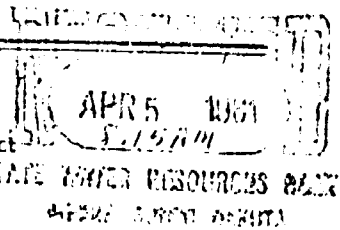


No. 675-2Water Division No. 2BAD RIVER

District

(Blanks to be filled by the Engineer for the W. R. C.)



VESTED RIGHT **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 H. Larpert
Postoffice address Philip, County Jackson, 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)

Work has been done

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

2. Name of diversion work See Sketch Map
3. Amount of water claimed 4.9 cubic feet per second 1027.8 Acre Feet
4. Source of water supply Dry Drains
5. Location of point of diversion See Attached Sheet No. 1

_____ ON _____ Bank _____ County.

6. Annual period or periods during which water is to be used throughout growing period and when runoff occurs.
7. To be used for:

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

- (a) Number of acres to be irrigated
- 243.6
- acres.

- (b) Legal subdivisions to be irrigated
- See attached sheet No. 2

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written on a separate sheet and 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.)
- All diversions also store

water for stockwater use.

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 N° 603-2

SHEET NO. 1

Robert H. Lampert

Philip, South Dakota

Points of Diversion (All Irrigation works are in
Jackson County.)

Diversion No. 1 - From the SE corner of Sec. 31, T-1-S,
R-21-E, 135 rods N 40 degrees 0' W.

Diversion No. 2 - From the SE corner of Sec 31, T-1-S,
R-21-E, 118 rods N 26° 0' W.

Diversion No. 3 - From the NE corner of Sec 11,
T-2-S, R-20-E, 52 rods N 150° 30' W.

Diversion No. 4 - From the SE corner of Sec 1, T-2-S,
R-2-E, 57 rods N 70° 0' W.

Diversion No. 5 - From the NE corner of Sec 7, T-2-S,
R-21-E, 150 rods N 27° 15' W.

Legal Subdivisions Irrigated

All Lands Irrigated are in Jackson County, South Dakota.

NW $\frac{1}{4}$	SE $\frac{1}{4}$	Sec 31, T-1-S, R-21-E	14.4 Ac.
NE $\frac{1}{4}$	SE $\frac{1}{4}$	Sec 31, T-1-S, R-21-E	4.8
SE $\frac{1}{4}$	SE $\frac{1}{4}$	Sec 31, T-1-S, R-21-E	12.8
SW $\frac{1}{4}$	SW $\frac{1}{4}$	Sec 32, T-1-S, R-21-E	2.0
NE $\frac{1}{4}$	NE $\frac{1}{4}$	Sec 6, T-2-S, R-21-E	24.8
NW $\frac{1}{4}$	NW $\frac{1}{4}$	Sec 5, T-2-S, R-21-E	20.0
SE $\frac{1}{4}$	NE $\frac{1}{4}$	Sec 5, T-2-S, R-21-E	22.8
SW $\frac{1}{4}$	NW $\frac{1}{4}$	Sec 5, T-2-S, R-21-E	16.4
NE $\frac{1}{4}$	SE $\frac{1}{4}$	Sec 6, T-2-S, R-21-E	20.8
SW $\frac{1}{4}$	SW $\frac{1}{4}$	Sec 1, T-2-S, R-20-E	7.2
SE $\frac{1}{4}$	SW $\frac{1}{4}$	Sec 1, T-2-S, R-20-E	20.8
SW $\frac{1}{4}$	SE $\frac{1}{4}$	Sec 1, T-2-S, R-20-E	16.8
SE $\frac{1}{4}$	SE $\frac{1}{4}$	Sec 1, T-2-S, R-20-E	16.8
SW $\frac{1}{4}$	SW $\frac{1}{4}$	Sec 6, T-2-S, R-21-E	23.6
SE $\frac{1}{4}$	SW $\frac{1}{4}$	Sec 6, T-2-S, R-21-E	24.0
SW $\frac{1}{4}$	SE $\frac{1}{4}$	Sec 6, T-2-S, R-21-E	12.0
SE $\frac{1}{4}$	SE $\frac{1}{4}$	Sec 6, T-2-S, R-21-E	22.6
NE $\frac{1}{4}$	NE $\frac{1}{4}$	Sec 11, T-2-S, R-20-E	1.2
NW $\frac{1}{4}$	NW $\frac{1}{4}$	Sec 12, T-2-S, R-20-E	15.6
NE $\frac{1}{4}$	NW $\frac{1}{4}$	Sec 12, T-2-S, R-20-E	1.2
NE $\frac{1}{4}$	NE $\frac{1}{4}$	Sec 7, T-2-S, R-21-E	22.4
SE $\frac{1}{4}$	NE $\frac{1}{4}$	Sec 7, T-2-S, R-21-E	14.0
NE $\frac{1}{4}$	SE $\frac{1}{4}$	Sec 7, T-2-S, R-21-E	1.6

Description of Diversion Works

Diversion No. 1 - Height - 13 Ft. Length - 400 Ft.

Approx. 8 Ft. top Width. -- Approximately 13 cfs can be delivered to the irrigated area through a culvert during floods.

Completed 1945.

Diversion No. 2 - Height - Approx. 13 Ft.; Approx. 350 Ft.

long; Diverts the complete flood flow, except for what is stored behind the dam.

Completed _____.

Diversion No. 3 - Height - 13 Ft.; Length - 840 Ft; top

Width - 10 Ft. Approximately 40 cfs can be delivered to the irrigated area during floods. Completed in 1946.

Diversion No. 4 - Approx. 13 Ft. High; Approx. 230 Ft.

Long -- Diverts the entire flood flow.

Completed _____.

Diversion No. 5 - Approx. 12 Ft. High - 660 Ft. Long.

Diverts the entire flood flow.

Completed in 1949.

8. Estimated cost of work:

(a) Head Gates, \$..... (b) Pumping plant, \$.....
 (c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
 (e) Other structures \$..... Total, \$.....

9. Description of diversion works:

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

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

(c)* Head gate: Width.....feet; height.....feet;
 Material.....
 (d) Canal: Total length.....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.....years.
 11. Time required for complete application of water to the proposed beneficial use.....years.
 12. Choice of newspaper for publication of notice of intention to appropriate.....

STATE OF SOUTH DAKOTA

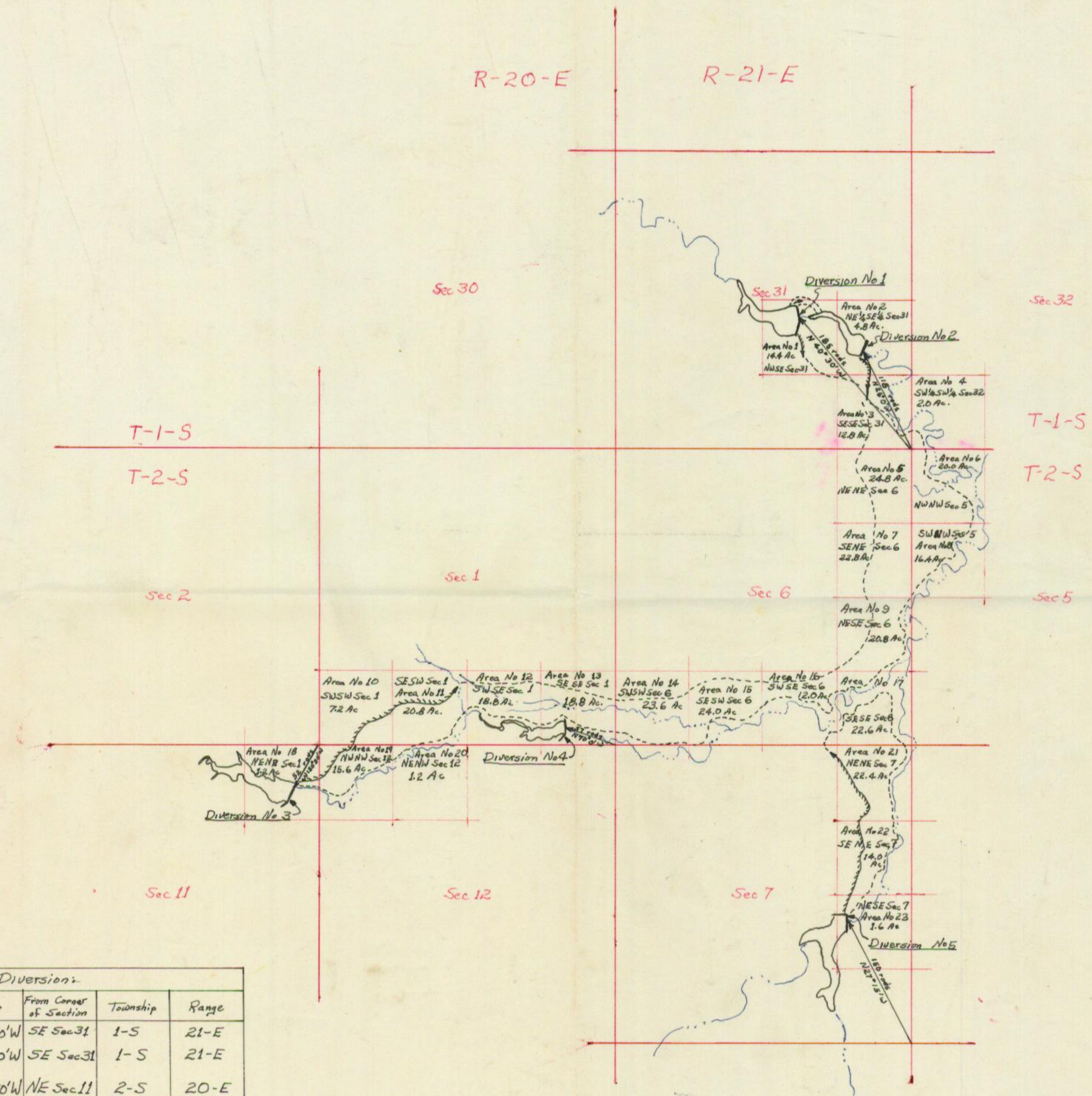
County of.....

I,....., 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.....1961

Notary Public (or other qualified officer.)



Location of Irrigated Lands				
Robert H. Lampert Waterspreading System				
Location	Section	Township	Range	Acres
Area No. 1	31	1-S	21-E	14.4
Area No. 2	31	1-S	21-E	4.8
Area No. 3	31	1-S	21-E	12.8
Area No. 4	32	1-S	21-E	2.0
Area No. 5	6	2-S	21-E	24.8
Area No. 6	5	2-S	21-E	20.0
Area No. 7	6	2-S	21-E	22.8
Area No. 8	5	2-S	21-E	16.4
Area No. 9	6	2-S	21-E	20.8
Area No. 10	1	2-S	20-E	7.2
Area No. 11	1	2-S	20-E	20.8
Area No. 12	1	2-S	20-E	18.8
Area No. 13	1	2-S	20-E	18.8
Area No. 14	6	2-S	21-E	23.6
Area No. 15	6	2-S	21-E	24.0
Area No. 16	6	2-S	21-E	12.0
Area No. 17	6	2-S	21-E	22.6
Area No. 18	11	2-S	20-E	1.2
Area No. 19	12	2-S	20-E	15.6
Area No. 20	12	2-S	20-E	1.2
Area No. 21	7	2-S	21-E	22.4
Area No. 22	7	2-S	21-E	14.0
Area No. 23	7	2-S	21-E	1.6
TOTAL				342.6

Robert H. Lampert is the owner of all described Lands

Location of Points of Diversion					
Diversion Dam Number	Distance	Bearing	From Corner of Section	Township	Range
No. 1	185 rods	N 40° 30' W	SE Sec 31	1-S	21-E
No. 2	118 rods	N 26° 0' W	SE Sec 31	1-S	21-E
No. 3	52 rods	N 150° 30' W	NE Sec 11	2-S	20-E
No. 4	57 rods	N 70° 0' W	SE Sec 1	2-S	20-E
No. 5	150 rods	N 27° 15' W	NE Sec 7	2-S	21-E

SKETCH MAP

ROBERT H. LAMPERT
Waterspreading System Number 1
Jackson County, South Dakota
Scale: 1" = 1320 Feet

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

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

Remarks by State Water Resources Commission:

"Vested right" claimed

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, February 26, 1962

This is to certify that the foregoing application was received by the Commission at 8:15 o'clock
A.m. upon the 5th day of April, 1961

State Water Resources Commission

By:

[Signature]
for Chief Engineer, Executive Officer

Number of permit 695-2

Date of first receipt of application April 5, 1961

Date of return to applicant for correction, amendments or changes required as follows: February 15, 1962

Date of receipt of corrected application February 21, 1962

Date from which applicant may claim right 1949, 19

Approved February 26, 1962, Recorded in Book 7 Page 41

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~~

1962

2nd The whole of said work is ~~to be completed on or before~~, 1962

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

Completed

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 4.9 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 was

and beneficially applied for irrigation on or before June 30, 1955; said water to be used during the following described annual period:

Whenever available during growing season

Witness my hand this 26th day of February, 1962

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued , 19

Water License Issued

Remarks by the Applicant:

Work on this waterspreading system was started in 1944.

Work on the main diversions was completed in 1949. Work since that time has been on the irrigated areas to improve the efficiency of water application. More of this type of work remains to be done and should be substantially completed in three more years.

STATE OF SOUTH DAKOTA

WATER LICENSE No. 675-2

WHEREAS, On the 5th day of April A. D. 1961
Robert H. Lampert
of Philip County of Haakon and State of
South Dakota vested right
duly made application (No. 675-2) to us for a permit to use 4.9
cubic feet per second of the waters of dry draws
County of Haakon Jackson, State of South Dakota, for irrigation
purposes: and

WHEREAS, On the 26th day of February A. D. 1962
Permit No. 675-2 was issued to said applicant... recognizing the
completion of the works of diversion therein described
and application to beneficial use of said
water
and,

WHEREAS, On the 5th day of April A. D. 1961
the holder of said permit duly made proof of the completion of adequate works for the diversion of 4.9
cubic feet per second of said waters, as evidenced by our Certificate No. 675-2
dated February 26, 1962 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 4.9 cubic feet per second of water, with date of
priority of 1944 and,

WHEREAS, On the 15th day of February A. D. 1962
proof was duly made of the application to beneficial use of 4.9 cubic feet per second of said water;
on portions of Sections 1, 11 and 12, T2S, R20E; Sections 5, 6 and 7,
T2S, R21E; and Sections 31 and 32, T1S, R21E.

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 H. Lampert
of Philip vested right
the holder and owner of said permit No. 675-2
a water right, dating from 1944 to the use of 4.9
cubic feet per second of the waters of dry draws
in the County of Haakon and State of South Dakota, or so much thereof as may be
necessray for the purposes hereibelow mentioned, to be diverted at points in Sections 1 and 11, T2S,
R20E; in Section 7, T2S, R21E; and Section 31, T1S, R21E
and conducted to and upon portions of Sections 1, 11 and 12, T2S, R20E; Sections
5, 6 and 7, T2S, R21E; and Sections 31 and 32, T1S, R21E
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 26th day of February A. D. Nineteen
Hundred and sixty-two

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. GRINES

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. 675-2Water Division No. 2 Bad River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Robert H. Lamportof Philip, County of Haakon, and State of South Dakotathe holder of Permit No. 675-2, issued upon Application No. 675-2, bearing date of priority of 1944, authorizing the diversion of 4.9 cu. ft. per second of the waters of dry drawsCounty of Haakon TACKE, State of South Dakota, at points in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11; SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, T2S, R20E; NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, T2S, R21E; NW $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 31, T1S, R21E for irrigationpurposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of recognized as completion of the works of diversion set out and described in said Permit; that said works ~~are~~ satisfactory 4.9 for diverting and conveying to the place of intended use 4.9 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: portions of the following:Section 1, T2S, R20E - S $\frac{1}{2}$ SW $\frac{1}{4}$ 280 acresS $\frac{1}{2}$ SE $\frac{1}{4}$ 37.6 acresSection 11, T2S, R20E - NE $\frac{1}{4}$ NE $\frac{1}{4}$ 1.2 acresSection 12, T2S, R20E - N $\frac{1}{2}$ NW $\frac{1}{4}$ 16.8 acresSection 5, T2S, R21E - W $\frac{1}{2}$ NE $\frac{1}{4}$ 36.4 acresSection 6, T2S, R21E - E $\frac{1}{2}$ NE $\frac{1}{4}$ 47.6 acresE $\frac{1}{2}$ SE $\frac{1}{4}$ 43.4 acresSW $\frac{1}{4}$ SE $\frac{1}{4}$ 12.2 acresS $\frac{1}{2}$ SW $\frac{1}{4}$ 47.6 acresSection 7, T2S, R21E - E $\frac{1}{2}$ NE $\frac{1}{4}$ 36.4 acresNE $\frac{1}{4}$ SE $\frac{1}{4}$ 1.6 acresSection 31, T1S, R21E - NW $\frac{1}{4}$ SE $\frac{1}{4}$ 14.4 acresE $\frac{1}{2}$ SE $\frac{1}{4}$ 17.6 acresSection 32, T1S, R21E - SW $\frac{1}{4}$ SW $\frac{1}{4}$ 2.0 acresTotal - 342.6 acresWitness my hand this 26th day of February A. D. 1962

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. GRIMES

Location No. _____

Water Division No. _____

Water District _____

APR 5 1961

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA**Proof of Application of Water to Beneficial Use****PETITION OF HOLDER**

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

Ans. Robert H. Lampert, Philip, S. Dak.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. _____

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

Ans. Source - dry draws, see attached sheet No. 1 and

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

Ans. Source - dry draws, See attached sheet No. 1 andsketch map for points of Diversion.

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.

See attached sheet No. 2

Ans. _____

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. Each diversion stores some water for Stockwateruse. They also divert water for irrigation (water spreading.)See attached sheet No. 3 for description of irrigatedarea and acreages.

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

Ans. _____

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

Ans. 1027.5 Acre feet.

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. _____

RECEIVED
FEB 21 1962STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

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

Ans. The entire flood flows of the dry river has been diverted throughout the year whenever runoff has occurred.

(Sign)

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 Phelps, County of Lawrence,

State of South Dakota, on this 2nd day of Feb. A. D. 1906

Witness

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.

Location No.

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water c. f. s.

Source

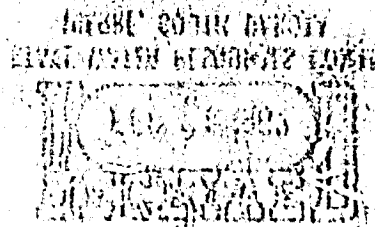
County

Purpose

Place of Use

Date of recording

Received and filed



South Dakota
Department of
Water & Natural Resources

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

September 21, 1988

NOTICE

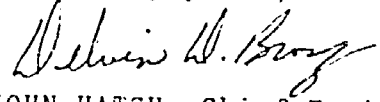
Robert H. Lampert
HCR 03, Box 14
Philip SD 57567

Dear Mr. Lampert:

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). 675-2 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
605 773-3352



Report for Validation of Water License No. 675-2

Bad River - Water District

March 26, 1996

Shirley Lampert
Don Moody (Operator)
HCR 03 Box 14
Philip, SD 57567
Phone (605) 859-2127

Water License No. 675 2 requires validation of the vested right claim for the appropriation of 4.90 cubic feet of water per second or 1027.8 ac-ft annually from surface runoff to irrigate 342.6 acres. The construction date for the system originally applied for was January 1, 1944.

An inspection of Water License 675-2 revealed a diversion points located as follows:

Table 1. Diversion Point locations.

Diversion Point No.*	Legal Description	Distance From Section Corner
1	NW1/4 SE1/4 SEC. 31 T1S-R21E	2340 ft. north, 1960ft. west of SE corn. Section 31 T1S-R21E
2	NE 1/4 SE 1/4 SEC. 31 T1S-R21E	1750 ft. north, 855 ft west of SE corner Section 31 T1S-R21E
3	NE 1/4 NE 1/4 SEC. 11 T2S-R20E	750 ft. south, 420 ft. west of NE corner Section 11 T2S-R20E
4	SE 1/4 SE 1/4 SEC. 7 T2S-R20E 1 R20	320 ft. north, 880 ft west of the SE corner Section 1 T2S-R20E
5	NE 1/4 SE 1/4 SEC. 7 T2S-R21E 4 R20	2200 ft. north, 1130 ft. west of SE corner Section 7 T2S-R21E

* As referenced in the application.

The works are capable of diverting and conveying to the place of use 3.56 ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent irrigating acres described in Table 2. The system is in good condition.

The inspection revealed a reduction in acreage from the time of application from 342.6 acres diverting 4.90 cfs to 249.1 acres diverting 3.56 cfs as detailed in the Table 2.

Table 2. Lands applied for under Water License No. 675-2.

1/4, 1/4	ACRES IN APPLICATION	PRESENT ACRES IRRIGATED
T2S-R20E		
S1/2 SW1/4 SECTION 1	28	27.2
S1/2 SE1/4 SECTION 1	37.6	0.0
NE1/4 NE1/4 SECTION 11	1.2	1.2
N1/2 NW1/4 SECTION 12	16.8	16.8
T2S-R21E		
W1/2 NW1/4 SECTION 5	36.4	34.4
E1/2 NE1/4 SECTION 6	47.6	47.6
E1/2 SE1/4 SECTION 6	43.4	43.4
SW1/4 SE1/4 SECTION 6	12.0	7.5
S1/2 SW 1/4 SECTION 6	47.6	0.0
E1/2 NE1/4 SECTION 7	36.4	36.4
NE 1/4 SE1/4 SECTION 7	1.6	1.6
T1S-R21E		
NW1/4 SE1/4 SECTION 31	14.4	14.4
E1/2 SE1/4 SECTION 31	17.6	17.6
SW1/4 SW1/4 Section 32 ³² / _{ES}	2.0	1.0
GRAND TOTAL	342.6	249.1

Conclusions

1. The project consists of a series of diversion dams diverting water to gravity water spreading systems.
2. The system was inspected and found to exist with a reduction in the number of acres irrigated to 242.1 acres at 3.56 cfs.
3. Water has been used when available since the time that the system was constructed.
4. The priority date for this vested water right claim should be 01/01/1944 for 3.56 cfs.
5. No increase in the diversion rate or the number of acres irrigated is authorized by the vested right application.



DelRon V. Peters
Natural Resources Engineer
DENR

NOTICE OF TRANSFER OF OWNERSHIP

No. 675-2

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

Date: April 10, 1996



I/We request that Water License No. 675-2

formerly owned by: Robert H. Lampert

be transferred to: (name & address) Shirley Lampert (LAMPERT RANCH) HCR 03, Box 14 Phillip, S.D. 57557

Telephone No. (605) 859-2127 or 393-2215

Title to the following described land(s)/property has been transferred as described above:
N1/2 NE 1/4 Sec. 11; N1/2 NW1/4 SEC. 1; 1/2 SW1/4 AND S1/2 S71/4 SEC. 1 all in T2S-20E. NW1/4 SEC. 5; E1/2 SEC. 6;
E1/2 NE1/4 AND NE1/4 E1/4 SEC. 7 all in T2S-R21E. SE 1/4 SEC. 31; SW1/4 SW1/4 SEC. 32 all in T1S-R21E

I/We understand that the validity of Water Permit No. 675-2 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 Jackson)

I/We Shirley H. Lampert 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.

Shirley H. Lampert
(Signed)

Subscribed and sworn to before me this 10th day of April, 1996.

Lyn M. Osmond
(Notary Public)

NOTE: Water permits may be canceled 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.

RECEIVED

APR 17 1996

RECEIPT

414913

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ April 18, 1936

RECEIVED OF Shirley L. Lampert, 14881 E. Hwy. 44, 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
and to put water to beneficial use _____

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

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

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

Fee for Filing Transfer Form Water Right No. 675-2

Fee for Filing Extension Request _____

Fee for _____

2 50

(Any Other Work Provided by Law)

Total

2 50

By

Chief Engineer

John Hatch



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: Shirley L Lampert
c/o Don Moody, Operator
HCR 3 Box 14
Philip SD 57567

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

SUBJECT: Hearing to Consider Validation of Recognized Vested Right Claim No. 675-2

A Notice of Intent to validate Claim No. 675-2 was published on June 2 and 9, 1988 in the Kadoka Press, Kadoka SD. The Water Rights Program opposed validation of No. 675-2 for purposes of completing an on-site investigation of the claim. The investigation of Claim No. 675-2 was completed, by DelRon Peters, staff engineer. The investigation found that the number of acres being irrigated has been reduced from 342.6 acres to 249.1 acres. The diversion rate is to be reduced, accordingly, from 4.90 cubic feet of water per second (cfs) to 3.56 cfs. This reduced diversion rate is based on the statutory application rate of 1 cfs per 70 acres ($249.1 \text{ acres}/70 = 3.56 \text{ cfs}$).

The Water Management Board will consider validation of Claim No. 675-2 at 10:00 am, July 10, 1990, 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 investigation, validation of Claim No. 675-2 is recommended for a diversion rate of 3.56 cfs from a series of dry draw dams to irrigate 249.1 acres. Following the hearing, the Board is authorized to 1) validate the claim as recommended for 249.1 acres and 3.56 cfs, 2) validate the claim as licensed prior to the on-site investigation, 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. 675-2 will still apply at this hearing. A copy of the June 2 and 9, 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 June 28, 1996 at the above Water Rights Program address to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

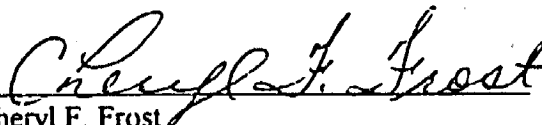
CERTIFICATION

I hereby certify that on June 6, 1996, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated June 6, 1996, regarding Hearing to Consider Validation of Recognized Vested Right Claim No. 675-2, addressed as stated below:

Shirley L. Lampert, %Don Moody, Operator, HCR 3, Box 14, Philip, SD 57567

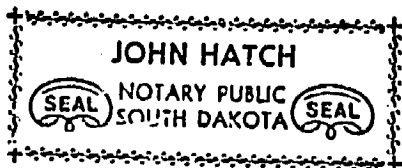
A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, Capitol Building.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of June, 1996





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

OCT 17 1996

Shirley L. Lampert
c/o Don Moody, Operator
HCR 3 Box 14
Philip SD 57567

Dear Mr. Moody:

Enclosed are Reissued Vested Water Right No. 675-2 and Water Right No. 2359-2 as approved and validated by the Water Management Board. These are the final documents which complete the process of obtaining water rights. Also, enclosed is the receipt for the transfer of No. 675-2 to your name.

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. 675-2 FOR IRRIGATION

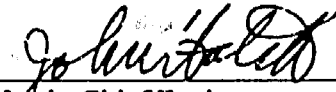
Date of Receipt of Claim April 5, 1961.

Date of Validation July 10, 1996.

The Water Management Board validated Vested Water Right Claim No. 675-2 for irrigation purposes for Shirley L Lampert c/o Don Moody, Operator, HCR 3 Box 14, Philip SD 57567 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 675-2 appropriates 3.56 cubic feet of water per second from a series of dry draw dams located in the NW 1/4 SE 1/4, NE 1/4 SE 1/4 Section 31-T1S-R21E, NE 1/4 NE 1/4 Section 11-T2S-R20E, SE 1/4 SE 1/4 Section 1-T2S-R20E and the NE 1/4 SE 1/4 Section 7-T2S-R21E. The location of the 249.1 acres irrigated is the S 1/2 SW 1/4 Section 1, NE 1/4 NE 1/4 Section 11, N 1/2 NW 1/4 Section 12; all in T2S-R20E, W 1/2 NW 1/4 Section 5, E 1/2 NE 1/4, E 1/2 SE 1/4, SW 1/4 SE 1/4 Section 6, E 1/2 NE 1/4, NE 1/4 SE 1/4 Section 7; all in T2S-R21E, NW 1/4 SE 1/4, E 1/2 SE 1/4 Section 31, SW 1/4 SW 1/4 Section 32; all in T1S-R21E.
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: January 1 - December 31.
3. The priority date of the Vested Water Right is January 1, 1944.
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 Hoch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 17 1996
date



REISSUED STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 675-2 FOR IRRIGATION

(1) Robert H. Lampert, Philip SD was issued Vested Water Right License No. 675-2, February 26, 1962 for a right to appropriate 4.9 cubic feet of water per second from dry draws, Jackson County, South Dakota, for irrigation purposes. Vested Water Right No. 675-2 with a priority date of 1944 was issued with construction of the described water supply system completed and application of water to beneficial use completed.

Vested Right No. 675-2 was transferred April 18, 1996, to Shirley L. Lampert.

On July 10, 1996, the Water Management Board validated Vested Right No. 675-2. Vested Right No. 675-2 is being reissued to reduce the amount of water claimed to the actual amount applied to beneficial use, based on an October 2, 1995 investigation of the system.

(2) The vested right owner is entitled to divert 3.56 cubic feet of water per second for beneficial use. The location of the diversion points are:

- No. 1-2,340 feet north and 1,960 feet west of southeast corner of Sec 31-T1S-R21E (NW 1/4 SE 1/4)
- No. 2-1,750 feet north and 855 feet west of southeast corner of Sec 31-T1S-R21E (NE 1/4 SE 1/4)
- No. 3-750 feet south and 420 feet west of northeast corner of Sec 11-T2S-R20E (NE 1/4 NE 1/4)
- No. 4-320 feet north and 880 feet west of southeast corner of Sec 1-T2S-R20E (SE 1/4 SE 1/4)
- No. 5-2,200 feet north and 1,130 feet west of southeast corner of Sec 7-T2S-R21E (NE 1/4 SE 1/4)

The location of the irrigated acreage is:

T2S-R20E	Sec 1	S 1/2 SW 1/4	27.2 acres
	Sec 11	NE 1/4 NE 1/4	1.2 acres
	Sec 12	N 1/2 NW 1/4	16.8 acres
T2S-R21E	Sec 5	W 1/2 NW 1/4	34.4 acres
	Sec 6	E 1/2 NE 1/4	47.6 acres
	Sec 6	E 1/2 SE 1/4	43.4 acres
	Sec 6	SW 1/4 SE 1/4	7.5 acres
	Sec 7	E 1/2 NE 1/4	36.4 acres
	Sec 7	NE 1/4 SE 1/4	1.6 acres
T1S-R21E	Sec 31	NW 1/4 SE 1/4	14.4 acres
	Sec 31	E 1/2 SE 1/4	17.6 acres
	Sec 32	SW 1/4 SW 1/4	1.0 acre
Total			240.1 acres

(continued)

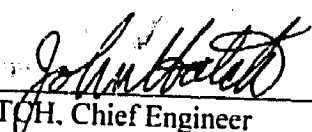
675-2

REISSUED VESTED RIGHT NO. 675-2

Shirley L Lampert

Page 2

(3) Pursuant to Section 46-5-30.1 Shirley L. Lampert, c/o Don Moody, Operator, HCR 3, Box 14, Philip SD 57567 the holder and/or owner of Vested Water Right No. 675-2 is issued a license to appropriate 3.56 cubic feet of water per second from a series of dry draw dams with a priority date of January 1, 1944 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. 675-2 and subject to South Dakota State Law.



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

OCT 17 1996

date



BANGSMcCULLEN
— LAW FIRM —

Reply to Rapid City Office

Writer's email address: criter@bangsmccullen.com

January 5, 2012

RECEIVED

JAN - 6 2012

**WATER RIGHTS
PROGRAM**

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

Re: Water Right/Permit No. 675-2
Moody Sale to Wheeler

Dear Mr. Gronlund:

I represent Donald R. Moody and Viola M. Moody, Philip, South Dakota, and Ralph E. Kemnitz represents Justin G. Wheeler, Philip, South Dakota.

Moodys are selling 1,743.80 acres of land located in Jackson County, South Dakota, to Wheeler. South Dakota Water Right/Permit No. 675-2 covers 45.2 acres of the 1,743.80 acres which will be conveyed to Wheeler, but, it also covers other real property which will be retained by the Moodys.

Moodys are proposing to transfer part of Permit No. 675-2 to Wheeler for 45.2 acres contained in the real property described on **Exhibit A** and retain part of the permit for the property subject to irrigation east of Highway 73 (the remainder of the permit). Thus the water rights will be split proportionately into two new permits, 675-2A and 675-2B, as I understand it.

Both Moodys and Wheeler would sign separate Notices of Transfer of Ownership in the forms shown on **Exhibits B and C** attached hereto and incorporated herein by this reference.

Moodys and Wheeler have agreed that Moodys may continue to utilize two diversion points on the Wheeler property described on Exhibit A.

Mr. Eric Gronlund
Page 2
January 5, 2012

The real property covered by Water Right/Permit No. 675-2 is shown as being owned by Shirley L. Lampert, c/o Don Moody, Operator. Mrs. Lampert died on January 1, 2001, and the real estate was conveyed 75% to Viola M. Moody and 25% to Norma Lampert Jiskra (**Exhibit D**). Norma Jiskra died on November 10, 2003, and her 25% interest in the real estate was conveyed to Viola M. Moody (**Exhibit E**). On September 9, 2008, Donald and Viola Moody, husband and wife, conveyed all interest in the property to themselves as tenants in common, each an undivided one-half interest (**Exhibit F**.)

If you have any questions about this, please let me know. Thank you for your usual fine cooperation.

Very truly yours,

BANGS, MCCULLEN, BUTLER,
FOYE & SIMMONS, L.L.P.

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

Charles L. Riter

CLR:wks
Enclosures
cc w/encs: Mr. and Mrs. Donald R. Moody (via email)
Mr. Ralph E. Kemnitz (via email)

Exhibit A

RECEIVED

JAN - 6 2012

WATER RIGHT
PROGRAM

Township 1 South, Range 20 East of the Black Hills Meridian, Jackson County, South Dakota:

Section 36: All lying West of the Highway Right-of-Way; and

Township 2 South, Range 20 East of the Black Hills Meridian, Jackson County, South Dakota:

Section 1: Government Lots 1, 2, 3, 4, S1/2N1/2 and the S1/2, lying
West of the Highway Right-of-Way.

Section 2: SE1/4.

Section 11: NE1/4.

Section 12: NW1/4.

RECEIVED

JAN - 6 2012

WATER RIGHTS

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Exhibit B

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

Water Right/Permit No. 675-2

Date: January 5, 2012

I/We request that part of Water Right/Permit No. 675-2 formerly owned by:
Shirley L. Lampert be transferred to:

New Owner Name: Donald R. Moody and Viola M. Moody

Address: 24134 SD Highway 73

City, State, Zip Philip SD 57567 Telephone No. 605-859-2127

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

All real property included in Water Right/Permit No. 675-2 which lies east of Highway 73 in such permit.

☒ I understand that the validity of Water Right/Permit No. 675-2 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, Donald R. Moody and Viola M. Moody, the new owner, certify that the above information is true and correct.

Donald R. Moody

(signed by new owner)

Viola M. Moody

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.

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. 675-2Date: January 5, 2012

I/We request that part of Water Right/Permit No. 675-2 formerly owned by:
Shirley L. Lampert be transferred to:

New Owner Name: Justin G. WheelerAddress: 24208 Fairview RoadCity, State, Zip Philip SD 57567 Telephone No. 605-859-2979

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

See Exhibit A attached hereto and incorporated herein by this reference.**RECEIVED****JAN - 6 2012****WATER RIGHTS
PROGRAM**

☒ I understand that the validity of Water Right/Permit No. 675-2 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, Justin G. Wheeler, the new owner, certify that the above information is true and correct.

(signed by new owner)
Justin G. Wheeler

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.

Exhibit A

Township 1 South, Range 20 East of the Black Hills Meridian, Jackson County, South Dakota:

Section 36: All lying West of the Highway Right-of-Way; and

Township 2 South, Range 20 East of the Black Hills Meridian, Jackson County, South Dakota:

Section 1: Government Lots 1, 2, 3, 4, S1/2N1/2 and the S1/2, lying West of the Highway Right-of-Way.

Section 2: SE1/4.

Section 11: NE1/4.

Section 12: NW1/4.

RECEIVED

JAN - 6 2012

WATER RIGHTS

PERSONAL REPRESENTATIVES' DEED OF DISTRIBUTION

Exhibit D

Viola M. Moody and Donald Moody (HCR 03, Box 14, Philip, Jackson County, SD 57567) were appointed personal representatives by the clerk of the circuit court of Pennington County, South Dakota, on January 11, 2001, and Letters of Personal Representatives were issued on January 11, 2001, which letters are unrevoked and remain in full force and effect; a copy of the letters certified to the date of this deed or later is attached. Also attached to this deed is a South Dakota Inheritance Tax Lien Waiver and Consent to Transfer Property.

Viola M. Moody and Donald Moody, as the duly appointed, qualified, and acting personal representatives of the estate of Shirley L. Lampert, grantors, convey, transfer, assign, and release to Viola M. Moody (HCR 03, Box 14, Philip, SD 57567), an undivided seventy-five percent (75%) interest, and to Norma Lampert Jiskra, f/k/a Norma Jean Jiskra (274 Church St., Unit 1C, Guilford, CT 06437), an undivided twenty-five percent (25%) interest, as tenants in common, grantees, all interest of the decedent and the estate of decedent in the following described real estate in Jackson County, South Dakota:

Township 1 South, Range 20 East, Black Hills Meridian, Jackson County, South Dakota:

Section 36: NE1/4, ex. hwy.; NW1/4; SW1/4; SE1/4, ex. hwy.

Township 1 South, Range 21 East, Black Hills Meridian, Jackson County, South Dakota:

Section 31: NE1/4; Lot 2 & E1/2NW1/4; Lots 3 & 4; E1/2SW1/4; SE1/4

Section 32: NW1/4NW1/4; SW1/4; S1/2SE1/4

Township 2 South, Range 20 East, Black Hills Meridian, Jackson County, South Dakota:

Section 1: Lots 1 & 2; S1/2NE1/4; Lots 3 & 4; S1/2NW1/4; SW1/4; SE1/4

Section 2: SE1/4

Section 11: NE1/4

Section 12: NW1/4

Township 2 South, Range 21 East, Black Hills Meridian, Jackson County, South Dakota:

Section 4: Lots 1 & 2; S1/2NE1/4; Lots 3 & 4; S1/2NW1/4

Section 5: Lots 1 & 2; S1/2NE1/4; Lots 3 & 4; S1/2NW1/4; SW1/4; SE1/4

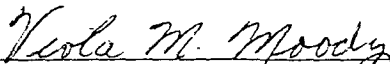
Section 6: Lots 1 & 2; S1/2NE1/4, ex. Moody Tract 7.07 acres; Lots 3, 4 & 5; SE1/4NW1/4, ex. hwy.; Lots 6 & 7; E1/2SW1/4, ex. hwy.; SE1/4

Section 7: NE1/4; Lots 1 & 2; E1/2NW1/4, ex. hwy.; Lots 3 & 4; E1/2SW1/4, ex. hwy.; SE1/4

subject to covenants, easements, restrictions, reservations, and rights-of-way of record.

THIS TRANSFER IS EXEMPT - SDCL 43-4-22(10)

Dated as of December 31, 2001.



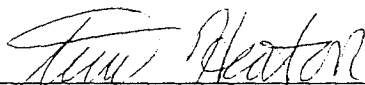
Viola M. Moody, Personal Representative



Donald Moody, Personal Representative

STATE OF SOUTH DAKOTA :
SS
COUNTY OF JACKSON :

On December 17, 2001, before me, personally appeared Viola M. Moody and Donald Moody, personal representatives of the Estate of Shirley L. Lampert, known to me or satisfactorily proven to be the persons described in the Personal Representatives' Deed of Distribution, and acknowledged that they executed the foregoing Personal Representatives' Deed of Distribution as personal representatives of the estate of Shirley L. Lampert and for the purposes therein contained.



NOTARY PUBLIC
My Commission Expires: 4-17-2005

(SEAL)

Prepared By: Thomas H. Foye of Bangs, McCullen, Butler, Foye & Simmons, L.L.P., 818 Saint Joseph St.,
P.O. Box 2670, Rapid City, SD 57709, 605-343-1040

STATE OF SOUTH DAKOTA :
COUNTY OF PENNINGTON : SS

IN CIRCUIT COURT
PROBATE DIVISION
SEVENTH JUDICIAL CIRCUIT

ESTATE OF
SHIRLEY L. LAMPERT,
DECEASED.

FILE No. 01- 06

LETTERS OF PERSONAL REPRESENTATIVES

On January 11, 2001, Viola M. Moody and Donald Moody were appointed by this clerk and qualified as personal representatives of the estate of Shirley L. Lampert.

These letters are issued as evidence of the appointment, qualification, and authority of Viola M. Moody and Donald Moody to do and perform all acts authorized by law.

Dated January 11, 2001.

RANAE TRUMAN, CLERK OF COURTS
SEVENTH JUDICIAL CIRCUIT

BY [Signature]
Deputy

(Seal)

State of South Dakota } Seventh Judicial
County of Pennington } 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

DEC 18 2001

RANAE L. TRUMAN
Clerk of Courts, Pennington County

By [Signature] Deputy

Pennington County, SD
FILED
IN CIRCUIT COURT

JAN 11 2001

Ranae Truman, Clerk of Courts
By [Signature] Deputy

State of South Dakota

Department of Revenue

IN THE MATTER OF THE ESTATE OF)

Shirley L. Lampert

, Deceased)

SOUTH DAKOTA
INHERITANCE TAX LIEN WAIVER
AND

CONSENT TO TRANSFER PROPERTY

Consent is hereby granted to transfer the following described asset or assets of the above-entitled estate without liability on the part of the transferor for South Dakota Inheritance Tax:

Township 1 South, Range 20 East, Black Hills Meridian, Jackson County, South Dakota:

Section 36: NE1/4, ex. hwy.; NW1/4; SW1/4; SE1/4, ex. hwy.

Township 1 South, Range 21 East, Black Hills Meridian, Jackson County, South Dakota:

Section 31: NE1/4; Lot 2 & E1/2NW1/4; Lots 3 & 4; E1/2SW1/4; SE1/4

Section 32: NW1/4NW1/4; SW1/4; S1/2SE1/4

Township 2 South, Range 20 East, Black Hills Meridian, Jackson County, South Dakota:

Section 1: Lots 1 & 2; S1/2NE1/4; Lots 3 & 4; S1/2NW1/4; SW1/4; SE1/4

Section 2: SE1/4

Section 11: NE1/4

Section 12: NW1/4

Township 2 South, Range 21 East, Black Hills Meridian, Jackson County, South Dakota:

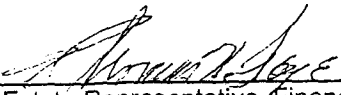
Section 4: Lots 1 & 2; S1/2NE1/4; Lots 3 & 4; S1/2NW1/4

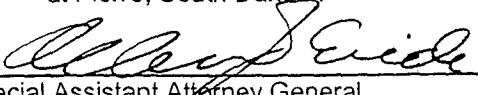
Section 5: Lots 1 & 2; S1/2NE1/4; Lots 3 & 4; S1/2NW1/4; SW1/4; SE1/4

Section 6: Lots 1 & 2 and S1/2NE1/4, ex. Moody Tract 7.07 acres;

Lots 3, 4 & 5; SE1/4NW1/4, ex. hwy.; Lots 6 & 7; E1/2SW1/4, ex. hwy.; SE1/4

Section 7: NE1/4; Lots 1 & 2; E1/2NW1/4, ex. hwy.; Lots 3 & 4; E1/2SW1/4, ex. hwy.; SE1/4

Dated: <u>12/12/01</u>

Estate Representative, Financial Institution or Attorney for Estate

Dated: <u>December 26, 2001</u>
at Pierre, South Dakota.

Special Assistant Attorney General Department of Revenue

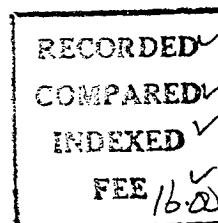
STATE OF SOUTH DAKOTA } ss.
COUNTY OF JACKSON }
OFFICE OF REGISTER OF DEEDS

Filed for record in this office on the
3 of January A.D., 2002

10 o'clock A M and was recorded
in book 37 of Miss on page 102-103

Harvey B. Lind
Register of Deeds

By _____ Deputy

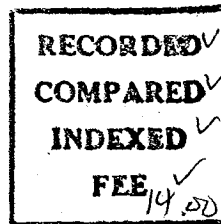


RECEIVED

JAN - 6 2012

WATER RIGHTS
PROGRAM

Prepared by:
Thomas H. Foye
of Bangs, McCullen, Butler,
Foye & Simmons, L.L.P.
818 Saint Joseph St.
P.O. Box 2670
Rapid City, SD 57709
(605) 343-1040



STATE OF SOUTH DAKOTA }
COUNTY OF JACKSON }
OFFICE OF REGISTER OF DEEDS
Filed for record in this office on the
7 of September A.D. 19 04
9 o'clock A.M. and was recorded
in book 38 of Misc. on page 28-29
Haven B. [Signature]
Register of Deeds



PERSONAL REPRESENTATIVE'S DEED OF DISTRIBUTION

Viola M. Moody, whose address is HCR 03, Box 14, Philip, Jackson County, South Dakota 57567, was appointed personal representative by the clerk of the circuit court of Jackson County, South Dakota, on January 30, 2004, and Letters of Personal Representative were issued on January 30, 2004, which letters are unrevoked and remain in full force and effect; a copy of the letters certified to the date of this deed or later is attached.

Viola M. Moody, the duly appointed, qualified, and acting personal representative of the estate of Norma L. Jiskra, a/k/a Norma Lampert Jiskra, f/k/a Norma Jean Jiskra, grantor, conveys, transfers, assigns, and releases to Viola M. Moody, grantee, of HCR 03, Box 14, Philip, SD 57567, all interest of the decedent and the estate of the decedent in the following described real estate in Jackson County, South Dakota:

An undivided twenty-five percent (25%) interest in:

Township 1 South, Range 20 East, Black Hills Meridian, Jackson County, South Dakota:

Section 36: NE1/4, ex. hwy.; NW1/4; SW1/4; SE1/4, ex. hwy.

Township 1 South, Range 21 East, Black Hills Meridian, Jackson County, South Dakota:

Section 31: NE1/4; Lot 2 & E1/2NW1/4; Lots 3 & 4; E1/2SW1/4; SE1/4

Section 32: NW1/4NW1/4; SW1/4; S1/2SE1/4

Township 2 South, Range 20 East, Black Hills Meridian, Jackson County, South Dakota:

Section 1: Lots 1 & 2; S1/2NE1/4; Lots 3 & 4; S1/2NW1/4; SW1/4; SE1/4

Section 2: SE1/4

Section 11: NE1/4

Section 12: NW1/4

Township 2 South, Range 21 East, Black Hills Meridian, Jackson County, South Dakota:

Section 4: Lots 1 & 2; S1/2NE1/4; Lots 3 & 4; S1/2NW1/4

Section 5: Lots 1 & 2; S1/2NE1/4; Lots 3 & 4; S1/2NW1/4; SW1/4; SE1/4

Section 6: Lots 1 & 2 and S1/2NE1/4, ex. Moody Tract 7.07 acres; Lots 3, 4 & 5;
SE1/4NW1/4, ex. hwy.; Lots 6 & 7; E1/2SW1/4, ex. hwy.; SE1/4

Section 7: NE1/4; Lots 1 & 2; E1/2NW1/4, ex. hwy.; Lots 3 & 4; E1/2SW1/4, ex. hwy.;
SE1/4

subject to covenants, easements, restrictions, reservations, and rights-of-way of
record.

THIS TRANSFER IS EXEMPT - SDCL 43-4-22(10)

Dated August 27, 2004.

Viola M. Moody, PR
Viola M. Moody, Personal Representative

STATE OF SOUTH DAKOTA :
COUNTY OF Haakon :
SS

On August 27, 2004, before me personally appeared Viola M. Moody, known to me or satisfactorily proven to be the person described in the Personal Representative's Deed of Distribution, and acknowledged that she executed the foregoing Personal Representative's Deed of Distribution as the personal representative of the estate of Norma L. Jiskra, a/k/a Norma Lampert Jiskra, f/k/a Norma Jean Jiskra, and for the purposes therein contained.

Steu Hutton
NOTARY PUBLIC
My Commission Expires: 4-19-2005

(SEAL)

STATE OF SOUTH DAKOTA :
COUNTY OF JACKSON : SS

IN CIRCUIT COURT
PROBATE DIVISION
SIXTH JUDICIAL CIRCUIT

ESTATE OF
NORMA L. JISKRA,
DECEASED.

FILE No. 04- 2

LETTERS OF PERSONAL REPRESENTATIVE

On January 30, 2004, Viola M. Moody was appointed and qualified as personal representative of the estate of Norma L. Jiskra.

These letters are issued as evidence of the appointment, qualification, and authority of Viola M. Moody to do and perform all acts authorized by law.

Issued January 30, 2004.

Janet Magelky Dep
CLERK OF COURTS
SIXTH JUDICIAL CIRCUIT

(Seal)

STATE OF SOUTH DAKOTA
CIRCUIT COURT, JACKSON CO.

FILED

JAN 30 2004

Nancy Peterson CLERK
By Janet Magelky Deputy

STATE OF SOUTH DAKOTA } ss.
JACKSON COUNTY }

I hereby certify that I have carefully examined the within instrument and compared the same with the original now on file in this office and that it is a true and correct copy of the same and that the above is a correct copy of the filing thereon.

Dated September 1, 2004

Nancy Peterson

Clerk of Courts in and for Jackson County

Deputy

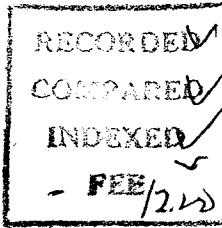
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JAN - 6 2012

WATER RIGHTS
PROGRAM

DOCUMENT PREPARED BY:

Thomas H. Foye
of Bangs, McCullen, Butler, Foye & Simmons, L.L.P.
P.O. Box 2670,
Rapid City, SD 57709 (605) 343-1040



STATE OF SOUTH DAKOTA } ss.
COUNTY OF JACKSON }
OFFICE OF REGISTER OF DEEDS
Filed for record in this office on the
16 of September A.D., 2008
1 o'clock P.M. and was recorded
in book 33 of Deeds on page 222-223
Hammit
Register of Deeds

Deputy

Exhibit F

QUIT CLAIM DEED

Donald R. Moody and Viola M. Moody, husband and wife, Grantors, of 24134 SD Highway 73, Philip, SD 57567-7117, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, conveys and quit claims to Donald R. Moody and Viola M. Moody, husband and wife as tenants in common, each an undivided one-half interest, the following described real estate all located in Jackson County, South Dakota:

Parcel 1:

All that part of the NE $\frac{1}{4}$ of Section 6, Township 2 South, Range 21 East of the Black Hills Meridian, bounded and described as follows:

Beginning at the E $\frac{1}{4}$ corner of said Section 6 running thence 1,100 feet due west along the east and west quarter lines to a point; thence 280 feet due north parallel to the east line of said section to a point; thence 1,100 feet due east parallel to the east and west quarter line to a point on the east line of said section; and thence 280 feet due south along the east line of said section to the place of beginning containing 7.07 acres or less.

Parcel 2

Township 1 South, Range 20 East of the Black Hills Meridian:

Section 36: All except highway in East Half;

Township 1 South, Range 21 East of the Black Hills Meridian:

Section 31: Lot 2, 3, 4, E $\frac{1}{2}$ NW $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$, and SE $\frac{1}{4}$;

Section 32: NW $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$; S $\frac{1}{2}$ SE $\frac{1}{4}$;

Township 2 South, Range 20 East of the Black Hills Meridian:

Section 01: Lot 1, 2, 3, 4; S $\frac{1}{2}$ N $\frac{1}{2}$; S $\frac{1}{2}$;

Section 02: SE¼;

Section 11: NE¼;

Section 12: NW¼;

Township 2 South, Range 21 East of the Black Hills Meridian;

Section 4: Lot 1, 2, 3, 4; S½N½;

Section 5: Lot 1, 2, 3, 4, S½N½; S½;

Section 6: Lot 1, 2, 3, 4, 5, 6, 7; SE¼NW¼; E½SW¼; SE¼; S½NE¼ less Hwy ROW
and less 7.07 acres in the NE¼ a/k/a Moody Tract; and

Section 7: Lot 1, 2, 3, 4; E½W½; E½ less Hwy ROW.

EXEMPT FROM TRANSFER FEE: SDCL 43-4-22(18)

Dated this 9th day of September, 2008.

Donald R. Moody
Donald R. Moody

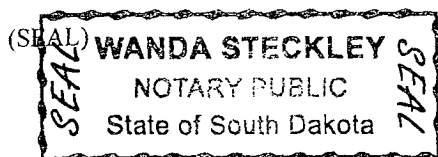
Viola M. Moody
Viola M. Moody

STATE OF SOUTH DAKOTA :

SS
COUNTY OF PENNINGTON :

On this 9 day of September, 2008, before me, the undersigned officer, personally appeared Donald R. Moody and Viola M. Moody, husband and wife, known to me or satisfactorily proven to be the person whose names are subscribed to the foregoing instrument and acknowledged that they executed the same for the purposes therein contained.

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



Wanda Steckley
Notary Public, South Dakota
My Commission Expires: 8-2-2009

BANGS McCULLEN
— LAW FIRM —

RECEIVED
JAN 10 2012
WATER RIGHTS
PROGRAM

Reply to Rapid City Office

Writer's email address: criter@bangsmccullen.com

January 6, 2012

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

Re: Water Right/Permit No. 675-2
Moody Sale to Wheeler

Dear Mr. Gronlund:

Enclosed find Notice of Transfer of Ownership form executed by Justin G. Wheeler and form executed by Donald R. Moody and Viola M. Moody with regard to the above-captioned water permit.

Also enclosed is our draft in the amount of \$100 to cover your transfer fee.

Thank you for your assistance in effectuating these transfers. Let me know if you need anything further.

Best regards.

Very truly yours,

BANGS, MCCULLEN, BUTLER,
FOYE & SIMMONS, L.L.P.



Charles L. Riter

CLR:vaw
Enclosures

cc: Mr. and Mrs. Donald R. Moody (via email)
Mr. Ralph E. Kemnitz (via email)

File No. 675-2

Vested Water Right No. 675-2 authorizes diversion of 3.56 cfs of water from a series of five dry draw dams to irrigate a total of 249.1 acres.

On January 10, 2012, ownership changes were filed for the land described in the vested right. Based on the ownership changes, Vested Water Right No. 675-2 is being divided and reissued as follows:

- **No. 675A-2 – Justin G Wheeler, 24208 Fairview Rd., Philip SD 57567** authorizing diversion of 0.65 cfs from two dry draws located in Section 1 and 11, T2S, R20E to irrigate 45.2 acres located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 1, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11 and N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 12, T2S, R20E; and
- **No 675B-2 – Donald R & Viola M Moody, 24134 SD Hwy 73, Philip SD 57567** authorizing diversion of 2.91 cfs from five dry draw dams to irrigate 203.9 acres located in the W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 5, E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, E $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, T2S, R21E, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 31 and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, T1S, R21E.

An agreement between Justin Wheeler and Donald & Viola Moody allows use of the two dry draw dams on land owned by Wheeler located in Section 1 and 11, T2S, R20E under No 675A-2 for irrigation of land described in No. 675B-2. Continued use of the two dams for irrigation of acreage described in No. 675B-2 is subject to this agreement.