

947-2

1. Considered JAN 12, 1968
2. Name of Applicant Whidby Brothers
3. Post Office Address Kadoka
4. Amount of water claimed 0.72
5. Source of water supply Dry Ditches
6. Water to be used for Irrigation
- Acres to be irrigated 50.9
7. Water to be diverted and used in Jackson County
about 2 W miles of Kadoka.
8. Proof of Publication Received JAN 8
Not Received _____
9. Application Approved ✓
Subject to _____
Not Approved _____
Action deferred _____

10. Remarks:

No. **943-2**Water Division No. **2****WHITE RIVER**

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

District

DEC 11 1967

SOUTH DAKOTA WATER RESOURCES COMMISSION

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.)

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)
Completed

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

2. Name of diversion work Whidby Bros. Spreader Project #33. Amount of water claimed 0.72 cubic feet per second4. Source of water supply Dry Draws

Pt. #1, S52°30' W 1584', NE Corner, Sec. 23, Pt. #2 S 44° E, 2500' from NW Corner
 5. Location of point of diversion Sec. 24, Pt. #3, N 22°30' W, 1947' from SE Corner, Sec. 24, All in T3S, R21E
both banks Jackson County.

6. Annual period or periods during which water is to be used April 1st thru November 1st

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Waterspreading(a) Number of acres to be irrigated 50.9 acres.(b) Legal subdivisions to be irrigated see attachment

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

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

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 _____

MAF NO 815-2

8. Estimated cost of work:

(a) Head Gates, \$.....

(b) Pumping plant, \$.....

(c) Fluming, \$.....

(d) Canal-earth, \$.....

Rock, \$.....

(e) Other structures\$.....

Total, \$.....

9. Description of diversion works:

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

Diversion Dams, spreading dikes and ditches

II. Dimensions of works

(a) Dam: Heightfeet; length at bottomfeet, length at topfeet; thickness at bottomfeet; thickness at topfeet; slope at front water face; slope at back face; material used in construction

(b) Reservoir: Capacity when filledacre feet. Surface area at highwater markacres.

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	FEET	ACRE-FOOT CAPACITY

(c) Head gate: Widthfeet; heightfeet; Material

(d) Canal: Total lengthmiles.

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 completed years.11. Time required for complete application of water to the proposed beneficial use 1/2 years.12. Choice of newspaper for publication of notice of intention to appropriate Kadoka Press, Kadoka, S.D.

STATE OF SOUTH DAKOTA

County of ss.

I, Julian R. Whedby and Dwight Whedby, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

Subscribed and sworn to before me this 25 day of Nov 1912

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

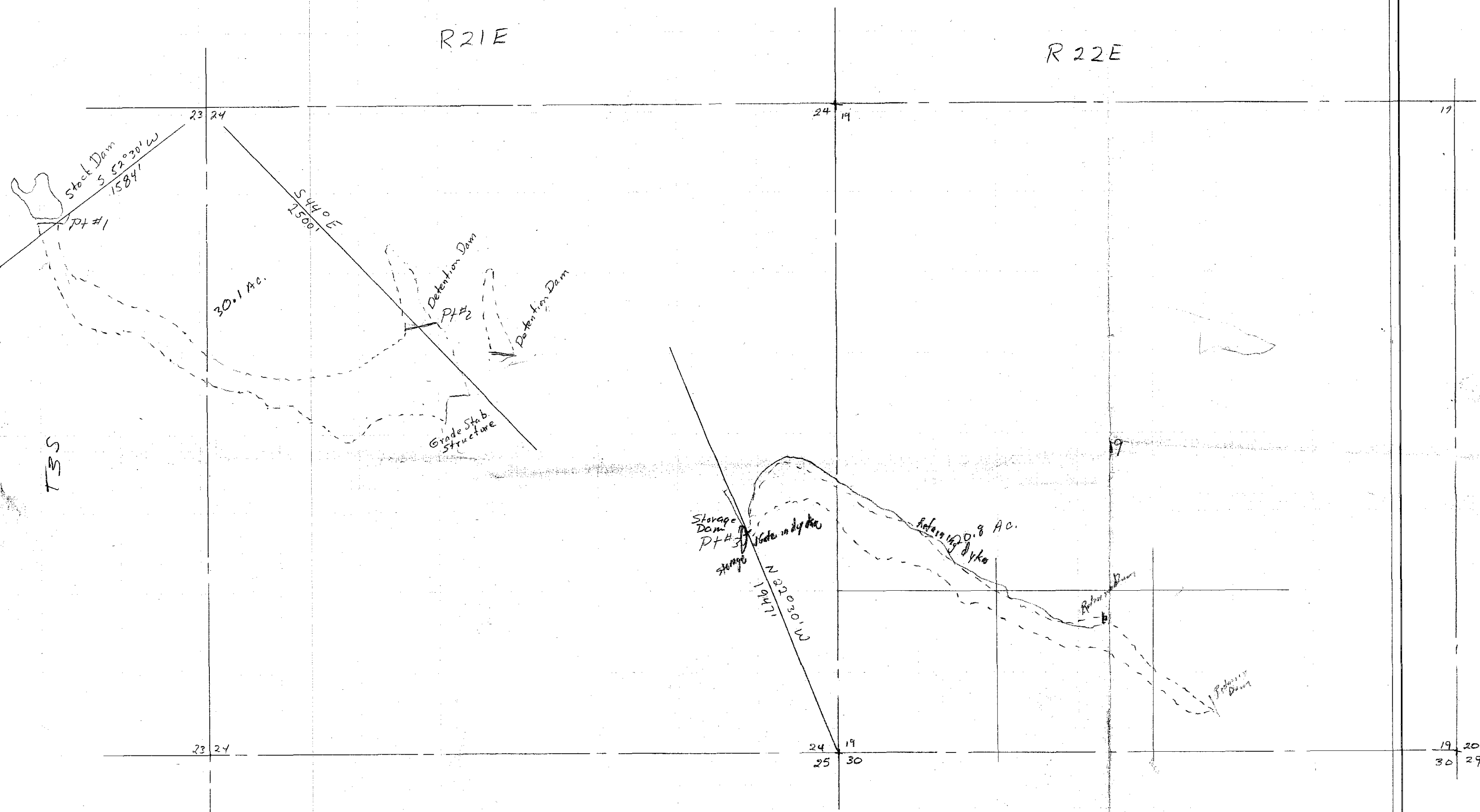
Term exp. 6-5-24

MAP # 815-2
APPL # 943-2

R 21 E

R 22 E

T 3 S



WHIDBY BROS. KADOKA, S. DAK.

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

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

MAP # 815-2 APPL # 943-2 SCS-313B (APRIL 1963)

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, JANUARY 23, 1968

This is to certify that the foregoing application was received by the Commission at 11:30 o'clock
a.m. upon the 11TH day of DECEMBER, 1967

State Water Resources Commission

By: Barton [Signature]

Chief Engineer, Executive Officer

Number of permit 943-2

Date of first receipt of application DECEMBER 11, 1967

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 11, 1967

Approved JANUARY 10, 1968, Recorded in Book 10 Page 50

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~~ _____

2nd. The whole of said work is to be completed ~~on or before~~ _____, 19____

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

JULY 10, 1968

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 .72 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 JULY 10, 1968, said water to be used during the following described annual period:

APRIL 1 THRU NOVEMBER 1

Witness my hand this 23RD day of JANUARY, 1968

State Water Resources Commission

By: [Signature]

Chief Engineer, Executive Officer

Certificate of Construction Issued MAY 30, 1973

Water License Issued MAY 30, 1973

Lands to be Irrigated - Julian Whidby, Kadoka, S.D.

NE $\frac{1}{4}$, Section 23	T3S	R21E)	30.1 acres
NW $\frac{1}{4}$, Section 24	T3S	R21E)	

NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, T3S, R21E	)	20.8 acres
SW $\frac{1}{4}$ Section 19, T3S, Range 22E	)	

Total		50.9 Acres
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Form 15.

Permit No. 943-2

Water Diversion No. 2 WHITE RIVER Water District

CERTIFICATE OF CONSTRUCTION

Whidby Brothers

This is to Certify, That _____

_____ the holder^s of
Permit No. 943-2, issued upon Application No. 943-2, bearing date of priority of December 11,
1967 authorizing the diversion of .72 cu. ft. per second of the waters of _____
dry draws County of Jackson, State of South Dakota at _____
Point #1, South 52° 30' West, 1584 feet from the NE Corner, Section 23; Point #2,
South 44° East, 2500' from the NW Corner, Section 24; Point #3, North 22° 30' West,
1947 feet from the SE Corner, Section 24, all in T38, R21E
for irrigation

_____ purposes, has ^{ve} 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 6.0 cu. ft. per second of water.

Date May 30, 1973

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

WATER LICENSE NO. 943-2

(1) WHEREAS, On the 11th day of December A. D. 19 67

Whidby Brothers

made Water Right Application No. 943-2 for a permit to use .72 cubic feet per second of the waters of dry draws

County of Jackson State of South Dakota, for irrigation

purpose; and

(2) WHEREAS, On the 23rd day of January A. D. 19 68

Permit No. 943-2, with a date of priority of December 11, 1967

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 10th day of July A. D. 19 68 and for the application to beneficial use of said water on or before the 10th day of July A. D. 19 68

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 .72 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:

T38, R21E, Section 23	NE $\frac{1}{4}$	}	30.1 acres
Section 24	NW $\frac{1}{4}$		
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	}	20.8 acres
T38, R22E, Section 19	SW $\frac{1}{4}$		
Total			50.9 acres

(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 _____

Whidby Brothers

_____ of _____ Sedona, S.D.

the holder B and owner B of said permit No. 943-2 a water right, dating from December 11, 1967

_____ to use of .72 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 hereinbelow mentioned, to be diverted at _____

Point #1, South 52° 30' West, 1584 feet from the NE Corner, Section 23; Point #2, South 44° East, 2500' from the NW Corner,

Section 24; Point #3, North 22° 30' West, 1947 feet from the SE Corner, Section 24,

all in T38, R21E

and conduct to and upon portions of Sections 23 and 24, T38, R21E and Section 19, T38, R22E,
more fully described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 943-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 30th day of May A. D.
Nineteen hundred and Seventy-three

WATER RESOURCES COMMISSION

By.

Chief Engineer, Executive Officer

J.W. GRIMES

On or before
(First Publication December 14, 1967)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak. December 11, 1967

Notice is hereby given that Whidby Bros. 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 .72 cubic feet of water per second of time from the Cry draws through the Whidby Bros. Spreader Project at points in the NE 1/4 NE 1/4, Section 23, and bank of said stream in the NE 1/4 of the SE 1/4 of Section 24 Twp. 3S Range 21E Said water to be used for the purpose of providing irrigation on the following described land:
E 1/2 NE 1/4, Section 23; S 1/2 NE 1/4 and NE 1/4 SE 1/4, Section 24, T3S, R21E; NW 1/4 SW 1/4, S 1/2 SW 1/4, SW 1/4 SE 1/4, Section 19, T3S, R22E.

and for irrigation purposes.
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 10th day of January 1968 at 2:00 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.

cc: Julian Whidby, Kadoka, S.D.

State Water Resource Commission

By:

Chief Engineer, Executive Officer
BURTON F. JOHNS
Water Rights Specialist

PROOF OF PUBLICATI N

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, December 14, 1967

Thursday, December 21, 1967

Thursday, December 28, 1967

Thursday, January 4, 1968

In each and every issue of the full number thereof, the first publication being made on the 14th day of December 1967 and the last publication on the 4th day of

January, 1968, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

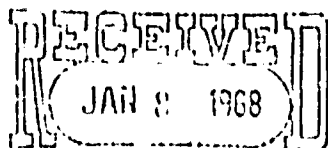
was Publisher the printer and publisher of the said newspaper.

L. G. Parkinson
L. G. Parkinson

Subscribed and sworn to before me this 4th day of January, A. D. 1968

Alvina Parkinson
Alvina Parkinson

Notary Public Jackson County, S. D.



STATE WATER RESOURCES COM.
 PIERRE, SOUTH DAKOTA

APPROPRIATION OF WATER

Office of State Water Resources Commission, Pierre, So. Dak., December 11, 1967.

Notice is hereby given that Whidby Bros. 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 .72 cubic feet of water per second of time from dry draws through the Whidby Bros. Number 3 Spreader Project, the point of diversion which is to be located on either bank of said stream at points in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23, and in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 24 Twp. 3S Range 21E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

EW $\frac{1}{2}$ NE $\frac{1}{4}$, Section 23; S $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24, T3S, R21E; NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19, T3S, R22E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 10th day of January, 1968, at 2:00 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: Barton F. Jones
 Water Rights Specialist
 Pub. Dec. 14 - 21 - 28 Jan. 4

Permit No. 943-2Water Division 2 WHITE RIVER Water District

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

10: 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 Whidby Brothers
Kadoka, S. D. 57543 holder
 of Permit No. 943-2, bearing date of priority of December 11, 1967
 authorizing the diversion of .72 cu. ft. per second of the waters of dry draws
 for irrigation purposes, in Jackson County.

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

The Water Use System consists of,

A. Works used to divert the water: Upper portion: has stock dam with pipe and gate to divert water into ditch - also ditch from over flow spillway of dam. Two detention dams to slow flow in draw.
 Lower portion: Stock dam with pipe and gate to divert water into ditch.

B. Works used to transport water to place of use,
 Ditches to carry water to areas to be irrigated

C. Works used to apply water to beneficial use. Upper portion: several level lip ditches and some dikes to spread water, some retaining dykes.
 Lower Portion: 3/4 mile of retaining dyke next to creek channel structure with plank gate to control flow or divert it into creek.

The system is in the following condition: good

The point of diversion is located Pt. #1, South 52° 30' West, 1584 ft. from NE Cor. Sec. 23,
Pt. #2, South 44° East, 2500 ft. from NW Cor. Sec. 24; Pt. #3, North 22° 30' West, 1947 ft.
from SE Cor. Sec. 24, all in T3S, R21E.

The works are capable of conveying and conveying to the place of use 6.0cu. 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: NE 1/4 Sec. 23, T3S R21E and
NW 1/4, Sec. 24, T3S, R21E, 30.1 acres.

NE 1/4 SE 1/4, Section 24, T3S, R21E and SW 1/4, Sec. 19, T3S, R22E, 20.8 acres.

comprising a total of 50.9 acres of land.

Date May 22, 1973Marion D. Brown

**South Dakota 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.

NO. 943-2

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:

50.9 Acres - NE $\frac{1}{4}$ Section 23, NW $\frac{1}{4}$ & NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, T3S, R21E; SW $\frac{1}{4}$ Section 19,
T3S, R22E

formerly owned by Whidby Brothers, Kadoka, SD

has been transferred to Julia 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. 943-2 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, Julia 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.

Julia 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)





Department of Water & Natural Resources

Joe Foss Building

Pierre, South Dakota 57501

Water Rights Division

Phone (605) 773-3352

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

March 6, 1984

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

Dear Mr. Whidby:

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

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

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc. 4

RECEIPT

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

No 4 9570

Pierre, MARCH 3, 1984

RECEIVED OF Julian R. Whidby, 840 N. Spruce St., Lot 193, Rapid City, SD 57701
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form #943-2 _____	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)

Phelps A.C.
Jan 30, 1985

Dear Sir:

Please accept my apology
for these forms being late as
they got misplaced & I just
found them yesterday.

There was no form enclosed
for Water License No. 993-2 &
I am sure it is current as I just
had it transferred to my name
March 5, 1984, Receipt No. 9590.
It is a dry draw & probably 50 acres
was covered in May but if you
need it on your form please send
me one & I will complete it.



Sincerely,
Julian R. Phelps

Returned w/305-2,633-2 & 842.2

WATER RIGHTS DIVISION
(605) 773-3352

March 29, 1985

Julian R. Whidby
Kadoka, South Dakota 57543

Dear Mr. Whidby:

This letter is in response to your letter dated January 30, 1985 in which you indicated you did not receive an irrigation questionnaire for Water Right No. 943-2. You were correct in stating the water right should be current since it was transferred to you March 3, 1984.

Water Management Board Rules require all irrigation permit owners except those with water spreading systems to submit the yearly irrigation questionnaire. Since the system authorized under Water Right No. 943-2 is a water spreading system, submission of the questionnaire is not necessary.

We appreciate your concern in this matter. If you have any questions, please contact us.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms



943-2

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

943-2

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@satterlee.com e-mail.

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

Sincerely,



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

RECEIVED

APR - 1 2015

WATER RIGHTS
PROGRAM

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

WARRANTY DEED

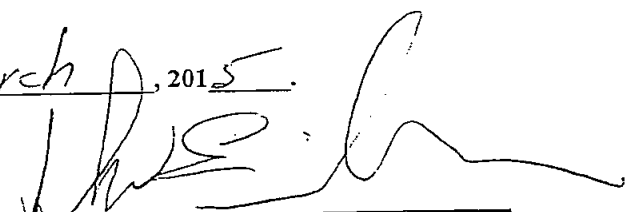
JOHN M. EISENBRAUN A/K/A JOHN EISENBRAUN AND LESA J. EISENBRAUN A/K/A LESA EISENBRAUN, husband and wife, Grantors, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, GRANTS, CONVEYS AND WARRANTS, TO SUPREME INVESTMENTS LLC, a Nebraska limited liability company,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

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

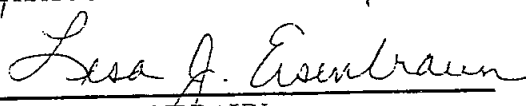
Township 3 South, Range 22 East of the Black Hills Meridian, Jackson County, South Dakota:
Section 18: Lots 1, 2, 3 and 4.
Section 19: Lots 1, 2, 3, 4, E1/2W1/2, W1/2NE1/4, lying west of Highway and W1/2SE1/4,
EXCEPTING therefrom Lots H-1, H-2, H-3, H-4, H-5 and H-6.

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

Dated this 25 day of March, 2015.



JOHN M. EISENBRAUN
A/K/A JOHN EISENBRAUN



LESA J. EISENBRAUN
A/K/A LESA EISENBRAUN

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

RECEIVED
APR - 1 2015
WATER RIGHTS
PROGRAM

WARRANTY DEED

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

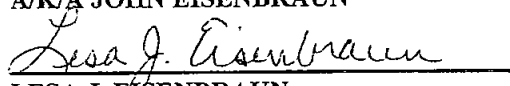
See Exhibit A attached hereto and made a part hereof.

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

Dated this 25 day of March, 2015.



JOHN M. EISENBRAUN
A/K/A JOHN EISENBRAUN



LESA J. EISENBRAUN
A/K/A LESA EISENBRAUN

STATE OF S.D.

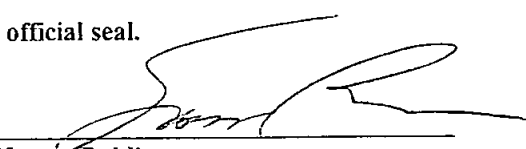
COUNTY OF Ferrington

} ss.

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

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





Notary Public

My Commission Expires: _____

Exhibit A

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

Section 1: S1/2SE1/4, EXCEPTING therefrom the NE1/4SW1/4SE1/4, and also EXCEPTING therefrom the N1/2N1/2SE1/4SW1/4SE1/4, and also EXCEPTING therefrom any Railroad Right of Way.

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

Section 10: SW1/4SW1/4.

Section 12: W1/2E1/2, EXCEPTING therefrom any Railroad Right of Way.

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

Section 14: ALL, EXCEPTING therefrom any Railroad Right of Way.

Section 15: ALL, EXCEPTING therefrom any Railroad Right of Way.

Section 18: Lots 1, 2, 3, 4, E1/2W1/2 and NE1/4, EXCEPTING therefrom any Railroad Right of Way.

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

Section 20: N1/2NW1/4 and E1/2.

Section 21: N1/2 and N1/2SW1/4.

Section 22: N1/2.

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

Section 24: N1/2.

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

Section 26: S1/2SW1/4.

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

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

Section 29: S1/2SE1/4.

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

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

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

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

Section 36: Lots 1 and 2.

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

Section 4: Lot 1.

Section 5: Lot 1.

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

Section 6: Lots 3 and 4, E1/2SW1/4 and SE1/4, EXCEPTING therefrom any Railroad Right of Way and also EXCEPTING therefrom Lot H-1.

Section 7: Lots 1, 2, 4 and the NE1/4NW1/4, EXCEPTING therefrom Highway Right of Way.

Section 30: Lots 1, 2, 3, 5, 6, E1/2NW1/4 and W1/2NE1/4, EXCEPTING therefrom Lot 1 of Whidby Ranch Subdivision from said Lots 2, 3 and 5, as shown on the plat filed in Plat Book E, Page 14.

Section 30: That portion of Lot 7 lying West of Highway 73 right of way, EXCEPTING therefrom Lots H-1, H-2, H-3, H-4 and H-5.

Section 31: Lots 1, 2, 3, 4, 5 and 6.

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

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/1, 20 15

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

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct 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>943-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	50	00
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. 07340

By

James L. Loomis Jr.
Chief Engineer

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

Water Right/Permit No. 943-2

Date: _____

I/We request that Water Right/Permit No. 943-2 formerly owned by:
John and Lesa Eisenbraun be transferred to:

New Owner Name: Bart Stromberger, Stromberger Farms, Inc. & Supreme Investments, L.L.C.Address: PO Box 787City, State, Zip Imperial ☒ NE ☒ 69033 Telephone No. 308-883-2525

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

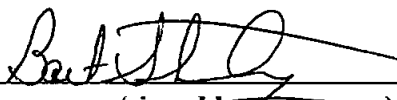
Section 23, NE; Section 24, NW; All in T3S, R21E, Jackson County, SD consisting of 31.1 acres.
Section 19, NESE, SW; All in T3S, R22E, Jackson County, SD consisting of 20.8 acres. (Total of
50.9 acres).

☒ I understand that the validity of Water Right/Permit No. 943-2 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.

943-2



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,

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

c: First American Title Company w/Receipts

RECEIVED

MAY 07 2018

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. 943-2Date: 3-9-2018

I/We request that Water Right/Permit No. 943-2 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 23, NE; Section 24, NW; All in T3S, R21E, Jackson County, SD consisting of 31.1 acres.
Section 19, NESE, SW; All in T3S, R22E, Jackson County, SD consisting of 20.8 acres. (Total of 50.9 acres).

☒ I understand that the validity of Water Right/Permit No. 943-2 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 manager
(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

Date May 7

, 20 18

RECEIVED OF

First American Title Co of SD 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 _____ 943-2		
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	

No. **08672**

By

Jeane Goodman
Chief Engineer

27m

943-2



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,

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 of SD, PO Box 8181, Rapid City SD 57709