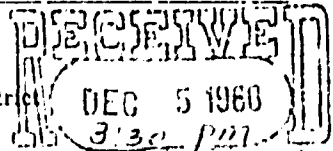


1. Considered Jan 18, 1967
2. Name of Applicant Eugene F. Berford Allmstrong
3. Post Office Address Midland
4. Amount of water claimed 3.42
5. Source of water supply Dry Draw
6. Water to be used for irrigation
- Acres to be irrigated 2400
7. Water to diverted and used in Haskell County
about 14 miles SW of Midland.
8. Proof of Publication Received ✓ Eugene?
Not Received _____
9. Application Approved ✓
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks: NO Claim

No. 897-2
 Water Division No. 2 Bad River District
 (Blanks to be filled by the Engineer for the W. R. C.)



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

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

1. Name of applicant Eugene E. Armstrong, Bernard Armstrong
 Postoffice address Midland, County Haakon, State South Dakota
 Box 1036, Box 1036, Bonan, MT 59864

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)

Contract and Direct Labor

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

2. Name of diversion work Armstrong Irrigation Project

3. Amount of water claimed 3.42 cubic feet per second

4. Source of water supply Run off water will be stored in dams

5. Location of point of diversion No. 1. 2000' N & 2000' W, No 2. 2270' N & 200' W & No 3.

1400' N & 250' E of SE Corner Sec 23-T4N-R24E back Haakon County.

No. 4, 30 rods N & 20 rods W of SE Corner, Sec 24, T4N, R24E

6. Annual period or periods during which water is to be used April 1st through Nov 15th

7. To be used for:

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

(a) Number of acres to be irrigated 2400 acres.

(b) Legal subdivisions to be irrigated E of Sec 22, All sec. 23(23) All sec 26 E of sec 27

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

and W 1/2 NE 1/4 Sec 24--T4N--Range 24E Haakon County

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

Reservoir at House will be replenished from Pumping Plant No. 2

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 # 281-2

8. Estimated cost of work:

(a) Head Gates, \$..... (b) Pumping plant, \$1800.00
 (c) Plumbing, \$..... (d) Canal-earth, \$1700.00 Rock, \$.....
 (e) Other structures ditches, diversions \$750.00 Total, \$4250.00

9. Description of diversion work:

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

Reservoir dam - 2 dams & reservoirs, Pumping Plant, Ditches, Dikes, etc.

II. Dimensions of works.

(a) Dam: Height 24 feet; length at bottom 250 feet; length at top 200 feet; thickness at bottom 130 feet; thickness at top 20 feet; slope at front water face 4 to 1; slope at back face 2 to 1
 material used in construction 32,000 yds
 (b) Reservoir: Capacity when filled 275 acre feet. Surface area at highwater mark 28.7 acres. Dam No. 1 - 173 ac. ft. Storage - Total 448 Ac. ft.

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 0.00 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 Thron years.
 11. Time required for complete application of water to the proposed beneficial use Five years.
 12. Choice of newspaper for publication of notice of intention to appropriate.....
Pioneer Review, Phillip South Dakota

STATE OF SOUTH DAKOTA

County of Chadron ss.

We BERNARD ARMSTRONG, Eugene E. ARMSTRONG 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.

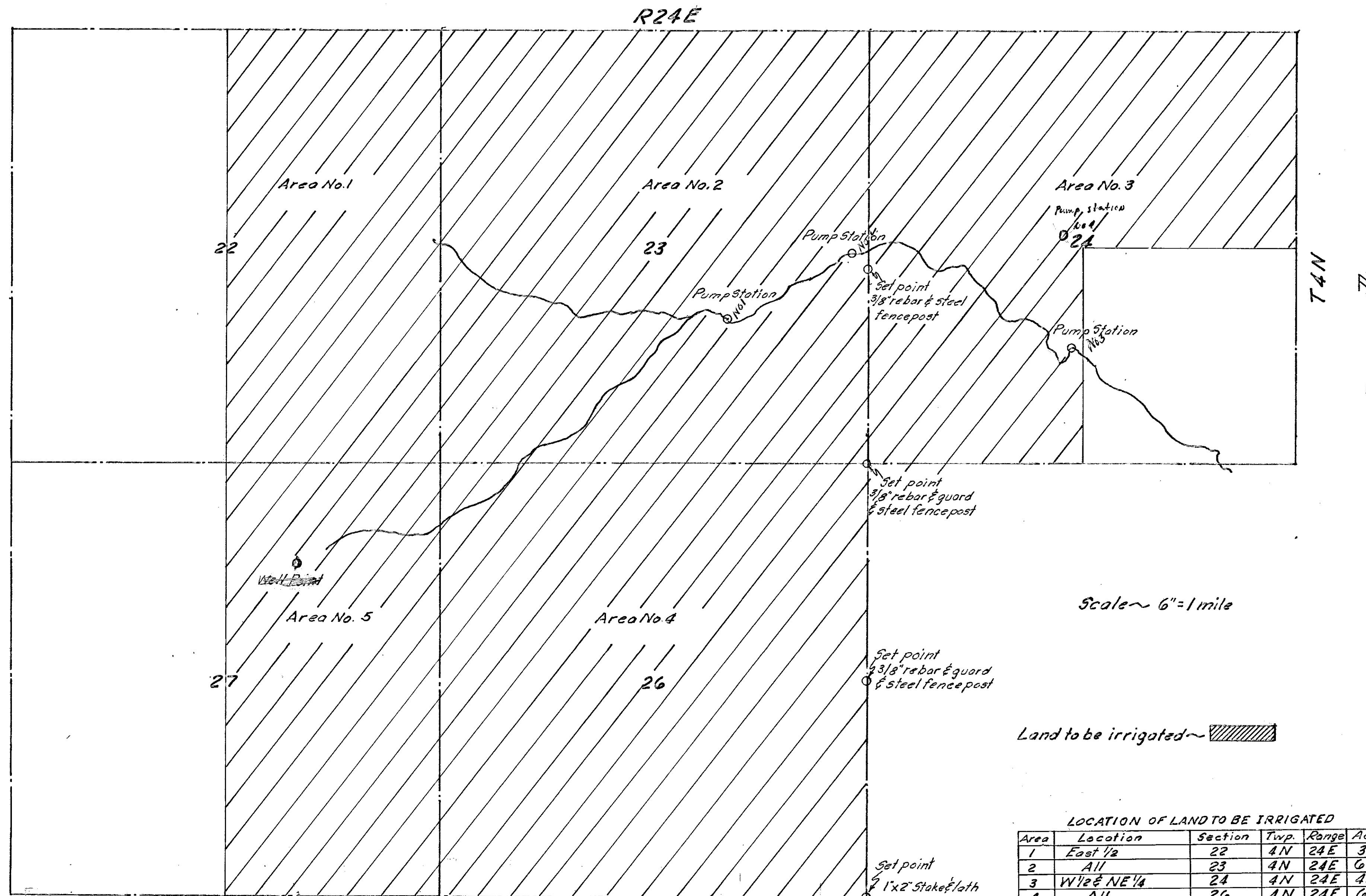
Signed Eugene E. Armstrong

Subscribed and sworn to before me this 5-17 day of November 1906

Arvid H. H. H.
 Notary Public (or other qualified officer.)

IRRIGATION PROJECT OF
BERNARD ARMSTRONG, EUGENE ARMSTRONG, DENNIS ARMSTRONG AND JOYCE ESTEP,
JOINT LAND OWNERS

A PLAT OF THE E 1/2 OF SEC. 22-T4N-R24E, ALL OF SEC. 23-T4N-R24E,
 THE W 1/2 AND THE NE 1/4 OF SEC. 24-T4N-R24E, ALL OF SEC. 26-T4N-R24E
 AND THE E 1/2 OF SEC. 27-T4N-R24E, HAAKON COUNTY, SOUTH DAKOTA.



LOCATION OF LAND TO BE IRRIGATED

Area	Location	Section	Twp.	Range	Acres
1	East 1/2	22	4N	24E	320
2	All	23	4N	24E	640
3	W 1/2 & NE 1/4	24	4N	24E	480
4	All	26	4N	24E	640
5	East 1/2	27	4N	24E	320
Total					2400

SURVEYORS CERTIFICATE

I, R.V. Summerside, Registered Land Surveyor of the State of South Dakota, do hereby certify that at the direction of Bernard Armstrong, I have surveyed the tract of land as shown, consisting of the East 1/2 of Sec. 22-T4N-R24E, all of Sec. 23-T4N-R24E, the W 1/2 and the NE 1/4 of Sec. 24-T4N-R24E, all of Sec. 26-T4N-R24E and the East 1/2 of Sec. 27-T4N-R24E.

R.V. Summerside
 REGISTERED LAND SURVEYOR

Subscribed and sworn to before me this 16th day of August, A.D. 1965.

Myrtle E. Burdette
 Notary Public

My commission expires July 7, A.D. 1966

CERTIFICATE BY OWNERS

We, Bernard Armstrong, Eugene Armstrong, Dennis Armstrong and Joyce Estep, joint owners of the above described property in Haakon County, South Dakota, do hereby join in and approve of the survey and plot of the land therein represented. In testimony whereof, we have set our hands and seals this 16th day of December, A.D. 1965.

[Signatures]
 Joint Land Owners

STATE OF SOUTH DAKOTA
 COUNTY OF HAAKON

On this 1st day of December, A.D. 1965, before me, a Notary Public in and for said County of Haakon, State of South Dakota, personally appeared Bernard Armstrong and Eugene Armstrong, known to be the persons who are described herein and who executed the foregoing instrument and acknowledged to me that they executed the same.

[Signature]
 Notary Public
 My commission expires Nov 16, 1972

STATE OF MICHIGAN
 COUNTY OF _____

On this _____ day of _____, A.D. 196____, before me, a Notary Public in and for the said County of _____, State of Michigan, personally appeared Dennis Armstrong, known to be the person who is described herein and who executed the foregoing instrument and acknowledged to me that he executed the same.

Notary Public
 My Commission Expires _____

STATE OF CALIFORNIA
 COUNTY OF _____

On this _____ day of _____, A.D. 196____, before me, a Notary Public in and for the said County of _____, State of California, personally appeared Joyce Estep, known to be the person who executed the foregoing instrument and acknowledged to me that she executed the same.

Notary Public
 My Commission Expires _____

MAP # 781-2 (ADD # 897-2)

Remarks by State Water Resources Commission:

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

STATE OF SOUTH DAKOTA
County of Hughes } is.

Pierre, South Dakota, January 20, 1967

This is to certify that the foregoing application was received by the Commission at 3:30 o'clock P.m. upon the 5th day of December, 1966.

State Water Resources Commission

By: Richard D. Schroyer
For Chief Engineer, Executive Officer

Number of permit 892-2

Date of first receipt of application December 5, 1966

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 December 5, 1966

Approved January 18, 1967, Recorded in Book 9 Page 195

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 _____

July 18, 1968

2nd. The whole of said work is to be completed on or before January 18, 1970

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

January 18, 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 3.42 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 January 18, 1972; said water to be used during the following described annual period:

April 1st Through November 15th

Witness my hand this 20th day of January, 1967.

State Water Resources Commission

By: Richard D. Schroyer
Chief Engineer, Executive Officer

Certificate of Construction Issued JANUARY 23, 1973

Water License Issued JANUARY 23, 1973

on or before
(First Publication December 22, 1966)
APPROPRIATION OF WATER

Office of State Water Resources Commission

Pierre, S. Dak. December 6, 1966

Notice is hereby given that Eugene E. Armstrong and Bernard Armstrong, whose postoffice address is Midland, South Dakota, have made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.42 cubic feet of water per second of time from a dry draw through the Armstrong Irrigation Project, the points of diversion of which are No. 1, 2600' N and 2000' W; No. 2, 7270' N and 280' W; No. 3, 1400' N and 2500' E SE corner, Section 23; and No. 4, 495' N and 330' W of SE corner, Section 24, located on either bank of said stream, all in T4N, R24E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

E $\frac{1}{2}$ Section 22; All Section 23; All Section 26; E $\frac{1}{2}$ Section 27, and W $\frac{1}{2}$ and NE $\frac{1}{4}$ Section 24, All in T4N, R24E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 18th day of January, 1966, 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:

Richard D. Schroyer
Water Right Specialist

~~For Chief Engineer, Executive Officer~~

CC: Les Ravellette, Publisher
Pioneer Review
Philip, S.D.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Haakon } SS

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

Pioneer-Review 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 Philin of Haakon County of Haakon and State of South Dakota;

that the said notice was published in said newspaper on the following dates:

December 15-22-29-Jan. 5

in each and every issue of the full number thereof, the first publication being made on the 15th day of December 1866 and the last publication on the 5th day of January 1967, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was _____ the printer and publisher of the said newspaper.

APPROPRIATION OF WATER

Office of State Water Resources Commission
 Pierre, South Dakota
 December 6, 1966

Notice is hereby given that Eugene E. Armstrong and Bernard Armstrong, whose postoffice address is Midland, South Dakota, have made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.42 cubic feet of water per second of time from a dry draw through the Armstrong Irrigation Project, the points of diversion of which are No. 1, 2000' N and 2000' W; No. 2, 2270' N and 200' W; No. 3, 1400' N and 2500' E SE Corner, Section 23; and No. 4, 495' N and 330' W of SE corner, Section 24, located on either bank of said stream, all in T4N, R24E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

E½ Section 22; All Section 23; All Section 26; E½ Section 27, and W¼ and NE¼ Section 24, all in T4N, R24E.

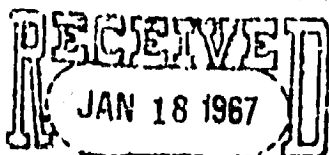
This application will be taken up by the State Water Resources Commission at their offices at Pierre for consideration upon the 18th day of January, 1966 at 2 p.m. All interested persons may appear and be heard.

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: Richard D. Schmoeyer
 Water Rights Specialist
 (Dec. 15, 22, 29, Jan. 5)

Subscribed and sworn to before me this 6th day of January A. D. 1967



STATE WATER RESOURCES COM. PIERRE, SOUTH DAKOTA

Samuel J. Sample
 Notary Public Haakon County, S. D.

Permit No. 897-2Water Division 2 BAD RIVER Water District

REPORT OF EXAMINATION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Eugene & Bernard Armstrong of Midland, South Dakota holder of Permit No. 897-2, bearing date of priority of December 5, 19 66 authorizing the diversion of 3.42 cu. ft. per second of the waters of Dry draws for irrigation purposes, in Haakon County.

I have to report on the condition of the same as follows:

The Water Use System consists of, 5 dams - approx. 748 acre feet storage.

A. Works used to divert the water: 1-Cornell pump. 6NW-2RH No.6 Frame, Power take off driven 8" - 10" discharge, 2250 g.p.m., capacity 40' 10" suction line.

1 Crisa-fulli pump. Model CP8HI, Serial 3256 Power take off operated rated 2500 GPM.

3. Works used to transport water to place of use,

5100' of 10" aluminum pipe, misc. fittings.

C. Works used to apply water to beneficial use.

3100' gated pipe, 1½" nozzle 30" spacing, some dykes and ditch primarily to collect return flows.

The system is in the following condition: good
No. 1., 2000' N. & 200' W. of SE Cor. Sec. 23; No. 2., 2270' N. & 200' W. of SE Cor. Sec. 23;
The point of diversion is located No. 3., 1400' N. & 2500' E. of SE Cor. Sec. 23, No. 4., 495' N. & 330' W. of center Sec. 24, all in T4N, R24E.

The works are capable of diverting and conveying to the place of use 10.0 c.f.s.
cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows:

NE¼, Sec. 23	80 acres	NE¼, Sec. 24	100.00 acres
NW¼, Sec. 23	150 acres	NW¼, Sec. 24	50.00 acres
SW¼, Sec. 23	60 acres	SE¼, Sec. 24	120.00 acres
SE¼, Sec. 23	90 acres	NW¼, Sec. 26	150.00 acres
NE¼, Sec. 26	150 acres	All in T4N, R24E	
comprising a total of <u>950.00</u> acres of land.			

Date 1/17/73

Marvin Knecht
(Signature)

MARVIN KNECHT, ENGINEER, W.R.C.

Form 15.

Permit No. 897-2

Water Diversion No. 2 BAD RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Eugene E. Armstrong

_____ the holder _____ of
Permit No. 897-2, issued upon Application No. 897-2, bearing date of priority of December 5,
1966 authorizing the diversion of 3.42 cu. ft. per second of the waters of _____
dry draws _____ County of Haskell, State of South Dakota at _____
No. 1., 2000' North & 200' West of SE Cor., Sec. 23; No. 2., 2270' North & 200' West of
SE Cor., Sec. 23; No. 3., 1400' North and 2500' East of SE Cor., Sec. 23; No. 4.,
495' North and 330' West of Center, Sec. 24, all in T4N, R24E.

_____, for irrigation

purposes, has 8 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. 10.0 cu. ft. per second of water.

Date January 23, 1973

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 897-2.

(1) WHEREAS, On the 5th day of December A. D. 19 66

Eugene E. Armstrong and Bernard Armstrong

made Water Right Application No. 897-2 for a permit to use 3.42 cubic feet per second of the water of dry draw

County of Hankson, State of South Dakota, for irrigation

_____ purposes; and

(2) WHEREAS, On the 20th day of January A. D. 19 67

Permit No. 897-2, with a date of priority of December 5, 1966

was issued to said applicant _____ for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 18th day of January A. D. 19 70 and for the

application to beneficial use of said water on or before the 18th day of January A. D. 19 72

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 3.42 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

for irrigating the following land in T4N, R24E

		Acres
Section 23	NE $\frac{1}{4}$	80
	NW $\frac{1}{4}$	150
	SW $\frac{1}{4}$	60
	SE $\frac{1}{4}$	90
Section 24	NE $\frac{1}{4}$	160
	NW $\frac{1}{4}$	50
	SE $\frac{1}{4}$	120
Section 26	NE $\frac{1}{4}$	150
	NW $\frac{1}{4}$	150
Total Acres		950

(5) 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 Eugene E. Armstrong

_____ of Midland, S.D.

the holder _____ and owner _____ of said permit No. 897-2 a water right, dating from December 5, 1966
_____ to use of 3.42 cubic feet per second of the water

of dry draws

in the County of Haskell and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at No. 1., 2000' North and 200' West of SE Cor., Sec. 23;

No. 2., 2270' North and 200' West of SE Cor., Sec. 23; No. 3., 1400' North and

2500' East of SE Cor., Sec. 23; No. 4., 495' North and 330' West of Center Sec. 24,

all in T4N, R24E,

and conduct to and upon portions of Sections 23, 24 and 25, T4N, R24E, more fully described

on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 897-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 23rd day of January A. D.
Nineteen Hundred and Seventy-three

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer J.P. GRIMEA

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8556

Haggar's Action Realty for: PIERRE, November 23, 1991
Berja Investments, 2302 Main Street, P.O. Box 1036, Ronan, MT 59864

RECEIVED OF the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filling) _____		
Fee for inspecting Construction, and issuing Cert of Construction No. _____		
Fee for inspecting Beneficial Use, and issuing Water License No. _____		
Fee for issuing Location Certificate-Dry Draw, No. _____		2 00
Fee for filing _____ transfer of WR# 897-2		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL		2 50

WATER RIGHTS COMMISSION

By *John Hetch*
Chief Engineer, Executive Officer
JOHN HETCH / *(bt)*

NO. 897-2

NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date. 10-27-81

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

See Exhibit A

formerly owned by Eugene Armstrong and Vern Armstrong

has been transferred to Berja Investments, a Montana General Partnership
comprised of Joseph T. Berlin and Paul M. Jackson
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 897-2 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 Office 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 Hughes) ss.

I, Eugene Armstrong and
Vern Armstrong

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 infor-
mation herein stated is true.

Eugene Armstrong
(Signed)
Eugene Armstrong
Subscribed and sworn to before me this 27 day of October, 1981
Don H. Hays
(Notary Public)
M.C.C.
7/30/84

WNR-820-7/79

Notice of Transfer of Water Permit

EXHIBIT A-page 1

Township 4 North, Range 24 EBHM, Haakon County, South Dakota

Section 5: Lots 1, 2, 3 & 4; S $\frac{1}{2}$ N $\frac{1}{2}$; S $\frac{1}{2}$

Section 6: Lots 1, 2, 3, 4, 5, 6 & 7; SE $\frac{1}{2}$ NW $\frac{1}{2}$; E $\frac{1}{2}$ SW $\frac{1}{2}$;
S $\frac{1}{2}$ NE $\frac{1}{2}$; SE $\frac{1}{2}$

Section 7: Lots 1 & 2; E $\frac{1}{2}$ NW $\frac{1}{2}$; NE $\frac{1}{2}$; SE $\frac{1}{2}$

Section 8: NW $\frac{1}{2}$

Section 16: N $\frac{1}{2}$

Township 4 North, Range 23 EBHM, Haakon County, South Dakota

Section 1: Lots 1, 2, 3 & 4; S $\frac{1}{2}$ N $\frac{1}{2}$; S $\frac{1}{2}$

Section 2: Lots 1, 2, 3 & 4; S $\frac{1}{2}$ N $\frac{1}{2}$; S $\frac{1}{2}$

Section 3: Lots 1, 2, 3 & 4; S $\frac{1}{2}$ N $\frac{1}{2}$; S $\frac{1}{2}$

Section 10: N $\frac{1}{2}$

Section 11: E $\frac{1}{2}$; NW $\frac{1}{2}$

Section 12: All

Section 13: NW $\frac{1}{2}$

Township 3 North, Range 23 FBHM, Haakon County, South Dakota

Section 36: All

Township 5 North, Range 23 EBHM, Haakon County, South Dakota

Section 36: All

EXHIBIT A-page 2

Township 4 North, Range 24 EBHM, Haakon County, South Dakota

Section 2: Lots 1, 2, 3 & 4; S¹/₂N¹/₂; S¹/₂
Section 3: Lots 1, 2, 3 & 4; S¹/₂N¹/₂; S¹/₂
Section 4: Lots 1, 2, 3 & 4; S¹/₂N¹/₂; S¹/₂
Section 8: NE¹/₂
Section 9: All
Section 10: All
Section 11: All
Section 12: S¹/₂; S¹/₂N¹/₂; NW¹/₂NW¹/₂
Section 13: All
Section 14: W¹/₂
Section 15: All
Section 22: N¹/₂; SE¹/₂
Section 23: All
Section 24: N¹/₂; SW¹/₂
Section 26: All
Section 27: E¹/₂

Township 5 North, Range 23 EBHM, Haakon County, South Dakota

Section 25: S¹/₂; All of N¹/₂ lying South of Highway 34
Section 26: All
Section 28: That portion lying South of Highway 34
Section 22: That portion lying South of Highway 34
Section 27: All
Section 34: All
Section 35: NE¹/₂

Township 5 North, Range 24 EBHM, Haakon County, South Dakota

Section 30: Lots 1, 2, 3 & 4; E¹/₂W¹/₂; E¹/₂
Section 29: All
Section 31: Lots 1, 2, 3 & 4; E¹/₂W¹/₂; E¹/₂
Section 32: All
Section 33: S¹/₂
Section 34: SW¹/₂

EXHIBIT A-page 1

Township 4 North, Range 24 EBHM, Black on County, South Dakota

Section 14: NE1

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

897-2
1139-2
1606-2
1642-2

November 24, 1981

Berja Investments
Joseph Berlin & Paul Jackson
2302 Main Street, Box 1036
Ronan, MT 59864

Gentlemen:

This is to notify you that Water Right No. 897-2, and Permit Nos. 1139-2
1606-2, & 1642-2 have been transferred to your names.

Since the filing fees for the transfers were paid by Hagggar's Action
Realty of Pierre, SD, the receipts will be forwarded to them.

Each year this office mails out an irrigation questionnaire to obtain
information on water use throughout the irrigation season. In contacting
Hagggar's Action Realty, they indicated this year's irrigation questionnaire
should be sent to Vern & Eugene Armstrong since they owned the systems for
most of the irrigation season. However, next year, the questionnaire will
be forwarded to you. If you have an operator running the system for you,
and you would like future questionnaires to be mailed directly to him, please
inform this office.

If you have any questions, please contact this office.

Sincerely,

GENNY YOUNG
Staff Assistant

gy

cc: Hagggar's Action Realty
w/receipts

877-2

South Dakota
Department of
Water & Natural Resources

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

NOTICE

September 13, 1983

TO: Joseph Berlin and Paul Jackson
Hidden Timber Rt
Valentine, Nebraska 69201

FROM: John Hatch, Chief Engineer
Water Rights Division
(605) 773-3302

John Hatch

Re: Violation of Permit No(s). 1744-2
by Failure to Submit Required 1982 Irrigation Questionnaire

The Water Management Board has directed that hearing(s) be held to determine what action the Board should take for violation of the Water Permit No(s). 1744-2 qualification that requires the Irrigation Water Use Questionnaire to be submitted each year.

The hearing(s) will also be to determine if Permit No(s). 497-2, 897-2, 1139-2, 1297-2, 1446-2, 1606-2, and 1642-2 should be amended to require the Questionnaire to be submitted each year.

The hearing(s) will be at 2:30 p.m., October 5, 1983, Civil Defense Room, Basement, State Capitol Building, Pierre, South Dakota. Water Rights Division records do not show that the 1982 Irrigation Questionnaire for Permit No(s). 1744-2 has been received. The questionnaire was requested on the following dates:

1. September 1982 Initial request
2. December 1982 follow-up request
3. March 22, 1983 Notice that submittal of questionnaire is a qualification to water permit.
4. August 1983 Notice that Board had directed owners of permits not in compliance with the Irrigation Questionnaire qualification be given, until August 30, 1983 to submit the 1982 questionnaire with any permit owner in violation after August 30 to be given notice for hearing before the Board.

Equal Opportunity Employer

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

Following the hearing(s), the Water Management Board can:

1. Suspend Permit No(s). 1744-2 until either the 1982 Questionnaire is submitted or for a period of up to one year;
2. Amend Permits No(s). 497-2, 897-2, 1139-2, 1297-2, 1446-2, 1606-2, and 1642-2 also held by Joseph Berlin and Paul Jackson to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. Take no action.

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

cc: Berja Investments
2302 Main Street
Box 10326
Ronn, MT 59864

September 21, 1983

Permit Nos 497-2, 1297-2, 1446-2 and 1744-2 transferred
to Leavitt Livestock Co., 40 Dave Carr, Hidden Timber Pt.,
Valentine, NE 69201 (Permits in Todd Co)

8172

Water Rights Division
605 775-3352

September 22, 1983

Leavitt Livestock Co.
% Dave Carr
Hidden Timber Rt.
Valentine NE 69201

Dear Mr. Carr:

This letter will acknowledge receipt of, and thank you for the return of the 1982 Irrigation Questionnaire for Permit No. 1744-2. A notice was sent to Joseph Berlin and Paul Jackson September 13, 1983 regarding the irrigation Questionnaire submittal violation of Permit No. 1744-2 and the date hearings are to be held before the Water Management Board to determine any action to be taken concerning the violation. Our records now show that you have returned the 1982 Irrigation Questionnaire and are no longer in violation of the permit.

Please disregard the notice dated September 13, 1983. This Permit has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

March 9, 1984

897-2
1139-2
1606-2
1642-2

Harold Niehoff, operator
St Rt 69, Box 63
Midland SD 57552

Dear Mr. Niehoff:

This letter is in reference to the enclosed 1983 Irrigation Questionnaires pertaining to Water Right No. 897-2 and Water Permit Nos. 1139-2, 1606-2 and 1642-2, in the name of Berja Investments. According to our records, the permits are now owned by First Continental Corporation with the land being operated by you.

Please complete the enclosed data sheets as accurately as possible. If accurate records were not kept, estimations will be satisfactory. Copies of the permits are enclosed to aide you in filling out the forms. The questionnaires should be returned to this office upon completion.

If you have any questions, contact our office.

Sincerely,

GENNY MCMATH
Natural Resources Analyst

GM:ks

enclosures

Equal Opportunity Employer

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

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

January 7, 1985

NOTICE OF CANCELLATION

TO: First Continental Corp.
P.O. Box 31775
Billings, MT 59107

FROM: John Hatch, Chief Engineer
Water Rights Division

SUBJECT: Cancellation of Water Right No. 897-2

The Water Management Board will consider cancellation of Water Right No. 897-2 at 9:00 am., March 6, 1985 Conference Room, Room 216, Foss Building, Pierre, SD.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

The Chief Engineer of the Water Rights Division is recommending cancellation of Water Right No. 897-2 because the system is no longer used and the water right has been abandoned.

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to cancel all or part of Water Right No. 897-2 after it reaches a conclusion based upon facts presented at the public hearing. Our records show you to be the owner of the property covered by Water Right No. 897-2. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by February 22, 1985. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained. The Board may consider any abandoned or forfeited water to be available for appropriation subject to the provisions of SDCL 46-1, 46-2, 46-2A and 46-5.

These hearings are adversary proceedings. Any party has the right to be present or to be represented by a lawyer. These any other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any party wishing a copy of the Chief Engineer's recommendation, further information on the proposed cancellation or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWR, Joe Foss Building, Pierre, SD (605-773-3352) for assistance prior to the hearing. The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting May 15-16, 1985. Any request for extension must be filed with the Chief Engineer by February 22, 1985.

SS04.WR

RECOMMENDATION OF CHIEF ENGINEER
FOR WATER FIGHT NO. 897-2, Berja Investments

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Right No. 897-2, now owned by First Continental Corporation.

The Chief Engineer is recommending cancellation of the above Water Right because an inspection by Ron Duvall, June 8, 1984 found the irrigation system was no longer used and the gated pipe had been sold. The water right has been abandoned.



JOHN HATCH, Chief Engineer

December 28, 1984

Water Rights Division - DWNR
Conversation or File Documentation

File No. 897-2

NAME OF PERSON OR FILE: Berja Investments

ADDRESS: 2302 Main, Box 1036, Ronan, MT, 59864 COUNTY Haakon

DATE: 9/27/84 TELEPHONE _____

RE: _____

COMMENTS: Cancellation consideration

Lands are currently owned by:

9/27/84 First Continental Corp.

P.O. 31775

Billings, MT 59107

An inspection of license No. 897-2 on June 8, 1984, revealed that the irrigation system had been abandoned. Harold Niehoff indicated that the gated pipe used to irrigate the acreage had been sold. The lands currently under irrigation are not covered by license 897-2.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Ron Dussall

WATER RIGHTS DIVISION
(605) 773-3352

January 29, 1985

Gary Zemlicka
First Continental Corp.
PO Box 31775
Billings, Montana 59107

Dear Mr. Zemlicka:

I am contacting you regarding the cancellation hearing on Water Right No. 897-2 scheduled for March 6, 1985. January 23, 1985, you requested that the water right not be cancelled. You stated that the gated pipe used to irrigate the acreage had been sold; however, plans have been made to irrigate the land with center pivots. You also stated that the lands have not been irrigated during the two years of your ownership. State laws require water appropriated by a water right to be used a minimum of once every three years, when water is available, to maintain a water right. Water Rights which do not meet the requirements of law can be cancelled for abandonment and forfeiture. Water Right No. 897-2 will be subject to cancellation unless the acreage under No. 897-2 is irrigated during 1985.

The March 6, 1985 cancellation hearing will not be held. A follow-up inspection will be scheduled to determine whether the lands are being irrigated. Please contact us, if you have any questions.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division

JH:RD:ms

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol

Pierre, South Dakota 57501-3181

Water Rights Division
605 773-3352

January 15, 1985

897-2

Gary Zenlicka
First Continental Corp.
PO Box 31775
Billings MT 59107

Dear Mr. Zenlicka:

I am contacting you regarding any irrigation done during 1985 under Water Right No. 897-2 (Berja Investments). The lands covered under Water Right No. 897-2, Section 23, N $\frac{1}{2}$ & SE $\frac{1}{4}$ Section 24, and N $\frac{1}{2}$ Section 26, T4N, R24E are owned by First Continental Corporation.

Enclosed is the 1985 Irrigation Questionnaire pertaining to Water Right No. 897-2. The questionnaires are mailed out in November of each year, however, mailing of your questionnaire was overlooked until now. Please complete the questionnaire for our records and return it to this office by February 1, 1986. A postage paid envelope is enclosed.

If you have any questions, contact our office.

Sincerely,

GEMMY MCMAH
Natural Resources Analyst

GM:ks

enclosures

897-2

First Continental Corp

Billings, MT 59107

This is the Water Management Board data sheet for recording 1985 GROUNDWATER source irrigation estimates.

November, 1985

For Dept. Use Only

Please fill out and return at once. Surface

No. acres actually irrigated with Groundwater 1155

R 0

If you did not irrigate during 1985-check this box ☐

If your system has not been constructed-check this box ☐

Type of Power	No. acres Irrigated
1. Electric	
2. Gravity	
3. Gasoline	
4. Nat. Gas pipeline	
5. Diesel	1155
6. Propane	
7. Other	

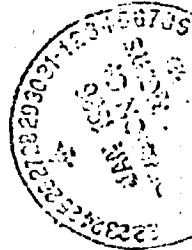
Type of System
1. Hand Moved Sprinklers
2. Portable booms
3. Center pivots (# of)
4. Gated pipes
5. Sidewheel
6. Towlines
7. Gun type
8. Hydromatic
9. Siphons
10. Flood
11. Other

Month	# days pumped	Average # hours per day	Average pump rate (gpm)	Acres of Crop Irrigated and Estimated Water Use		
				Crop	Acres	Water Used
April	15	24	4000	wheat	1155	
May	20	24	4100			
June	25	24	4100			
July	25	24	4000			
August						
Sept.						
Oct.						
Other Month						

Season Static Water Level: beginning _____ ft. end _____ ft.

COMMENTS:

Complete and return to: WATER MANAGEMENT BOARD
Water Rights Division
Joe Foss Building
Pierre, SD 57501



Owner or address change, if any:

 **Department of
Water & Natural Resources**
Joe Foss Building,
523 East Capitol
Pierre, South Dakota 57501
Division of Water Rights
605 773-3352

No. 897-2

Bob Berg
First Continental Corporation
HCR 69, Box 663
Midland, South Dakota 57552

Dear Mr. Berg:

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.

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

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

DWNR-820A-8/83



Department of Water & Natural Resources

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

March 23, 1987

SCOTT MADISON/OPERATOR
SR 69
MIDLAND, SD 57552

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). ~~897-2~~, 1139-2, 1642-2. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

1. Amend Permit No(s). 897-2, 1139-2, 1642-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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


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

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

cc: First Continental Corp, PO Box 31775, Billings MT 59107

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3161

April 24, 1987

897-2
1139-2
1642-2

Bob Berg, Manager
First Continental Corporation
Diamond Ring Division
St Rt 69 Box 663
Midland, SD 57552

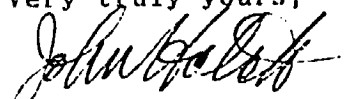
Dear Mr. Berg:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 897-2, 1139-2 and 1642-2 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



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

cc: First Continental Corporation, PO Box 31175, Billings, MT
59107

897-2

WATER RIGHTS DIVISION
(605) 773-3352

April 28, 1987

John J. Greytak, President
First Continental Corporation
PO Box 31775
Billings, Montana 59107

Dear Mr. Greytak:

This letter will acknowledge receipt of the "Notice of Transfer" for Water Right No. 897-2. The transfer form was completed properly, however, it can not be processed without a \$2.50 filing fee.

Please remit the \$2.50 filing fee as soon as possible. Water Right No. 897-2 will be transferred from Berja Investments to First Continental Corporation upon receipt of this fee.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.

NO. 897-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 4-21-87

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

950 Acres - Section 23, N $\frac{1}{2}$ and SE $\frac{1}{4}$ Section 24, N $\frac{1}{2}$ Section 26, T4N-R24E.

formerly owned by Berja Investments, a Montana General Partnership

has been transferred to FIRST CONTINENTAL CORPORATION, P.O. Box 31775
(please include complete mailing address) Billings MT
together with any rights to the beneficial use of water thereon as evidenced by 59107

Water Right Permit No. 897-2 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 MONTANA)
~~SOUTH DAKOTA~~) ss.
County of YELLOWSTONE)

I, JOHN J. GREYER, President 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.

First Continental Corporation
[Signature]
(Signed)

Subscribed and sworn to before me this 21 Day of APRIL, 1987

[Signature]
(Notary Public)

RECEIPT

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

Pierre, June 19, 1987

RECEIVED OF John J. Gretak, Pres., First Continental Corp., PO Box 31775, Billings, MT
the following amount in fees for services rendered as provided for by law: 55107

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 897-2 _____	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 (115)

No. 897-2

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

June 22, 1987

John J. Greytak, President
First Continental Corporation
P.O. Box 31775
Billings, Montana 59107

Dear Mr. Greytak:

Enclosed is receipt No. 410916 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 897-2.

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

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.



Department of Water & Natural Resources

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

January 29, 1988

FIRST CONTINENTAL CORPORATION ~John Greytak
PO BOX 31775
BILLINGS, MT 59107

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 897-2. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

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

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

1. Amend Permit No(s). 897-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

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

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

SOUTH DAKOTA
Department of
Water & Natural Resources

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

February 4, 1988

897-2

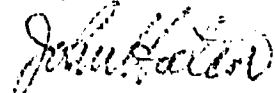
Mike Schmechel
First Continental Corp.
PO Box 31775
Billings, MT 59107

Dear Mr. Schmechel:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 897-2 and the hearing date before the Water Management Board.

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

Very truly yours,



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

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 1-27-89

This is to notify you that the title to the lands described as follows:
950 acres - Section 23, N $\frac{1}{2}$, SE $\frac{1}{4}$ Section 24, N $\frac{1}{2}$ Section 26, T4N, R24E

formerly owned by First Continental Corporation

has been transferred to Wilbert H. Ohlmann & Judith D. Ohlmann HOA 69 Ex 663
(please include complete mailing address) 41.141414 SD
together with any rights to the beneficial use of water thereon as evidenced by 53552

Water Right ~~Permit~~ No. 897-2 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 HUGHES) ss.

I, Wilbert H. Ohlmann & Judith D. Ohlmann 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.

Wilbert H. Ohlmann
Judith D. Ohlmann
(Signed)

Subscribed and sworn to before me this 27th Day of January, 1989.

Leonard F. Starks
(Notary Public)

LEONARD F. STARKS, Notary Public
My Commission Expires
November 16, 1992



Department of Water & Natural Resources

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

897-2

February 3, 1989

Wilbert & Judith Ohlmann
Diamond Ring Farms
HCR 69 Box 663
Midland, SD 57552

Dear Mr. & Mrs. Ohlmann:

Enclosed is your check in the amount of \$10.00 which you paid for filing "Notice of Transfer" forms with Water Permit Nos. 1139-2, 1606-2, 1642-2 and Water Right No. 897-2. Only \$7.50 will be needed to file the transfers.

I was not aware until after I gave the transfer forms to Leonard Starks, that Water Permit No. 1606-2 had been cancelled. A "Notice of Transfer" can not be filed with a cancelled permit.

Please remit a check in the amount of \$7.50 (\$2.50 each for the remaining three transfers). Water Permit Nos. 1139-2, 1642-2 and Water Right No. 897-2 will be transferred to your names upon receipt of \$7.50.

Thank you for your assistance in this matter.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosure



RECEIPT

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

411627

Pierre, February 9, 1989

RECEIVED OF Wilbert & Judith Oelmann, ICR 69 Box 663, Midland, SD 57552

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 -897-2-

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

2 50

By

John Hatch / cur
Chief Engineer

South Dakota
Department of
Water & Natural Resources

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

February 16, 1989

Wilbert & Judith Ohlmann
HCR 69, Box 663
Midland, SD 57552

Dear Mr. & Mrs. Ohlmann:

Enclosed is Receipt No. 411627 in the amount of \$ 2.50 which you paid for transfer of Water Right No. 897-2.

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

Sincerely,

Marie R. Arthur

Marie R. Arthur
Water Rights Division
(605) 773-3352

L

897-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 1994

WILBERT & JUDITH OHLMAN
ROR 69 BOX 663
MIDLAND SD 57552

NOTICE

RE: Violation of Requirement to Submit 1993 Irrigation Questionnaire

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 897-2. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 897-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before April 1, 1994, your name will be deleted from the Board agenda.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Ron Duvall', is written over a circular stamp.

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☒ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: 897-2

WILBERT & JUDITH OHLMANN
HCR 69 BOX 663
MIDLAND SD 57552

4a. Article Number

P837692563

5. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

2-24-94

5. Signature (Addressee)

6. Signature (Agent)

[Signature]

8. Addressee's Address (Only if requested and fee is paid)

17669 Box 663

MIDLAND SD 57552

PS Form 3811, December 1991 ☆ U.S.G.P.O.: 1992-367-530

DOMESTIC RETURN RECEIPT

9120

Thank you for using Return Receipt Service.



897-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 1994

NOTICE

TO: WILBERT & JUDITH OHLMANN
HCR 69 BOX 663
MIDLAND, SD 57552

FROM: Ron Duvall, Natural Resources Engineer IV
For John Hatch, Chief Engineer,
Water Rights Division
(605) 773-3352 

SUBJECT: April 6, 1994 Water Management Board Meeting --
Irrigation Questionnaire Violation(s)
RE: , 897-2

On February 16, 1994, a notice was sent to you concerning submission of the 1993 irrigation questionnaire(s). The time and location of the April 6th hearing have been changed.

The hearing is now scheduled as follows:

9:30 a.m., April 6, 1994, in the Conference Room of
the Floyd Matthew Training Center, Joe Foss Building,
523 E Capitol, Pierre, SD.

All other provisions of the February 16th notice still apply. If the questionnaire(s) are received in this office prior to April 1, 1994, your name will be deleted from the agenda.

If you have any questions, please contact Genny McMath at
(605) 773-3352.

CERTIFICATION

I hereby certify that on March 9, 1994, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 9, 1994, regarding April 6, 1994, Water Management Board Meeting -- Irrigation Questionnaire Violation(s) on the following Water Rights/Permits and addresses as stated below:

- 2709-3: Alex A./Ann L. Falk, 1301 N. 4th St., Aberdeen, SD 57401.
 2763-3 & 4281-3: Alfred LaCroix, Jr., RR 1, Box 350, Jefferson, SD 57038.
 5238-3 & 2520-3: B. Deloris Jensen, RR 2, Box 107, Beresford, SD 57004-9578.
 2534-3: Barry Inland, RR 2, Box 26, Conde, SD 57434.
 1677A-3: Burnett Quam, RR 1, Box 222, Elk Point, SD 57025.
 1814-3: Caroline & Garry S. Kerkvliet, RFD 2, Box 145, Castlewood, SD 57223.
 4773-3 & 1880-3: City of Brookings, Theodore Kryger, F.O., P.O. Box 270, Brookings, SD 57006-0270.
 180-3 & 291-3: Craig Flyger, RR 1, Box 22, Parker, SD 57053.
 1076-2, 1236-2 & 2167-2: Dale Heese, HCR 88, Box 36, Millboro, SD 57530-7417.
 1488-2: Dan Donelan, HCR 33, Box 23, Mission Ridge, SD 57532.
 417-1A & 417-1B: Darrell C. Anderson, 1700 Kings Rd., Rapid City, SD 57702.
 540-2: Darrell E. Heldman, Box 402, Edgemont, SD 57735.
 1503-2: Dave Hemmingson, HCR 3, Box 11, Philip, SD 57567.
 792-1: David L. & Mary Lou Mollman, HC 63, Box 62, Ludlow, SD 57755.
 4093-3: Dell Rapids Golf & Rec Assoc, Mike Solem, Box 165, Dell Rapids, SD 57622.
 2394-3 & 2395-3: Dennis Jones, RR 1, Box 55, Bath, SD 57427.
 1275-2: Donald Kaiser, HCR 89, Box 303, Hermosa, SD 57744.
 1556-3: Ed & Dale Fawcett, Inc., Box 3D, Ree Heights, SD 57371.
 1555-3: Ed & Dale Fawcett, Inc., HCR 64, Box 155, Miller, SD 57362.
 2622-3: Evelyn Bernard, RR 1, Box 35, Jefferson, SD 57038.
 526-2: Fred & Dan McFarland, P.O. Box 2110, Rapid City, SD 57709.
 1390A-1: Fred W. Carlson, 716 10th Ave., Belle Fourche, SD 57717.
 3026-3: G. Waldner, Hillcrest Colony, Box 17, Garden City, SD 57236.
 1291-3 & 2474-3: Gary Hanson, Operator, RR 2, Box 224, Elk Point, SD 57025.
 407-2, 408-2 & 409-2: Gerrit DeJong, HCR 81, Box 50, Kennebec, SD 57544-9503.
 4209-3: Harold Nelson & Son, RR 2, Box 156, Yankton, SD 57078.
 5315-3: Hillcrest Golf/Country Club, T. Cihak, President, 2206 Mulberry, Yankton, SD 57078.
 2595-3 & 4379-3: James B. Zell, Rt 1, Box 350, Cavour, SD 57324.
 4687-3A & 4687-3B: James L. Sutton, Box 33, Onida, SD 57564.
 5203-3: Jeffery O. & Sally J. Nelson, RR 2, Box 2080, Brandon, SD 57005-9605.
 475-2 & 1114-2: John Pitkin, Rex Ranch, Box 92, Nenzel, SD 69219.
 961-3, 1050-3, 1120-3 & 1223-3: Kevin Dettler, HC 71, Box 29, Doland, SD 57436.

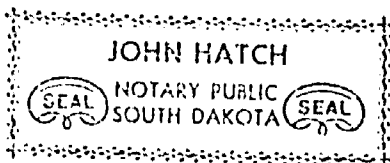
4524-3 & 4524-3A: Leon Lengkeek, 1605 Buffalo TR, Brookings, SD 57006.
 4443-3: Lonnie H. Nelson, RR 2, Box 156, Yankton, SD 57078.
 5010-3: Loren & Joyce Forrest, RR 1, Box 213, Laverne, MN 56156.
 156-3, 157-3, 164-3 & 1878-3: Marene Flyger, Box 362, Hurley, SD 57036.
 2242-3: Mark Quam, RR 2, Box 456, Elk Point, SD 57025.
 1523-2 & 1525-2: May & Sons, Inc., HC 53, Box 21, Interior, SD 57750.
 3550-3: Melvin A. Schmidt, Rt 2, Box 127, Parker, SD 57053.
 1714-2 & 2063-2, 400-2 & 401-2: Melvin E. Brassfield, Box 24, Caputa, SD 57725.
 5353-3: Michael A. Koslowski, RR 1, Box 44, Waubay, SD 57273.
 4910A-3: Michael L. Kreber, RR 1, Box 89, Tabor, SD 57063.
 2120-2: Mick Zink, HC 88, Box 51, Wewela, SD 57578.
 5205-3: Oahe Shores Golf Association, Dennis Moser, P.O. Box 174, Pollock, SD 57648.
 1684-3 & 2742-3: Paul Daly, P.O. Box 379, Ft. Thompson, SD 57339-0379.
 5736-3: Robert Streeter, 2645 Country VW, Monroe, WI 53566.
 235-3: Russell Doolittle, RR 1, Box 53, Wolsey, SD 57384.
 1264-3A: Steffen Brothers, Inc., HCR 37, Box 132, Pierre, SD 57501-9514.
 424-1: Steve Smeenk, Rt 1, Box 134, Newell, SD 57760.
 399-2: Thomas & Robin Jagow, HC 56, Box 39, Buffalo Gap, SD 57722.
 5225-3: Town of Pollock, Lila Renner, F.O., P.O. Box 57, Pollock, SD 57648-0057.
 925-1: Warren N. Golliher, RR 1, Box 237D, Spearfish, SD 57783.
 897-2: Wilbert & Judith Ohlmann, HCR 69, Box 663, Midland, SD 57552.
 1402A-2: William & James O'Kief, HC 68, Box 32, Wood Lake, NE 69221.
 4646A-3: William A. Stoddard, 821 S. Walts Ave., Sioux Falls, SD 57104.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
 COUNTY OF HUGHES)

Sworn to, before me, this 10th day of March, 1994.



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



897-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 7, 1994

NOTICE OF AMENDMENT OF WATER RIGHT

TO: Wilbert & Judith Ohlmann, HCR 69 Box 663, Midland, SD 57552

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

SUBJECT: Amendment to Water Right No. 897-2

Pursuant to the provisions of the notice dated February 16, 1994, and following the hearing April 6, 1994, the Water Management Board has amended Water Right No. 897-2 to add the following qualification:

"This water right is subject to the Irrigation Water Use Questionnaire being submitted each year."

The addition of this qualification to your Water Right means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water right. Suspension would mean that no water may be pumped for up to one year, for the first violation.

Please contact Genny McMath (605) 773-3352, if you have any questions.

REPORT ON INSPECTION OF PERMIT NO. 897-2

Other permit(s) associated with the project: XXXX

DATE OF INSPECTION: November 3, 1997

NAME & ADDRESS OF INSPECTION CONTACT/ Wilbert Ohlmann

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: Wilbert/Judith Ohlmann, HCR 69, Box 663, Midland, SD 57552

DIVERSION POINT LEGAL LOCATION: Dam #1-- 600 ft. south & 750 ft. west of the NE corner of Section 23 (NE 1/4 NE 1/4); Dam #2—1320 ft. north & 650 ft. west of the SE corner of Section 23 (E 1/2 SE 1/4); Dam #3—1320 ft. north & 1420 ft. east of the SW corner of Section 24 (E 1/2 SW 1/4) and Dam #4—2800 ft. north & 1900 ft. east of the SW corner of Section 24 (SE 1/4 SW 1/4); all in T4N-R24E.

DAM INFORMATION: <u>Dam #1</u>	<u>Dam #2</u>	<u>Dam #3</u>	<u>Dam #4</u>
1) Height to crest <u>15</u> feet	18 ft.	18 ft.	25 ft.
2) Height to primary spillway <u>12</u> feet	15 ft.	15 ft.	20 ft
3) Height to secondary spillway <u>XXX</u> feet			
4) Crest width <u>14</u> feet	14 ft.	14 ft.	14 ft.
5) Crest length <u>250</u> feet	600 ft.	300 ft.	750 ft.
6) Spillway length <u>XXX</u> feet			
7) Spillway width <u>24</u> inch	60 ft.	60 ft.	150 ft.
8) Approx. storage (Normal) <u>25</u> acre-feet	50 ac-ft.	75 ac-ft.	200 ac-ft.
9) Approx. storage (Maximum) <u>50</u> acre-feet	100 ac-ft.	150 ac-ft.	400 ac-ft
10) Date constructed: <u>XXX</u>			

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A
- 2) Special qualifications to permit being abided by yes
- 3) All structures, wells and lands on map yes
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Wilbert/Judith Ohlmann

ADDRESS: HCR 69, Box 663, Midland, SD 57552

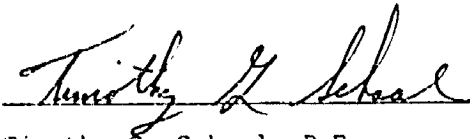
COUNTY: Haakon

DATE: March 17, 1998

TELEPHONE: 843-2506

RE: Change of use for dams authorized under Water Right No. 897-2

On November 3, 1997, I talked to Wilbert Ohlmann about Water Right No. 897-2. He said they no longer irrigate under this permit; however, they do have the 4 dams which were authorized under this permit. I explained to him that we will need to change the use to livestock water. The total storage capacity of the 4 dams (350 Ac-Ft.) is less than originally licensed and Dam #1 is in a different location (NE ¼ NE ¼) Sec 23-T4N-R24E.



Timothy G. Schaal, P.E.
Natural Resources Engineer III
Water Rights Program

Licensing of Irrigation Water Permit for Stock Watering

NAME: Wilbert/Judith Ohlmann

ADDRESS: HCR 69, Box 663, Midland SD 57552

DATE: March 17, 1998 COUNTY: Haakon TELEPHONE: 843-2506

AUTHORITY

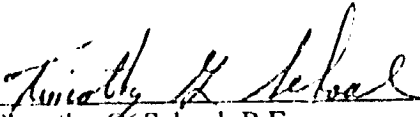
Pursuant to SDCL 46-5-31.1, if permitted irrigation use from a storage dam is abandoned or forfeited but the storage dam is used for stock watering, stock watering may be added to the license or permit upon the request of the permit or license holder.

REQUEST

On November 3, 1997, I talked to Wilbert Ohlmann about Water Right No. 897-2. He said they no longer irrigate under this permit; however, they do have 4 dams authorized for irrigation only. I explained to him that we should change the use of the dams from irrigation to livestock water.

RECOMMENDED ACTION

Based on the above request, it is recommended that the water license be issued for stock watering.


Timothy G. Schaal, P.E.
Natural Resources Engineer III
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-31.1 that:

This addition of stock watering does not impair existing water rights and no diversion of water will be made from the stock dam. Licensing of the water permit for stock watering may occur without application or publication pursuant to SDCL 46-2A-4.

 3-18-98
John Hatch, Chief Engineer
Water Rights Program



March 19, 1998

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

897-2

1139-2

1642-2

Wilbert & Judith Ohlmann
HCR 69 Box 663
Midland, SD 57552

Dear Mr. & Mrs. Ohlmann:

On November 3, 1997, Tim Schaal with our program, visited with you about Water Right No. 897-2 and Water Permit Nos. 1139-2 and 1642-2. It is our understanding that you no longer irrigate from any of the dams described under the water right/permits.

The storage dams, even though they are no longer used for irrigation, are still required to be permitted due to their size. Water Right No. 897-2 and Water Permit Nos. 1139-2 and 1642-2 will be updated as follows:

- Water Permit No. 1139-2 will be scheduled for cancellation for abandonment and/or forfeiture (No. 1642-2 describes the correct the location of the dam and includes adequate storage capacity); You will be receiving a letter from us notifying you of the time, date and place of the hearing when Water Permit No. 1139-2 is scheduled for cancellation consideration.
- Water Permit No. 1642-2 will be licensed for two storage dams located in the SW¼ NW¼ Section 2 and the NW¼ NE¼ Section 9, T4N, R24E to be used for domestic purposes; a \$50.00 fee is required by state law for the investigation and issuance of the license;
- Water Right No. 897-2 will be reissued for domestic purposes and will describe four storage dams located in the NE¼ NE¼ & E¼ SE¼ Section 23 and the E¼ SW¼ & SE¼ SW¼ Section 24, T4N, R24E (a fee is not required because we are updating an existing license - a licensing fee was paid when the original license was issued).

The remaining requirement for you as permit holders, is the payment of the \$50.00 fee due for investigation and issuance of Water License No. 1642-2. Please make check or money order payable to the "Water Rights Program". Upon receipt of the fee, Water License Nos. 897-2 and 1642-2 will be issued and forwarded to you.

If you have any questions concerning the above information, please contact Tim Schaal at (605) 773-3352.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program



897-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

JUN 29 1998

Wilbert/Judith Ohlmann
HCR 69 Box 663
Midland SD 57552

Dear Mr. & Mrs. Ohlmann:

Enclosed is Water License No. 1642-2 and receipt for \$50.00 which was assessed for the investigation and issuance of the license. Also, enclosed is Reissued Water License No. 897-2. The Water Licenses are the final document which completes the process of obtaining a water right.

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

Very truly yours,

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

ks

enclosures

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 897-2

(1) Eugene Armstrong, Midland SD was issued Water Right No. 897-2, January 23, 1973 for a water right to divert 3.42 cubic feet of water per second from runoff (dry draws), Haakon County, South Dakota for irrigation purposes. Water License No. 897-2, with a priority date of December 5, 1966 was issued to Eugene Armstrong for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

On February 9, 1989, Water Right No. 897-2 was transferred to Wilbert/Judith Ohlmann.

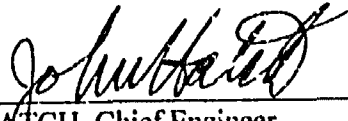
An investigation of Water Right No. 897-2 found the irrigation use from the permitted storage dams had been abandoned and/or forfeited. Pursuant to SDCL 46-5-31.1, stockwatering may be added as a water use to the license provided no diversion is made from the dam. The Chief Engineer makes a finding that adding stock watering use to the license will not impair existing water rights. This license is being reissued to delete the irrigation portion of the water right.

(2) It is certified that the water right holders have complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system to store 350 acre feet of water annually for beneficial use. The location of the storage dams (spillways) are Dam #1 - 600 feet south and 750 feet west of the northeast corner of Section 23 (NE 1/4 NE 1/4); Dam #2 - 1,320 feet north and 650 feet west of the southeast corner of Section 23 (E 1/2 SE 1/4); Dam #3 - 1,320 feet north and 1,420 feet east of the southwest corner of Section 24 (E 1/2 SW 1/4) and Dam #4 - 2,800 feet north and 1,900 feet east of the southwest corner of Section 24 (SE 1/4 SW 1/4); all in T4N-R24E.

Dam #1 has approximate storage capacity of 50 acre-feet; Dam #2 - 50 acre-feet; Dam #3 - 75 acre-feet and Dam #4 - 200 acre-feet.

(3) The water right holders have complied with the provisions of South Dakota State Law relating to the application of water to beneficial use for domestic use purposes.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Wilbert/Judith Ohlmann, HCR 69 Box 663, Midland SD 57552 the holders and/or owners of Water Right No. 897-2 are reissued a license to appropriate water, the right to store 350 acre feet of water annually from runoff impounded in four dams with a priority date of December 5, 1966 from the locations specified in (2) of this license for the purpose of domestic stockwatering use. This license is subject to any limitations or qualifications listed in Water Permit No. 897-2 and subject to South Dakota State Law.


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

JUN 29 1998

date



897-2

MAP NOT TO SCALE THIS IS NOT AN OFFICIAL WETLAND MAP

Water Right No. 897-2

Timothy H. Schae
March 17, 1998

