8  |
| LOT 2                            | 36      | 3S       | 21E   | 71.6  |
| LOT 1                            | 36      | 44N      | 36W   | 8.0   |
| LOT 2                            | 36      | 44N      | 36W   | 24.0  |
| LOT 3                            | 36      | 44N      | 36W   | 7.2   |
| LOT 4                            | 36      | 44N      | 36W   | 39.5  |
| LOT 5                            | 36      | 44N      | 36W   | 23.6  |
| LOT 6                            | 36      | 44N      | 36W   | 54.4  |
| LOT 7                            | 36      | 44N      | 36W   | 2.5   |
| NW 1/4                           | 36      | 44N      | 36W   | 12.8  |
| SW 1/4                           | 36      | 44N      | 36W   | 4.5   |
| SE 1/4                           | 36      | 44N      | 36W   | 4.4   |
| SW 1/4                           | 36      | 44N      | 36W   | 4.8   |
| TOTAL ACRES                      |         |          |       | 297.7 |

All lands described are owned by Glen Whidby

| LOCATION OF IRRIGATED LAND |         |          |       |       |
|----------------------------|---------|----------|-------|-------|
| LOCATION                   | SECTION | TOWNSHIP | RANGE | ACRES |
| LOT 1                      | 31      | 3S       | 22E   | 1.6   |
| LOT 2                      | 31      | 3S       | 22E   | 18.6  |
| LOT 3                      | 31      | 3S       | 22E   | 10.3  |
| LOT 4                      | 31      | 3S       | 22E   | 25.5  |
| LOT 6                      | 31      | 3S       | 22E   | 43.8  |
| TOTAL                      |         |          |       | 99.8  |

**SURVEYOR'S CERTIFICATE**

I, DWIGHT E. KENNEDY, DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE GLEN WHIDBY IRRIGATION PROJECT ENLARGEMENT AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE JACKSON-WASHAUGHAUGH SOIL CONSERVATION DISTRICT.

SIGNATURE: Dwight E. Kennedy  
TITLE: AG. ENGR.  
U. S. DEPARTMENT OF AGRICULTURE  
SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 22 DAY OF August, 1960, A.D.

Edith Bittling  
NOTARY PUBLIC  
My Commission Expires 1-1, 1967.

**DWIGHT GLEN WHIDBY IRRIGATION PROJECT ENLARGEMENT**  
Jackson and Washaugh Counties, South Dakota

U. S. DEPARTMENT OF AGRICULTURE  
SOIL CONSERVATION SERVICE

|                  |      |             |       |
|------------------|------|-------------|-------|
| Designed         | Date | Approved by | Title |
| Drawn            |      |             |       |
| Traced           |      |             |       |
| Checked          |      |             |       |
| Sheet No. 1 of 1 |      | Drawing No. |       |

Map No 568-2  
Appl No 633-2

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA  
County of Hughes } ss.

Pierre, South Dakota, October 21, 1960

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock  
6 m. upon the 6<sup>th</sup> day of September, 1960

State Water Resources Commission

By:

William J. Mc  
Chief Engineer, Executive Officer

Number of permit 633-2

Date of first receipt of application September 6, 1960

Date of return to applicant for correction, amendments or changes required as follows: \_\_\_\_\_, 19\_\_\_\_

Date of receipt of corrected application \_\_\_\_\_, 19\_\_\_\_

Date from which applicant may claim right September 6, 1960

Approved October 19, 1960, Recorded in Book 6 Page 123

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 \_\_\_\_\_

April 19, 1963

2nd. The whole of said work is to be completed on or before October 19, 1965

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

October 19, 1969

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 4.25 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before October 19, 1969; said water to be used during the following described annual period:

April to September, inclusive

Witness my hand this 21<sup>st</sup> day of October, 1960

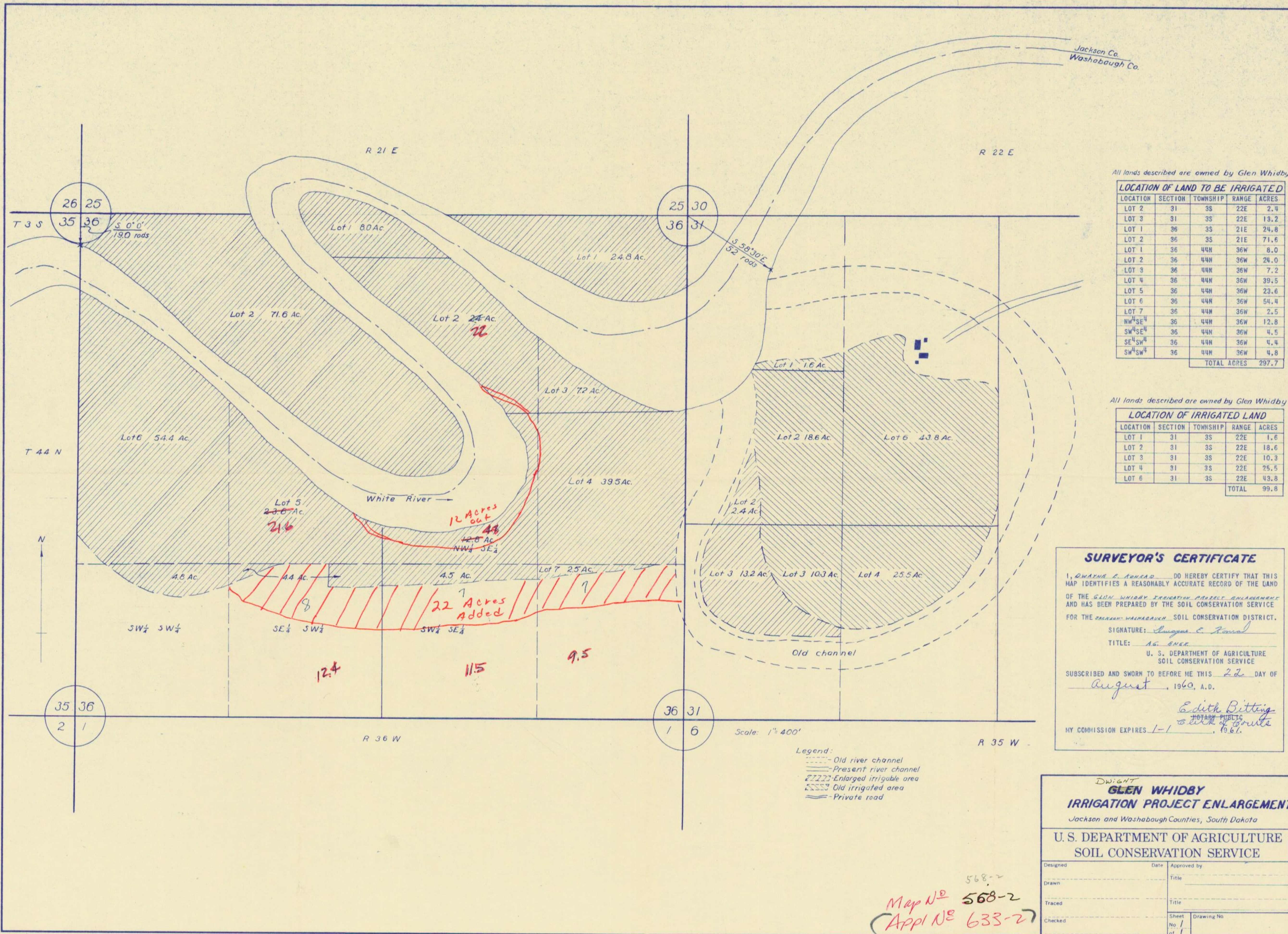
State Water Resources Commission

P:

William J. Mc  
Chief Engineer, Executive Officer

Certificate of Construction issued AUGUST 7, 1967

Water License issued AUGUST 7, 1967



All lands described are owned by Glen Whidby

| LOCATION OF LAND TO BE IRRIGATED |         |          |       |       |
|----------------------------------|---------|----------|-------|-------|
| LOCATION                         | SECTION | TOWNSHIP | RANGE | ACRES |
| LOT 2                            | 31      | 3S       | 22E   | 2.4   |
| LOT 3                            | 31      | 3S       | 22E   | 13.2  |
| LOT 1                            | 36      | 3S       | 21E   | 24.8  |
| LOT 2                            | 36      | 3S       | 21E   | 71.6  |
| LOT 1                            | 36      | 44N      | 36W   | 8.0   |
| LOT 2                            | 36      | 44N      | 36W   | 24.0  |
| LOT 3                            | 36      | 44N      | 36W   | 7.2   |
| LOT 4                            | 36      | 44N      | 36W   | 39.5  |
| LOT 5                            | 36      | 44N      | 36W   | 23.6  |
| LOT 6                            | 36      | 44N      | 36W   | 54.4  |
| LOT 7                            | 36      | 44N      | 36W   | 2.5   |
| NW 1/4                           | 36      | 44N      | 36W   | 12.8  |
| SW 1/4                           | 36      | 44N      | 36W   | 4.5   |
| SE 1/4                           | 36      | 44N      | 36W   | 4.4   |
| SW 1/4                           | 36      | 44N      | 36W   | 4.8   |
| TOTAL ACRES                      |         |          |       | 297.7 |

All lands described are owned by Glen Whidby

| LOCATION OF IRRIGATED LAND |         |          |       |       |
|----------------------------|---------|----------|-------|-------|
| LOCATION                   | SECTION | TOWNSHIP | RANGE | ACRES |
| LOT 1                      | 31      | 3S       | 22E   | 1.6   |
| LOT 2                      | 31      | 3S       | 22E   | 18.6  |
| LOT 3                      | 31      | 3S       | 22E   | 10.3  |
| LOT 4                      | 31      | 3S       | 22E   | 25.5  |
| LOT 6                      | 31      | 3S       | 22E   | 43.8  |
| TOTAL                      |         |          |       | 99.8  |

### SURVEYOR'S CERTIFICATE

I, DWIGHT E. KONRAD, DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE GLEN WHIDBY IRRIGATION PROJECT ENLARGEMENT AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE JACKSON-WASHAUGHAUGH SOIL CONSERVATION DISTRICT.

SIGNATURE: Dwight E. Konrad  
TITLE: AG. ENGR.

U. S. DEPARTMENT OF AGRICULTURE  
SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 22 DAY OF August, 1960, A.D.

Edith Bittig  
NOTARY PUBLIC  
My Commission Expires 1-1, 1967.

DWIGHT  
**GLEN WHIDBY**  
**IRRIGATION PROJECT ENLARGEMENT**  
Jackson and Washaugh Counties, South Dakota

U. S. DEPARTMENT OF AGRICULTURE  
SOIL CONSERVATION SERVICE

|          |                  |             |
|----------|------------------|-------------|
| Designed | Date             | Approved by |
| Drawn    |                  | Title       |
| Traced   |                  | Title       |
| Checked  | Sheet No. 1 of 1 | Drawing No. |

Map No 568-2  
Appl No 633-2

## STATE OF SOUTH DAKOTA

## WATER LICENSE No... 633-2....

WHEREAS, On the 6th day of September A. D. 1960

Whidby Brothers

of Madoka County of Jackson and State of South Dakota duly made application (No. 633-2) to us for a permit to use 4.25 cubic feet per second of the waters of the White River Jackson and Washabaugh County of Jackson, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 21st day of October A. D. 1960

Permit No. 633-2 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 19th day of October A. D. 1965 and for the application to beneficial use of said

water on or before the 19th day of October A. D. 1969 and,

WHEREAS, On the 26th day of July A. D. 1967

the holder... of said permit duly made proof of the completion of adequate works for the diversion of 9.0 cubic feet per second of said waters, as evidenced by our Certificate No. 633-2 dated August 7, 1967 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 2.0 cubic feet per second of water, with date of priority of September 6, 1960 and,

WHEREAS, On the 26th day of July A. D. 1967

proof was duly made of the application to beneficial use of 4.25 cubic feet per second of said water; for irrigating 307.7 acres in portions of Section 31, T3S, R22E, section 36, T3S, R21E and Section 36, T44N, R31W.

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 Whidby Brothers  
 of Kadoka the holder S. and owner S. of said permit No. 631-2  
 a water right, dating from September 6, 1960 to the use of 4.25  
 cubic feet per second of the waters of the White River  
Jackson and Washabaugh  
 in the County of \_\_\_\_\_ and State of South Dakota, or so much thereof as may be  
 necessary for the purposes hereinbelow mentioned, to be diverted at between a point in the NW 1/4 NW 1/4,  
Section 36, T3S, R21E and a point in the NW 1/4 NW 1/4, Section 31, T3S, R22E  
 and conducted to and upon portions of Section 31, T3S, R22E, Section 36, T3S, R21E,  
Section 36, T44N, R36W more specifically described in the Certificate of  
Completion of Works  
 for the purpose of irrigation, subject to any limitations listed in the  
permit to Appropriation Water.

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 5th day of August A. D. Nineteen  
 Hundred and Sixty-seven

State Water Resources Commission

By:

**J.W. GRIMES**  
 Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. \_\_\_\_\_

To \_\_\_\_\_

Source of Supply \_\_\_\_\_

County \_\_\_\_\_

Am't \_\_\_\_\_ C. F. S.

Point of Diversion \_\_\_\_\_

Place of Use \_\_\_\_\_

Purpose \_\_\_\_\_

Date of Priority \_\_\_\_\_

Recorded \_\_\_\_\_

In Book \_\_\_\_\_ of \_\_\_\_\_ Page \_\_\_\_\_

Permit No. 633-2Water Division No. 2 WHITE RIVER Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Midby Brothers

of Kadoka, County of Jackson, and State of South Dakota, the holder of Permit No. 633-2, issued upon Application No. 633-2, bearing date of priority of September 6, 1960 authorizing the diversion of 4.25 cu. ft. per second of the waters of the White River County of Jackson and Washabaugh, State of South Dakota, at between a point in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 36, T3S, R21E, and a point in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 31, T3S, R22E for irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 2.0 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:

(ACRES)

|                                   |       |      |
|-----------------------------------|-------|------|
| Section 21, T3S, R22E             | Lot 2 | 2.4  |
|                                   | Lot 3 | 13.2 |
| Section 36, T3S, R21E             | Lot 1 | 24.8 |
|                                   | Lot 2 | 71.6 |
| Section 36, T14N, R36W            | Lot 1 | 8.0  |
|                                   | Lot 2 | 22.0 |
|                                   | Lot 3 | 7.2  |
|                                   | Lot 4 | 39.5 |
|                                   | Lot 5 | 21.6 |
|                                   | Lot 6 | 54.4 |
|                                   | Lot 7 | 9.5  |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 4.8   |      |
| SW $\frac{1}{4}$ SE $\frac{1}{4}$ | 4.8   |      |
| SE $\frac{1}{4}$ SW $\frac{1}{4}$ | 12.0  |      |
| SW $\frac{1}{4}$ SE $\frac{1}{4}$ | 11.5  |      |

Total 307.7 AcresWitness my hand this 8th day of August A. D. 1967

State Water Resources Commission

By:

**J. W. GRIMES**  
Chief Engineer, Executive Officer

# RECEIVED OCT 18 1960 PROOF OF PUBLICATION

STATE WATER RESOURCES COMM.

PIERRE, SOUTH DAKOTA

STATE OF SOUTH DAKOTA

County Jackson

SS.

L. G. Parkinson

being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the

The Kadoka Press

a newspaper which during the whole itme of publication of said notice herein after stated, has been and is printed and published in the

City Kadokaof Jackson County ofJackson

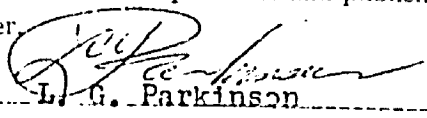
and State of South Dakota; that the said notice was published in said newspaper on the following dates:

September 15, 1960September 22, 1960September 29, 1960October 6, 1960

in each and every issue of the full number thereof, the first publication being made on the 15th day of September 19 60 and the last publication on the ~~XXXXXX~~ 6th day of

October, 19 60, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was Editor the printer and publisher of the said newspaper.

  
L. G. Parkinson

## APPROPRIATION OF WATER

Office of State Water Resources Commission

Pierre, S. Dak., September 8, 1960

Notice is hereby given that Dwight Whidby whose postoffice address is Kadoka, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 4.25 cubic feet of water per second of time from the White River through the Whidby Irrigation Project, the point of diversion of which is to be located on both banks of said stream between a point in Lot 2, Sec. 36, T3S, R21E, and a point in Lot 1, Sec. 31, Twp. 3S, R22E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

Lots 2 & 3, Sec. 31, T 3S R22E; Lots 1 & 2, T 3S R 21E; Lots 1, 2, 3, 4, 5, 6 & 7 & N½ SE¼ and S½ SW¼, T 44N R 36W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 19th day of October, 1960, at 2 P. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

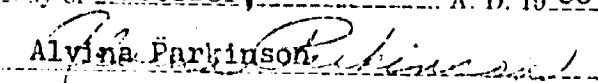
By:

Burton F. Jones

Water Rights Specialist

Pub. Sept. 15, 22, 29, Oct. 6.

Subscribed and sworn to before me this 6th day of October, A. D. 19 60

  
Alvina Parkinson

Notary Public Jackson

County, S. D.

(First Publication <sup>23</sup> on or before Sept. 19 60)**APPROPRIATION OF WATER**

Office of State Water Resources Commission,

Pierre, S. Dak., September 8, 19 60

Notice is hereby given that Dwight Whidby whose postoffice address is Kadoka S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 4.25 cubic feet of water per second of time from the White River through the Whidby Irrigation Project, the point of diversion of which is to be located on ~~the~~ both banks of said stream between a point in Lot 2, Sec 36, T 3S R21E, and a point in Lot 1, Section 31 Twp. 3S Range 22E. Said water to be used for the purpose of providing irrigation on the fol- portion of the following described land:

Lots 2 & 3, Sec 31, T 3S R. 22E; Lots 1 & 2, T 3S R. 21E; Lots 1, 2, 3, 4, 5, 6 & 7 & N $\frac{1}{2}$  SE $\frac{1}{4}$  and S $\frac{1}{2}$  SW $\frac{1}{4}$ , T 44N R. 26W SEC 36 SEC 36 T 44N R. 26W

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 19th day of October, 19 60, at 2 P. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

cc: **L.G. Parkinson-Publisher**  
**Kadoka Press**  
**Kadoka, South Dakota**

By:

~~Chief Engineer, Bureau of Reclamation~~  
**Burton F. Jones**  
**Water Right Specialist**

Permit No. 633-2Water Division No. 2 White River Water District**Certificate of Examination of Works****Report of Examining Engineer**

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated \_\_\_\_\_  
 19\_\_\_\_, I have this day made a thorough examination of the diversion works constructed by \_\_\_\_\_  
Whidby Brothers of Kadoka, Washakie  
& Jackson County, South Dakota, holder of Permit No. 633-2, issued  
 upon Application No. 633-2, bearing date of priority of Oct. 19, 1960, authorizing the  
 diversion of 4.25 cu. ft. per second of the waters of White River for irrigation  
 purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Portable Berkeley pump #621253, Model  
B8GRB1CV with 10" intake & 8" output. Powered by 371 G.M.  
Diesel engine, approx 80 H.P. Portable Fairbanks Morse pump #739885,  
Size 6-55-33 with 8" intake & 6" output. Power takeoff driven, 110'  
8" mainline pipe. Approx. 3 1/2 miles mainline ditches. All field leveled  
with border ditches or catot basins. Excellent  
 and the system is in the following condition: \_\_\_\_\_

The point of diversion is located Between point in NW 1/4 Sec. 36, T3S,  
R21E and point in the NW 1/4 Sec 31, T3S, R22E

The works are capable of diverting and conveying to the place of use 4.25 <sup>9.0</sup> cu. ft. per second of water,  
 which is to be used for irrigation

The legal sub-divisions to be irrigated are: As shown on map with  
exceptions as shown.

\_\_\_\_\_ comprising a total 307 acres of land.

The domestic use intended comprises None

The utilization for power, mining, or other beneficial uses comprises: None

Witness my hand, this 26th day of July, A. D. 1967.

-SEAL-

Richard D Schuyler  
 Examining Engineer.

Water Right Specialist



# Department of Water & Natural Resources

Joe Foss Building  
623 East Capitol  
Pierre, South Dakota 57501

Division of Water Rights  
605 773-3332

No. 305-2

633-2

842-2

943-2

February 7, 1984

Julian Whidby  
840 N. Spruce St., Lot 193  
Rapid City, South Dakota 57701

Dear Mr. Whidby:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 for each making a total of \$10.00.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Maxine Stirling  
Staff Assistant

ms/  
Enc.

DWNR-820A-6/83

## NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights  
Foss Building  
Pierre, SD 57501

Date: Feb 10, 1984

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

307.7 Acres, Lots 2-3, Section 21, T3S, R22E; Lots 1 - 2, Section 36, T3S, R21E

Lots 1-7 W $\frac{1}{2}$  SE $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$  Section 36, T44N, R36W

formerly owned by Whidby Brothers, Kadoka, SD

has been transferred to Julian Whidby, 840 N. Spruce St., Lot 193, Rapid City, SD  
(please include complete mailing address) 57701  
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 633-2 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA }  
County of Jackson } ss.

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

Julian R. Whidby  
(Signed)

Subscribed and sworn to before me this 1<sup>ST</sup> Day of March, 1984.

KAREN HEPPNER  
Notary Public  
My Commission Expires  
March 27, 1989

Karen Heppner  
(Notary Public)



No. 842-2  
633-2  
943-2  
305-2

**SOUTH Dakota** Department of  
**Water & Natural Resources**  
Joe Foss Building Water Rights Division  
Pierre, South Dakota 57501 Phone (605) 773-3352

March 6, 1984

Julian R. Whidby  
840 N. Spruce, Lot 193  
Rapid City, South Dakota 57701

Dear Mr. Whidby:

Enclosed is receipt No.s. 4 9567, 4 9568, 4 9569 & 4 9570 in the amount of \$ 2.50 each which you paid for transfer of Water Right No.s. 842-2, 633-2, 305-2 & 943-2.

Our records now show you as the owner of this Water Right.

Sincerely,

Maxine Stirling  
Staff Assistant

ms/  
Enc. 4

# RECEIPT

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

No 4 9568

Pierre, March 2, 1934

RECEIVED OF Julian R. Whidby, 340 N. Spruce St., Lot 193, Rapid City, SD 57701  
the following amount in fees for services rendered as provided for by law:

|                                                                                                                            |       |      |
|----------------------------------------------------------------------------------------------------------------------------|-------|------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____ |       |      |
| Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____                                         |       |      |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                                     |       |      |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____                        |       |      |
| Fee for Filing Transfer Form #633-2 _____                                                                                  | 2     | 50   |
| Fee for Filing Extension Request _____                                                                                     |       |      |
| Fee for Certified Copy of _____                                                                                            |       |      |
| Fee for Print Copy of Map _____                                                                                            |       |      |
| Fee for Certifying _____                                                                                                   |       |      |
| Fee for _____                                                                                                              |       |      |
| (Any Other Work Provided by Law)                                                                                           | Total | 2 50 |

By John Hatch  
Chief Engineer JOHN HATCH (ms)

**South Dakota Department of  
Water & Natural Resources**

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

January 29, 1988

JULIAN R WHIDBY  
4766 PRIMROSE P  
RAPID CITY, SD 57702

**NOTICE**

Re: Violation of Requirement To Submit 1987 Irrigation  
Questionnaire

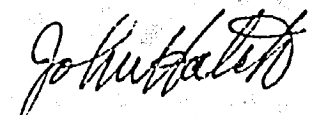
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 305-2, 633-2. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 305-2, 633-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.

**SOUTH DAKOTA Department of  
Water & Natural Resources**

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181  
February 16, 1988

305-2  
633-2

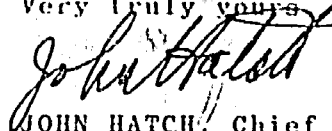
Julian R Whidby  
4706 Primrose P  
Rapid City SD 57702

Dear Mr. Whidby:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 305-2 & 633-2 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours



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



633-2

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

December 27, 1994

Julian R Whidby  
4706 Primrose  
Rapid City, SD 57702

RE: Water Right Nos. 305-2, 633-2, 842-2 and 943-2

Dear Mr. Whidby:

Thank you for the prompt return of your 1994 irrigation questionnaires. I am writing in response to your inquiries concerning the name the water rights are listed under and the fees which you would incur should the "proposed" fee schedule pass the Legislature.

Water Right Nos. 305-2, 633-2, 842-2 and 943-2 are all currently listed under Julian R Whidby. They were originally held by Whidby Brothers and on March 2, 1984, they were transferred to your name.

The proposed fee schedule for irrigation water permits/rights is based on the amount of acreage authorized for irrigation and is not based on water usage. The fee would be calculated at \$0.30 an acre. The amount of fee as it relates to your water rights would be calculated as follows:

|                       |                                 |
|-----------------------|---------------------------------|
| Water Right No. 305-2 | 99.8 acres                      |
| Water Right No. 633-2 | 307.7 acres                     |
| Water Right No. 842-2 | 342.0 acres                     |
| Water Right No. 943-2 | <u>50.9 acres</u>               |
|                       | 800.4 acres x \$0.30 = \$240.12 |

The fee structure is a "proposal" and needs Legislative approval prior to being implemented.

Thank you for your inquiry into this matter. If you have any further questions, please contact us.

Sincerely,

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



February 4, 1997

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

**NOTICE**

TO: JULIAN R WHIDBY, 4706 PRIMROSE, RAPID CITY, SD 57702

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

SUBJECT: Violation of Requirement to Submit 1996 Irrigation Questionnaire

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 305-2 & 633-2. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 2:30 pm, March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 305-2 & 633-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 1997, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



633-2

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

February 25, 1997

305-2

633-2

Julian R Whidby  
4706 Primrose  
Rapid City, SD 57702

Dear Mr. Whidby:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires. You may disregard the February 4, 1997, Notice of Violation of the Requirement to Submit the 1996 Irrigation Questionnaire.

I completed questionnaires for you based on our February 25th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

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

Sincerely,

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



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

October 29, 2008

305-2  
633-2

Julian R Whidby  
224 E Minnesota St Apt 210  
Rapid City SD 57701-7731

Dear Mr. Whidby:

Enclosed is a "Notice" dated October 24, 2008 concerning the 2008 irrigation questionnaire. The notice was originally mailed to 4706 Primrose in Rapid City. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 23, 2009

NOTICE

TO: JULIAN R WHIDBY, 224 E MINNESOTA ST - APT 210, RAPID CITY, SD 57701 7731

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire has not been submitted for Permit No(s) 305-2 & 633-2. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 11, 2009**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 305-2 & 633-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pd>

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

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## Track & Confirm

### Search Results

Label/Receipt Number: **2303 2160 0000 0802 6029**  
Status: **Delivered**

Your item was delivered at 11:49 AM on January 24, 2009 in RAPID CITY, SD 57701. The item was signed for by E WHIDBY.

### Track & Confirm

Enter Label/Receipt Number.

### Notification Options

#### Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

#### Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)

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No FEAR Act EEO Data

FOIA

### U.S. Postal Service Signature Confirmation™

SIGNATURE CONFIRMATION NUMBER:  
2303 2160 0000 0802 6029

JULIAN R WHIDBY  
224 E MINNESOTA ST - APT 210  
RAPID CITY SD 57701 7731

Waiver of Signature ☐ YES ☐ NOPostmark  
Here

#### POSTAL CUSTOMER:

Keep this receipt. For Inquiries:  
Access internet web site at  
[www.usps.com](http://www.usps.com)®  
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**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 29, 2009

305-2  
633-2

Julian R Whidby  
224 E Minnesota St Apt 210  
Rapid City SD 57701 7731

Dear Mr. Whidby:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right Nos. 305-2 and 633-2.

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

If you have any questions, please contact me.

Sincerely,

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

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



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
<http://denr.sd.gov>

October 24, 2013

305-2

633-2

Julian R Whidby  
2000 Wesleyan Blvd Room 103  
Rapid City SD 57702 9340

Dear Mr. Whidby:

Enclosed is a "Notice" dated October 18, 2013 concerning the 2013 irrigation questionnaires.

The notice was originally mailed to 224 E Minnesota St, Apt 210, Rapid City SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures

633-2

# WEST RIVER LAND LLC

928 LAZELLE STREET, STURGIS, SD 57785 • CELL: 605.641.6882 • FAX: 605.720.8888  
www.westriverland.com

RECEIVED

APR - 1 2015

WATER RIGHTS  
PROGRAM

Eric Gronlund  
DENR – Water Rights Program  
523 E Capitol Ave  
Pierre, SD 57501-3182

March 30, 2015

Dear Eric,

We closed the real estate transaction on the John and Lesa Eisenbraun Ranch.. Most of the ranch was purchased by Stromberger Farms, Inc. and a small portion purchased by Supreme Investments, L.L.C., Both entities owned by Bart Stromberger.

I have enclosed six water rights transfers, a copy of both warranty deeds, a \$300.00 check and a plat map of the ranch. I carefully went through the water rights and took off any land that was not being purchased. I really feel that I have them all correct, but it is possible that I have made errors.

If you have any questions about these transfer forms, please feel free to call me and I will assist more. Please call me at any time. 605-641-6882 cell, [steve@stevesatterlee.com](mailto:steve@stevesatterlee.com) e-mail.

Thanks for your previous help with these. Hope you are having a good week.

Sincerely,



Steve Satterlee Broker/Owner 605-641-6882 cell  
West River Land LLC  
928 Lazelle St  
Sturgis, SD 57785

RECEIVED

APR - 1 2015

WATER RIGHTS  
PROGRAM

PREPARED BY:  
Cheryl Nankivel  
First American Title Company  
801 Mt. Rushmore Road Ste 100  
P.O. Box 8181  
Rapid City, SD 57701  
(605) 348-4200

WARRANTY DEED

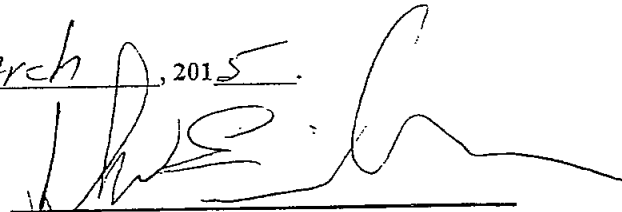
JOHN M. EISENBRAUN A/K/A JOHN EISENBRAUN AND LESA J. EISENBRAUN A/K/A LESA EISENBRAUN, husband and wife, Grantors, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, GRANTS, CONVEYS AND WARRANTS, TO SUPREME INVESTMENTS LLC, a Nebraska limited liability company, Grantee, of \_\_\_\_\_, the following described real estate in the County of JACKSON, State of SOUTH DAKOTA:

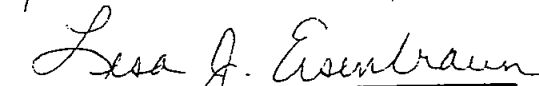
Township 3 South, Range 21 East of the Black Hills Meridian, Jackson County, South Dakota:  
Section 24: SE1/4.

Township 3 South, Range 22 East of the Black Hills Meridian, Jackson County, South Dakota:  
Section 18: Lots 1, 2, 3 and 4.  
Section 19: Lots 1, 2, 3, 4, E1/2W1/2, W1/2NE1/4, lying west of Highway and W1/2SE1/4,  
EXCEPTING therefrom Lots H-1, H-2, H-3, H-4, H-5 and H-6.

Subject to easements, restrictions, covenants and reservations of record.

Dated this 25 day of March, 2015.

  
\_\_\_\_\_  
JOHN M. EISENBRAUN  
A/K/A JOHN EISENBRAUN

  
\_\_\_\_\_  
LESA J. EISENBRAUN  
A/K/A LESA EISENBRAUN

PREPARED BY:  
Cheryl Nankivel  
First American Title Company  
801 Mt. Rushmore Road Ste 100  
P.O. Box 8181  
Rapid City, SD 57701  
(605) 348-4200

RECEIVED  
APR - 1 2015  
WATER RIGHTS  
PROGRAM

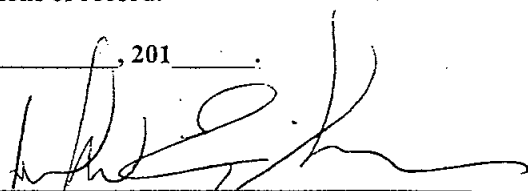
WARRANTY DEED

JOHN M. EISENBRAUN, A/K/A JOHN EISENBRAUN, AND LESA J. EISENBRAUN, A/K/A LESA EISENBRAUN, husband and wife, Grantors, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, GRANTS, CONVEYS AND WARRANTS, TO STROMBERGER FARMS INC., a Nebraska corporation, Grantee, of PO Box 787  
Imperial, NE 69033, the following described real estate in the County of JACKSON, State of SOUTH DAKOTA:

See Exhibit A attached hereto and made a part hereof.

Subject to easements, restrictions, covenants and reservations of record.

Dated this 25 day of March, 2015.

  
\_\_\_\_\_  
JOHN M. EISENBRAUN  
A/K/A JOHN EISENBRAUN

  
\_\_\_\_\_  
LESA J. EISENBRAUN  
A/K/A LESA EISENBRAUN

STATE OF S. Dak.

COUNTY OF Ferrington

} ss.

On this the 25 day of March, 2015, before me, the undersigned officer, personally appeared JOHN M. EISENBRAUN, A/K/A JOHN EISENBRAUN, AND LESA J. EISENBRAUN, A/K/A LESA EISENBRAUN known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he/she has executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.



  
\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

Exhibit A

Township 3 South, Range 21 East of the Black Hills Meridian, Jackson County, South Dakota:

- Section 1: S1/2SE1/4, EXCEPTING therefrom the NE1/4SW1/4SE1/4, and also EXCEPTING therefrom the N1/2N1/2SE1/4SW1/4SE1/4, and also EXCEPTING therefrom any Railroad Right of Way.
- Section 7: Lot 4, SE1/4SW1/4 and SW1/4SE1/4.
- Section 10: SW1/4SW1/4.
- Section 12: W1/2E1/2, EXCEPTING therefrom any Railroad Right of Way.
- Section 13: NW1/4NE1/4, W1/2 and SE1/4.
- Section 14: ALL, EXCEPTING therefrom any Railroad Right of Way.
- Section 15: ALL, EXCEPTING therefrom any Railroad Right of Way.
- Section 18: Lots 1, 2, 3, 4, E1/2W1/2 and NE1/4, EXCEPTING therefrom any Railroad Right of Way.
- Section 19: Lots 1, 2, 3, 4 and E1/2W1/2 and SW1/4SE1/4.
- Section 20: N1/2NW1/4 and E1/2.
- Section 21: N1/2 and N1/2SW1/4.
- Section 22: N1/2.
- Section 23: N1/2, NE1/4SW1/4, N1/2SE1/4 and SE1/4SE1/4.
- Section 24: N1/2.
- Section 25: N1/2NE1/4 and the SE1/4NE1/4, EXCEPTING therefrom Lot 1 of Whidby Ranch Subdivision, as shown on the plat filed in Plat Book E, Page 14.
- Section 26: S1/2SW1/4.
- Section 27: Lots 1, 2, N1/2SW1/4, NW1/4SE1/4 and S1/2SE1/4.
- Section 28: Lot 1, SW1/4SW1/4 and S1/2SE1/4.
- Section 29: S1/2SE1/4.
- Section 32: Lots 1, 2, 3, NW1/4NE1/4 and E1/2NE1/4.
- Section 33: Lots 1, 2, 3, 4, 5, 6 and 7.
- Section 34: Lots 1, 2, 3 and 4.
- Section 35: Lots 1, 2, 3, 4 and the N1/2NW1/4.
- Section 36: Lots 1 and 2.

Township 4 South, Range 21 East of the Black Hills Meridian, Jackson County, South Dakota:

- Section 4: Lot 1.
- Section 5: Lot 1.

Township 3 South, Range 22 East of the Black Hills Meridian, Jackson County, South Dakota:

- Section 6: Lots 3 and 4, E1/2SW1/4 and SE1/4, EXCEPTING therefrom any Railroad Right of Way and also EXCEPTING therefrom Lot H-1.
- Section 7: Lots 1, 2, 4 and the NE1/4NW1/4, EXCEPTING therefrom Highway Right of Way.
- Section 30: Lots 1, 2, 3, 5, 6, E1/2NW1/4 and W1/2NE1/4, EXCEPTING therefrom Lot 1 of Whidby Ranch Subdivision from said Lots 2, 3 and 5, as shown on the plat filed in Plat Book E, Page 14.
- Section 30: That portion of Lot 7 lying West of Highway 73 right of way, EXCEPTING therefrom Lots H-1, H-2, H-3, H-4 and H-5.
- Section 31: Lots 1, 2, 3, 4, 5 and 6.

Lot 1 of Whidby Ranch Subdivision located in Section 25-T3S-R21E BHM and in Section 30-T3S-R22E BHM, Jackson County, South Dakota, as shown on the plat filed in Plat Book E, Page 14.

Township 3 South, Range 21 East of the Black Hills Meridian, Jackson County, South Dakota:

- Section 26: SE1/4NW1/4 and SW1/4NE1/4.

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/1, 20 15

RECEIVED OF First American Title Co PO Box 8181 Rapid City SD 57709

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

|                                                                                                                   |       |    |
|-------------------------------------------------------------------------------------------------------------------|-------|----|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct<br>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<br>Water License No. _____            |       |    |
| Fee for Filing Transfer Form <u>633-2</u>                                                                         |       |    |
| Fee for _____                                                                                                     |       |    |
| Fee for Issuing New Well Driller's License No. _____ for C.Y. _____                                               |       |    |
| Fee for Renewal of Well Driller's License No. _____ for C.Y. _____                                                |       |    |
| Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____                                            | 50    | 00 |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                         |       |    |
| (Any Other Work Provided by Law)                                                                                  | TOTAL |    |
|                                                                                                                   | 50    | 00 |

No. 07550

By James Goodman  
Chief Engineer

RECEIVED

APR - 1 2015

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. 633-2

Date: \_\_\_\_\_

I/We request that Water Right/Permit No. 633-2 formerly owned by:  
John and Lesa Eisenbraun be transferred to:

New Owner Name: Bart Stromberger, Stromberger Farms, Inc.

Address: PO Box 787

City, State, Zip Imperial ☒ NE ☒ 69033 Telephone No. 308-883-2525

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

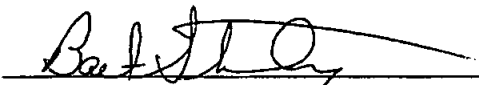
Section 36, Lot 1 18.0 acres, Lot 2 52.8 acres; All in T3S, R21E, Jackson County, SD. Also listed on this Water Permit was the following wording: for irrigating 307.7 acres in portions of Section 31, T3S, R22E, Section 36, T3S, R21E (per Jackson County records, there are 176.75 acres currently owned by John and Lesa Eisenbraun in Section 31, T3S, R22E and there are 70.8 acres currently owned by John and Lesa Eisenbraun in Section 36, T3S, R21E).

☒ I understand that the validity of Water Right/Permit No. 633-2 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, BART STROMBERGER, 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.



633-2

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

August 12, 2015

558-2  
633-2

Bart Stromberger  
Stromberger Farms Inc  
PO Box 787  
Imperial NE 69033

Dear Mr. Stromberger:

I am writing to confirm the transfer of ownership of Water Right No. 558-2 and 633-2.

The ownership changes have been processed as follows:

- **No. 558-2** transferred from John and Lesa Eisenbraun to Bart Stromberger, Stromberger Farms Inc.; and
- **No. 633-2:** transferred from Julian Whidby to Bart Stromberger, Stromberger Farms Inc.

For informational purposes, you will receive an annual irrigation questionnaire for three of the water rights recently transferred to you. They would be the systems with diversion from the White River as authorized under Nos. 305-2, 339-2 and 633-2. The forms are mailed out in mid-October each year and are due back by December 1<sup>st</sup>. The forms request information on how much water was pumped during the season. When you receive them, if you have questions on how to fill them out or are unsure what is required, please give me a call and I can walk you through the process.

The Receipts for the filing fees are being forwarded by copy of this letter to First American Title Company in Rapid City, SD.

Sincerely,

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

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

c: First American Title Company w/Receipts, PO Box 8181, Rapid City SD 57709  
Steve Satterlee, West River Land LLC, 928 Lazelle St, Sturgis SD 57785



RECEIVED

SEP 24 2018

WATER RIGHTS  
PROGRAM

506 Sixth Street  
Post Office Box 8045  
Rapid City, South Dakota 57709  
Main: (605) 342-1078  
Fax: (605) 342-9503

[www.gpna.com](http://www.gpna.com)

September 21, 2018

Quentin L. Riggins  
Email: [qriggins@gpna.com](mailto:qriggins@gpna.com)  
Direct Dial: (605) 719-3436

Eric Gronlund  
SD Department of Natural Resources / Water Rights Division  
Joe Foss Building  
523 East Capitol  
Pierre, SD 57501-3181

Re: Water Rights Permits – Bill Slovek  
GPNA File No. 13668.0004

Dear Mr. Gronlund:

Last week we discussed issues with water rights permits for my client, Bill Slovek, as well as Mitchell – Slovek River Ranch, LLLP of which Mr. Slovek is the controlling owner. It is my understanding from our discussion that there still remains some water rights listed in the name of Bart Stromberger, seller, who sold the real property identified on the attached map to the Bill Slovek as well as his entities.

After speaking with Pat Hall, the realtor who listed the property, as well as Bill I have confirmed that although Stromberger did not sell the feed lot property located near the city of Kadoka identified on the map attached hereto, there were no water rights associated with this transaction and that all water rights permits should have been transferred to the Slovek group and Mike Perault. The attached map shows these properties. The property listed as “Perault” was transferred to Mike Perault and later Bert Perault as part of this transaction. The property identified as “Bo” consists of property that will soon be transferred from Bill Slovek to his son, Bo Slovek. There is also additional property which was transferred to Bill’s daughter and her husband, Brandon and Belinda Mitchell. I have attached legal descriptions for all of these transactions which match up to the property located on the attached map. Included is a list of the land in Bill and Pennie’s individual name as well as the land owned by Mitchell – Slovek River Ranch, LLLP.

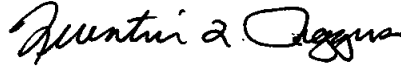
After you have had a chance to review this information please feel free to contact me so that we can discuss the steps necessary to ensure that the water rights permits are transferred to the appropriate entity.

September 21, 2018  
Page -2-

GUNDERSON | PALMER | NELSON | ASHMORE LLP

Should you have any questions or concerns in the meantime please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Quentin L. Riggins". The signature is fluid and cursive, with the first name "Quentin" being more prominent.

Quentin L. Riggins

QLR:jdf

Enc.

cc: Bill Slovek

***Property sold from Mitchell – Slovek River Ranch, LLLP to Brandon and Belinda Mitchell***

**Township 3 South, Range 21 East, BHM, Jackson County, South Dakota.**

Section 20: E1/2

Section 21: W1/2NW1/4NW1/4

***Property sold from Mitchell – Slovek River Ranch, LLLP to Bo Slovek***

**Township 3 South, Range 21 East, BHM, Jackson County, South Dakota.**

Section 13: W1/2NW1/4, W1/2SW1/4

Section 14: ALL, excepting therefrom any railroad right of way.

**Township 3 North, Range 36 West, BHM, Jackson County, South Dakota**

Section 23: N1/2, E1/2SE1/4; NW1/4SE1/4; NE1/4SW1/4.

***Property owned by Mitchell – Slovek River Ranch, LLLP***

**Township 3 South, Range 21 East, BHM, Jackson County, South Dakota.**

Section 1: S1/2SE1/4, EXCEPTING therefrom any railroad right of way.

Section 7: Lot 4, SE1/4SW1/4 and SW1/4SE1/4.

Section 12: W1/2E1/2, EXCEPTING therefrom any railroad right of way.

Section 13: NW1/4NE1/4, W1/2 and SE1/4.

Section 14: ALL, EXCEPTING therefrom any railroad right of way.

Section 18: Lots 1, 2, 3, 4, E1/2W1/2 and NE1/4, EXCEPTING therefrom any railroad right of way.

Section 19: Lots 1, 2, 3, 4, E1/2W1/2 and SW1/4SE1/4.

Section 20: N1/2NW1/4.

Section 21: E1/2NW1/4NE1/4; NE1/4 and N1/2SW1/4.

Section 23: N1/2, NE1/4SW1/4, N1/2SE1/4 and SE1/4SE1/4.

Section 26: S1/2SW1/4, SE1/4NW1/4 and SW1/4NE1/4.

Section 27: Lots 1, 2, N1/2SW1/4, NW1/4SE1/4 and S1/2SE1/4.

Section 28: Lot 1, SW1/4SW1/4 and S1/2SE1/4.

Section 29: S1/2SE1/4.

Section 32: Lots 1, 2, 3, NW1/4NE1/4 and E1/2NE1/4.

Section 33: Lots 1, 2, 3, 4, 5, 6 and 7.

Section 34: Lots 1, 2, 3 and 4.

Section 35: Lots 1, 2, 3, 4 and N1/2NW1/4.

Section 36: Lots 1 and 2.

**Township 4 South, Range 21 East, BHM, Jackson County, South Dakota.**

Section 4: Lot 1.

Section 5: Lot 1.

**Township 3 South, Range 22 East, BHM, Jackson County, South Dakota.**

- Section 6: Lots 3 and 4, E1/2SW1/4 and SE1/4, EXCEPTING therefrom any railroad right of way and also EXCEPTING therefrom Lot H-1.
- Section 7: Lots 1, 2, 4 and NE1/4NW1/4, EXCEPTING therefrom highway right of way.
- Section 31: Lots 1, 2, 3, 4, 5 and 6.

**Township 3 South, Range 22 East, BHM, Jackson County, South Dakota.**

- Section 18: Lots 1, 2, 3 and 4.
- Section 19: Lots 1, 2, 3, 4 and E1/2SW1/4, and that portion of the E1/4NW1/4, lying west of Old Highway No. 73 and that portion of W1/2NE1/4, lying west of Old Highway No. 73, and that portion of the SE1/4 lying west of existing Highway 73, EXCEPTING therefrom Lots H-1, H-2, H-3, H-4, H-5 and H-6.

***Property owned by William and Pennie Slovek***

**Township 3 South, Range 21 East, BHM, Jackson County, South Dakota.**

- Section 24: N1/2; SE1/4
- Section 25: N1/2NE1/4 and SE1/4NE1/4, excepting therefrom Lot 1 of Whidby Ranch Subdivision, as shown on the plat filed in Plat Book E, Page 14

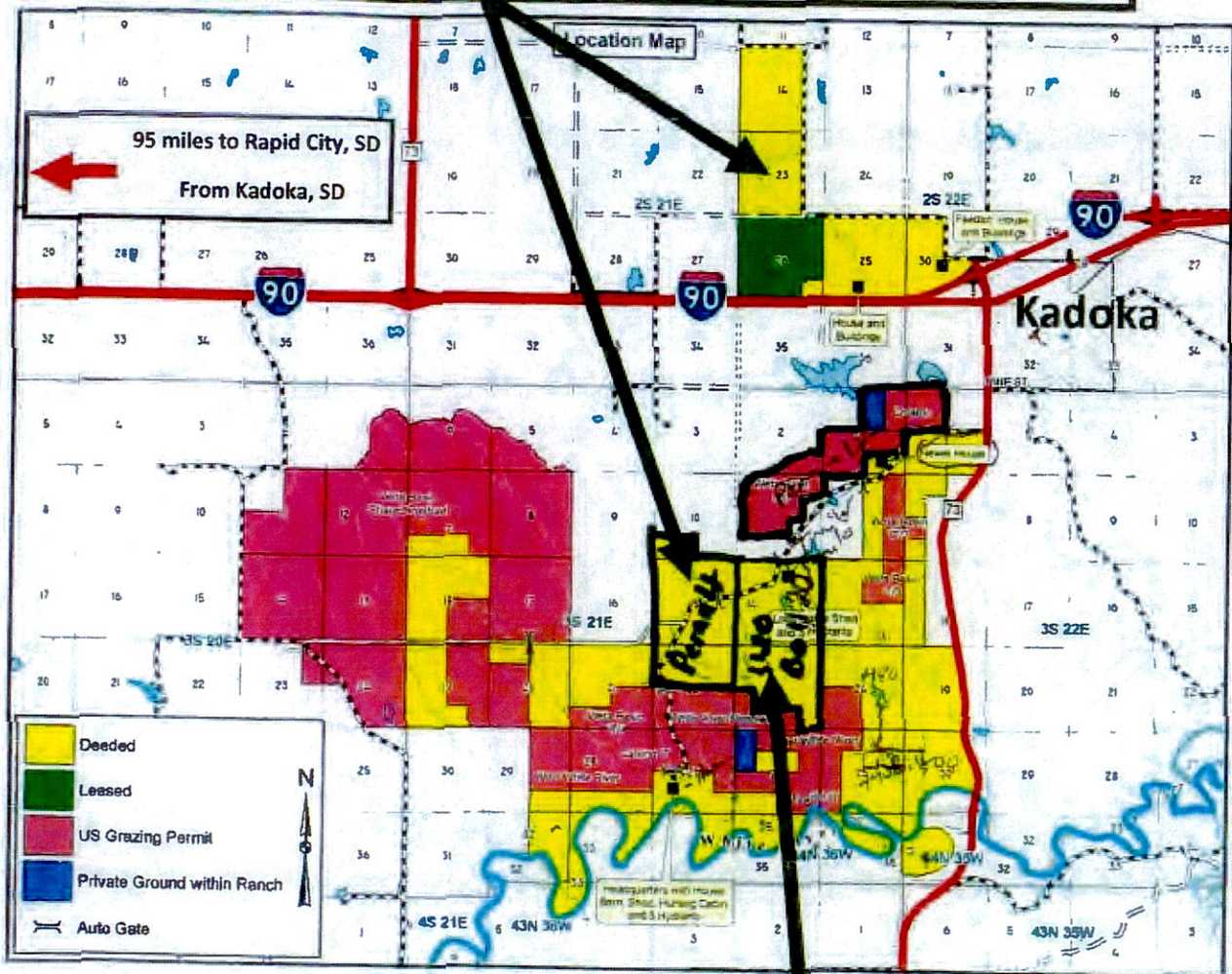
**Township 3 South, Range 22 East, BHM, Jackson County, South Dakota.**

- Section 30: Lots 1, 2, 3, 5, 6, E1/2NW1/4 and W1/2NE1/4, excepting therefrom Lot 1 of Whidby Ranch Subdivision from said Lots 2, 3 and 5, as shown on the plat filed in Plat Book E, Page 14.
- Section 30: That portion of Lot 7 lying West of Highway 73 right of way, excepting therefrom Lots H-1, H-2, H-3, H-4 and H-5.

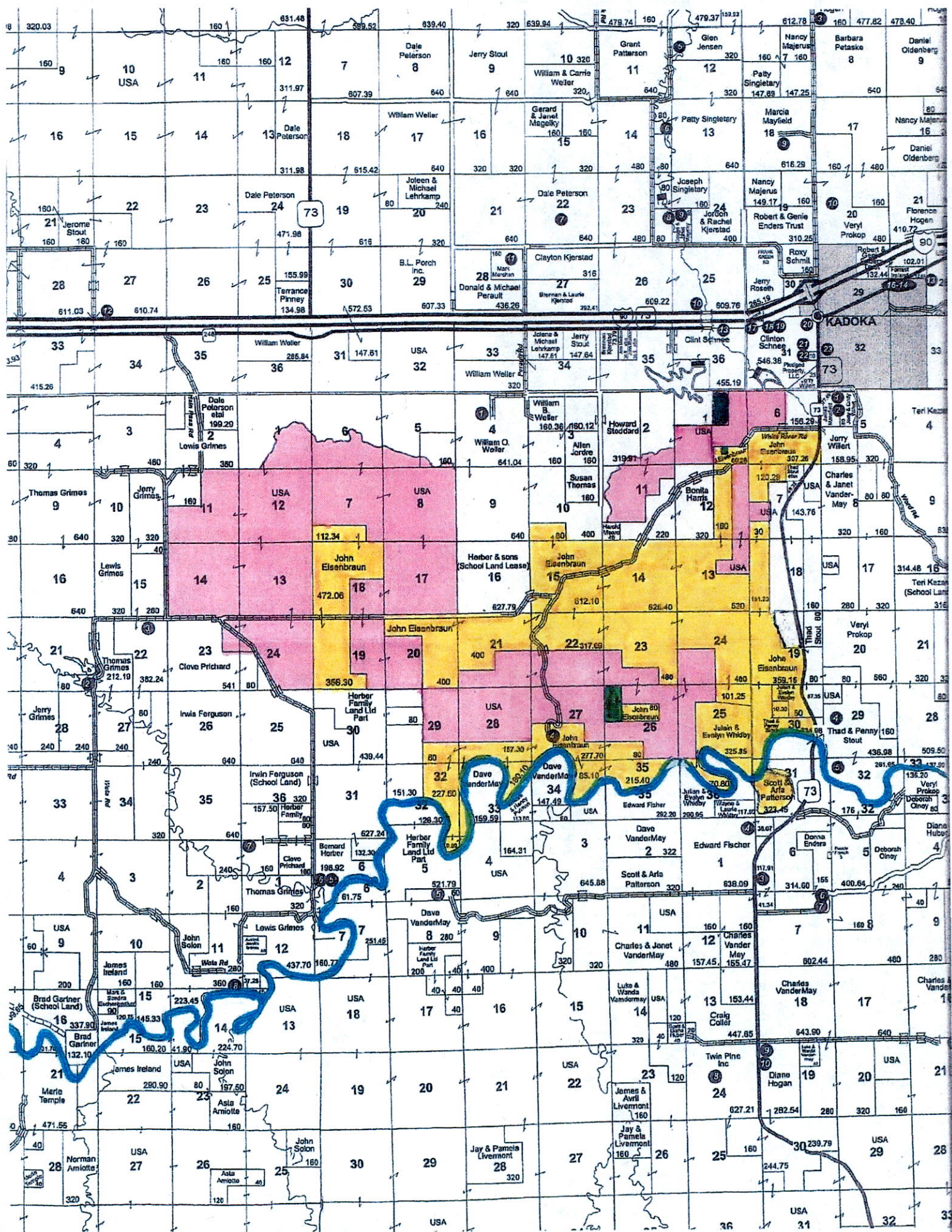
AND

Lot 1 of Whidby Ranch Subdivision located in Section 25, T3S, R21E and in Section 30, T3S R22E BHM, Jackson County, South Dakota, as shown on the plat filed in Plat Book E, Page 14

**Option 1**  
**Kadoka, SD I-90**  
**Ranch, Farm & Feedlot**  
**20,000+ acres Deeded & Permitted**  
**(Option 1 includes the property in Option 2)**  
**\$10,500,000**



**Option 2**  
**The Kadoka, SD I-90**  
**Ranch & Farm Only**  
**18,500 acres +/-**  
**Deeded & Permitted**  
**\$8,000,000**



**Gronlund, Eric**

---

**From:** Quentin L. Riggins <[qriggins@gpna.com](mailto:qriggins@gpna.com)>  
**Sent:** Thursday, November 15, 2018 5:02 PM  
**To:** Gronlund, Eric; Jamie Fischer  
**Cc:** McMath, Genny  
**Subject:** RE: [EXT] Slovek Water Rights

After reviewing the documents and discussing things with my client we agree with the splitting of Water Right No. 633-2 in accordance with the numbers set forth in your email. After you have had a chance to determine the owner of the rest of the rights I would appreciate it if you would let me know who the owner is. I think my client might be interested in speaking with them about purchasing their property. Thanks Eric.

Quentin

---

**From:** Gronlund, Eric <[Eric.Gronlund@state.sd.us](mailto:Eric.Gronlund@state.sd.us)>  
**Sent:** Thursday, November 15, 2018 10:39 AM  
**To:** Quentin L. Riggins <[qriggins@gpna.com](mailto:qriggins@gpna.com)>  
**Cc:** McMath, Genny <[Genny.McMath@state.sd.us](mailto:Genny.McMath@state.sd.us)>  
**Subject:** Slovek Water Rights

Mr. Riggins:

DENR is not proceeding with formal transfer and potential splitting of Water Right No. 633-2 until we hear whether you concur with the ownership set forth in the previous email correspondence. Eric

---

**From:** Gronlund, Eric  
**Sent:** Thursday, November 01, 2018 2:36 PM  
**To:** 'Steve Satterlee'; '[qriggins@gpna.com](mailto:qriggins@gpna.com)'  
**Cc:** '[brian@premierrapidcity.com](mailto:brian@premierrapidcity.com)'; '[steve@premierrapidcity.com](mailto:steve@premierrapidcity.com)'  
**Subject:** RE: [EXT] Slovek Water Rights

Correction , the third bullet should be "the area in green is authorized by WR No. 633-2....." See below. Eric

---

**From:** Gronlund, Eric  
**Sent:** Thursday, November 01, 2018 11:23 AM  
**To:** 'Steve Satterlee'; '[qriggins@gpna.com](mailto:qriggins@gpna.com)'  
**Cc:** '[brian@premierrapidcity.com](mailto:brian@premierrapidcity.com)'; '[steve@premierrapidcity.com](mailto:steve@premierrapidcity.com)'  
**Subject:** RE: [EXT] Slovek Water Rights

Mr. Riggins and Mr. Satterlee:

Based on my discussions with Mr. Satterlee, I put together a map in hopes that it will help everyone visualize the land covered under the water rights and based on my understanding of current landownership. Disclaimer – this is not intended to be a precise map of irrigated acres. It is quite obvious since Water Right No. 633-2 was obtained in 1960 (see plat map from original application in previous email), that the White River's course has changed a little over time.

- The area in yellow is authorized by WR No. 305-2 for irrigation of 99.8 acres. This water right has already been transferred into the name of Mitchell Slovek Ranch LLP

- The area in red is authorized by WR No. 633-2. It entails a total of 112 acres. If this is correct, WR No. 633-2 will be split to reflect these 112 acres are now held by Mitchell Slovek LLP.
- The area in **green** is authorized by WR No. 633-2. It entails 195.7 acres. It is my understanding that this land is not owned by Mitchell Slovek Ranch LLP. Does anyone know who owns this acreage? If not, DENR will contact the register of deeds.

Mr. Riggins, as counsel for Mitchell Slovek Ranch LLP, please let me know if you concur with ownership as set forth in Mr. Satterlee's email and the general depiction on the attached map. If so, DENR will process to split the water right and transfer the 112 acre portion to Mitchell Slovek Ranch LLP.

Eric Gronlund  
Water Rights Program, DENR  
605 773-3352  
[Eric.gronlund@state.sd.us](mailto:Eric.gronlund@state.sd.us)

---

**From:** Steve Satterlee [<mailto:steve@stevesatterlee.com>]  
**Sent:** Wednesday, October 31, 2018 3:11 PM  
**To:** [griggins@gpna.com](mailto:griggins@gpna.com); Gronlund, Eric  
**Cc:** [brian@premierrapidcity.com](mailto:brian@premierrapidcity.com); [steve@premierrapidcity.com](mailto:steve@premierrapidcity.com)  
**Subject:** [EXT] Slovek Water Rights

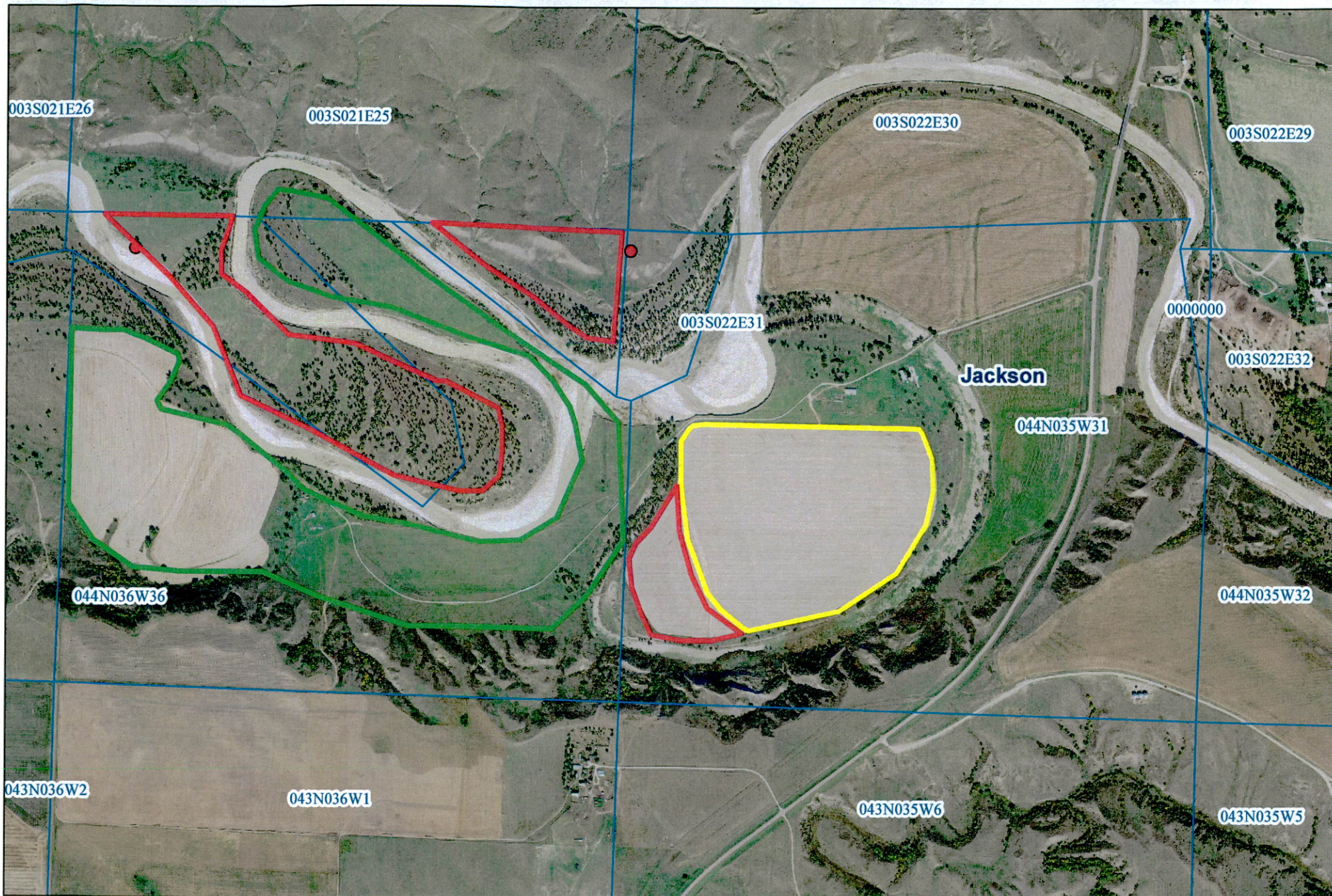
Hi Quentin and Eric,

I believe that Eric and I have figured out what is going on with Water Permit 633-2 (see attached copy of that Permit and the old Water License 6233-2.).

1. Eric and I figured out that the land located in Section 31, T3S, R22E actually pertains to two water permits: Permit # 633-2 (Lot 2 – 2.4 acres and Lot 3 – 13.2 acres (15.6 acres total) and Permit # 305-2 Pertains to Lot 1 – 1.6 acres, Lot 2 – 18.6 acres, Lot 3 - 10.3 acres, Lot 4 – 25.5 acres and Lot 6 – 43.8 acres (99.8 acres total).
2. I also attached maps. The only land that Slovek purchased that is south of the White River is in Lots 1, 2, 3, 4, & 6 (see acres with lot numbers above), Section 31, T3S, R22E and Lot 1 (24.8 acres) and Lot 2 (71.6 acres), Section 36, T3S, R21E. Lot 5 of 31-3-22 is north of the river.
3. On the Certification of Works Permit 633-2, there is a typo. The first legal description says Section 21, T3S, R22E. It should say: Section 31 not 21.
4. On the Certification of Completed Works # 633-2, I have put OK beside the land that should be on the Slovek Permit and NO beside the legal descriptions of other land on that permit that somebody else owns and that land should be split off of # 633-2.

Thanks and please let me know if I can help more.

Steve Satterlee, Broker  
605-641-6882 Cell  
**Premier Properties Farm & Ranch, LLC**  
**528 Kansas City St**  
**Rapid City, SD 57701**  
605-718-4000 Office  
605-716-5454 Fax



 WR No. 633-2 to be transferred to Mitchell - Slovek Ranch LLP

 WR No. 305-2 which is in the name Mitchell - Slovek Ranch LLP

 WR No. 633-2 not owned by Mitchell Slovek Ranch LLP



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

July 19, 2018

633-2

William C Slovek  
Mitchell-Slovek Ranch LLLP  
20901 Slovek Rd  
Philip SD 57567

Dear Mr. Slovek:

On May 7, 2018, ownership changes were filed for a number of water rights held by Stromberger Farms. In reference to the form submitted for No. 633-2, it appears that only a portion of the acreage authorized under the water right is being transferred. The remainder is shown to be still owned by Stromberger Farms. I called back in May to request clarification from a someone with Mitchell-Slovek Ranch LLLP, but have not received a response.

Enclosed is a copy of the transfer of ownership form submitted for No. 633-2. I have also enclosed a copy of the completion of works form written up at the time of licensing.

- Listed as being transferred is: 18 acres in Lot 1 and 52.8 acres in Lot 2 Section 36, T3S, R21E.
- The remaining acres are located: Lots 2 & 3, Section 31, T3S, R22E; 25.6 acres in Lots 1 & 2 of Section 36, T3S, R21E and all of the land described in Section 36, R44N, R36W.

Please take a look at both documents and give me a call so we can discuss the matter. I am holding up processing of the ownership change until I hear from you so that it is done correctly. Thank you in advance for your help.

Sincerely,

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

enclosures

633-2



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

September 26, 2018

William C Slovek, General Ptr  
Mitchell-Slovek Ranch LLLP  
20901 Slovek Rd  
Philip SD 57567

RE: Water Right Nos. 305-2, 339-2, 558-2, 842-2 and 943-2

Dear Mr. Slovek:

The transfer of ownership for the above referenced Water Rights has been completed. The water rights formerly held by Stromberger Farms Inc. are now listed in the name of Mitchell-Slovek Ranch LLLP.

The ownership change for Water Right No. 633-2 is still being processed. We are currently working through your attorney to determine if the entire water right should be transferred or if portions of the land are under separate ownership.

The receipts for filing fees for Nos. 305-2, 339-2, 558-2, 842-2 and 943-2 are being sent to First American Title Company of SD with a copy of this letter. Each receipt is in the amount of \$50.

If you have any questions, please contact me.

Sincerely,

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

c: First American Title Company of SD, PO Box 8181, Rapid City SD 57709

## **FILE DOCUMENTATION FOR WATER RIGHT NO. 633-2**

Water Right No. 633-2, with a priority date of September 6, 1960 authorizes diversion of 4.25 cubic feet of water per second (cfs) from the White River to irrigate 307.7 acres located in portions of Section 31, T3S, R22E; Section 36, T3S, R21E and Section 36, T44N, R36W in Jackson County, South Dakota.

On May 7, 2018 and May 15, 2019, ownership changes were filed with the water right. Based on the ownership changes, Water Right No. 633-2 has been divided and reissued to reflect separate ownership as follows:

- **No. 633A-2, Mitchell-Slovek Ranch, LLLP, 20901 Slovek Rd, Philip SD 57567** authorizing diversion of 1.55 cfs from the White River to irrigate 112 acres located in Lots 2 & 3 Section 31, T3S, R22E and Lots 1 & 2, Section 36, T3S, R21E.
- **No. 633B-2, Laurie J Whidby, 1550 Seger Drive, Lot 88, Rapid City SD 57701** authorizing diversion of 2.70 cfs from the White River to irrigate 195.7 acres located in Lots 1 through 7 and the W  $\frac{1}{2}$  SE  $\frac{1}{4}$ , S  $\frac{1}{2}$  SW  $\frac{1}{4}$  Section 36, T44N, R36W