

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

JAN 10 2012

WATER RIGHTS
PROGRAM

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

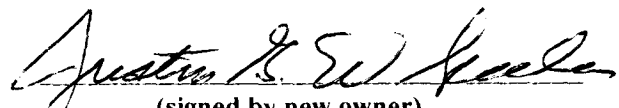
Title to the following described land(s)/property has been transferred as described above:
45.2 acres described on Exhibit A attached hereto and incorporated herein by this reference.

☒ 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.

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WATER RIGHTS
PROGRAM

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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/10, 20 12

RECEIVED OF Barge McCullen Butler PO Box 2670 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 and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>675-2 (Wheeler)</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **05230**

By

David E. Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

APR 05 2012

675A-2

Justin G Wheeler
24208 Fairview Rd
Philip SD 57567

Dear Mr. Wheeler:

Enclosed is your Reissued Vested Water Right License No. 675A-2. Based on the ownership changes filed with Vested Water Right No. 675-2, the license was divided and reissued to reflect separate ownership 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.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA
REISSUED VESTED WATER RIGHT LICENSE NO. 675A-2
DIVISION OF NO. 675-2 INTO 675A-2 AND 675B-2

(1) Based on the July 10, 1996 validation of the vested right, Shirley L Lampert, Philip SD was issued Vested Right Water License No. 675-2, October 17, 1996 for a right to divert 3.56 cubic feet of water per second (cfs) from five dry draw dams in Jackson County, South Dakota for irrigation purposes. Vested Water Right No. 675-2 carries a priority date of January 1, 1944.

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 ½ SW ¼ Section 1, NE ¼ NE ¼ Section 11 and N ½ NW ¼ 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 ½ NW ¼ Section 5, E ½ NE ¼, E ½ SE ¼ and SW ¼ SE ¼ Section 6, E ½ NE ¼ and NE ¼ SE ¼ Section 7, T2S, R21E, NW ¼ SE ¼ and E ½ SE ¼ Section 31 and SW ¼ SW ¼ 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.**

(2) It is certified that the vested water right holder has complied with the provisions of South Dakota State Law and is entitled to divert 0.65 cubic feet of water per second for beneficial use. The location of the diversion points are:

- 750 feet south and 420 feet west of the NE corner of Section 11, T2S, R20E (NE ¼ NE ¼)
- 320 feet north and 880 feet west of the SE corner of Section 1, T2S, R20E (SE ¼ SE ¼).

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

T2S, R20E	Section 1	S ½ SW ¼	27.2 acres
	Section 11	NE ¼ NE ¼	1.2 acres
	Section 12	N ½ NW ¼	<u>16.8 acres</u>
	Total		45.2 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Justin G Wheeler, 24208 Fairview Rd., Philip SD 57567 the holder and/or owner of Vested Water Right No. 675A-2 is issued a license to appropriate water, the right to use 0.65 cubic feet of water per second from two dry draw dams with a priority date of January 1, 1944 from the locations specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 675-2.



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

APR 05 2012

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 5, 2012

675A-2
675B-2

Charles L Riter
Bangs McCullen Law Firm
PO Box 2670
Rapid City SD 57709 2670

Dear Mr. Riter:

The transfer of ownership for Vested Water Right No. 675-2 (Shirley Lampert) has been completed. No. 675-2 has been divided and reissued to reflect separate ownership.

Enclosed are copies of the water licenses and cover letters sent to Justin Wheeler and Donald & Viola Moody. I have also included Receipt Nos. 05230 and 05231 in the amount of \$50.00 each which your firm paid for filing the ownership changes.

If you have any questions, please contact me.

Sincerely,

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

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

enclosures

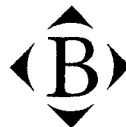
RAPID CITY

Thomas E. Simmons
Charles L. Riter
Allen G. Nelson
James P. Hurley
Michael M. Hickey
Terry L. Hofer
Rod Schlauger
Daniel F. Duffy
Jeffrey G. Hurd
John H. Raforth
Terry G. Westergaard
Steven R. Nolan
Gregory J. Erlandson
Eric J. Pickar
Sarah E. Baron Houy
Chad A. Williams
Kirsten M. Taggart
Joseph M. Dylla
Mark F. Marshall

SIoux FALLS

Brian K. Kirby
Victoria M. Duehr
Thomas J. Von Wald
David A. Grennan

*Attorneys also admitted in
Nebraska, North Dakota,
Iowa, Minnesota and Missouri*



BANGS McCULLEN

— LAW FIRM —

Reply to Rapid City Office

Writer's email address: criter@bangsmccullen.com

January 5, 2012

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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.

RAPID CITY

First Interstate Gateway
333 West Boulevard
Suite 400
P.O. Box 2670
Rapid City, South Dakota
57709-2670
P: (605) 343-1040
F: (605) 343-1503

SIoux FALLS

Doral Centre Building
101 W. 69th Street
Suite 200
P.O. Box 88208
Sioux Falls, South Dakota
57109-8208
P: (605) 339-6800
F: (605) 339-6801

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 a large, stylized "C" at the beginning and a distinct "R" at the end.

Charles L. Riter

CLR:wks
Enclosures
cc w/encs:

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



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JAN - 6 2012

WATER RIGHTS
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.

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JAN - 6 2012

Exhibit B

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. 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:

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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.

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JAN - 6 2012

WATER RIGHTS

Exhibit D

PERSONAL REPRESENTATIVES' DEED OF DISTRIBUTION

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
Viola M. Moody, Personal Representative

Donald Moody
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.

Tom Heaton
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 :
SS
COUNTY OF PENNINGTON :

IN CIRCUIT COURT
PROBATE DIVISION
SEVENTH JUDICIAL CIRCUIT

ESTATE OF)
SHIRLEY L. LAMPERT,)
DECEASED.)
_____)

FILE No. 01-060

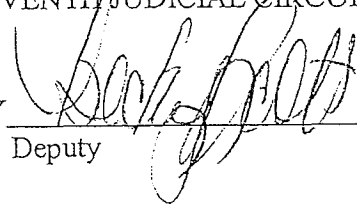
LETTERS OF PERSONAL REPRESENTATIVES

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

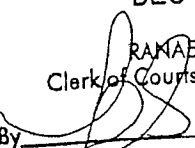
BY 
Deputy

(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

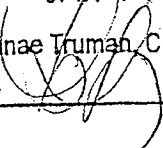
RANAE L. TRUMAN
Clerk of Courts, Pennington County

By  Deputy

Pennington County, SD
FILED
IN CIRCUIT COURT

JAN 11 2001

Ranae Truman, Clerk of Courts

By  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:

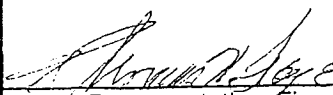
Section 4: Lots 1 & 2; S1/2NE1/4; Lots 3 & 4; S1/2NW1/4

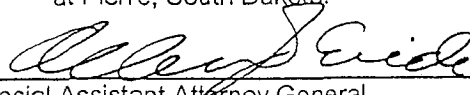
Section 5: Lots 1 & 2; S1/2NE1/4; Lots 3 & 4; S1/2NW1/4; SW1/4; SE1/4

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

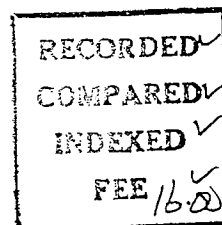
Dated: 12/12/01

Estate Representative, Financial Institution or Attorney for Estate

Dated: December 26, 2001
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 M155 on page 102-103

Hannu Byrd
Register of Deeds

By _____ Deputy



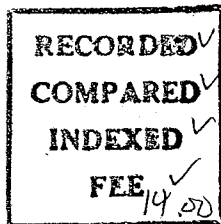
RECEIVED

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 AM and was recorded
in book 38 of Misc on page 28-29
Haven R. [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 17, 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.

(SEAL)

Tew Benton
NOTARY PUBLIC
My Commission Expires: 4-19-2005

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

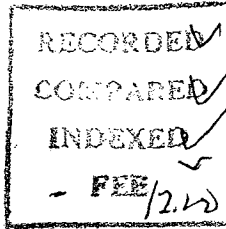
RECEIVED

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
Hamm
Register of Deeds

Exhibit F

Deputy

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

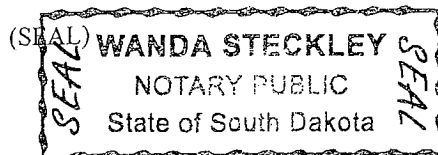
Viola M. Moody
Viola M. Moody

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

RAPID CITY

Thomas E. Simmons
 Charles L. Riter
 Allen G. Nelson
 James P. Hurley
 Michael M. Hickey
 Terry L. Hofer
 Rod Schlauger
 Daniel F. Duffy
 Jeffrey G. Hurd
 John H. Raforth
 Terry G. Westergaard
 Steven R. Nolan
 Gregory J. Erlandson
 Eric J. Pickar
 Sarah E. Baron Houy
 Chad A. Williams
 Kirsten M. Taggart
 Joseph M. Dylla
 Mark F. Marshall

SIOUX FALLS

Brian K. Kirby
 Victoria M. Duehr
 Thomas J. Von Wald
 David A. Grennan

*Attorneys also admitted in
 Nebraska, North Dakota,
 Iowa, Minnesota and Missouri*

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)

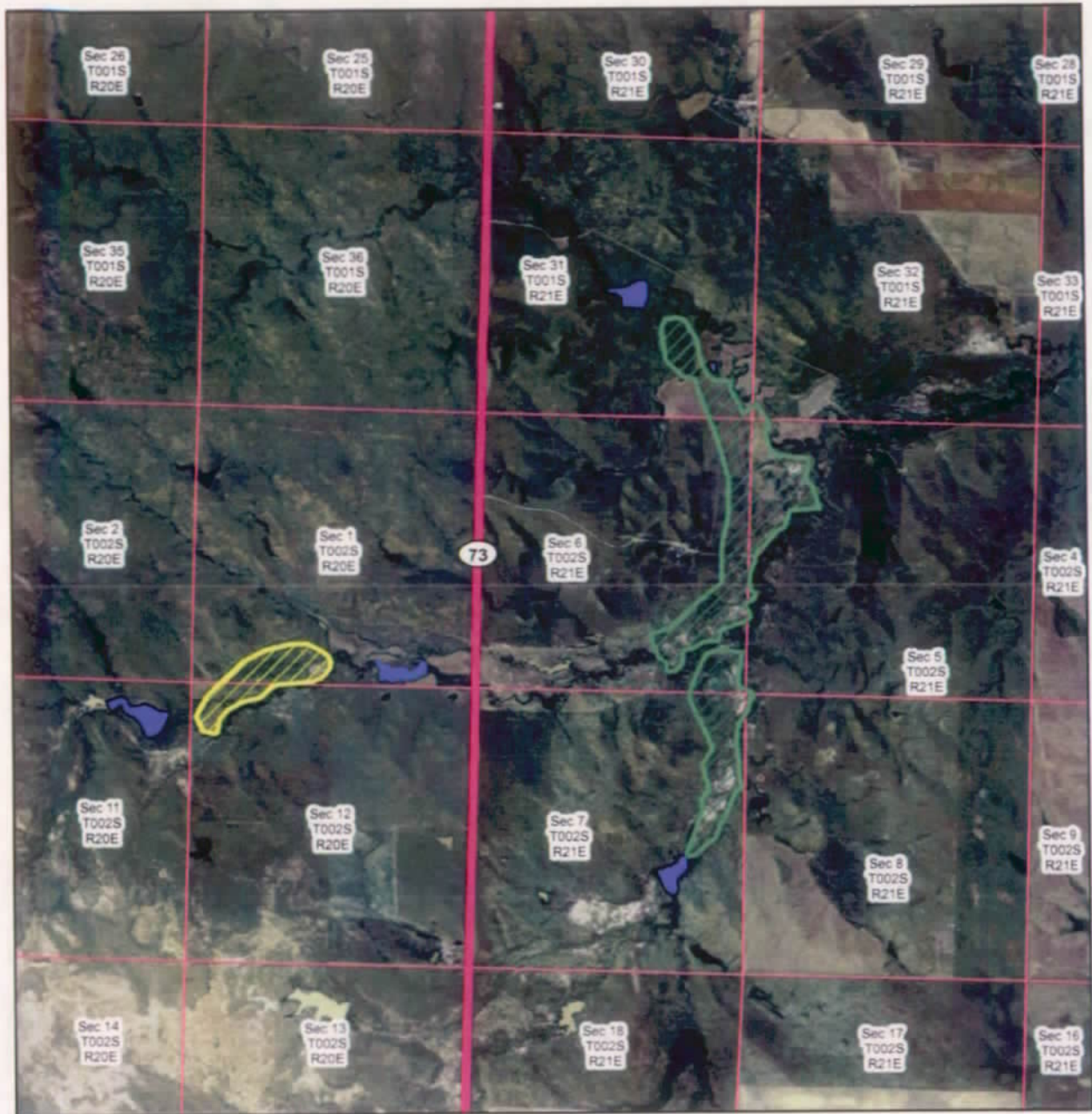
RAPID CITY

First Interstate Gateway
 333 West Boulevard
 Suite 400
 P.O. Box 2670
 Rapid City, South Dakota
 57709-2670
 P. (605) 343-1040
 F. (605) 343-1503

SIOUX FALLS

Doral Centre Building
 101 W. 69th Street
 Suite 200
 P.O. Box 88208
 Sioux Falls, South Dakota
 57109-8208
 P. (605) 339-6800
 F. (605) 339-6801

Water Right No. 675-2



0 1,050 2,100 4,200 6,300 8,400 Feet



Wheeler land as authorized by WR No. 675-2



Moody land as authorized by WR No. 675-2



Diversion points listed under WR No. 675-2

