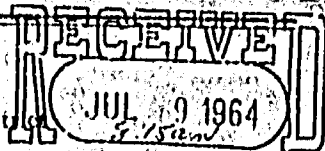


242.7

1. Considered 9-16, 1961
2. Name of Applicant Walter F. Felt
3. Post Office Address KADOKA
4. Amount of Water Claimed 4.9 - 210.4 AC FT STORAGE
5. Source of water supply Lower Drought
6. Water to be used for irrigation
Acres to be irrigated 242.7
7. Water to be diverted and used in La Brea County about
4.9 Miles 2 of KADOKA
8. Proof of Publication Received 1 ST
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____

10. Remarks:

No. 842-2
 Water Division No. 2 White River
 (Blanks to be filled by the Engineer for the W. R. C.)



STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

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

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

1. Name of applicant Whidby Brothers
 Postoffice address Kadoka, County Jackson, State S. Dak.

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

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

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

2. Name of diversion work Indby Bro's Flood Control and Waterspreading Project No. 2
3. Amount of water claimed 4.9 CFS cubic feet per second and all unclaimed flood waters
4. Source of water supply Dry Draw
5. Location of point of diversion a point in the NW 1/4 Section 14, T39, R11E on left bank Jackson County.
6. Annual period or periods during which water is to be used During run-off
7. To be used for:

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

- (a) Number of acres to be irrigated 342.0 acres.
- (b) Legal subdivisions to be irrigated See attached sheet

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

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

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

- (a) Nature of use Name any of the above uses claimed
- (b) Amount of power to be generated horse power
 Amount claimed for engine cooling
- (c) Location of plant
- (d) Method of developing power
- (e) Point where water will be returned to stream

Map No 7216-2

8. Estimated cost of work:

(a) Head Gate, \$----- (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.)

----- Dam -----
 II. Dimensions of works.
 (a) Dam: Height 22.3 feet; length at bottom 670 feet; length at top 678 feet; thickness at bottom 149.5 feet; thickness at top 12.0 feet; slope at front water face 3:1; slope at back face 2:1 material used in construction Clay-Lorm
 (b) Reservoir: Capacity when filled 210.4 acre Surface area at highwater mark 25.1 acres.

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	ACRE-FOOT CAPACITY
79.0	0	0
81.0		1.3
85.0		14.0
89.0		31.4
93.0		50.0
97.0		68.4
99.0		45.3
	Total	210.4

(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 4 years.
 11. Time required for complete application of water to the proposed beneficial use 4 years.
 12. Choice of newspaper for publication of notice of intention to appropriate -----
Kadoka Press, Kadoka, B. Dak.

STATE OF SOUTH DAKOTA

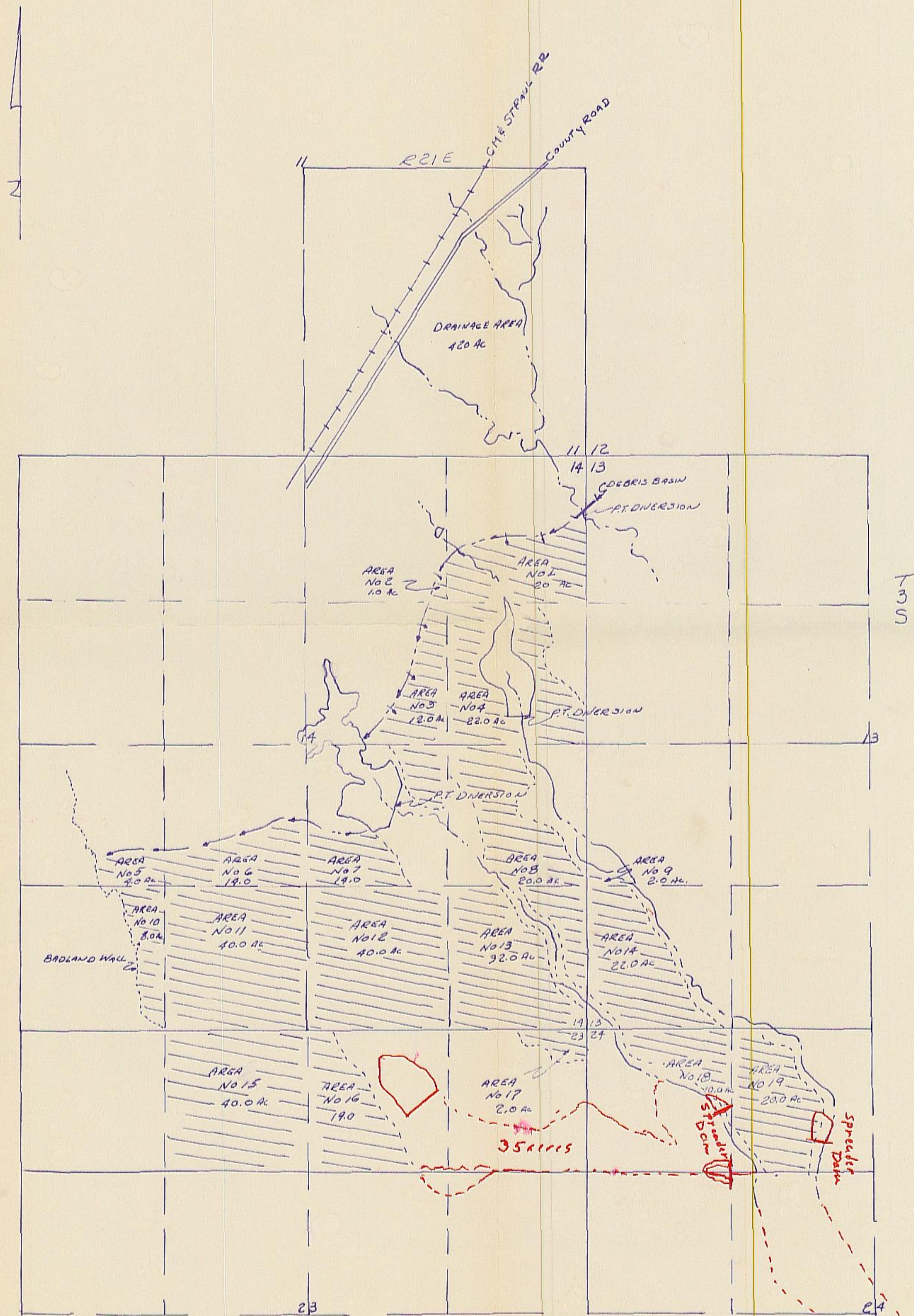
County of Tadousa ss.

I, Dwight R. Whidby, Julius R. Whidby, & A. Whidby, Owners, 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 Dwight R. Whidby

Subscribed and sworn to before me this 6 day of July 1964

Notary Public (or other qualified officer.)



ALL LAND TO BE IRRIGATED
OWNED BY WIDBY BROS, EXCEPT
AREA NO 11 - SEE REMARKS -

AREA	SECTION	TWP	RANGE	ACRES
NO 1	NE ¹ NE ¹ 14	35	21 E	20.0
NO 2	NW ¹ NE ¹ 14	35	21 E	1.0
NO 3	SW ¹ NE ¹ 14	35	21 E	12.0
NO 4	SE ¹ NE ¹ 14	35	21 E	22.0
NO 5	NW ¹ SW ¹ 14	35	21 E	4.0
NO 6	NE ¹ SW ¹ 14	35	21 E	14.0
NO 7	NW ¹ SE ¹ 14	35	21 E	14.0
NO 8	NE ¹ SE ¹ 14	35	21 E	20.0
NO 9	NW ¹ SW ¹ 13	35	21 E	2.0
NO 10	SW ¹ SW ¹ 14	35	21 E	8.0
NO 11	SE ¹ SW ¹ 14	35	21 E	40.0 *
NO 12	SW ¹ SE ¹ 14	35	21 E	40.0
NO 13	SE ¹ SE ¹ 14	35	21 E	32.0
NO 14	SW ¹ SW ¹ 13	35	21 E	22.0
NO 15	NE ¹ NW ¹ 23	35	21 E	40.0
NO 16	NW ¹ NE ¹ 23	35	21 E	19.0
NO 17	NE ¹ NE ¹ 23	35	21 E	2.0
NO 18	NW ¹ NW ¹ 24	35	21 E	10.0
NO 19	NE ¹ NW ¹ 24	35	21 E	20.0
TOTAL				342.0

WIDBY BROS
FLOOD CONTROL & WATERSPREADING Proj. No. 2
SCALE 8" = 1 MILE
Jackson County

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

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

Map# 726-2 Appl 842-2 Form SCS-313 (November 1955)

Remarks by State Water Resources Commission:

THIS PERMIT AUTHORIZES THE STORAGE OF UP TO
210.4 ACRES FEET OF WATER ANNUALLY.

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, NOVEMBER 23, 1964

This is to certify that the foregoing application was received by the Commission at 8:15 o'clock
a.m. upon the 9th day of JULY, 1964

State Water Resources Commission

By:

Burton Jones
for Chief Engineer, Executive Officer

Number of permit 842-2

Date of first receipt of application JULY 9, 1964

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

Date of receipt of corrected application —, 19—

Date from which applicant may claim right JULY 9, 1964

Approved SEPTEMBER 16, 1964, Recorded in Book 8 Page 272

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

SEPTEMBER 16, 1966

2nd. The whole of said work is to be completed on or before SEPTEMBER 16, 1968

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

SEPTEMBER 16, 1972

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

and beneficially applied for irrigation on or before SEPTEMBER 16, 1972; said water to be used during the following described annual period:

DURING RUN-OFF

Witness my hand this 23RD day of NOVEMBER, 1964.

State Water Resources Commission

By:

John L. Bunker
Chief Engineer, Executive Officer

Certificate of Construction Issued AUGUST 8, 1967

Water License Issued AUGUST 8, 1967

Remarks by the Applicant:

Area No. 11 is Gov't. owned land but is in the process of being traded to Whidby Bros.

The debris basin is a multi-purpose dam. It will be used for flood water control, silt storage, game refuge and stock water. Detention storage will be used for water spreading.

The drainage area is approx. 75% badlands with a high run-off in water and silt.

A greater portion of the storage basin is on Otto Prokop land, and will be used as silt storage and game refuge. Otto Prokop will give an easement for construction of dam.

ALL LAND TO BE IRRIGATED OWNED BY WHIDBY BRO'S. EXCEPT AREA NO. 11--
SEE REMARKS--

AREA	SECTION	TWP.	RANGE	ACRES
NO. 1	NE 1/4 14	3S	21E	20.0
NO. 2	NW 1/4 14	3S	21E	1.0
NO. 3	SW 1/4 14	3S	21E	12.0
NO. 4	SE 1/4 14	3S	21E	22.0
NO. 5	NW 1/4 14	3S	21E	4.0
NO. 6	NE 1/4 14	3S	21E	14.0
NO. 7	NW 1/4 14	3S	21E	14.0
NO. 8	NE 1/4 14	3S	21E	20.0
NO. 9	NW 1/4 13	3S	21E	2.0
NO. 10	SW 1/4 14	3S	21E	8.0
NO. 11	SE 1/4 14	3S	21E	40.0*
NO. 12	SW 1/4 14	3S	21E	40.0
NO. 13	SE 1/4 14	3S	21E	32.0
NO. 14	SW 1/4 13	3S	21E	22.0
NO. 15	NE 1/4 23	3S	21E	40.0
NO. 16	NW 1/4 23	3S	21E	19.0
NO. 17	NE 1/4 23	3S	21E	2.0
NO. 18	NW 1/4 24	3S	21E	10.0
NO. 19	NE 1/4 24	3S	21E	20.0
Total				342.0

on or before August 20, 1964
(First Publication August 20, 1964)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., August 7, 1964

Notice is hereby given that the Whidby Brothers whose postoffice address is Kadoka S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 4.9 cubic feet of water per second of time from the dry draws, plus storage of 210 acre feet through the Whidby Watershed Project #2, the point of diversion of which is to be located on the both banks of said stream in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, the SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 14 Twp. 3S Range 21E portions of said water to be used for the purpose of providing irrigation on the following described land: NE $\frac{1}{4}$, S $\frac{1}{4}$ & SE $\frac{1}{4}$, Section 14; W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 13; NE $\frac{1}{4}$ NW $\frac{1}{4}$ & NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23; N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 24, all in T3S, R21E

and for the purpose of

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 16th day of September, 1964, at 2 P. M. All interested persons may appear and be heard.

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

State Water Resources Commission

By:
BURTON F. JONES
Water Right Specialist

CC: L. G. Parkinson, Publisher
Kadoka Press
Kadoka, S. Dak.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA
County Jackson ss.

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

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

City of Kadoka, County of Jackson and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Thursday, August 13, 1964

Thursday, August 20, 1964

Thursday, August 27, 1964

Thursday, September 3, 1964

in each and every issue of the full number thereof, the first publication being made on the 13th day of August, 1964

and the last publication on the 3rd day of September, 1964

upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Publisher the printer and publisher of the said newspaper.

L. G. Parkinson

Subscribed and sworn to before me this 3rd day of September, A. D. 19 64

Alvina Parkinson

Notary Public Jackson County, S. D.

APPROPRIATION OF WATER

Office of State Water
Resources Commission

Pierre, S. Dak., August 7, 1964

Notice is hereby given that the Whidby Brothers whose postoffice address is Kadoka, S. Dak., have made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 4.9 cubic feet of water per second of time from dry draws, plus storage of 210 acre feet through the Whidby Waterspreading Project No. 2, the point of diversion of which is to be located on both banks of said stream at points in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, the SE $\frac{1}{4}$ NW $\frac{1}{4}$, and in the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 14, Twp. 3S, Range 21E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE $\frac{1}{4}$, SW $\frac{1}{4}$ & SE $\frac{1}{4}$, Section 14; W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 13; NE $\frac{1}{4}$ NW $\frac{1}{4}$ & NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23; N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 24, all in T1S, R21E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 16th day of September, 1964, at 2 P. M. All interested persons may appear and be heard.

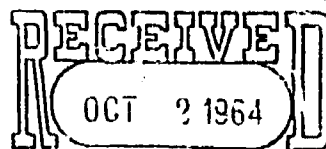
Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water

Resources Commission

By:

BURTON F. JONES
Water Right Specialist
Pub. Aug. 13, 20, 27, Sept. 3.



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Permit No. E42-2Water Division No. 2 WHITE RIVER Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN.

This is to Certify, That Widby Brothersof Kadoka, County of Jackson, and State of South Dakota, the holder of Permit No. E42-2, issued upon ApplicationNo. E42-2, bearing date of priority of July 9, 1964, authorizing the diversion of4.9 cu. ft. per second of the waters of the White RiverCounty of Jackson, State of South Dakota, at a point in theNW 1/4 Sec 14, T3S, R21Efor irrigation

purposes, have fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of Diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 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: All in T3S, R21E

Section 13		NW 1/4 SW 1/4	2.0 Acres
		SW 1/4 SW 1/4	22.0 Acres
Section 14		NE 1/4 NE 1/4	20.0 Acres
		NW 1/4 NE 1/4	1.0 Acres
		SW 1/4 NE 1/4	12.0 Acres
		SE 1/4 NE 1/4	22.0 Acres
		NW 1/4 SW 1/4	4.0 Acres
		NE 1/4 SW 1/4	14.0 Acres
		NW 1/4 SE 1/4	14.0 Acres
		NE 1/4 SE 1/4	20.0 Acres
		SW 1/4 SW 1/4	8.0 Acres
		SE 1/4 SW 1/4	40.0 Acres
		SW 1/4 SE 1/4	40.0 Acres
		SE 1/4 SE 1/4	32.0 Acres
Section 23		NE 1/4 NW 1/4	22.0 Acres
		NW 1/4 NE 1/4	40.0 Acres
		NE 1/4 NE 1/4	19.0 Acres
Section 24		NW 1/4 NW 1/4	10.0 Acres
		NE 1/4 NW 1/4	20.0 Acres

Total 342.0 Acres

Witness my hand this 8th day of August, A. D. 1967

State Water Resources Commission

By:

J.W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 842-2.

WHEREAS, On the 9th day of July A. D. 1964
Whicby Brothers

of Kadoka County of JACKSON and State of
South Dakota duly made application (No. 842-2) to us for a permit to use 4.9
cubic feet per second of the waters of dry draws
County of Jackson State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 23rd day of November A. D. 1964
Permit No. 842-2 was issued to said applicant for the diversion of said water, and providing for the
completion of the works of diversion therein described on or before the 16th day of
September A. D. 1966 and for the application to beneficial use of said
water on or before the 16th day of September A. D. 1972
and,

WHEREAS, On the 26th day of July A. D. 1967
the holder of said permit duly made proof of the completion of adequate works for the diversion of 4.9
cubic feet per second of said waters, as evidenced by our Certificate No. 842-2
dated August 8, 1967 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 July 9, 1964 and,

WHEREAS, On the 26th day of July A. D. 1967
proof was duly made of the application to beneficial use of 4.9 cubic feet per second of said water;
for irrigating 342 acres in portions of Sections 13, 14, 23 and 24,
T3S, 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 Whidby Brothers
 of Kadoka the holder B and owner B of said permit No. 842-2
 a water right, dating from July 9, 1964 to the use of 4.9
 cubic feet per second of the waters of dry draws
 in the County of Jackson and State of South Dakota, or so much thereof as may be
 necessary for the purposes hereinafter mentioned, to be diverted at a point in the NW 1/4 Sec.
Section 14, T3S, R21E.
 and conducted to and upon portions of sections 13, 14, 23 and 24, T3S, R21E,
more specifically described in the Certificate of Completion of Works.
 for the purpose of irrigation, subject to any limitations listed in the
permit to appropriate water.

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

WITNESS, My hand and seal of our office at Pierre, South Dakota,
 this 8th day of August A. D. Nineteen
 Hundred and Sixty-seven.

State Water Resources Commission

By:

J.W. GRIMES
 Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Permit No. 842-2Water Division No. 2 White River Water District

Certificate of Examination of Works

Report of Examining Engineer

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

Dear Sir: I hereby certify that in accordance with your letter of authorization dated _____ 19____, I have this day made a thorough examination of the diversion works constructed by Whidby Bros., of Kadoka, Washington County, South Dakota, holder of Permit No. 842-2, issued upon Application No. 842-2, bearing date of priority of Sept 16, 1964, authorizing the diversion of 4.9 cu. ft. per second of the waters of Tiny Draw for irrigation purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Six diversion works on four draws, Approx 6 1/2 miles of diversion ditches with numerous small control dikes and ditches. Estimate a total of 40,000 cubic yards of dirt has been moved to build system. All dams have trickle tubes in them. and the system is in the following condition: Excellent. System controls all the water in the drainage basin.

The point of diversion is located As shown on map

The works are capable of diverting and conveying to the place of use 4.9 cu. ft. per second of water, which is to be used for irrigation

The legal sub-divisions to be irrigated are: As shown on mapcomprising a total of 347 acres of land.The domestic use intended comprises A stock water from all the ditchesThe utilization for power, mining, or other beneficial uses comprises: NoneWitness my hand, this 26th day ofJulyA. D. 1967

—SEAL—

Richard D. Schreyer
Examining Engineer

Water Right Specialist



**Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 305-2

633-2
842-2
943-2

February 7, 1984

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

Dear Mr. Whidby:

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

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

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

DWNR-820A-8/83

NO. 842-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: Feb 10, 1984

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

342 Acres - W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 13; NE $\frac{1}{4}$, S $\frac{1}{2}$, Section 14; NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 23:

N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 24, All in T3S, R21E

formerly owned by Whidby Brothers, Kadoka

has been transferred to Julian R. Whidby, 840 N. Spruce St., Lot 193, Rapid City, SD 57701

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 842-2 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)

County of Jackson) ss.

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

Julian R. Whidby
(Signed)

Subscribed and sworn to before me this 1ST Day of March, 1984.

KAREN HEPPNER
Notary Public
My Commission Expires
March 27, 1989

Karen Heppner
(Notary Public)

WNR-820-9/83
Notice of Transfer of Water Permit



No.

842-2

633-2

943-2

305-2



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division

Phone (605) 773-3352

March 6, 1984

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

Dear Mr. Whidby:

4 9567 4 9568,

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

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

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc. 4

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

No 4 9567

Pierre, March 2, 1934

RECEIVED OF Julian R. Whidby, 840 N. Spruce St., Lot 103, Rapid City, SD 57701

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form #842-2	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH (ms)



8 1/2 -2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 27, 1994

Julian R Whidby
4706 Primrose
Rapid City, SD 57702

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

Dear Mr. Whidby:

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

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

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

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

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

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

Sincerely,

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

842-2

WEST RIVER LAND LLC

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

RECEIVED

APR - 1 2015

WATER RIGHTS
PROGRAM

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

March 30, 2015

Dear Eric,

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

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

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

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

Sincerely,



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

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

RECEIVED

APR - 1 2015

WATER RIGHTS
PROGRAM

WARRANTY DEED

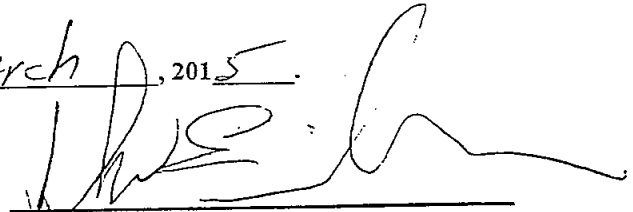
JOHN M. EISENBRAUN A/K/A JOHN EISENBRAUN AND LESA J. EISENBRAUN A/K/A LESA EISENBRAUN, husband and wife, Grantors, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, GRANTS, CONVEYS AND WARRANTS, TO SUPREME INVESTMENTS LLC, a Nebraska limited liability company,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

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

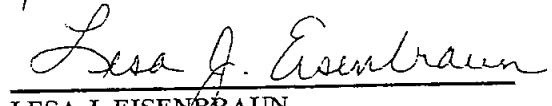
Township 3 South, Range 22 East of the Black Hills Meridian, Jackson County, South Dakota:
Section 18: Lots 1, 2, 3 and 4.
Section 19: Lots 1, 2, 3, 4, E1/2W1/2, W1/2NE1/4, lying west of Highway and W1/2SE1/4,
EXCEPTING therefrom Lots H-1, H-2, H-3, H-4, H-5 and H-6.

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

Dated this 25 day of March, 2015.



JOHN M. EISENBRAUN
A/K/A JOHN EISENBRAUN



LESA J. EISENBRAUN
A/K/A LESA EISENBRAUN

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

RECEIVED
APR - 1 2015
WATER RIGHTS
PROGRAM

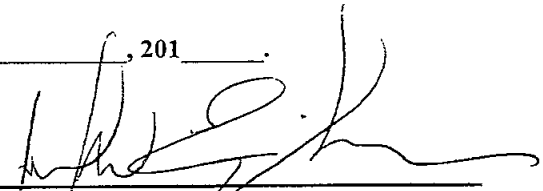
WARRANTY DEED

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

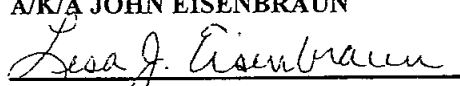
See Exhibit A attached hereto and made a part hereof.

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

Dated this 25 day of March, 2015.



JOHN M. EISENBRAUN
A/K/A JOHN EISENBRAUN



LESA J. EISENBRAUN
A/K/A LESA EISENBRAUN

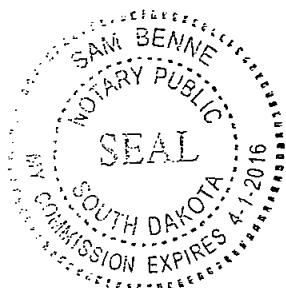
STATE OF S.D.

COUNTY OF Pennington

} ss.

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

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





Notary Public

My Commission Expires: _____

Exhibit A

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

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

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

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

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

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

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

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/1, 2015

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

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct 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>842-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 07559

By

Jane Holman
Chief Engineer

RECEIVED

APR - 1 2015

WATER RIGHTS
PROGRAM

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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

Water Right/Permit No. 842-2

Date: _____

I/We request that Water Right/Permit No. 842-2 formerly owned by:
John and Lesa Eisenbraun be transferred to:

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

Address: PO Box 787

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

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

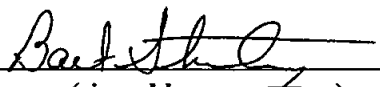
Section 13, NWSW 2.0 acres, SWSW 22.0 acres; Section 14, NENE 20.0 acres, NWNE 1.0 acres, SWNE 12.0 acres, SENE 22.0 acres, NWSW 4.0 acres, NESW 14.0 acres, NWSE 14.0 acres, NESE 20.0 acres, SWSW 8.0 acres, SESW 40.0 acres, SWSE 40.0 acres, SESE 32.0 acres; Section 23, NENW 22.0 acres, NWNE 40.0 acres, NENE 19.0 acres; Section 24, NWNW 10.0 acres, NENW 20.0 acres; All in T3S, R21E, Jackson County, SD, consisting of 362.00 acres.

☒ I understand that the validity of Water Right/Permit No. 842-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

I, BART STROMBERGER, the new owner, certify that the above information is true and correct.


(signed by new owner)

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

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

842-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 5, 2015

Bart Stromberger
Stromberger Farms Inc
PO Box 787
Imperial NE 69033

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

Dear Mr. Stromberger:

I am contacting you in regard to the ownership changes filed back in April, 2015 for six separate water rights. The ownership changes were submitted by Steven Satterlee with West River Land LLC of Sturgis, SD and the filing fees were paid by First American Title Company in Rapid City SD.

Four of the ownership changes have been processed as follows:

- **No. 305-2:** transferred from Julian Whidby to Bart Stromberger, Stromberger Farms Inc.;
- **No. 339-2:** transferred from John and Lesa Eisenbraun to Bart Stromberger, Stromberger Farms Inc.;
- **No. 842-2:** transferred from Julian Whidby to Bart Stromberger, Stromberger Farms Inc.;
- **No. 943-2** transferred from Julian Whidby to Bart Stromberger, Stromberger Farms Inc and Supreme Investments LLC.

The remaining to ownership changes filed were for Water Right Nos. 558-2 (John and Lesa Eisenbraun) and 633-2 (Julian Whidby). Those two have not yet been processed because I have questions on the description of the acreage cited on the forms. I have called a few times and left messages and have not heard back from you. Please take a few minutes to call so we can discuss the water rights and the ownership changes can be processed.

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

Sincerely,

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

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

c: First American Title Company w/Receipts

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. 842-2Date: 3-9-2018

I/We request that Water Right/Permit No. 842-2 formerly owned by:
Bart Stromberger, Stromberger Farms, Inc. be transferred to:

New Owner Name: Mitchell-Slovek Ranch, LLLPAddress: 20901 Slovek RoadCity, State, Zip Philip, SD 57567 ☒ Telephone No. 605-488-0257

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

Section 13, NWSW 2.0 acres, SWSW 22.0 acres; Section 14, NENE 20.0 acres, NWNE 1.0 acres, SWNE 12.0 acres, SENE 22.0 acres, NWSW 4.0 acres, NESW 14.0 acres, NWSE 14.0 acres, NESE 20.0 acres, SWSW 8.0 acres, SESW 40.0 acres, SWSE 40.0 acres, SESE 32.0 acres; Section 23, NENW 22.0 acres, NWNE 40.0 acres, NENE 19.0 acres; Section 24, NWNW 10.0 acres, NENW 20.0 acres; All in T3S, R21E, Jackson County, SD, consisting of 362.00 acres.

☒ I understand that the validity of Water Right/Permit No. 842-2 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, Mitchell-Slovek Ranch, LLLP, the new owner, certify that the above information is true and correct.

William C. Slovek - general partner
(signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

RECEIVED OF First American Title Company of SD PO Box 8181 Rapid City, SD Date May 7, 20 18
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>842-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **08674**

By Jeanne Goodman
Chief Engineer



842-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 26, 2018

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

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

Dear Mr. Slovek:

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

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

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

If you have any questions, please contact me.

Sincerely,

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

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