

# LOCATION NOTICE

41-311-2

KNOW ALL MEN BY THESE PRESENTS:

THAT Robert L. Porter whose post office is Edgemont, South Dakota, a citizen of the United States, above the age of 21 years, being in possession of the following described land, to-wit: Section Eighteen township Ten north range one east B. H. M. In Fall River County, South Dakota, Said lands comprising Desert Entry No. Rapid City Land District, availing himself of the right granted himself under the provisions of Section 31 of Chapter 130 of the Session Laws of South Dakota of 1907, has located and claims the right to construct a certain dam across a dry draw situated in the SW 1-4 of the SE 1-4 section Eight township Ten south range one east and has located and claims the right to construct ditches and flumes for the purpose of directing flood waters from said dam for irrigation of the land first above described, and claims the right of way across any land for the purpose of conveying said waters for said purpose.

Said locator claims for the above purpose Five cubic feet of water per second during the following described annual periods when needed on the lands inclusive, each year.

Said location was made on the 2nd day of December 1910.

Witness my hand and seal this 10th day of January 1911

Robert L. Porter

Locator.

STATE OF SOUTH DAKOTA } ss  
COUNTY OF Fall River

On the 10th day of January 1911, before me Edward H. Thompson Notary Public in and for the County and State aforesaid, personally appeared Robert L. Porter to me personally known to be the person who executed the foregoing instrument and acknowledged that he executed the same for the uses and purposes therein set forth.

Witness my hand and official seal, the day and date above written.

Edward H. Thompson

Notary Public.

Pierre, South Dakota, January 13th 1911

This is to certify that the foregoing location notice was received at this office at 9 o'clock A.M., upon the 13th day of January 1911, and after examination it was filed for record.

Edward H. Thompson

State Engineer.

# LOCATION NOTICE

KNOW ALL MEN BY THESE PRESENTS:

390-12

THAT Edgarment whose post office is  
Edgarment, South Dakota, a citizen of the United States, above the age of  
 21 years, being in possession of the following described land, to-wit: Section 31  
Section 31 township Ten South range one East B. H. M.  
 in Hall River County, South Dakota. Said lands comprising Decret Entry No. \_\_\_\_\_  
 \_\_\_\_\_ Land District, availing himself of the right granted \_\_\_\_\_ under the provisions  
 of Section 31 of Chapter 110 of the Session Laws of South Dakota of 1907, has located and claims the right to  
 construct a certain dam across a dry draw situated in the SE 1/4 of the Section 31 township Ten South range one East and has located and claims the right to construct ditches and  
 flumes for the purpose of directing flood waters from said dam for irrigation of the land first above described, and  
 claims the right of way across any land for the purpose of conveying said waters for said purpose.  
 Said locator claims for the above purpose eight cubic feet of water per second during the following  
 described annual periods from March 1st to the 1st of October inclusive, each year.  
 Said location was made on the 29th day of October 1912.  
 Witness my hand and seal this 29th day of October 1912.

Edgarment Locator.

STATE OF SOUTH DAKOTA } ss  
 COUNTY OF Hall River

On the 29th day of October 1912, before me  
Howard H. Thompson, a Notary Public in and for the County and State aforesaid, personally  
 appeared Edgarment to me personally known to be the person who executed  
 the foregoing instrument and acknowledged that he executed the same for the uses and purposes therein set forth.  
 Witness my hand and official seal, the day and date above written.

Howard H. Thompson Notary Public.

Pierre, South Dakota, November 14th 1912.

This is to certify that the foregoing location notice was received at this office at 7 o'clock P. M.,  
 upon the 14th day of November 1912, and after examination it was filed  
record

Howard H. Thompson State Engineer.

State of South Dakota

LOCATION NOTICE Water License No. 311-2A

(1) Robert L. Porter  
of Edgemont, South Dakota located and filed Location Notice No. 311-2  
made Application for December 2, 1910 for a ~~water right~~ right  
5.00 cubic feet per second of water from Little Cottonwood Creek  
Fall River County South Dakota for irrigation purposes.  
Location Notice  
Permit No. 311-2A with a priority date of December 2, 1910  
was approved located & filed by the  
water supply system ~~to be completed on or before~~ The system was  
and the water placed and for the application to beneficial use of said  
~~water on or before~~

Land irrigated under Location Notice No. 311-2 has been transferred to two new owners.  
Location Notice No. 311-2 is being divided, licensed and reissued as Location Notice  
Water License No. 311-2A, Pfister Ranch and Location Notice Water License No. 311-2B, USDA  
Forest Service.

The applicable portions of Location Notice No. 290-2 have been incorporated into  
Location Notice Water License No. 311-2A. A priority date of October 29, 1910  
(Location Notice No. 290-2) is retained for lands in the E $\frac{1}{2}$ SW $\frac{1}{4}$  Section 17 described  
in #3 of this License. The remaining lands carry a priority date of December 2, 1910  
(Location Notice No. 311-2)

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of  
the construction of the water supply system and is entitled to divert 1.5 cubic feet per second of water  
for beneficial use. The location of the diversion point(s) is are #1 0 N42<sup>0</sup>W, 3170 ft; #2 -N06<sup>0</sup>E, 2310 ft;  
#3 - S17<sup>0</sup>W, 2510 ft and #4 - S33<sup>0</sup>E, 2970 ft all from the NE Corner of Section 18,  
T10S, R1E.

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in T10S, R1E

|            |                                    |           |      |
|------------|------------------------------------|-----------|------|
| Section 18 | NE $\frac{1}{4}$ NE $\frac{1}{4}$  | 23 Acres  | (AA) |
|            | SE $\frac{1}{4}$ NE $\frac{1}{4}$  | 5 Acres   | (AD) |
| Section 17 | NW $\frac{1}{4}$ NW $\frac{1}{4}$  | 40 Acres  | (BB) |
|            | *NE $\frac{1}{4}$ NW $\frac{1}{4}$ | 16 Acres  | (BA) |
|            | SW $\frac{1}{4}$ NW $\frac{1}{4}$  | 15 Acres  | (BC) |
|            | *SE $\frac{1}{4}$ NW $\frac{1}{4}$ | 5 Acres   | (BD) |
| TOTAL      |                                    | 104 ACRES |      |

NE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 17 - October 29, 1910 priority  
remaining land - December 2, 1910 priority

(4) Pursuant to §16-5-30.1 Pfister Ranch

of Box 1208, Lusk, Wyoming 82225

Location Notice

the holder(s) and/or owner(s) of Water Permit No. 311-2A is issued a license to appropriate water, the right to use

1.5 cubic feet per second of water from Little Cottonwood Creek with a priority date

of October 29, 1910 & December 2, 1910 from the location specified in (2) of this license. The water to be

conducted to and upon lands specified in (3) of this license for the purpose of irrigation

Location Notice 311-2A

This license is subject to any limitations or qualifications listed in Water Permit No. 311-2A and subject to South Dakota State Law.

John Hatch  
Chief Engineer, Water Rights Division  
Department of Water and Natural Resources  
JUL 22 1985

JOHN HATCH

**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWRN, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Pfister  
Ranch of Box 1208, Lusk, WY 82225 holder of  
 Permit No. LN 290-2, bearing the priority of October 29 1910 authorizing  
Dec. 2, 1910  
 the diversion of 13 cu. ft. per second of the waters of Little Cottonwood Creek  
 for irrigation purposes, in Fall River County County.

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

- A. Works used to divert the water: Dikes constructed ~~over~~ across the creek channel.
- B. Works used to transport water to place of use: Water is diverted by the dikes into a delivery canal.
- C. Works used to apply water to beneficial use: The canals contain pipe outlets that release water onto the grass land. The water also flows out the end of the canal onto the field. This is a water spreading system.

The system is in the following condition Fair.

The point of diversion is located Point #1 - N42°W, 3170 ft.; Point #2 - N06°E, 2310 ft.;  
Point #3 - S17°W, 2510 ft and point #4 - S33°E, 2970 ft all from the NE  
corner of Section 18, T10S, R1E.

The works are capable of diverting and conveying to the place of use 2.5  
 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: all in T10S, R1E

|                                                              |                                                              |
|--------------------------------------------------------------|--------------------------------------------------------------|
| <u>NE<sup>1</sup> NE<sup>4</sup> - 23 acres - Section 18</u> | <u>NW<sup>1</sup> NW<sup>4</sup> - 40 acres - Section 17</u> |
| <u>SE<sup>1</sup> NE<sup>4</sup> - 5 acres - " "</u>         | <u>* NE<sup>1</sup> NW<sup>4</sup> - 16 acres - " "</u>      |
|                                                              | <u>SW<sup>1</sup> NW<sup>4</sup> - 15 acres - " "</u>        |
|                                                              | <u>* SE<sup>1</sup> NW<sup>4</sup> - 5 acres - " "</u>       |

comprising a total of 104 acres of land and the license should be issued for 1.5 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: None Date May 3, 1985  
\* E 1/2 NW 1/4 Section 17 retains an October 29, 1910 priority date.  
Remaining lands carry a December 2, 1910 priority date

William W. Brown, P.E.  
 Hydrologist

NO. LN 311-2A

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights  
Foss Building  
Pierre, SD 57501

Date: June 24, 1985

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

W1/2, Section 7; E1/2, Section 18 and NW1/4 Section 17 all in T10S, R1E

formerly owned by Otto Cape, Maggie Porter and Robert Porter

has been transferred to Pfister Ranch, Box 1208, Lusk, Wyoming 82225

(please include complete mailing address)

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

Water Right Permit No. LN311-2A 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 Wyoming )  
~~SOUTH DAKOTA~~ ) ss.  
County of Niobrara )

I, Richard G. Pfister 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.

(Signature)  
(Signed)

Subscribed and sworn to before me this 24<sup>th</sup> Day of June, 1985.



(Signature)  
(Notary Public)

WNR-820-9/83

Notice of Transfer of Water Permit

WATER RIGHTS DIVISION  
(605) 773-3352

May 31, 1985

Dick Pflister  
Box 1208  
Lusk, Wyoming 82225

Dear Dick:

Enclosed are the forms for a Vested Right Application for your waterspreading system on Cottonwood Creek. I have completed the application form for you. You will need to complete the Affidavit of Water Use Form. The forms should then be signed in the presence of a notary and returned to this office with a filing fee of \$10.50. You may keep the map for your files.

Location Notices 290-2 and 311-2 are being combined into Water Rights LN311-2A and 311-2B. Water Right LN 311-2B will be for the northern part of the project and will be issued to the Forest Service. Water Right LN311-2A will be for the southern part of the project and will be issued to you. Enclosed is a Notice of Transfer of Water Permit for LN311-2A. Please sign this in the presence of a notary and return to our office with a fee of \$2.50. The map is yours to keep.

I have also enclosed a map for your files of the project in Sections 19, 29 and 30, T9S, R1E. The Forest Service is completing a Vested Right Application for this project.

If I can answer any questions, please contact me.

Sincerely,

Delvin D. Brosz, P.E.  
Hydrologist

DDB:ms  
Enc.

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

№ 4-10093-

Pierre, June 25, 19 85

RECEIVED OF Pfister Ranch, Richard G. Pfister, Box 1208, Lusk, WY 82225

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 <u>Lh 311-2A</u>                                                                              | 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 (S)



No. 311-2A

# Department of Water & Natural Resources

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

Water Rights Division  
605 775-3352

July 25, 1986

Pfister Ranch  
Box 1208  
Lusk WY 82225

Dear Sir:

Enclosed is Location Notice Water License No. 311-2A. As long as the water is used beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer  
Water Rights Division

JH:ks

enclosure

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

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

March 23, 1990

NOTICE

1979-2  
LN311-2A

TO: Pfister Ranch  
BOX 1208  
LUSK, WY 82225  
FROM: *for Delvin H. Brosz* JOHN HATCH, CHIEF ENGINEER  
Water Rights Division  
(605)773-3352

SUBJECT: Low Water Levels in Angostura Reservoir

The water level in Angostura Reservoir on March 6, 1990 was at 3171.1 feet above mean sea level (msl). This is approximately 16 feet below the full elevation of 3187.2 msl. The present estimates are that the Angostura Irrigation District will be able to deliver less than 50% of full service water to project lands during the 1990 irrigation season. We are contacting you to advise you of the actions we have taken due to the low water situation in Angostura Reservoir. Junior Water Right owners above Angostura have been ordered not to use water until Angostura fills.

Since your Water Right No. 1979-2 and Location Notice No. 311-2A have a priority date that is senior to the April 11, 1941 priority for Angostura Irrigation Water Right No. 579-2, your permits are not directly affected by the Junior Priority Order. However, I am requesting that all Senior Water Right holders comply with any qualifications and limitations as stated on their water rights. With the existing low runoff conditions, we expect to monitor all water rights above Angostura Reservoir.

I want to thank all Water Right Holders above Angostura for the cooperation that we have received up to this time. If you have any questions, please contact Del Brosz (605 773-3352).

LN 311-2A

MACPHERSON LAW OFFICES, LLC  
ATTORNEYS AT LAW  
P.O. Box 999  
419 WEST MAPLE  
RAWLINS, WYOMING 82301

JOHN A. MACPHERSON  
CATHERINE MACPHERSON  
WILLIAM M. MACPHERSON  
ALSO ADMITTED IN COLORADO

TELEPHONE (307) 324-2713  
FACSIMILE (307) 324-7348  
EMAIL ADDRESS mlolaw@coffey.com

February 25, 2000

Karen Schlaak  
Water Rights Program  
Department of Environment and Natural Resources  
Joe Foss Building  
523 East Capitol  
Pierre, SD 57501-3181

Re: Pfister Ranch - Walter Scott, Jr.

Dear Ms. Schlaak:

I am now transmitting to you herewith the following:

1. Notice of Transfer of Ownership relating to water right no. 1979-2 and executed by Pfister Brothers, dba Pfister Ranch
2. Notice of Transfer of Ownership relating to water right no. 1979-2 and executed by Walter Scott, Jr.
3. Notice of Transfer of Ownership relating to water right no. 311-2A and executed by Pfister Brothers, dba Pfister Ranch
4. Notice of Transfer of Ownership relating to water right no. 311-2A and executed by Walter Scott, Jr.
5. Notice of Transfer of Ownership relating to water right no. 2393-2 and executed by Pfister Brothers, dba Pfister Ranch
6. Notice of Transfer of Ownership relating to water right no. 2393-2 and executed by Walter Scott, Jr.

The foregoing transfers were part of an overall sale under the terms of which the Pfisters sold their entire ranch holdings, with the South Dakota portion of such ranch holdings being conveyed to Walter Scott, Jr. A copy of the recorded Warranty Deed is enclosed. We would ask that you process the transfers of ownership forms enclosed. Will you please provide us confirmation of the transfer?

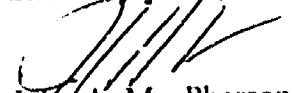


Karen Schlaak  
February 25, 2000  
Page -2-

Also enclosed herein is our check in the amount of \$7.50. If anything further is required to assure the completion of this matter, please let me know.

Thanking you for your consideration, I remain

Sincerely yours,



John A. MacPherson

:js

Enc.

cc: G. Preston Williams  
Jeff Williams

Robert E. Pfister  
Attorney at Law  
P. O. Box 1077  
Lusk, WY 82225  
(307) 334-3500

STATE OF SOUTH DAKOTA }  
COUNTY OF FALL RIVER } ss



## WARRANTY DEED

ROBERT E. PFISTER and BRENDA J. PFISTER, husband and wife;  
RONSON B. PFISTER and DORY R. PFISTER, husband and wife; and RODNEY  
A. PFISTER and ANNE E. PFISTER, husband and wife; Grantors, of Lusk, Niobrara  
County, Wyoming, for and in consideration of Ten and No/100 Dollars (\$10.00) and  
other good and valuable consideration, grant, convey and warrant to WALTER  
SCOTT, JR., Grantee, with mailing address of P. O. Box 159, Elk Mountain,  
Wyoming 82324, the following described real estate in the County of Fall River in  
the State of South Dakota, to-wit:

### Township 10 South, Range 1 East of the B. H. M.

Section 7:  $S\frac{1}{2}$   
Section 8:  $S\frac{1}{2}$   
Section 9:  $W\frac{1}{2}SW\frac{1}{4}$   
Section 16:  $W\frac{1}{2}W\frac{1}{2}$   
Section 17: All  
Section 18: All  
Section 19: All  
Section 20: All  
Section 21: All  
Section 22:  $W\frac{1}{2}$ ,  $S\frac{1}{2}NE\frac{1}{4}$ ,  $W\frac{1}{2}SE\frac{1}{4}$   
Section 27: All  
Section 28: All  
Section 29: All  
Section 30: All  
Section 31: All  
Section 32: All  
Section 33: All  
Section 34: All

Transfer Fee  
Paid \$ 26.24.00

### Township 11 South, Range 1 East of the B. H. M.

Section 1: All  
Section 2:  $NW\frac{1}{4}$ ,  $W\frac{1}{2}NE\frac{1}{4}$ ,  $SE\frac{1}{4}NE\frac{1}{4}$ ,  $S\frac{1}{2}$   
Section 3: All  
Section 4:  $E\frac{1}{2}$ ,  $E\frac{1}{2}W\frac{1}{2}$   
Section 9:  $E\frac{1}{2}$   
Section 10: All  
Section 11:  $N\frac{1}{2}$ ,  $N\frac{1}{2}S\frac{1}{2}$ ,  $S\frac{1}{2}SW\frac{1}{4}$   
Section 12:  $N\frac{1}{2}$ ,  $NW\frac{1}{4}SW\frac{1}{4}$

TOGETHER WITH all water and water rights, ditch and  
ditch rights, reservoirs and reservoir rights, water well

and water well rights appurtenant to, used on or in connection with the real property.

**SUBJECT, HOWEVER,** to reservations and restrictions in patents of record, easements, and rights-of-way of record and upon the ground (including, but not limited to, surface use agreements with mineral developers and producers), county roadways, prior mineral and/or royalty reservations, conveyances and leases, shortages in area, discrepancies in fence boundary lines, land use trades with adjoining landowners and such other facts and matters as might be determined by a physical inspection and survey of the premises.

**FURTHER EXCEPTING AND RESERVING** unto the Grantors, their heirs and assigns, seventy-five percent (75%) of Grantors' presently owned interest in and to all metallic and non-metallic minerals (intending to encompass all inorganic substances having any intrinsic value separate and apart from their location in, upon and under the surface of the earth), rock, stone, sand, gravel, aggregate, oil, gas, hydrocarbons, coal, and the derivatives of all or any of the foregoing that may be found in, upon and under the property, together with an equal fifty percent (50%) interest in all fossil remains, imprints and artifacts of flora and fauna ("fossils") which may be found in, upon and under the property. Notwithstanding the foregoing reservation, and with respect solely and specifically to rock, stone, sand, gravel, aggregate or fossils, Grantee shall be granted the sole and exclusive executive rights to negotiate and execute all leases, agreements and other documents of whatsoever nomenclature relating to the commercial development or sale of any fossils, rock, stone, sand, gravel or aggregate. In the exercise of said executive rights over Grantors' reserved interests in fossils, rock, stone, sand, gravel or aggregate, Grantee shall act in good faith, shall hold any funds received in trust, and shall timely disclose, pay and account to Grantors for Grantors' equitable and proportionate share of all compensation or consideration of whatsoever nature which shall be due and payable with respect to any and all such agreements. Grantors shall have no independent right of ingress and egress with respect to development of any fossils, rocks, stone, sand, gravel or aggregate. Grantee shall be entitled to fair and reasonable compensation for surface damages incurred in any such development. Grantee, its successors and assigns, shall be permitted to extract rock, stone, sand, gravel or aggregate from the property for use on the property without payment of any lease, royalty or other payment to Grantors.

100-4322 1-1-00  
DATED this 19<sup>th</sup> day of January, 2000.

Robert E. Pfister  
Robert E. Pfister

Brenda J. Pfister  
Brenda J. Pfister

Ronson B. Pfister  
Ronson B. Pfister

Dory R. Pfister  
Dory R. Pfister

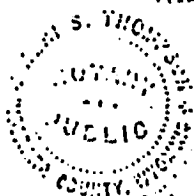
Rodney A. Pfister  
Rodney A. Pfister

Ann E. Pfister  
Ann E. Pfister

STATE OF WYOMING }  
COUNTY OF NIOBRARA } ss

The above and foregoing Warranty Deed was acknowledged before me by Robert E. Pfister and Brenda J. Pfister, husband and wife this 19<sup>th</sup> day of January, 2000.

Witness my hand and official seal.



Keri S. Thompson  
Notary Public

My Commission Expires: July 12, 2001

STATE OF WYOMING }  
COUNTY OF NIOBRARA } ss

The above and foregoing Warranty Deed was acknowledged before me by Ronson B. Pfister and Dory R. Pfister, husband and wife this 19<sup>th</sup> day of January, 2000.

Witness my hand and official seal.



Keri S. Thompson  
Notary Public

My Commission Expires: Jul 12, 2001

STATE OF WYOMING  
COUNTY OF NIOBRARA

The above and foregoing Warranty Deed was acknowledged before me  
by Rodney A. Pfister and Ann E. Pfister, husband and wife this 19<sup>th</sup> day of January,  
2000.



Witness my hand and official seal.

Robert E. Pfister  
Notary Public

My Commission Expires: July 12, 2001

Prepared by:

Robert E. Pfister  
Attorney at Law  
P.O. Box 1077  
Lusk, WY 82225  
(307) 334-3300

✓

3

**Wm. Scott, Jr.**

NU-4333 P. 0/13



**Word**

!

Recor

285

1

### Register of Deeds

16.4

10.01

**1can**

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150.67. 2000 4.12.1991

# NOTICE OF TRANSFER OF OWNERSHIP

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

Location Notice No. 311-2A

Date: January 19, 2000

I/We request that Location Notice No. 311-2A

formerly owned by: Pfister Ranch

be transferred to: (name & address) Walter Scott, Jr., PO Box 159, Elk Mountain, Wyoming 82324

Telephone No. 307-348-7766

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

W 1/4 SE 1/4 Section 7; E 1/4 NE 1/4 Section 18 and NW 1/4 Section 17; all in T10S-R1E

I/We understand that the validity of Location Notice No. 311-2A has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

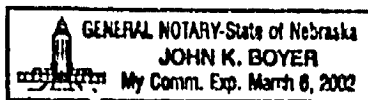
STATE OF Nebraska )

County of \_\_\_\_\_ )

I/We Walter Scott, Jr. being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Walter Scott, Jr.  
(Signed)

Subscribed and sworn to before me this 15th day of January, 19 2000.



[Signature]  
(Notary Public)

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

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



April 25, 2000

LN 311-2A  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

LN 311-2A  
1979-2  
2393-2

John A MacPherson  
MacPherson Law Offices, LLC  
PO Box 999  
Rawlins, WY 82301-0999

Dear Mr. MacPherson:

The "Notice of Transfer of Ownership" forms you submitted for filing ownership changes on Location Notice No. 311-2A and Water Right Nos. 1979-2 and 2393-2 were received March 1, 2000. The transfers have been completed and the above location notice and water rights are now listed in the name of Walter Scott, Jr.

Enclosed are your Receipt Nos. 416403, 416404 and 416405 in the amounts of \$2.50 each. You may keep these for your records.

The transfers were effective the day we received completed forms and the filing fees. I apologize for the length of time it took for me to send you verification of the ownership changes.

If I can answer any questions for you, please get in touch with me.

Sincerely,

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

c: Walter Scott, Jr  
w/copies of transfer forms



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

October 14, 2008

John A MacPherson  
MacPherson Law Offices LLC  
PO Box 999  
Rawlins WY 82301-0999

RE: Location Notice No. 311-2A, Vested Water Right No. 1979-2, Water Permit Nos. 2383-2  
and 2440-2

Dear Mr. MacPherson:

Thank you for your call concerning the changes needed for the above listed files.

Enclosed, as we discussed, are partially completed Notice of Transfer of Ownership forms for making the changes. Please review the forms and make any necessary corrections. The forms will need to be submitted along with a required filing fee of \$2.50 each (total of \$10.00). The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

LN 311-2A

RECEIVED

DEC 29 2008

**MacPHERSON, KELLY & THOMPSON, LLC**  
**Attorneys at Law**

Kurt Kelly, P.C.  
William M. MacPherson, P.C.  
Thomas A. Thompson, P.C.

Brandon W. Snyder  
\*Also admitted in Colorado

616 West Buffalo  
P.O. Box 999  
Rawlins, WY 82301  
Telephone (307) 324-2713  
Facsimile (307) 324-7348

**WATER RIGHTS  
PROGRAM  
Of Counsel**

John A. MacPherson, P.C.  
Catherine MacPherson, P.C.

e-mail [mktlaw@wyomingattorneys.net](mailto:mktlaw@wyomingattorneys.net)  
[www.wyomingattorneys.net](http://www.wyomingattorneys.net)

December 22, 2008

Genny McMath  
Environmental Scientist  
Water Rights Program  
Department of Environment and Natural Resources  
Joe Foss Building, PMB 2020  
523 East Capitol  
Pierre, SD 57501-3182

Re: Location Notice Nos. 311-2A, Vested Water Right No. 1979-2, Water Permit Nos.  
2383-2 and 2440-2

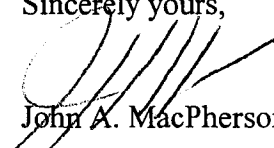
Dear Ms. McMath:

Consistent with your letter of October 14, 2008, please find enclosed the four Notice of Transfer of Ownership forms as completed and executed on behalf of Tetrad Corporation, a Wyoming corporation, together with our check in the amount of \$10.00 to cover the filing fees.

Please provide confirmation that the transfers have been completed.

If anything further is required, please let me know.

Sincerely yours,

  
John A. MacPherson

:js  
Enc.

RECEIVED

DEC 29 2008

WATER RIGHTS  
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. LN311-2A

Date: \_\_\_\_\_

I/We request that Location Notice No. 311-2A

formerly owned by: Walter Scott Jr

be transferred to: (name & address) Tetrad Corporation, a Wyoming corporation

PO Box 159, Elk Mountain, WY 82324

Telephone No. 307-348-7766

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

**W 1/4 SE 1/4 Section 7; E 1/4 NE 1/4 Section 18 and NW 1/4 Section 17, all in T10S, R1E**

I/We understand that the validity of Location Notice No. 311-2A has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

**A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.**

I/We Tetrad Corporation, a Wyoming corporation, the new owner, certify that the above information is true and correct.

Tetrad Corporation, a Wyoming corporation

  
(Signed by new owner)  
W. David Scott, President

**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 12/29, 20 08

RECEIVED OF MacPherson Kelly & Thompson LLC PO Box 999 Rawlins WY 82301

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

|                                                                                                                |       |      |
|----------------------------------------------------------------------------------------------------------------|-------|------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use |       |      |
| Fee for Application for Permit No. _____ to Appropriate Water for Future use                                   |       |      |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                         |       |      |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____            |       |      |
| Fee for Filing Transfer Form <u>LN 311-2A</u>                                                                  | 2     | 50   |
| Fee for _____                                                                                                  |       |      |
| Fee for Issuing New Well Driller's License No. _____ for C.Y. _____                                            |       |      |
| Fee for Renewal of Well Driller's License No. _____ for C.Y. _____                                             |       |      |
| Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____                                         |       |      |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                      |       |      |
| (Any Other Work Provided by Law)                                                                               | TOTAL | 2 50 |

No.

**03864**

By

Brandon E. White

Chief Engineer



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

December 29, 2008

John A MacPherson  
MacPherson, Kelly & Thompson LLC  
PO Box 999  
Rawlins WY 82301

RE: Ownership changes on Location Notice No. 311-2A, Vested Water Right No. 1979-2 and  
Water Permit Nos. 2383-2 and 2440-2

Dear Mr. MacPherson:

I am writing to acknowledge receipt of the transfer of ownership forms and filing fees for the above referenced Location Notice, Vested Water Right and Water Permits. The ownership changes have been completed. Nos. LN311-2A, 1979-2, 2383-2 and 2440-2 formerly held by Walter Scott Jr. are now listed in the name of Tetrad Corporation, a Wyoming Corporation.

Enclosed are your Receipt Nos. 03862, 03863, 03864 and 03865 in the amounts of \$2.50 each.

If you have any questions, please contact me.

Sincerely,

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

enclosures

c: W David Scott, President, Tetrad Corporation

Pfister Ranch  
Edgemont, SD

Approximate  
Scale: 1" = 660'

Map Prepared By:  
Delvin W. Bray, P.E.  
Hydrologist  
Division of Water Rights

T10S, R1E

89  
1716

78  
1817

