

LOCATION NOTICE

L.N.S. 71-2

After Armin Carter
 mile R. P. H. A. - 1st 1st 255-4269

CANCEL irrigation - Licence dam
 Issued June 17, 1915

571-2

KNOW ALL MEN BY THESE PRESENTS:

THAT Fred W. M^{rs} Derrmand whose post office is
Fairburn, South Dakota, a citizen of the United States, above the age of
 21 years, being in possession of the following described land, to-wit: SE 1/4 Sec 29 - N 1/2 NW 1/4 section
32 township 45 range 9E B. H. M.
 in Custer County, South Dakota. Said lands comprising Desert Entry No. 029129
Rapid City Land District, availing himself of the right granted him under the provisions
 of Section 31 of Chapter 180 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 SW 1/4 section 29
 township 45 range 9E B. H. M. 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 2 cubic feet of water per second during the follow-
 ing described annual periods whole of each year inclusive each year.

The location of the point of diversion of the reservoir is as follows:

From the South end of dam the S 1/4 Cor. Sec. 29, T45, R9E
B.H.M. bears S. 33° E. 940 ft.

The ditch will run in a southeasterly & northeasterly direction to and on said
 land for a distance of 1800 feet.

Said location was made on the 30 day of September 1913

Witness my hand and seal this 24 day of February 1916

H. D. Brainard with:

F. W. M^{rs} Derrmand
 Locator.

State of South Dakota,

County of Custer

On the 24 day of February 1916, before me H. D. Brainard
 a notary public in and for the County and State aforesaid, personally
 appeared F. W. M^{rs} Derrmand 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.

H. D. Brainard
 Notary Public.

Pierre, South Dakota, Feb. 25 1916

This is to certify that the foregoing location notice was received at this office at 9 o'clock A. M.,
 upon the 25 day of February 1916, and after examination it was filed for
record

Homar M. Derr
 State Engineer.

REPORT ON INSPECTION OF Location Notice No. 571-2

Other permit(s) associated with the project:

DATE OF INSPECTION: June 17, 1996

NAME & ADDRESS OF INSPECTION CONTACT/

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: Kevin Carter - Hired Man

NAME & ADDRESS OF PERMIT HOLDER: Milo Rypkema - Land Owner

2111 West Plvd.

Rapid City, SD 57701

DIVERSION POINT LEGAL LOCATION: SE 1/4 SW 1/4 Sec. 29 T4S-R9E (1805 Ft. East and 540 Ft North of SW Corner Sec. 29 T4S-R9E.

DISTRIBUTION LINES OR CANALS: None

SYSTEM TYPE: Stockwater use - storage

DAM INFORMATION:

- 1) Height to crest approx. 18 feet
- 2) Height to primary spillway 8 feet
- 3) Height to secondary spillway --- ft
- 4) Crest width 15 feet
- 5) Crest length 510 feet
- 6) Spillway length --- feet
- 7) Spillway width 20 feet
- 8) Approx. storage 6.5 ac-ft
- 9) Approx. storage to crest 15 ac-ft
- 10) Date constructed: February 25, 1916

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 Y
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A

Location Notice No. Ln571-2
Upper Cheyenne River - Water District

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

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, June 17, 1996, made a thorough examination of the water use system owned by Milo Rypkema of 2111 West Blvd., Rapid City SD, 57701 holder of location notice No. LN571-2, bearing the priority of February 25, 1916 authorizing the storage of 6.5 acre-feet of the waters of a dry draw for stock watering purposes, in Custer County.

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

A. Works used to divert the water:

None

B. Works used to transport water to place of use:

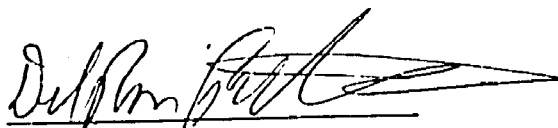
None

C. Works used to apply water to beneficial use:

Stock watering

The dam is in the following condition good. The point of diversion is located SE 1/4 SW 1/4 Sec. 29 T4S-R9E (1805 Ft. East and 540 Ft North of SW Corner Sec. 29 T4S-R9E). The works are capable storing 6.5 acre-feet of water which is to be used for stock watering.

Exceptions to compliance are: no irrigation - stockwatering only Date Report Completed: June 21, 1996



DelRan Peters
Natural Resources Engineer
DENR, Water Rights Program

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
WATER RIGHTS PROGRAM

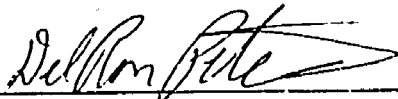
July 24, 1996

Subject: Change in use of a irrigation diversion dam for Location Notice No. 571-2, Milo Rypkema.

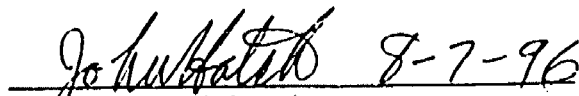
An inspection of Location Notice No. 571-2 found that the cancellation of the irrigation portion of location notice and retaining the stockwater portion for stockwater only does not impair other water rights or domestic use. SDCL 46-5-31.1 provides that a diversion dam may be utilized for stock watering if permitted irrigation use from a storage dam is abandoned or forfeited without application or publication of a notice of hearing if no diversion is made from the stock dam and does not increase the potential for impairment with existing water rights.

Location Notice No. 571-2 has a priority date of February 25, 1916 and is located in the SE 1/4 SW 1/4 Section 29 T4S-R9E.

No adverse effects or interference with existing water rights are expected. The change in use of the dam covered by Location Notice No. 571-2 with a February 25, 1916 priority date can be approved.



DelRon Peters
Natural Resources Engineer
Water Rights Program



John Haich, Chief Engineer
Water Rights Program
Dept. of Environment and Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 14, 1996

Milo Rypkema
211 West Blvd
Rapid City SD 57701

Dear Mr. Rypkema:

On June 17, 1996, DelRon Peters, engineer with our office visited with Kevin Carter concerning Location Notice No. 571-2. The investigation found that the dry draw dam located in the SE 1/4 SW 1/4 Section 29-T4S-R9E was no longer used for irrigation but for stockwatering purposes only. I believe that Mr. Peters indicated to Mr. Carter that the location notice needs to be transferred to your name and then the location notice will be reissued for stockwatering purposes.

Enclosed is a Notice of Transfer form for use in filing an ownership change for Location Notice No. 571-2. Please check for form for accuracy and have the form signed and notarized. Return the form to our office with a required filing fee of \$2.50.

A prior investigation regarding two water right filing located in the NW 1/4 Section 2-T5S-R8E found that the dams were no longer present as indicated on the filings. The filings will be scheduled for cancellation. You will be receiving a notice regarding the cancellation at a later date.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

- Inspected 0368-2 out of French creek. No water exists. and needs to be cancelled.
 - Filled out Dry Draw location notices for Mile System. Dry Draw dams.
 - Need to look @ dam described by 571-2. - dam is present - no info.
 - Inspected 0406-2 - also does not exist and needs to be cancelled.
- submitted 4 L.N. 8/26/96

NOTICE OF TRANSFER OF OWNERSHIP

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

Location Notice No. 571-2

Date: _____

11We request that Location Notice No. 571-2

formerly owned by: Fred W. McDermand

be transferred to: (name & address) Milo Rypkema, 2111 West Blvd, Rapid City SD 57701

Telephone No.



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

SE 1/4 SW 1/4 Section 29-T4S-R9E

I/We understand that the validity of Location Notice No. 571-2 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 SOUTH DAKOTA)

County of _____)

I/We Milo R. PERRY 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.

T. N. ibo Ryzkanna
(Signed)

Subscribed and sworn to before me this 24 day of August, 19 96

3

 (Notary Public) 2-28-02

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.

RECEIPT

415059

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, August 26, 1996

RECEIVED OF Hilo Rypkema, 1120 E. Omaha, 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 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. _____	2	50
Fee for Filing Transfer Form <u>Location Notice No. 571-2</u>		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John H. Hester
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 7 1997

571-2

Milo Rypkema
2111 West Blvd.
Rapid City, SD 57701

Dear Mr. Rypkema:

Enclosed is Location Notice Water License No. 571-2 and Receipt No. 415059 for \$2.50 which was assessed for the transfer of the location notice water license.

As long as you use the water beneficially, as stated in the Location Notice Water License, 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

gm
enclosures

STATE OF SOUTH DAKOTA

LOCATION NOTICE WATER LICENSE NO. 571-2

(1) Fred W. McDemand, Fairburn SD located and filed Location Notice No. 571-2, February 25, 1916 for a right to store water in a dry draw, Custer County, South Dakota, for irrigation and livestock purposes. Location Notice No. 571-2 with a priority date of February 25, 1916 was located and filed by the applicant for diversion of water and construction of the described water supply system. The system was completed and the water placed to beneficial use.

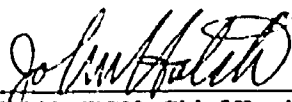
August 26, 1996, Location Notice No. 571-2 was transferred to Milo Rypkema.

An investigation of Location No. 571-2 found the irrigation use from the permitted storage dam had been abandoned and/or forfeited. Pursuant to 46-5-31.1, stock watering 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 be impair existing water rights.

(2) It is certified that the owner 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 store 6.5 acre feet of water for beneficial use. The location of the diversion point is 1,805 feet east and 540 feet north of the southwest corner of Section 29-T4S-R9E (SE 1/4 SW 1/4).

(3) The owner has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use for stock watering purposes.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Milo Rypkema, 2111 West Blvd, Rapid City SD 57701 the holder and/or owner of Location Notice No. 571-2 is issued a license to appropriate water, the right to store 6.5 acre feet of water from a dry draw with a priority date of February 25, 1916 from the location specified in (2) of this license, for the purpose of stockwatering. This license is subject to any limitations or qualifications listed in Location Notice No. 571-2 and subject to South Dakota State Law.



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

APR 7 1997

date



2005 South Dakota Water Use Questionnaire

LN571-2

To:

MILO RYPKEMA
APPT 429, 255 TEXAS ST
RAPID CITY SD 57701

Address correction requested:

Rypkema Family Ranching LLP
1120 E. Omaha
Rapid City SD-57701

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. LN571-2. If you have other permits/rights in the same water source, also include water use under those permits/rights on this questionnaire.

Water Source: DRY DRAW

County: CUSTER

Aquifer: NOT APPLICABLE

Pumping Pt. Legal: SEC 29-T004S-R09E

Management Unit: NOT APPLICABLE

Type of Water Use: DOMESTIC

1) Please estimate your year 2005 water use from the above water source: 0 gallons

2) If no water use in 2005, please list the reason(s) why in the comments section.

Comments:

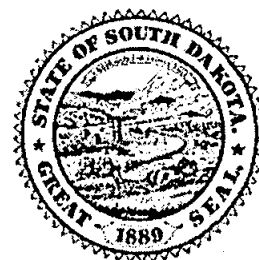
This Dam has been dry for 3 to 4
years. There is an old windmill stand by
a well but hasn't been used since we
have owned the property

Contact Person:

Marty Rypkema

Telephone No:

605-343-2896



Questions? Please call Mark Rath or Ron Duvall at 605 773-3352 for assistance.

Thank you for completing the 2005 water use questionnaire **RECEIVED**

Water Rights on the Web: www.state.sd.us/denr/wr

FEB 13 2006

WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 27, 2006

LN 571-2

Rypkema Family Ranching LLP
c/o Marty Rypkema
1120 E Omaha
Rapid City SD 57701

Dear Mr. Rypkema:

Thank you for returning the 2005 Water Use Questionnaire. The form indicated an ownership change for Location Notice No. 571-2. Enclosed is a partially completed "Notice of Transfer" form for filing an ownership change. The water permit is currently listed in the name of Milo Rypkema.

The transfer form should be completed, checked over for accuracy and signed by the new owner. Upon completion, return the form to our office with a required filing fee of \$2.50.

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.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. LN 571-2

Date: 3-1-06

I/We request that Location Notice No. 571-2

formerly owned by: Milo Rypkema

be transferred to: (name & address) Rypkema Family Ranching LLP
1120 E Omaha, Rapid City SD 57701

Telephone No. 605 343-2896

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

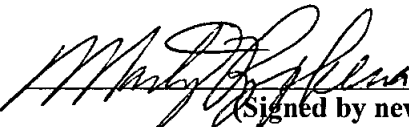
dry draw dam located in the SE ¼ SW ¼ Section 29-T4S-R9E

I/We understand that the validity of Location Notice No. 571-2 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 Rypkema Family Ranching LLP 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.

RECEIVED

MAR -2-2006

WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 3, 20 06

RECEIVED OF Marty Rypkema, 5005 E Hwy 44, Rapid City SD 57700

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

Fee for Application for Permit No. _____ and to put water to beneficial use _____	to Appropriate Water, to construct	2	50
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 _____	LN571-2		
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. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____	for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50	

No.

02030

By

Darland Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 7, 2006

LN571-2

Marty Rypkema
Rypkema Family Ranching LLP
1120 E Omaha
Rapid City SD 57701

Dear Mr. Rypkema:

Thank you for following up on the ownership change for Location Notice No. 571-2. The transfer has been completed. The location notice formerly listed in the name of Milo Rypkema is now listed in the name of "Rypkema Family Ranching LLP".

Enclosed is your Receipt No. 02330 in the amount of \$2.50. 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

enclosure

LN 571-2

LN 571-2

NOT TO SCALE



SW corner
Sec. 29
T4S-R9E

SA=2.5 Acres
Length=510'
Depth=8'
Freeboard=10'
HT=18'
Stor. Vol = 6.5 Ac-ft
no irrigation - storage for stock only